

**CITY OF NEWARK
DELAWARE
BOARDS AND COMMISSIONS REVIEW COMMITTEE
MEETING AGENDA**

**April 28, 2015 – 7:00 PM
Council Chamber**

1. Call to Order
2. Approval of the Minutes of the March 31, 2015 Boards and Commissions Review Committee Meeting
3. Election of Vice Chairperson
4. Discussion and Approval of Evaluation Format
5. Discussion and Potential Recommendation Regarding the Recruitment and Nomination of Boards and Commissions Members
6. Discussion and Potential Recommendation Regarding Open Meeting Requirements for Boards and Commissions
7. Public Comment
8. Introduction of New Business
9. Setting of Next Meeting Date
10. Adjournment

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Agenda Posted – April 21, 2015

Attest:

Sworn by:

City Secretary

Notary Public

(Seal)

**CITY OF NEWARK
DELAWARE
BOARDS AND COMMISSIONS REVIEW COMMITTEE
MINUTES
MARCH 31, 2015**

Those present at 7:00 p.m.:

Members: Chairperson Rebecca Powers, At Large
John Morgan, District 1
Jo Anne Barnes, District 2
Christopher Laird, District 3
Roberta Sullivan, District 4
Maria Aristegueta, District 5
M. Howland Redding, District 6

Guest: Mr. Alan Silverman, Planning Commission Chair

1. **MEETING CALLED TO ORDER BY MAYOR POLLY SIERER AT 7:01 P.M.**
2. **ELECTION OF CHAIRPERSON**

Ms. Sierer requested nominations from the Committee for chairperson.

MOTION BY DR. MORGAN, SECONDED BY MS. BARNES: TO ELECT MS. POWERS TO THE POSITION OF CHAIR.

Ms. Sierer asked if there were any other nominations for chairperson. Seeing no additional nominations, the question was called on the motion.

MOTION PASSED UNANIMOUSLY. VOTE: 7 TO 0.

Ms. Sierer relinquished the chair to Ms. Powers.

Ms. Bensley distributed a handout from Mr. Silverman, Planning Commission to be considered for public comment.

The Board introduced themselves.

Ms. Barnes suggested each committee member have access to the applications of the other Board members to familiarize themselves with each other. Ms. Bensley stated all applications are linked on the Council agendas to which they were approved, however Ms. Bensley would forward copies to the members as well.

3. REVIEW OF CHARGE FROM COUNCIL AND APPROVAL OF EVALUATION FORMAT

Ms. Barnes asked for qualification/guidance of the numerical grading.

Ms. Powers asked to wait to give any recommendation to Council, but would prefer to give a preliminary assessment. Ms. Sullivan stated there may be preliminary recommendations the committee may have within the first 6-8 months.

Ms. Powers stated there are additional items such as consolidation of boards that wouldn't be apparent initially but down the road. Dr. Aristigueta asked what information the committee would receive to review each board.

Ms. Powers asked for clarification on the rating system. Ms. Bensley stated on a rating scale of 1 to 5. A score of 1 would be not meeting goals at all, 2 would be needing improvement, 3 would be meeting goals, 4 would be exceeds goals and 5 would be superior or excellent rating.

Ms. Powers indicated she had a concern that not all of the categories fit into that type of rating scale. For example, "governing authority" there may be differing opinions whether a little is good or a lot is good. This also may pertain to compensation and qualifications. Ms. Powers asked Dr. Aristigueta's opinion. She replied that it depends on what sort of information will be provided to base the decision on. Ms. Bensley replied that any recommendation the committee suggests could only be made to alter City Code as the State Legislature would make changes to the State Code. Ms. Bensley obtained a copy of the Joint Sunset Committees form that the State Legislature uses for evaluating their Boards and Commissions. She reported it was very long and in her opinion much longer than this committee is needed for this committees purposes but she will adapt and present it to the commission at next month's meeting for consideration.

