

RECEIVED  
JAN 21 1988

OFFICE OF MAYOR

North Carolina Department of Cultural Resources

James G. Martin, Governor  
Patric Dorsey, Secretary

Division of Archives and History  
William S. Price, Jr., Director

January 15, 1988

The Honorable Avery Upchurch, Mayor  
City of Raleigh  
P.O. Box 598  
Raleigh, North Carolina 27602

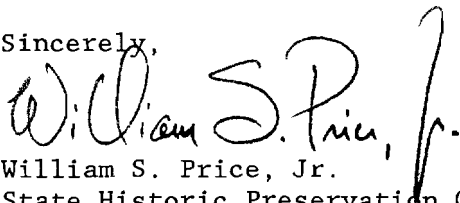
Re: CLG Certification, City of Raleigh, North Carolina

Dear Mayor Upchurch:

The Division of Archives and History has received word that the National Park Service in Atlanta has confirmed that the City of Raleigh meets the requirements for Certified Local Government status. Enclosed is a copy of the notice sent to us.

Congratulations to you and the Historic Properties Commission! We will look forward to working with you as you take on new responsibilities for the preservation of historic resources in your community.

Sincerely,

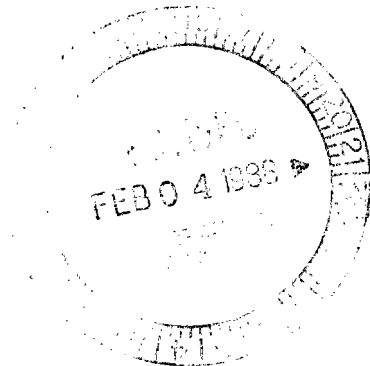


William S. Price, Jr.  
State Historic Preservation Officer

WSP, Jr./lmm

Enclosure

cc: Mrs. Margie Haywood  
Mr. Dan Becker  
Ms. Beth Thomas  
Ms. Lloyd Childers  
Ms. Dolores Hall





# United States Department of the Interior

## NATIONAL PARK SERVICE SOUTHEAST REGIONAL OFFICE

75 Spring Street, S.W.  
Atlanta, Georgia 30303

IN REPLY REFER TO:

Dr. William S. Price, Jr.  
Director  
Division of Archives and History  
109 East Jones Street  
Raleigh, North Carolina 27611

DEC 23 1987

Re: Certified Local Government Proposal for Raleigh, North Carolina

Dear Dr. Price:

We have completed our review of the above referenced Certified Local Government (CLG) proposal and have determined that it meets the requirements of 36 CFR Part 61. Please send us a copy of your agreement with the City of Raleigh after all parties have signed it.

Although we have approved this CLG proposal, we have taken note of the fact that two members of the State Historic Preservation Office (SHPO) staff and the spouse of another SHPO staff member are also members of the Raleigh Historic Properties Commission. This raises the possibility of the appearance or the actuality of conflict of interest especially in regard to any grant assisted activities by the City of Raleigh under the Historic Preservation Fund (HPF) program. The key issue here is how closely linked to the HPF program are the concerned staff members.

The National Register Programs Guideline, NPS-49, does not cover this situation. Its requirements are limited to Review Boards and other entities established to perform the functions of a Review Board under 36 CFR 61. The applicable standards for State employees serving on local organizations which receive HPF grant assistance would be each State's ethics and conflict of interest laws and regulations and also local government ordinances. Therefore, unless there is reason to believe otherwise, the NPS generally assumes that State employees have obtained "clearance" under State procedures prior to accepting appointment to a local government commission. This approval for the City of Raleigh is being made under that assumption. Please provide within the next 30 days written confirmation from the appropriate State office charged with enforcement of ethics and conflict of interest requirements that the employees' participation in the City of Raleigh commission is acceptable. Similar written confirmation is also requested in regard to the spouse of the SHPO staff member who sits on the Raleigh CLG commission.

Please contact Stuart Johnson of my staff at (404) 331-2638 if there are questions.

