

**PROPOSED REGULATION OF THE
COMSTOCK HISTORIC DISTRICT COMMISSION**

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**PROPOSED ADMINISTRATIVE REGULATION OF THE
COMSTOCK HISTORIC DISTRICT COMMISSION**

Agency Draft

February 8, 2024

NAC Chapter 384 – Comstock Historic District

Section 1. NAC 384.020 Officers of commission: Positions; selection; duties.

1. The officers of the commission consist of a ~~[chairman,]~~ *chair* and a vice ~~[chairman, a secretary and a treasurer]~~ *chair*, as determined by the commission.
2. The commission may elect or appoint such other officers as it deems desirable. These officers shall perform the duties prescribed from time to time by the commission.
3. Any two or more offices may be held by the same person, except the office of ~~[chairman]~~ *chair*.

Sec. 2. NAC 384.040 Duties of ~~[chairman]~~ *chair*.

1. The ~~[chairman]~~ *chair* is the principal executive officer of the commission ~~[and shall supervise and control all of the business and affairs of the commission]~~.
2. The ~~[chairman]~~ *chair* shall preside at all meetings of the commission.
3. The ~~[chairman]~~ *chair* may sign, with ~~[the Secretary, or]~~ any other proper officer of the commission authorized by the commission, any deeds, mortgages, bonds, contracts, or other instruments which the commission has authorized to be executed, except in cases where the signing and execution is expressly delegated by the commission, or by statute, to some other officer or agent of the commission.
4. The ~~[chairman]~~ *chair* shall perform the duties incident to ~~[his]~~ *the* office and such other duties as may be prescribed by the commission from time to time.

Sec. 3. NAC 384.050 Duties of vice ~~[chairman]~~ *chair*.

1. In the absence of the ~~[chairman]~~ *chair*, or in the event of ~~[his]~~ *their* inability or refusal to act, as determined by a majority of the commission, the vice ~~[chairman]~~ *chair* shall perform the duties of the ~~[chairman]~~ *chair*.
2. When acting as ~~[chairman]~~ *chair*, the vice chairman has all the powers of and is subject to all the restrictions *placed* upon the ~~[chairman]~~ *chair*.
3. The vice ~~[chairman]~~ *chair* shall perform such other duties as from time to time may be assigned to him *or her* by the ~~[chairman]~~ *chair* or by the commission.

Sec. 4. ~~[NAC 384.060—Duties of treasurer.~~

- ~~—1. If required by the commission, the treasurer shall give a bond for the faithful discharge of his duties in such sum and with such surety or sureties as the commission determines.~~
- ~~—2. The treasurer has charge and custody of and is responsible for all funds and securities of the commission. He shall receive and give receipts for money due and payable to the commission from any source whatsoever and, in accordance with subsection 3 of NAC 384.080, shall deposit~~

~~all such money in the name of the commission in such banks, trust companies, or other depositories as are selected by the commission.~~

~~—3.— The treasurer shall perform all the duties incident to his office and such other duties as from time to time may be assigned to him by the chairman.]~~

Sec. 5. ~~[NAC 384.070—Duties of secretary.—~~ The secretary shall:

~~—1.— Keep the minutes of the meetings of the commission, in one or more books provided for that purpose;~~

~~—2.— See that all notices are given in accordance with the provisions of this chapter or as required by law;~~

~~—3.— Be custodian of the commission's records, including all applications for certificates of appropriateness, and their disposition, drawings, photographs, maps, and the commission's library;~~

~~—4.— Keep and maintain a card index system, as required by statute, and keep a register of the mailing address of each member of the commission which must be furnished to the secretary by the commission; and~~

~~—5.— Perform all duties incident to his office and such other duties as from time to time may be assigned to him by the chairman or by the commission.]~~

Sec. 6. ~~[NAC 384.080—Contracts, checks, deposits.~~

~~—1.— The chairman and secretary may enter into any contract or execute and deliver any instrument in the name of and on behalf of the commission.~~

~~—2.— All checks, drafts, or orders for the payment of money, notes, or other evidences of indebtedness issued in the name of the commission must be signed by the treasurer and countersigned by the chairman or vice chairman of the commission.~~

~~—3.— All money of the commission must be deposited from time to time to the credit of the commission, in such banks, trust companies, or other depositories as the commission may select. The commission may also purchase time certificates of deposit.]~~

Sec. 7. NAC 384.090 Committees of commission: Formation.

1. The commission, by resolution adopted by a majority of the commissioners, may designate one or more committees, each of which must consist of two or more commissioners.