Dr. Aristigueta asked if there would be "interviews" of committee members or would the committee obtaining the information differently. Ms. Powers asked if the "staff person" mentioned would be the same staff person or different for each Board. Ms. Bensley the Boards fall into categories related to departments and the departmental staff that work with them. She further stated the Board members would be invited to attend and participate and include the questionnaire format as part of that process.

Dr. Morgan stated it was his opinion it would be useful to have interviews with at least some of the current members of each Board and perhaps even former members. It was his opinion that former members may be more honest and relay when things were less than ideal in the past.

Ms. Powers stated she would be hesitant to schedule the review of a Board without

being able to speak to at least the Chairperson of that committee.

Ms. Bensley asked for clarification if the intent of the Committee was to invite the involved parties to speak at a meeting or if members were requesting individual interviews outside of the meetings. Ms. Powers stated it would be at the meetings. Dr. Morgan agreed and stated it was important as comments should be made on the record.

Ms. Bensley reported she had received positive feedback from a few Boards and they were looking forward to being part of the process. Ms. Bensley further reported that there are several committees that have been inactive for a long period of time (appeal based committees) and may not as actively participate in this process. Dr. Aristigueta asked if these committees would be identified ahead of time. Ms. Bensley replied they would. Ms. Sullivan asked if the information would be provided for them to review prior to these meetings. Ms. Bensley said they committee members would receive the information at least a week in advance to the meeting with the agenda.

Dr. Aristigueta suggested to split the governing authority question into three sections – the City Code sections and/or resolutions governing the body, their effectiveness and if improvement is needed. Ms. Bensley noted that the Boards are not governed by both City Code and resolutions but one or the other.

Mr. Morgan asked if it was necessary to do the rating on a 5 point scale. It was his opinion the questions would be better answered qualitatively rather than quantitatively in a one-page (2-3 page) summary for each committee. Ms. Sullivan stated it may be helpful to use the 5 point scale as an overall evaluative rating as it may be helpful to Council.

Ms. Sullivan asked what the background history of this committee? What was the incentive directed by Council? Ms. Bensley stated the original impetus of the committee were generated by conversations in late 2013/early 2014 about various questions people had about boards and commissions. There seemed to be quite a few boards that needed to be addressed. It was the opinion of Council that a comprehensive review process of all the boards could be beneficial to the City since it had never been done before. It was Ms. Bensley's opinion that the intent of Council was not necessarily to compare one board to another but to rate the overall effectiveness of each board as an individual board or committee. Part of the discussion regarding consolidation was the fact that there are some boards that are less active. There may also be some boards that have similar duties that could potentially work together as one board. There would be changes made that would facilitate that process. It was Ms. Bensley's opinion that Council hoped this committee would have recommendations from the committee to Council on how each board can individually improve its effectiveness. Council will then consider the recommendations of the Committee at a future public meeting and decide whether changes are needed (i.e. training, additional qualifications of board members, etc.).

Dr. Morgan stated it was his belief there are legal requirements in many government agencies and also common in private corporations for employees to be rated on a numerical scale. He further stated that most boards are staffed with volunteers. He further stated he would worry about having numerical ratings and the effect that would have on getting people to volunteer on the boards and commissions in the future. It was his opinion it would be much better for this committee to focus on written specific suggestions for improvement of procedures which could either be implemented by the members of the boards and commissions. Possible suggestions may be: more detailed minutes, more frequent meetings, etc. It was his suggestion to complete a two or three pages summary for each board and commission with recommendations for improvement, if needed.

Dr. Aristigueta said each boards or commissions description can be broken out so the board is consistent in their assessment to complete a fair and qualitative review.

Mr. Redding stated he liked the quantitative review. It was his opinion that giving a board a summary benchmark is very helpful. In addition, he believed that some of the categories were not as important as other categories so weighted rankings may be useful. He said there is room for comments in each category so perhaps a combined summary would work well (quantitative ranking followed by a qualitative summary).

