

**CERTIFIED LOCAL GOVERNMENTS (CLG)  
PROGRAM FOR OKLAHOMA**

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## INTRODUCTION

Most historic preservation work is locally initiated, led, and funded. The Certified Local Governments (CLG) program assists local governments that adopt and enforce historic preservation ordinances to strengthen their preservation programs.

The National Historic Preservation Act (NHPA) (Title 54 U.S.C. Chapter 300101) provides for partnerships among federal, tribal, state, and local governments to identify, evaluate, and protect the buildings, structures, districts, sites, and objects significant in the nation's history at the national, state, and local level. As cooperative efforts are often key to the success of historic preservation in both the public and private sectors, the CLG program (Title 54 U.S.C. Chapter 3025) provides an opportunity for local governments to benefit from formal partnerships with other agencies. It increases public awareness of a community's valuable archeological and historic resources, improves management of them, and integrates preservation concerns into local planning processes. Additionally, CLGs have a formal role in the nomination of properties to the National Register of Historic Places (NRHP), receive matching funds from the State Historic Preservation Office's (SHPO) annual Historic Preservation Fund (HPF) allocation from the National Park Service (NPS), and may assume other SHPO duties.

Acting on behalf of the Secretary of the Interior, NPS establishes the policies and procedures for this national program, as well as the standards and guidelines that allow SHPOs to develop CLG programs suitable to their respective states. The National Park Service approved the SHPO's *Certified Local Governments Program for Oklahoma* (hereafter referred to as state procedures) in 1985, its 2000 revision, and this updated version in 2020.

The state procedures set forth the process for the certification of local governments in Oklahoma, for distribution of the HPF to CLGs, and for the overall administration of the program. Program details, required forms, and a current list of Oklahoma's CLGs are available on the SHPO website at [www.okhistory.org/shpo/clg](http://www.okhistory.org/shpo/clg).

## **ELIGIBILITY**

To participate in Oklahoma's CLG program, a local government must adopt a local historic preservation ordinance that creates a historic preservation review commission (local commission) and sets forth its function, responsibilities, and membership. Any city, municipality, or other political subdivision of the state of Oklahoma with the authority to establish zoning districts and that meets all six criteria listed below qualifies for CLG status. The local government must:

1. Adopt a local historic preservation ordinance for the designation and protection of historic properties that meets the minimum requirements of the state procedures.
2. Enforce its local historic preservation ordinance for the designation and protection of historic properties.
3. Establish an adequate and qualified local commission in accordance with its local historic preservation ordinance and the state procedures.
4. Maintain a system for the survey and inventory of historic properties consistent with that of the SHPO.
5. Provide for adequate public participation in the local historic preservation program including the process of recommending properties to the NRHP.
6. Satisfactorily perform the responsibilities delegated to it by the SHPO under the Certification Agreement.

## **MINIMUM REQUIREMENTS FOR LOCAL HISTORIC PRESERVATION ORDINANCES**

To qualify as a CLG in Oklahoma, a local government's historic preservation ordinance for the designation and protection of historic properties must include, at a minimum, the following:

1. A statement of purpose.
2. Definitions.
3. Membership requirements for the local commission and duties of that body.
4. Procedures for identification, evaluation, designation, and protection of buildings, structures, districts, sites, and objects significant to the community's history, architecture, archeology, culture, and engineering. These procedures must meet the statutory definition of "designation" and "protection" of local districts and landmarks as specified in Section 103 of the NHPA (52 U.S.C. 302501, Definitions) and must include a process for appeals.
5. Criteria for evaluation of local districts and landmarks.
6. Provision for public review of designations.
7. Provision for mandatory review of alterations, demolitions, new construction, or other actions that may affect individual landmarks or properties in designated historic districts. These decisions must be binding, and a system of appeals must be provided.
8. Specific guidelines for the review of projects that impact designated properties, consistent with the *Secretary of the Interior's Standards and Guidelines for Archeology and Historic Preservation*, must be adopted.
9. Specific time frames for project review.
10. Penalties for non-compliance.

## **HISTORIC PRESERVATION REVIEW COMMISSION**

To become a CLG, the local government must have a historic preservation review commission (local commission). The local commission is a board, council, commission, or similar collegial body which is established by the local historic preservation ordinance. Members are appointed, unless otherwise provided by the local historic preservation ordinance, by the chief elected official of the jurisdiction concerned from among (A) professionals in the disciplines of architecture, history, architectural history, planning, prehistoric and historic archeology, folklore, cultural anthropology, curation, conservation, and landscape architecture available in the community, and (B) such other persons as have demonstrated special interest, competence, or knowledge in history, architecture, or related disciplines, and as will provide for an adequate and qualified local commission. The local commission has many duties, including the review of proposed rehabilitation work within a locally designated historic district.