Sincerely,

*Paul B. Hartwig*

Paul B. Hartwig  
Deputy Associate Regional Director  
Office of Cultural Programs

CERTIFICATION AGREEMENT

This agreement is entered into on this 15 of Dec., 1987 by  
day month year  
the North Carolina Division of Archives and History, herein known as the  
Division, and the City of Raleigh,

names of local governments included  
herein known as the Local Government(s). The agreement is made pursuant to the  
National Historic Preservation Act Amendments of 1980 (P.L. 96-515), herein  
known as the Act, and "Guidelines for North Carolina's Certified Local  
Government Program", herein known as the Guidelines.

I. GENERAL

1. The Local Government(s) agrees to meet the five standards for certified local governments contained in the Act and defined and amplified in the guidelines, and to establish a Certified Local Government Commission for the purposes of this agreement, upon consultation with the Division and any existing local historic district or properties commissions.
2. The Local Government hereby designates a paid member of its staff,  
Dan Becker, Exec. Director, Historic Districts and Properties Commissions,  
name and position of person  
or a person working under contract, \_\_\_\_\_  
name and firm/  
\_\_\_\_\_,  
agency of person  
as the individual responsible for the operation of the Certified Local Government(s) Commission (herein known as the Commission) and for meeting the requirements of this agreement. The Commission shall notify the Division if the person responsible significantly changes the amount of available time spent on historic properties.
3. The Local Government shall submit annually to the Division a brief report on the activities of the Commission containing the items listed in the Guidelines. The report for each calendar year shall be submitted by March 1 of the following year.

The Division shall make available orientation materials and training to the Commission. The orientation and training shall be designed to provide a working knowledge of the roles and operation of Federal, State, local and private preservation programs.

4. The Local Government shall review all proposed nominations to the National Register of Historic Places within its jurisdiction pursuant to the Act and according to the procedures in the Guidelines, which are incorporated by reference into this Agreement, and Part II of this Agreement.

5. The Division shall conduct an annual review of the Local Government to assure that it continues to meet the standards contained in the Guidelines and is satisfactorily performing its responsibilities. The Division shall inform the Local Government of the results of its annual review in writing.
6. If the Division's review indicates that terms of this Agreement and addendums are not being met, or that the Local Government no longer meets the standards contained in the Guidelines, or that its performance of the responsibilities outlined in the Guidelines and this Agreement is not satisfactory, the Division shall notify the Local Government in writing that it risks losing certification. The Division shall document the assessment that the Local Government's performance is inadequate and recommend steps to bring the Local Government's performance up to a satisfactory level.
7. The Local Government shall have a period of not less than 30 nor more than 180 days to make improvements. If the Division determines that sufficient improvement has not occurred within the time prescribed by the Division, the Division may recommend decertification of the Local Government to the Secretary of the Interior, citing specific reasons for the recommendation. If the Secretary does not object to the Division's recommendation within 30 working days of receipt, the decertification shall be considered approved by the Secretary. This Agreement, and certification of the cited Local Government, shall become void 30 days following notification in writing to said Local Government of the Division's recommendation to the Secretary, unless otherwise notified by the Secretary or the Division.
8. If the Local Government is decertified, it may immediately request recertification. However, the Local Government shall lose eligibility to apply for the matching funds set aside for certified local governments during the grant cycle following decertification, whether or not its recertification request is approved.
9. The Division may delegate, by mutual written agreement with the Local Government, further responsibilities to the Commission. The Local Government may petition for the Commission to assume greater responsibility for preparation of National Register nominations, environmental review, and review of Tax Act certification applications providing the Commission has sufficient staff meeting the professional qualifications contained in the appendix to the Guidelines. Any delegation of further responsibilities to the Commission shall be made as an addendum to this Agreement.
10. If separate historic properties and historic district commissions exist in the Local Government's jurisdiction, the Local Government shall obtain a memorandum of understanding with the commissions, in consultation with the Division, which identifies the responsibilities of each commission under this Agreement. The memorandum of understanding shall be made an addendum to this Agreement.