2. The committees, to the extent provided in the resolution, have and shall exercise the authority of the commission and the management of the commission; but the designation of such committees and the delegation of authority to them does not operate to relieve the commission or any individual commissioner of any responsibility imposed upon the commission or the commissioner by law.

3. The commission may appoint an architectural committee composed of members who have expertise and background in architecture, engineering or design ~~[, particularly as it relates to the architectural design and engineering methods used and employed in the Comstock Era between 1865 and 1880].~~ This committee's purpose is to advise and consult with the commission on applications for certificates of appropriateness, make recommendations to the commission, and perform such other duties and functions as the commission deems advisable. The members of this committee need not be members of the commission.

4. Other committees not having and exercising the authority of the commission may be designated by a resolution adopted by the commission. Except as otherwise provided in the resolution, the members of such a committee need not be members of the commission. The

~~[chairman]~~ *chair* shall appoint the members of the committee. Any member of the committee may be removed by the ~~[chairman]~~ *chair* whenever in ~~[his]~~ *their* judgment the best interests of the commission will be served by the removal.

Sec. 8. NAC 384.100 Committees of commission: Terms of office; officers; vacancies; quorum.

1. Each member of a committee shall serve until ~~[his]~~ *their* term expires and a successor is appointed, unless the committee is sooner terminated, the member is removed from the committee, or the member ceases to qualify as a member of the committee.

2. One member of each committee shall be appointed ~~[chairman]~~ *chair* by the ~~[chairman]~~ *chair* of the commission.

3. Vacancies in the membership of any committee may be filled by appointment made in the same manner as an original appointment.

4. Unless otherwise provided in the resolution of the commission designating a committee, a majority of the whole committee constitutes a quorum, and the act of a majority of the members present in a meeting at which a quorum is present is the act of the committee.

Sec. 9. NAC 384.110 ~~[Office manager.] District officer~~

1. The commission may employ ~~[an office manager]~~ *a district officer* to supervise all office and day-to-day routine of the commission ~~[, supervise the building inspectors]~~ and handle violations.

2. The ~~[office manager]~~ *district officer* shall advise the commission of pending business and applications and report violations.

3. ~~[He]~~ *The district officer* shall interview and advise applicants according to law and practice, and shall advise them of approved standards and details.

4. The ~~[office manager]~~ *district officer* shall review applications for presentation to meetings of the commission ~~[and shall perform such other duties as the commission from time to time may assign].~~

5. The commission may authorize the district officer to review and issue certificates of appropriateness without full commission review for applications which meet conditions established by the commission as per NRS 384.

6. The district officer shall be vested with the authority ascribed to the commission building inspector under NRS 384.190.

7. The district officer shall also keep the minutes of the meetings of the commission, in one or more books provided for that purpose subject to the requirements of State records retention and disposal laws and regulations.

8. The district officer shall see that all notices are given in accordance with the provisions of this chapter or as required by law

9. The district officer shall be custodian of the commission's records subject to the requirements of State records retention and disposal laws and regulations, including all applications for certificates of appropriateness and their disposition, drawings, photographs, maps, and the commission's library as required by law.

10. The district officer shall keep a register of the mailing address of each member of the commission.

11. The district officer shall perform all duties incident to their office and such other duties as may be prescribed by the chair or by the commission.

Sec. 10. Duties of Inspector and Clerks

1. *The commission may employ an inspector or clerks to assist the district officer with the office and day-to-day routine of the commission and handle violations.*

2. *The commission may vest the inspector/clerks with the authority ascribed to the commission building inspector under NRS 384.190.*

3. *The inspector/clerks may perform all duties incident to their office and such other duties as may be prescribed by the chair, the district officer, or by the commission.*

Sec. 11. NAC 384.120 Meetings.

1. Regular meetings of the commissioners ~~[must]~~ *should* be held ~~[at the office of the commission in Virginia City on the first Tuesday of each month.]~~ *at least once per month unless, in the opinion of the chair, there is insufficient business to justify a meeting, there is a lack of quorum, or inclement weather or other circumstances make it inadvisable to hold a meeting.*

2. Special meetings of the commissioners may be called by or at the request of the ~~[chairman]~~ *chair* or two commissioners. The ~~[chairman]~~ *chair* shall fix the time of the special meeting and the place of the meeting, which may be within or without the historic district.

3. If less than a majority of commissioners are present, a majority of the commissioners present may adjourn a meeting from time to time without further notice.

4. *Meetings must be held in accordance with the Open Meeting Law as set forth in NRS 241.*

Sec. 12. NAC 384.130 Notices of meetings.