### MINIMUM REQUIREMENTS FOR COMMISSION MEMBERSHIP

The minimum requirements for local commissions of cities, towns, or other jurisdictions participating in the Oklahoma SHPO's CLG program include:

1. The local commission must be comprised of at least five members (or three in a community with a population of 5,000 or less), all of whom have demonstrated interest, competence, or knowledge in historic preservation.
2. At least two members of the local commission must be professionals with preservation-related experience (including architecture, history, prehistoric archeology, historic archeology, planning, real estate, design, landscape architecture, architectural history, or law). If professionally-qualified individuals cannot be found within the jurisdiction of the CLG, services may be obtained from another source, such as a university, preservation organization, or professional organization serving one of the disciplines cited above. The requirement for two professionals may be waived if there is sound evidence that a good-faith effort has been made but no professionals willing to serve can be found.
3. Whenever the CLG has a nomination to the National Register of Historic Places under review that is significant in an area for which professional expertise is not available on its local commission, or whenever a decision must be made relative to historic properties within the CLG's jurisdiction that would necessitate the evaluation of a professional not found on the local commission, the CLG must secure the required professional expertise for the purpose of the review process. If this expertise cannot be obtained within the local community, the CLG may request the SHPO staff member who has the specific professional qualifications needed to serve the local commission. Such requests must be submitted in writing to the SHPO.
4. Members shall serve three-year staggered terms (except as provided in the initiation of the local commission).

## HOW TO DETERMINE DEMONSTRATED SPECIAL INTEREST, COMPETENCE, OR KNOWLEDGE IN HISTORIC PRESERVATION

Successful enforcement of the local historic preservation ordinance depends on the qualifications and performance of each member of the historic preservation review commission (local commission). Each CLG must document demonstrated special interest, competence, or knowledge in historic preservation for those members of the local commission who are not professionals in the disciplines of architecture, history, architectural history, planning, prehistoric and historic archeology, folklore, cultural anthropology, curation conservation, and landscape architecture. The following education, training, experience, or activities (not intended as a comprehensive list) establish that a potential commission member has a demonstrated special interest, competence, or knowledge in historic preservation.

- Holds a graduate degree in historic preservation, history, architectural history, architecture, prehistoric archeology, historic archeology, or closely related field.
- Holds an undergraduate degree in any of the fields listed above and documents participation in historic preservation-related workshops, seminars, conferences, etc.
- Holds undergraduate or graduate degrees in engineering, construction science, planning, law, or closely related fields and has participated in historic preservation-related workshops, seminars, conferences, etc.
- Is a realtor or real estate agent who routinely markets and sells older and historic buildings or other historic properties.
- Owns a historic commercial building and/or lives in a historic neighborhood.
- Specializes in the development of historic buildings and has completed at least one certified rehabilitation.
- Employed as a craftsman specializing in restoration/rehabilitation (such as in repair or replication of historic windows).
- Conducts scholarly research about Oklahoma and/or local history or culture and publishes the results in books, journals, local newspapers, brochures, or other forms (including electronic email).
- Has written at least one National Register of Historic Places nomination for a property listed in the register within the last ten years.
- Regularly provides presentations about historic preservation issues for government agencies, professional organizations, civic groups, preservation conferences, or other general audiences.
- Serves on the board of directors (or similar governing body) for a local Main Street program or a state or local historic preservation organization.
- Is a member of a national, regional, or local preservation organization.

## PROCEDURES FOR THE LOCAL COMMISSION

A CLG's local historic preservation ordinance must include the following procedures for the local commission.

1. The local commission shall adopt rules of procedure (by-laws).
2. The local commission shall meet at least four (4) times per year or as often as necessary to complete its work in a timely fashion. The meetings must be open to the public.
3. Written minutes of every local commission meeting must be kept and made available for public review. However, information disclosed during the meeting concerning the nature and location of any archeological properties or artifacts taken from an excavation will be noted in the minutes but must not be made included in the version of the minutes that are available for public viewing.
4. The local appointing authority shall fill vacancies within the time dictated by local policies or no less than 120 days, whichever comes first.