Ms. Barnes concurred with Mr. Redding in that it was a good compromise approach. Mr. Laird stated he liked the rating followed by a qualitative summary. Ms. Sullivan stated it would be a good idea to give an overall rating rather than a break down because not every category is weighted equally. She believed it was also very important to stress areas of strength not just weaknesses as the boards are primarily volunteers. Ms. Barnes stated nothing suggested evaluating the individual members qualitatively and the evaluations should remain as a group.

Mr. Redding suggested checking attendance as well. Ms. Powers stated that wasn't a current category but could be added. Dr. Morgan stated several of the categories may not reflect on an individual member but do reflect collectively on the membership (i.e. qualifications and reporting). He further stated that it was his opinion even if the numerical rating is given to the committees as a whole, some members will take it personally and it may make it more difficult to get volunteers. Evaluating volunteers is very different from evaluating employees.

Ms. Powers asked if there a motion to change this or should it be tabled until the next meeting. Ms. Sullivan and Dr. Morgan suggested bringing this topic back at the next meeting. Ms. Powers asked Ms. Bensley if communication via email was permitted between meetings. Ms. Bensley stated it was not permissible. She further stated suggestions can be sent from one member to another but discussion such as formulating policy cannot be done outside of a public meeting. The committee may email suggestions to Ms. Bensley and she can compile them as a report to present at the next meeting.

MOTION BY MS. BARNES, SECONDED BY DR. ARISTIGUETA: TO ALLOW MEMBERS TO COMPILE CHANGES AND/OR REVISIONS AND EMAIL THEM TO MS. BENSLEY WHO WILL COMPILE THEM AND PRESENT THEM AS A REPORT TO BE INCLUDED WITH THE NEXT AGENDA.

MOTION PASSED UNANIMOUSLY. VOTE: 7 TO 0.

Ms. Powers asked for discussion on the comments section of the evaluation form. Ms. Sullivan asked to keep in mind this section may be deleted under any revisions the committee makes.

Ms. Barnes asked for logistics on the preparation for the comment section. Ms. Bensley stated this section should be a framework for discussion in future meetings. The Committee would collectively discuss each board and come up with ratings and comments. These comments would then be compiled and presented as a report at the next meeting for review and approval. The approved report would then be forwarded to Council. The final report would be presented to this Committee at its next meeting based on what was pulled from the recording for comments. Any amendments presented would be included.

Ms. Barnes stated it was her opinion it sounded ok in theory but the reality may be more complicated as the comments may be varied and was concerned it may be inefficient and lacking in clarity. Ms. Sullivan stated she was concerned about that as well. Also the time to review may be lengthy and could prove awkward if guests were present at the meetings. Ms. Barnes concurred with Ms. Sullivan and stated it may be difficult to cover a board every meeting if review of previous feedback is included in the meeting.

Ms. Bensley stated the original proposal that was before Council was for the boards to be reviewed and for a comprehensive report to be put forth at the end to evaluate all the boards. Council expressed a desire to have that come to them in a more gradual process. That way Council may choose to take action sooner rather than later. The schedule that was distributed to this commission was only a suggestion. This commission may choose a different format or allow more time.

Dr. Morgan suggested the process could proceed more expeditiously if it is legal for prepared drafts to be posted on a public website of the City. For example, Ms. Powers stated after conclusion of the meeting a draft would be made of comments made during the meeting and made public. Ms. Bensley stated any draft report that would be brought to the committee for consideration would be posted as an agenda item. However, any deliberations of this committee to the approval of drafts would have to be in a public meeting. Ms. Bensley added that it was possible for a committee member to ask questions to staff members and/or send comments to the rest of the committee to be considered prior the next meeting. Ms. Bensley stated as long as there is no deliberation between members regarding changes in the report they can be submitted to be prepared so they are ready for

the next meeting and sent out to the committee members for consideration so they can be prepared and ready to speak.

MOTION BY DR. MORGAN, SECONDED BY MS. SULLIVAN: TO MOVE THE FOIA PRESENTATION AGENDA ITEM UP.

MOTION PASSED UNANIMOUSLY. VOTE: 7 TO 0.