1. *Notice of any public meeting must be posted no later than 9 a.m. on the third working day prior to the meeting in accordance with NRS 241.020(4) and be mailed to those who have requested written notice.*

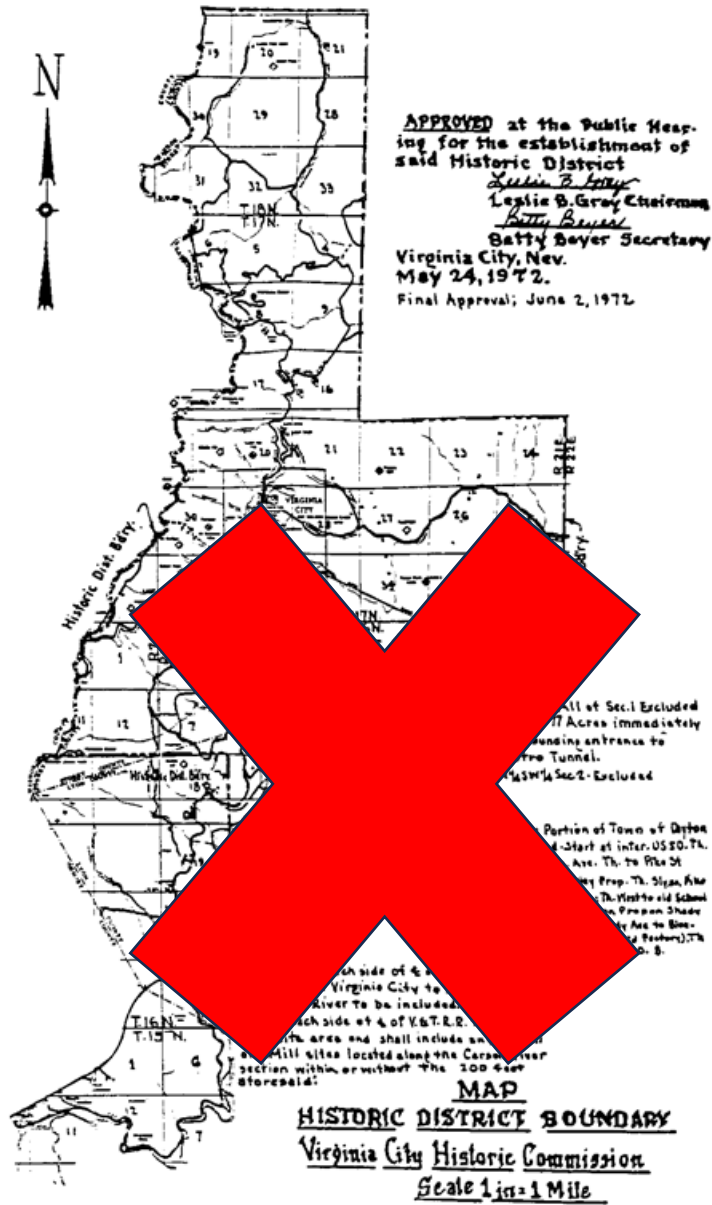
~~[1.]~~ 2. Notice of a special meeting of the commission *called in accordance with NAC 384.120(2)*, must be given at least 7 days before the meeting, by written notice delivered personally, or sent by mail or ~~[telegram]~~ *electronically delivered* to each commissioner, at ~~[his]~~ *their* address as shown on the records of the commission. *The general nature of the business to be transacted at the special meeting must be set forth in the notice.*

~~[2.]~~ 3. Any commissioner may waive notice of any meeting.

~~[3.]~~ 4. A commissioner's attendance at a meeting constitutes a waiver of notice, except where he attends for the express purpose of objecting to the transaction of business because it was not lawfully called.

~~[4.]~~ 5. The general nature of the business to be transacted at the special meeting must be set forth in the notice.

Sec. 13. NAC 384.150 Map ~~of~~ and boundaries of Historic District.



Sec. 14 NAC 384.160 Certificates of appropriateness: Applications.

1. The commission will prepare and make available applications for certificates of appropriateness to applicants desiring to erect, reconstruct, alter, restore, move or demolish any structure within the district, and may establish a reasonable fee to cover the cost of processing an application.

2. The commission may issue guidelines or bulletins and instruction sheets from time to time setting forth the general policies of the commission, design criteria, projects or work that may be undertaken without a certificate of appropriateness, and such other information and data which the commission deems necessary to better inform and assist applicants in submitting their applications for such certificates.