## ORIENTATION AND TRAINING OF LOCAL COMMISSION MEMBERS

The SHPO shall make program orientation materials available to each CLG. Further, the SHPO shall conduct at least two CLG training workshops each year, and at least one representative of each CLG's local commission or staff must attend at least one such session each year. The SHPO staff shall also be available to visit the local community to assist with implementation of the CLG program.

## SCHEDULE FOR CERTIFICATION OF LOCAL GOVERNMENTS

Requests for certification must contain the information detailed below, and the SHPO shall follow the schedule provided for the processing of each request.

1. The request for certification must contain the following:
  - A. A written assurance, signed by the chief elected local official, that the local government will perform in accordance with standards established within these guidelines and carry out its delegated responsibilities in accordance with the *Secretary of the Interior's Standards and Guidelines for Archeology and Historic Preservation*.
  - B. A copy of the local historic preservation ordinance.
  - C. A list and accompanying maps of currently designated local historic preservation districts and/or landmarks.
  - D. A resume for each member of the local commission (resumes must document the member's demonstrated interest, competence, or knowledge in historic preservation).
  - E. A list of staff members of the local government assigned to participate in the preservation program, their resumes, and descriptions of their responsibilities and amount of time to be spent in these efforts.
2. The schedule for processing requests for certification is as follows:
  - A. Upon receipt of a completed request for certification, the SHPO shall within 60 calendar days notify the local government of the decision to consider the local government eligible for certification or to deny certification.
  - B. If the SHPO considers the local government eligible for certification, the State Historic Preservation Officer and the chief elected local official of the local government sign a Certification Agreement, and the SHPO submits the request for certification, including the Certification Agreement and the SHPO's application checklist, to the Secretary of the Interior. The Certification Agreement shall specifically reference the program areas of the SHPO's "Delegation of Program Work" listed below. (The request for certification shall include all documents the local government provided as described above.)
  - C. The Secretary shall have 15 working days in which to respond to the SHPO's request for certification. If the Secretary has not responded within that time, the SHPO shall assume the local government to be certified.

- D. The SHPO shall notify the local government in writing within 15 working days of the date of the Secretary's notification (or following an instance of no response from the Secretary).

#### AMENDMENT PROCESS

The SHPO, the CLG, or the Secretary may, at any time, discover the need to alter a Certification Agreement. A substantive change to a Certification Agreement requires completion of the formal amendment process.

1. If the SHPO or CLG determines that a change in the Certification Agreement is needed, the SHPO prepares the request for amendment and submits it to the Secretary.
2. Changes in a Certification Agreement must be consistent with the state procedures and with Chapter 9 of the *Historic Preservation Fund Grants Manual*.
3. The Secretary must concur with any substantive changes in a Certification Agreement.
4. Upon receipt of the SHPO's request for amendment, the Secretary considers the request, notifies the SHPO of the decision in writing, and sends a copy of the decision letter to the CLG.
5. The SHPO and the CLG must receive the Secretary's concurrence (hard copy, fax, or email) with the amendment before they consider it to be in effect.

#### APPEAL PROCESS FOR SHPO DENIAL OF CERTIFICATION

A local government may appeal the SHPO's denial of certification to the Secretary. To appeal, the local government's chief elected local official shall:

1. Submit its request for appeal to the SHPO. The request shall contain all materials included in the original request for certification, and the local government's statement of why the Secretary should reverse the denial.
2. The SHPO shall transmit the request for appeal to the Secretary within five working days of receipt from the local government.
3. The Secretary's decision shall be final and remain in effect as long as the facts that are the basis for certifying or not certifying the local government remain unchanged.

## DELEGATION OF PROGRAM WORK

The SHPO carries out a wide range of NHPA program responsibilities in accordance with NPS regulations, standards, and guidelines. The SHPO may delegate any of its program work, with the exception of direct nomination of properties to the NRHP, to a CLG.

1. The program areas for which the SHPO has responsibilities include:
  - A. National Register of Historic Places – the system for evaluation of those buildings, structures, sites, districts, and objects that may be of historic, architectural, archeological, or cultural significance.
  - B. Survey – the system for identification of those buildings, structures, sites, districts, and objects that may be of historic, architectural, archeological, or cultural significance.
  - C. Rehabilitation Tax Incentives – The federal tax law provides incentives for rehabilitation of historic and older structures, and the SHPO assists developers/owners in the process of obtaining certification of proposed rehabilitation plans in accordance with the *Secretary of the Interior's Standards for Rehabilitation*.
  - D. Review and Compliance – Under Section 106 of the National Historic Preservation Act, the SHPO participates in the review of projects receiving federal funds or requiring federal permits or licenses to determine their impact on historic/archeological resources.
  - E. Planning – The program area is concerned with the establishment or upgrading of processes designed to evaluate impacts on historic/archeological properties, predict trends that may affect historic/archeological properties, and serve as a guideline or framework for cultural resource management decisions.
  - F. Acquisition and Development – The A&D program includes (A) A grant project which has for its purpose obtaining fee title, or interest other than fee title, of real property (including the acquisition of development rights or remainder interest) or (B) A project which has for its purpose the protection, rehabilitation, restoration, or reconstruction of a historic property.
  - G. Covenant and Preservation Agreement Monitoring – Covenants, preservation agreements, and other legal instruments limiting the owner's use of his/her property may be executed in favor of the SHPO, and the SHPO monitors the owner's compliance with the terms of these instruments designed to protect the archeological or historic property.