Ms. Bensley stated she had prepared a brief presentation on FOIA for the committee. She read a brief summary detailing what FOIA stands for and reported the intent of FOIA is to remove any perceived "cloak of secrecy" from the operations of government. She noted that discussion on public policy recommendations must be done in public meetings, but that items for considerations could be disseminated to the group in advance of the meetings in order for members to be prepared. Ms. Bensley suggested that items be sent to her for dissemination to the committee or that she be copied on communications sent to the entire group.

Ms. Barnes asked if the City had encountered issues in the past with FOIA. Ms. Bensley stated the City had some FOIA complaints filed but to her knowledge the more recent ones have been found to be in the City's favor that there were no violations.

Ms. Sullivan asked about the handout placed on the dais for the committee. Ms. Bensley stated Mr. Alan Silverman, Planning Commission chair had provided comments for public comment if the committee chose to open the meeting to public comment.

Ms. Powers returned to the last page of the proposed evaluation form matter on the agenda. Ms. Sullivan suggested the committee forward any suggestions/changes to Ms. Bensley for the next meeting as the committee has decided not to take any further action of the matter this evening.

4. DISCUSSION OF POTENTIAL APPROVAL OF BOARDS AND COMMISSIONS REVIEW SCHEDULE

Dr. Morgan asked if the meeting in August could be for the Newark Memorial Day Parade Committee. Ms. Bensley suggested this meeting may be well placed for August since typically August is a vacation month for some people and it would be unwise to put a board with greater public interest such as Board of Adjustment or Planning Commission in August. Dr. Morgan asked if it was necessary that this committee meet each month and if a tentative schedule could be modified at a later date.

Ms. Barnes suggested keeping the August meeting of the Memorial Day Committee. Ms. Sullivan stated because she was unfamiliar with the majority of these committees it was difficult to determine how long it will take to properly evaluate each committee.

Ms. Powers said the schedule looks good to her. The format is clear and grouped accordingly. Ms. Bensley suggested removing the dates, but keeping the order.

Ms. Bensley stated three weeks lead time to prepare reports to be included and posted with the agenda for any upcoming meetings. Also, three weeks at least are needed to send materials to the committees as they are being reviewed.

MOTION BY MS. POWERS, SECONDED BY MS. BARNES: TO APPROVE THE SCHEDULE WHILE REMOVING THE MONTHS.

MOTION PASSED UNANIMOUSLY. VOTE: 7 TO 0.

Ms. Barnes suggested permitting Mr. Silverman to speak.

MOTION BY MS. BARNES, SECONDED BY MR. REDDING: TO ALLOW MR. ALAN SILVERMAN, PLANNING COMMISSION CHAIR TO SPEAK.

MOTION PASSED UNANIMOUSLY. VOTE: 7 TO 0.

(Secretary's Note: At the request of Dr. Morgan, Mr. Silverman's testimony has been transcribed as close to verbatim as permitted by the quality of the recording.)

Mr. Alan Silverman, Chairman of the Planning Commission stated he believes in local government and local governing. The discussion tonight focuses on the role of government and this group is to provide transparency, clarity and guidance in the hearing and commission processes as well as establishing personal conduct for both the commissioners and the public. The public needs to know what is expected of them and the people serving on the committees need to know what is expected of them as well.

Mr. Silverman stated he is interested in providing long term continuity in the form of maintaining documentation of administrative procedures; how commissions are conducted; a very clear description of the commissions real role and responsibility. He wanted to discuss on an overall macro point of view and provide suggestions. He stated when he started the Planning Commission he filled an unexpired term which gave him a chance to look, listen, read and talk to people. He found that the City of Newark and how the Planning Commission operate was based on longevity and institutional knowledge. The person who he replaced served for 25 years. The Director of the Department of Land Use served for 27 years. When they left, knowledge left. It was his opinion that the individuals on the Planning Commission did very good for the year they were on the Planning Commission, but the Data Center was a real challenge. Mr. Silverman stated some of the FOIA requests came from private interest groups, single issue groups that wanted to delay and interfere with and muck around with the process, bide time. It was his opinion that was the way it appeared. He suggests this committee look at all the committees and make a