II. REVIEW OF NATIONAL REGISTER NOMINATIONS BY THE LOCAL GOVERNMENT

1. If a property to be nominated to the National Register lies within the jurisdiction of the Local Government, the Division shall transmit by certified mail copies of the nomination to the Commission and the chief elected official of the Local Government within 30 days after the Division has determined that the nomination is complete and accurate.
2. The chief elected official of the Local Government, acting on behalf of the Local Government's governing board, and the Commission shall separately notify the Division and the owner of the nominated property in writing of their opinions concerning the proposed nomination within sixty (60) days from the date they receive the nomination. If the Commission and the Local Government concur with the nomination, their responses may be as simple as affirmative statements that, in their opinion, the property is eligible for listing in the Register. If either or both the Local Government and the Commission do not believe that the property should be nominated to the Register, they shall state in their responses why it should not be nominated.
3. The Division and the Local Government agree that if the chief elected official and the Commission fail to notify the Division of their opinions within sixty (60) days, such failure shall constitute approval of the nomination.
4. During the review period, the Commission shall provide a reasonable opportunity for public comment. The following measures shall be taken (check one or more of the following):

- Public notice published in local newspaper
- Public hearing at meeting of the Commission
- Mailing to interested local groups and individuals soliciting comments
- Press release announcing proposed nomination and requesting public comment

Other measures agreed to by the Division and the Local Government:

---

---

---

---

---

The Commission shall submit to the Division a record of the measures taken to notify the public and the comment received.

5. If both the chief elected official and the Commission concur with the nomination, or if only one of them objects to the nomination, the Division will place the nomination before the State Professional Review Committee for consideration at the earliest possible quarterly meeting.
6. If both the chief elected official, acting on behalf of the Local Government's governing board, and the Commission object to the nomination, they shall return the nomination materials to the Division,

which shall take no further action unless, within thirty days of the return of such nomination materials, a written appeal is filed by a third party with the Division. If such an appeal is filed, the Division shall place the nomination before the State Professional Review Committee at the earliest possible quarterly meeting.

7. If after a nomination is recommended by the State Professional Review Committee, and signed by the State Historic Preservation Officer, the Division shall transmit it to the National Register with the comments and opinions of the chief elected official and the Commission, together with any appeal which may have been filed.

### III. TRANSFER OF FUNDS TO THE LOCAL GOVERNMENT

1. The Local Government is eligible to receive a portion of the Federal Historic Preservation Fund (HPF) monies set aside for certified local governments (CLGs) provided that it meets the financial management standards contained in the Guidelines.
2. The Division shall make the CLG share of HPF monies available on a 50/50 matching basis for the eligible historic preservation activities and projects listed in the Guidelines. The Division shall award funds on a competitive basis, and shall select projects on the basis of their design, cost, community impact, and the priorities listed in the Guidelines.
3. To be considered for an award, the Local Governments shall submit an application containing the information specified in the Guidelines. The Local Government understands that due to the large number of present and potential CLGs and the current low level of Federal funding it is unlikely to receive an award every year.
4. Any project supported by monies set aside for CLGs shall be governed by a separate project description and contract mutually agreed to by the Local Government and the Division.

We the undersigned, having read, understood, and agreed to the terms of this certification agreement, so affix our signatures on this 20<sup>th</sup> of January of

1988.  
year

day month

Local Government(s):

1. *Mr. Avery Upchurch* 1-11-88  
(signed) (date)

Mr. Avery Upchurch, Mayor  
(name)

City of Raleigh  
(local government name)

2. \_\_\_\_\_  
(signed) (date)

\_\_\_\_\_  
(name)

\_\_\_\_\_  
(local government name)

3. \_\_\_\_\_  
(signed) (date)

\_\_\_\_\_  
(name)

\_\_\_\_\_  
(local government name)

4. \_\_\_\_\_  
(signed) (date)

\_\_\_\_\_  
(name)

Commission(s):

1. *Margie Haywood* 1-12-88  
(signed) (date)

Mrs. Margie Haywood, Chairman  
(name)

Raleigh Historic Properties Commission  
(name of commission)

2. \_\_\_\_\_  
(signed) (date)

\_\_\_\_\_  
(name)

\_\_\_\_\_  
(name of commission)

Division:

*William S. Price, Jr.* 1-20-88  
(signed) \*(date)

Dr. William S. Price, Jr.  
Department of Cultural Resources  
Division of Archives and History

\*Effective date of Agreement