- H. Public Outreach and Technical Assistance – Activities include presentation of workshops, publication of information about archeological and historic resources and threats to them, social media outreach, newsletters and other publications, one-on-one consultations, and other activities addressing the full range of historic preservation topics and issues.
- 2. A CLG must accept the SHPO’s delegation of program functions for the National Register program area and the survey program (both described above).
- 3. The SHPO may consider delegating authority for other program area functions to a CLG, provided the CLG:
  - A. Has completed two consecutive, successful years of participation in the CLG program, including activity in both the National Register and the survey program area.
  - B. Maintains a minimum staff of one professional, whether full-time, part-time, or on a contract basis, as determined by the SHPO to be appropriate for the program area for which the CLG wishes to participate. (See Appendix A for the Secretary of the Interior’s Professional Qualification Standards.)

#### NATIONAL REGISTER NOMINATION PROCESS

The SHPO and CLG shall work cooperatively in an effort to provide professional review and efficient processing of nominations to the National Register of Historic Places. It shall be the responsibility of the CLG to conduct notification procedures (described below), and evaluate and report to the SHPO on all NRHP nominations for properties within its jurisdiction whether generated by the CLG or submitted to the SHPO or CLG by another party. If nominations within the CLG’s jurisdiction are received by the SHPO prior to CLG processing, they will be transmitted at the earliest possible time to the CLG.

- 1. The CLG upon receipt or preparation of a NRHP nomination shall:
  - A. Within 60 calendar days of receipt of a nomination conduct the necessary review, with a reasonable opportunity for public comment, and report its recommendations to the SHPO.
  - B. Notify all property owners and other appropriate local elected officials that the nomination is under review. The notification letter provided by the SHPO on its website must be used, and it recommended that it be sent by certified mail (if the CLG uses certified mail). If more than 50 property owners are involved in a nominated property, a paid legal notice may substitute for the individual notifications. The wording of the notice must be that provided by the SHPO on its webpage. In cases when the paid legal notice is used, a public meeting must be held to provide the

maximum public participation, and a SHPO staff member must be present at such public meetings. All notifications of property owners must provide not less than 30 calendar days for submission of comments.

- C. After review of the nomination by the local commission at a regularly scheduled meeting, the CLG must transmit a National Register Nomination Report to the SHPO. The report shall contain the recommendations of the local commission, the recommendation of the chief elected local official, and a brief statement of the property's eligibility (or ineligibility) in accordance with the National Register of Historic Places criteria for evaluation.
2. If either or both the chief elected local official and the local commission recommend nomination of the subject property because it meets one or more National Register criteria, the SHPO shall schedule it for consideration by the Historic Preservation Review Committee. If the HPRC recommends the property for nomination to the NRHP, then the nomination and their recommendation and all recommendations and comments from the CLG, owners, and others shall be transmitted to the Keeper of the Register in Washington, D.C.
3. If the CLG's chief elected local official and local commission recommend that the property not be nominated because it does not meet any National Register criteria, the CLG must submit the required report described in 1(C) above. The SHPO shall not schedule the nomination for the HPRC's consideration unless an appeal is filed.
4. If the CLG recommends that the property not be nominated, it must so inform the owner(s) in writing stating the exact reason(s) for the decision based on the National Register of Historic Places criteria for evaluation.
5. Before a property within the jurisdiction of a CLG may be nominated to the National Register by the state, the SHPO shall notify the chief elected local official and the local commission in accordance with 36 CFR 61, 36 CFR 60, and state procedures and/or guidelines. The SHPO will notify the chief elected local official and the commission at least 60, but no more than 120, calendar days prior to Historic Preservation Review Committee (HPRC, state review board) consideration. If more than 50 property owners are involved in a nominated property, a paid legal notice may substitute for the individual notifications. The wording of the notice must be that dictated by the SHPO. In cases when the paid legal notice is used, a public meeting must be held to provide the maximum public participation, and a SHPO staff member must be present at such public meetings. All notifications of property owners must provide not less than 30 calendar days for submission of comments.
6. It shall be the responsibility of the SHPO to notify the CLG when properties within its jurisdiction are listed in the NRHP. The SHPO shall also notify the property owner(s) and other interested persons, and state representatives and state senators of the listing.