general overall point of view. What is common to every committee? What do we have to know about every committee? He stated Dr. Morgan mentioned there was a narrative to what each committee does and Ms. Bensley stated there are some committees that meet on as needed basis if there was an appeal. Mr. Silverman stated he has served on the Sidewalk Committee and they haven't met in four years. People in Newark in addition to the Newark legislation, plus the development process have gotten people to the point where there is not a dispute over sidewalks. The City settled that a long time ago when either through legislation or legal opinion if it was in the public right-of-way it was the property owner that responsible for maintaining the sidewalks. When a new sidewalk is needed, it is now "picked up" in the modernized subdivision process where when the Planning Commission look at a plan City Public Works says by the way you need to connect this sidewalk to this sidewalk across your vacant property. Thus, these things have evolved.

In regard to the governing authority, the same word can mean different words to different people. It was his opinion that the governing authority for the Planning Commission is a rather extensive portion of the State Legislature under Municipalities and City Code. The state gives the Planning Commission powers that the City Building Inspectors do not have. As a Planning Commissioner he can trespass on the property by state law to view a proposal. The City Building Inspectors are now under a system where there is advanced notice required and arrangements have to be made. Therefore, they as the Planning Commission are independent. The City Code picks up some information in-between as to authority and describes how the Planning Commission operates. So there is some overlap. As far as he is aware, the Planning Commission is one of the few groups that's included in State Legislature. Mr. Silverman stated these things need to be sorted out right away when the review process starts. In addition, it was his opinion that all the committees lack administrative rules. As a sitting committee of the City of Newark there are "looks passed back and forth" as to "how do we approve this?" There is nothing that says Robert's Rules of Order will be used by all committees. Mr. Silverman stated he uses them as a rule and guide. He said one of the things that he does as board chair; under Robert's Rules the commissioners are really a committee. Committees can be operated on a much less formal basis. He further stated "his group" prefers him to use a consensus rather than shall we amend the order of business. He just "looks around" and say by consensus we move onto the next item or by consensus we will take things out of order. There needs to be that kind of formatting. He further stated that Maureen Feeney Roser who sits next to him is literally his left hand.

Mr. Silverman continued with the "working paper" he provided the committee which are general comments for their review.

- Determine the role of Boards and Commissions. Are they quasi-judicial in nature? In other words do they act like a courtroom? If they are quasi-judicial they have to be very careful of their procedures and how they work in making sure that all sides are

heard and given equal time. One has to be aware of the appeal process of such. Will it go directly to Superior Court or is there an appeal to City Council?

- Quasi-legislative (at least with the Planning Commission) is when things are worked on community wide. Quasi legislative is much more relaxed. There can be interaction among the commissioners and the public.
- Determine whether the Board or Commission is regulatory. Meaning they have the final say. The Planning Commission is all three.
- Authority and Guide. There is a state law and the City Code. Another very important thing to look at is court opinions. Terminology such as shall do it is the force of law. When it says should or may do, it is advisory. There are some court cases that have referred back to the local jurisdiction. The courts indicate they are not going to “second guess” what an accessory use (for example) is in the community. The City and its ethics commission is put in an interesting position and so is the board member or commissioner because all are subject to ethics violations. The way it stands now the board member would have to burden the personal cost of dealing with an attorney with the ethics board and then go before City Council to ask for your money back. The City is put in a poor position because they cannot properly defend you because they are the ones investigating you. Something needs to be worked out on that issues.
- He felt the City of Newark runs an efficient operation. There does not seem to be an excess of individuals. It may not run according to everyone’s satisfaction. There is a lot of institutional knowledge and longevity. The Planning Commission is advised by the Land Use Department. He is not aware of how other committees operate.
- Written administrative rules. The packet he provided has fifteen pages of an in-depth administrative rule manual. The Planning Commission has reviewed it. However, they are nowhere near a consensus even if there is a need for it. Included is the option to call city staff as witnesses or as a resource. He found in his research there is a recommendation that any written administrative rules for the committees be adopted by those committees and not by City Council. They are internal operating procedures of a committee not of a government. If they stay within that committee they are not actionable. On item 5C there is a section of City Code that states that the Planning Commission can hold informal conferences as it deems necessary and proper provided that no business shall be done at such conferences and they shall be for informational purposes. No minutes need to be kept. He has training conferences using this method.
- When looking at all the committees determine how they are appealed if the applicant is not satisfied with that committee’s particular work.
- Clarifying representation before the Board. It should be applicable to all the boards and commissions.
- With regard to the calendar an activity marker should be determined that the board meets once per month provided there is something on the agenda. The active committees may require more time and lesser committees less time.