3. All applications for certificates of appropriateness must be filed with the office of the commission and must remain a part of its records *in accordance with State records management laws and regulations.*

4. Every application must be accompanied by *a written description of the proposed alterations, additions, or changes, and may include* drawings or plans of the proposed alteration, additions or changes, *or new construction,* ~~[and for new construction of buildings or property use.]~~ signed by the person, architect, or draftsman who prepared them. As used in this subsection, “drawing” ~~[means]~~ *may include* plans and exterior ~~[elevation]~~ *elevations* drawn to scale with sufficient detail to show, so far as they relate to exterior appearances, the architectural design of ~~[buildings]~~ *structures*, including proposed materials, textures and colors, including samples of materials or color samples, and the plot plan or site lay-out, including all improvements affecting appearances, such as walls, walks, terraces, planting, accessory ~~[buildings]~~ *structures*, signs, lights and other elements. *The required level of documentation shall be commensurate with the scope and scale of the project and shall be at the discretion of the commission and/or district officer.*

5. In the case of an application to alter or add to a structure within the district, the application ~~[must]~~ *may* be accompanied by legible photographs of all sides of the structure. In the case of applications for demolition of structures, the applicant ~~[shall]~~ *must* submit legible photographs of all sides of the ~~[building]~~ *structure* under consideration and photographs showing contiguous properties. In the case of an application to construct a new ~~[building]~~ *structure* in the district, the application ~~[must]~~ *may* be accompanied by legible photographs of the adjoining properties. *The required level of photographic documentation shall be commensurate with the scope and scale of the project and shall be at the discretion of the commission and/or district officer.*

6. *External signage applications will be reviewed by the commission or by the district officer at the commission’s discretion. Signage will be reviewed for appropriateness of fonts, colors, graphics, design layout, materials, and size. The district officer and/or the commission may assist an applicant with design planning.*

Sec. 15. NAC 384.170 Certificates of appropriateness: Principles considered by commission.

1. The commission shall consider the Secretary of the Interior's Standards for the Treatment of Historic Properties as outlined in federal regulations 36 CFR Part 68.

2. Architectural integrity, district authenticity, and retaining historic building materials are preferable to substitute building materials and conjectural changes.

3. Direct imitations of historic styles is not desirable. It is more important that new construction be in scale with older structures and be differentiated from them in order to not lend a false sense of history.

4. Alterations should be in keeping with the character of the structure and with the character of the district.

5. Rehabilitating or restoring a structure to its historic appearance is desirable.

6. In planning new construction within the district, extreme care should be observed. All new construction should contribute to the quality, character, and desirability of the district. All new construction should be compatible with the historic character of the district and should not detract from the district's integrity.

7. Economic consideration should have little effect on the commission's judgment insofar as permitting cheaper means of construction, decoration, and building material selection.

~~—[1. Preservation is the first responsibility of the commission, and preservation is preferred to restoration.~~

~~—2. Architectural integrity is preferable to synthetic style.~~

~~—3. Change should be considered in relation to the remainder of the building and its neighboring structures.~~

~~—4. Change to authentic is desirable.~~

~~—5. In all new building plans, extreme care should be observed. Each new building should be worthy of the area and a pride to the neighborhood. Since all new construction aims to capitalize on the merits of the historic background of the district, it should also contribute its share of quality, character and desirability.~~

~~—6. Economic consideration should have little effect on the commission's judgment insofar as permitting cheaper means of construction, decoration, and fabrication.~~

~~—7. Imitations of old styles and fake architecture are not desirable. It is more important that new construction be in scale with older structures and not detrimental to buildings with historic and architectural worth.]~~

Sec. 16 NAC 384.180 Informal *workshops* ~~[conferences and hearings].~~

1. Prior to a preparation of working drawings or calling for proposals or bids from contractors, prospective property developers, owners or agents may prepare preliminary ~~[scale]~~ drawings and ~~[outlines,]~~ specifications, ~~[including]~~ color samples for outside work, and photographs for review and informal discussion with the commission. The purpose of this review is to acquaint the developer, owner or agent with the standards of appropriateness of design that are required of ~~[his]~~ *their* proposed development.

~~[2. Preapplication review does not require formal application but does require notice to be given to the commission at least 10 days before the date of the meeting in which the preliminary drawings are to be discussed.]~~

Sec. 17. NAC 384.190 *Outside ~~Building~~building inspector.*

1. *In addition to the district officer and the inspector/clerks, ~~The~~ the* commission may designate any county or city building inspector within the district to investigate, inspect and examine any structure, place or area within the district in accordance with NRS 384.190.

2. When a certificate of appropriateness is granted, ~~a~~ *an outside* building inspector may be authorized by the commission to make periodic inspections and make progress reports to the commission.

3. The inspector may also be requested to report any violations of chapter 384 of NRS to the commission and other appropriate authorities.