7. A certificate denoting listing in the NRHP shall be made available by the SHPO to the property owner.
8. Either the local commission or the chief elected local official may appeal the final decision of the HPRC and the SHPO to the Keeper of the Register. Guidance on how to make an appeal can be found on the SHPO website at [www.okhistory.org/shpo/clg](http://www.okhistory.org/shpo/clg).
9. The CLG must maintain records of its NRHP nomination process. The CLG shall retain copies of all notifications whether individual or through paid public notice given on each nomination. The CLG shall also retain proof that individual notifications were sent by certified mail (if the CLG used certified mail). All comments received must be recorded in the file related to that particular nomination. Such records will be considered during the SHPO's on-site evaluation of the CLG program. Failure of the CLG to submit National Register reports to the SHPO will also be considered in the evaluation process.

### SURVEY AND INVENTORY PROGRAM REQUIREMENTS

Through the initial Certification Agreement, the SHPO delegates responsibilities for the survey and inventory program to each CLG and encourages development and periodic update of a local preservation plan which includes priorities for expansion and maintenance of the local historic resources survey. The survey is a carefully designed and systematic process of identifying and gathering data on historic resources of a given area. It includes field survey, the physical search for and recording of historic resources on the ground, and planning and background research before field survey begins. The survey is essential to a successful local preservation program.

1. A CLG's survey and inventory efforts, whether they involve new survey or maintenance of existing survey results, must follow the *Secretary of the Interior's Standards for Identification and Evaluation*. They also must be coordinated with and complementary to the SHPO's Statewide Historic Preservation Plan so as to achieve one or more of the plan goals. The goals may be viewed at [www.okhistory.org/shpo/stateplan](http://www.okhistory.org/shpo/stateplan).
2. The SHPO shall assist the CLG in the development of its comprehensive, community-wide survey and its local preservation plan. The SHPO encourages the CLG to develop its local preservation plan within two years of certification and update annually thereafter. The plan should include a methodology for organizing existing survey data, for establishing new survey priorities, and for establishing local historic preservation goals, objectives, and priorities. The planning process will provide a mechanism for evaluating prehistoric and historic resources and identifying strategies and priorities for their preservation, taking into consideration real-life constraints and community needs and assuring its usefulness to agencies planning federal undertakings within the CLG's jurisdiction. Annual updates shall address new survey information, changes, alterations, or demolition of properties as well as changing conditions, needs and priorities within the

community. Survey priorities must follow those established in the initial plan, unless a need to revise them is determined.

3. All new survey information will be recorded on approved inventory forms in accordance with the SHPO's survey program (see *Architectural/Historic Resource Survey: A Field Guide* at [www.okhistory.org/shpo/architsurvey/fieldguide.pdf](http://www.okhistory.org/shpo/architsurvey/fieldguide.pdf) and for archeological survey, see "SHPO Fact Sheet #16: Guidelines for Developing Archeological Survey Reports in Oklahoma and Report Components" at [www.okhistory.org/shpo/factsheet/fs16archreports.pdf](http://www.okhistory.org/shpo/factsheet/fs16archreports.pdf). Copies of all survey reports and inventory forms will be provided to the SHPO (both hard and electronic copies). Members of the local commission and the chief elected local official must be given an opportunity to participate in local surveys and in development of the local plan. The SHPO encourages CLGs to seek input from the general public, other agencies of the local government, and relevant professionals in the community.
4. The CLG must maintain its survey and inventory data in an organized and secure manner in a local government facility determined appropriate after consultation with the SHPO. The CLG shall make survey and inventory data accessible to the public. The CLG shall not make public the location of archeological sites.

## **STAFF REQUIREMENTS**

Local governments requesting CLG status must demonstrate that adequate and qualified staff are available to carry out the responsibilities delegated to it under the Certification Agreement. Each CLG begins its participation in the basic program, and qualified CLGs may be certified for the expanded program after two years of successful basic program participation.