In closing it was his opinion that each of the department directors should be asked to put together a review and a summary of how they see these committees and how they operate within their departments.

5. DISCUSSION OF POTENTIAL APPROVAL OF AGENDA FORMAT FOR FUTURE MEETINGS

Dr. Morgan stated that in the University Faculty Senate they always have a provision for introduction of new business at the end of a meeting. There is an understanding that it cannot be acted upon at the same meeting but issues can be raised. Ms. Bensley stated this is fine as long as it is not acted upon in the meeting. Per Ms. Bensley, this should be noted on a new agenda item if there is going to be substantive discussion on it.

Ms. Sullivan asked Ms. Bensley to explain the next to the last bullet "direction from the committee to staff regarding the consolidated committee evaluation with associated motions." Ms. Bensley stated the thought on that was to have direction from this committee as a whole to how the Committee wants the report prepared. For example any items the Committee wants on the report for the next meeting to be considered on the board it is evaluating.

MOTION BY MR. MORGAN, SECONDED BY MS BARNES: TO ADD INTRODUCTION OF NEW BUSINESS IMMEDIATELY BEFORE ADJOURNMENT.

MOTION PASSED UNANIMOUSLY. VOTE: 7 TO 0.

Mr. Silverman noted that with regard to public comment there is an attorney general's opinion that says "public comment does not have to be allowed." They must be permitted to observe. Dr. Morgan stated that in this town, the Committee does not want to cut out public comment for reasonable comments.

MOTION BY MS. POWERS SECONDED BY MS. SULLIVAN: TO ADD PUBLIC COMMENT AFTER APPROVAL OF THE CONSOLIDATED COMMITTEE EVALUATION FOR THE BOARD REVIEWED AT THE PREVIOUS MEETING.

MS. POWERS WITHDREW HER MOTION.

Mr. Redding asked Mr. Silverman if the Planning Commission allows public comment. Mr. Silverman stated it is allowed after the applicant addresses issues. Mr. Redding has a concern that most public comment is negative. It was his opinion that there goal is to remain objective and be unbiased and he wouldn't want that objectivity to be swayed by negative comment.

Dr. Morgan stated it can always be altered if they find it is not working effectively.

MOTION BY MS. SULLIVAN, SECONDED BY DR. MORGAN: TO ADD PUBLIC COMMENT AFTER ITEM FIVE ON THE PROPOSED AGENDA: DISCUSSION BY AND QUESTIONS FROM THE COMMITTEE REGARDING THE BOARD BEING REVIEWED THAT EVENING.

MOTION PASSED UNANIMOUSLY. VOTE: 7 TO 0.

6. SETTING OF FUTURE MEETING DATES

Ms. Powers is not available any Thursdays. Ms. Sullivan stated the fourth Tuesday would be the best. Ms. Barnes stated the fourth Tuesday is the best. Dr. Morgan stated the fourth Tuesday would be typically be good for him with the possible exception of November. All remaining were good with the last Tuesday of the month.

MOTION BY DR. MORGAN, SECONDED BY MS. SULLIVAN: THAT THE MEETING DATE BE SET AS THE FOURTH TUESDAY OF THE MONTH.

MOTION PASSED UNANIMOUSLY. VOTE: 7 TO 0.