### **BASIC CLG PROGRAM**

Under the basic CLG program, the SHPO delegates NRHP and Survey program responsibilities within the jurisdiction of the CLG. To participate at this level, the CLG is encouraged to employ one full-time professional from either the field of history, architecture, architectural history, historic archeology, prehistoric archeology, regional (or city) planning, or a closely related discipline. Experience in historic preservation is preferred. In some communities only a part-time person having credentials as listed above may be adequate for conducting the CLG program.

The local government's chief elected local official must designate a CLG program coordinator. While the SHPO encourages the employment of a preservation professional, it will not be mandatory. If the chief elected local official submits a written statement that such services cannot be obtained even though a search has been made, because necessary funding is not available, or there has been no positive response to solicitations, the SHPO will accept a responsible employee of the CLG or an elected official as the person designated to coordinate the program.

### **EXPANDED PROGRAM PARTICIPATION**

Upon a CLG's completion of two consecutive years of successful participation in the basic program, the SHPO may consider delegating other responsibilities to a CLG. If the CLG wishes to participate in tax act reviews, review and compliance activities, or other programs that may be delegated, the CLG must employ at least one professional from the fields of history, architecture, architectural history, historic archeology, prehistoric archeology, planning, or a closely related field, whether part-time, full-time, or on a contract basis.

## MONITORING AND EVALUATION

To maintain the effectiveness of any program, there must be a process by which it can be monitored and evaluated. The CLG program adheres to the following process:

1. The SHPO shall provide allocation details to all CLGs in early February of each year. All CLGs must notify the SHPO of intent to apply within two weeks of receipt of the allocation letter.
2. All applications shall be submitted by the deadline indicated in the allocation letter. Late applications will not be accepted. Emailed applications shall be accepted without signatures to meet the deadline. Signed applications must be provided as soon as available.
3. Progress reports, reimbursement requests, and final project reports shall be submitted to the SHPO in accordance with the Subgrant Agreement.
4. By October 31st of each year, the CLG must submit an annual report to the SHPO summarizing preservation projects and activities carried out in the community during the previous federal fiscal year (October 1 through September 30). The SHPO shall provide CLGs with an annual report form for use in meeting this requirement.
5. At least once every four years, the SHPO shall evaluate the local government's CLG program performance. At that time, all administrative and financial records for the CLG program must be available for the SHPO's use in assessing the local government's management of HPF pass-through subgrants (Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards [Super Circular]). The SHPO shall carry out the evaluation in accordance with these state procedures, the NHPA, federal regulations cited in the Certification Agreement, and the *Secretary of the Interior's Standards and Guidelines for Archeology and Historic Preservation*.
6. The SHPO shall provide written notice to the CLG's chief elected local official to confirm, as applicable, that the local program meets the terms of the Certification Agreement. The SHPO shall also make recommendations about ways to strengthen the local program and/or cite conditions that the local government must satisfy in order to retain certification, and provide an expected timeline for those conditions to be met.

## **PROBATION AND DECERTIFICATION**

### **PROBATION**

Should a CLG fail to meet the minimum requirements of monitoring and evaluation listed above, the CLG may be placed on probationary status. The CLG shall be notified in writing of its probationary status by mail, requiring signature upon receipt.

While on probationary status, the CLG will not be eligible to receive allocation funds and will be closely monitored by the SHPO staff for completion of all requirements addressed during the performance evaluation.

A CLG will be returned to active status upon completion of all items addressed above or during the performance evaluation. Every effort will be made by the SHPO to assist the CLG in regaining active status. Should the CLG fail to complete items within the time period recommended in the performance evaluation response, decertification may occur.

### **DECERTIFICATION**

Any CLG may request decertification at any time. The CLG shall notify the SHPO in writing on official letterhead of their decision to no longer participate in the CLG program. The SHPO shall notify the National Park Service of the request and conduct a final federal assistance close-out as described in the *Historic Preservation Fund Grants Manual*.

The SHPO may request decertification of a CLG. Request for decertification of a CLG by the SHPO shall only occur for the following reasons:

1. Illegal or unethical activities related to the HPF pass-through funds are discovered through a performance evaluation or by city or state audit and staff responsible are not appropriately reprimanded.
2. Refusal to comply with conditions communicated by the SHPO during performance evaluation. Inability to accomplish the conditions due to outside factors does not constitute refusal to comply. All efforts will be made by the SHPO to assist the CLG in complying with the conditions before decertification is recommended.

The procedures for a request for decertification by the SHPO are as follows:

1. The SHPO shall recommend to the National Park Service that the CLG be decertified. The recommendations to decertify shall be accompanied by justifications. Documentation for the National Park Service's review shall be on file in the SHPO's office.

2. The SHPO shall notify the CLG in writing that a recommendation for decertification has been forwarded to the National Park Service.
3. The National Park Service shall respond to the request for decertification within 30 calendar days of receipt of the recommendation. No response within that time is considered approval of the SHPO's recommendation. The SHPO shall notify the CLG within five working days of the National Park Service's decision.
4. If the National Park Service approves the SHPO's recommendations for decertification of a CLG, the SHPO shall conduct a final federal assistance close-out as described in the *Historic Preservation Fund Grants Manual*.
5. If the National Park Service denies the SHPO's recommendation for decertification of a CLG, the SHPO and the CLG shall work with the National Park Service to find a resolution of the issues listed in the recommendation.

## **ALLOCATION OF THE CLG FUND**

In accordance with provisions of the NHPA, the SHPO receives an annual allocation of federal funds from the U.S. Department of the Interior, National Park Service's Historic Preservation Fund (HPF). These matching grants support, in part, the SHPO's programs.

### AVAILABILITY OF FUNDS

The NHPA requires that at least 10% of the SHPO's annual HPF allocation be set aside for CLGs. Therefore, the Certified Local Governments Fund (CLGF) for each federal fiscal year shall be calculated as follows:

HPF Allocation to Oklahoma x 0.10 = CLGF

A history of the Certified Local Governments Fund allocations can be viewed at [www.okhistory.org/shpo/clg](http://www.okhistory.org/shpo/clg).

(Special Note: In any year in which the annual HPF state grant appropriation to all states exceeds \$65 million, one-half of the excess shall also be transferred to CLGs according to procedures to be provided by the National Park Service.)

### ALLOCATION OF FUNDS

1. The CLGF shall be divided into two equal parts. One-half (50%) of the fund shall be available to CLGs of more than 50,000 population, and an equal amount shall be available for those of 50,000 or less population. Each CLG is entitled to an equal share of that part for which it qualifies (based on population), provided that the requirements described below can be satisfactorily met and the CLG is not on probationary status].
2. The SHPO shall mail allocation letters to all active CLGs and local governments with pending CLG status in February of each year.
3. A CLG is not required to request funds from the SHPO. If the local government elects not to apply for the funds, it must notify the SHPO in writing. The portion to which the CLG refusing the funds was entitled shall be equally distributed among those CLGs in the same population category that meets the necessary requirements and also requested funds. Likewise, a CLG may elect to accept only a portion of the funds available to it. The remainder will first be equally distributed among those other CLGs within the same population category requesting funds. If all the funds set aside for the same population category cannot be used by eligible CLGs, the SHPO shall make available the remaining funds to the other population category. Reminder: CLGs on probation are not eligible for funds.

4. In accordance with minimum requirements set forth in 36 CFR 61.7(f), the amount awarded to any applicant shall be sufficient to produce a specific impact. The funds awarded shall be sufficient to generate effects directly as a result of the funds transferred. Furthermore, the SHPO will not waive the requirements for tangible results even if there are many otherwise eligible applicants for the amount set aside for the CLGF.
5. CLGs receiving HPF grants from the CLGF shall be considered subgrantees of the state.
6. The CLG may not use transferred monies from the CLGF as matching share for any other federal grant.
7. All CLGF requirements shall be included in the Certified Local Governments Program Agreement (see Glossary).
8. In accordance with 36 CFR 61.7(e), any state-directed specified use of funds shall be consistent with the SHPO's Statewide Preservation Plan, *Sooner Rather Than Later: Let's Preserve Oklahoma's Past* ([www.okhistory.org/shpo/stateplan](http://www.okhistory.org/shpo/stateplan)).
9. The SHPO shall make available to the public, upon request, the rationale for the applicants selected and the amounts awarded.

#### EVALUATION OF APPLICATIONS FOR THE CLG FUND

To be eligible for assistance from the CLG Fund, the CLG must:

1. Submit a completed Certified Local Governments Fund Application that is received in the SHPO office by the deadline.
2. Have timely filed with the SHPO office a completed and acceptable Annual Report for Certified Local Governments by October 31st for the previous federal fiscal year (October 1 through September 30).
3. Adequately address the established annual priorities of the SHPO. These shall remain basically the same from year to year; however, changes do occur to address federal special conditions and mandates, as well as changes in the needs of the SHPO.
4. Demonstrate the support of the public within the jurisdiction of the CLG. This may include letters, petitions, or reports of comments from public meetings concerning CLG preservation activities and projects.
5. Contains the assurance of the chief elected local official of the CLG that an adequate financial management system is in place. Such a system is one that:

- A. meets standards of the Office of Management and Budget’s Super Circular.
  - B. is auditable in accordance with General Accounting Office Standards (federal).
  - C. is periodically evaluated by the SHPO.
6. Adhere to all provisions of the *Historic Preservation Fund Grants Manual*.
  7. Outline activities that are realistic for completion within a one-year period.
  8. Reflect the availability of the required 60% federal and 40% local matching share in accordance with the provisions of the *Historic Preservation Fund Grants Manual*. Indirect costs may be charged as part of the CLG grant only if the CLG subgrantee meets the requirements of the *Historic Preservation Fund Grants Manual*. Unless the CLG has a current indirect cost rate approved by its cognizant federal agency, only direct costs may be charged. (The SHPO shall provide technical assistance to the CLG in defining acceptable matching share.)

RESTRICTIONS ON EXPENDITURES

None of the CLG Fund can be expended for:

1. Items defined as ineligible costs in the *Historic Preservation Fund Grants Manual* and *Guidelines for Subgrantees*. (The SHPO shall provide a list of those items to the CLG.)
2. Any other activities, which the National Park Service shall advise, that are unacceptable due to restrictions Congress may place on the HPF during a particular fiscal year.

SCHEDULE FOR AWARD OF THE CLG FUND

1. The National Park Service notifies the SHPO of the estimated annual allocation from the HPF.
2. Within 30 calendar days thereafter the SHPO will notify all CLGs of the amount in the CLGF.
3. Within 90 calendar days, the CLG submits a completed application (available at [www.okhistory.org/shpo/clg](http://www.okhistory.org/shpo/clg)) for its share of the CLGF.
4. Upon receipt of final approval for funding release from the National Park Service, the SHPO shall inform the CLG of the award and prepare the Certified Local Governments Program Agreement.

## GLOSSARY

Certificate of Appropriateness – the approval issued by the local historic preservation review commission for alterations of historic properties designated under a local historic preservation ordinance (local legislation), demolition of such properties, or new construction in a district designated under local legislation or that may impact a designated property.

Certification Agreement – the executed document between the Certified Local Government and the State Historic Preservation Officer for participation in the CLG program.

Certified Local Government – a local government that has been certified to carry out the purposes of the National Historic Preservation Act, as amended, in accordance with the procedures and guidelines set forth in *Certified Local Governments Program for Oklahoma*, as approved by the State Historic Preservation Office and the Secretary of the Interior.

Certified Local Governments Fund – the portion of the State Historic Preservation Office annual allocation from the Historic Preservation Fund set aside for Certified Local Governments.

Certified Local Governments Program Agreement – the contract between the Certified Local Government and the State Historic Preservation Officer for transfer of a share of the Certified Local Governments Fund.

Chief Elected Local Official – the elected head of a local government.

Decertification – the State Historic Preservation Office and the Secretary of the Interior’s revocation of Certified Local Government status in accordance with *Certified Local Governments Program for Oklahoma*.

Historic Preservation Fund – the monies accrued under the Outer Continental Shelf Lands Act, as amended, to support the program of matching grants-in-aid to the states for historic preservation programs and projects, as authorized by Sec. 108(1) of the National Historic Preservation Act, as amended.

Historic Preservation Fund Grants Manual – the manual that sets forth National Park Service administrative procedures and guidelines for activities concerning the federally related historic preservation programs. The manual includes guidelines and procedures for the administration of the historic preservation grants-in-aid program.

Historic Preservation Review Committee – the state review board appointed by the Governor of Oklahoma to evaluate nominations to the National Register of Historic Places and provide advice to the State Historic Preservation Officer.

Local Legislation – the local government’s code, statute, ordinance, etc. which creates the historic preservation review commission and sets forth its function, responsibilities, and membership.

National Register of Historic Places – the national list of districts, sites, buildings, structures, and objects significant in American history, architecture, archeology, engineering, and culture, maintained by the Secretary of the Interior under authority of Section 101(a)(1)(A) of the National Historic Preservation Act, as amended.

Probation – the status by which a CLG remains a Certified Local Government but receives no allocation and is required to address all concerns noted during the performance evaluation within the specified time period.

State Historic Preservation Officer – the official within each state who has been appointed by the Governor and delegated that authority to administer the historic preservation program in the state.

Subgrant Agreement – the agreement between the SHPO and the CLG specifying the expected work to be completed by the CLG during the agreement period.