Ms. Bensley asked for clarification that the Committee would still like to have a 7:00 p.m. start time, which the Committee members confirmed. Dr. Morgan asked if it would better for a tentative agenda to be sent out and posted ten days before the meeting. Ms. Bensley stated any agenda item has to be approved prior to that 7 day deadline. The next meeting will be held at 7:00 p.m on Tuesday, April 28, 2015. Ms. Bensley noted the May meeting will have to be changed to an alternate day as there is a Council meeting the 4th Tuesday of the month due to Memorial Day.

7. THE MEETING WAS ADJOURNED AT 9:03 P.M.

Renee K. Bensley
City Secretary

/tas

**CITY OF NEWARK
DELAWARE**

April 16, 2015

TO: Boards & Commission Review Committee Members
FROM: Renee Bensley, City Secretary 
CC: Mayor and Council
Carol Houck, City Manager
SUBJECT: Boards and Commissions Review Committee Evaluation Format

At the Boards and Commissions Review Committee meeting held on March 31, 2015, the Committee decided to postpone consideration of the final adoption of the evaluation format for the City's boards, commissions and committees to the April 27, 2015 meeting. Committee members were asked to provide comments on the form to the City Secretary by April 15, 2015 to be compiled and distributed to the Committee. As of April 15, four Committee members submitted documents for consideration by the committee: Roberta Sullivan, Jo Anne Barnes, Maria Aristigueta and John Morgan. All four submissions are attached to this memo for the Committee's consideration as well as the original draft format submitted to the Committee for its March 31 meeting. Additionally, Howland Redding stated that he would like to see a weighted average component added to the evaluation where certain items would carry more quantitative weight. Christopher Laird also responded stating that he felt the current evaluation form was sufficient.

Recommendations:

Staff recommends that the Boards and Commissions Review Committee review the comments provided by Committee members and approve an evaluation format to be used by the Committee.

Thank you for your consideration and please contact me if you have any questions.

/rkb

	<u>category</u>	<u>aspects</u>	<u>areas of strength</u>	<u>areas for improvement</u>	<u>Comments</u>
1	<u>Governing Authority</u>	city code and/or resolutions governing the body			
2	<u>qualifications</u>	required qualifications appropriate?			
3	<u>orientation/training</u>	existing orientation and/or training level of participation in above training			
4	<u>rules of procedure</u>	selection of chair and other officers meeting procedures			
5	<u>board membership</u>	number of members required to execute change length of member terms			
6	<u>activity level</u>	meeting frequency membership number of vacancies amount of active participation by members			
7	<u>reporting</u>	existing reporting requirements			

	<u>category</u>	<u>aspects</u>	<u>areas of strength</u>	<u>areas for improvement</u>	<u>Comments</u>
		compliance with above reporting requirements			
		appeal process			
8	<u>overall impressions of those involved in or with board or commission</u>	views of board or commission members			
		views of Department heads who work with board or commission			
		views of public who interact with board or commission			
9	<u>necessity</u>	scope of duties			
		similarity to other bodies			
10	<u>final overall recommendations</u>				

BOARDS AND COMMISSIONS REVIEW COMMITTEE EVALUATION FORM

COMMITTEE MEMBER:
BOARD/COMMISSION/COMMITTEE:
REPRESENTATIVES PRESENT FOR REVIEW:
DATE REVIEWED:
GOVERNING CITY CODE SECTION/RESOLUTION (attached)

EVALUATION CATEGORIES	I. CLARITY OF AUTHORITY	II. MEETING FREQUENCY	III. SCOPE OF DUTIES	IV. NECESSITY	V. RULES OF PROCEDURE	VI. REPORTING	VII. MEMBERSHIP	VIII. QUALIFICATIONS	IX. ORIENTATION/TRAINING	X. COMPENSATION	OVERALL RATING
WHAT IS REQUIRED BY CODE?											
ACTUAL PRACTICE?											
IMPROVEMENT NEEDED? State NO or Yes. If YES, describe on Comment Sheet.											
CATEGORY RATING (if appropriate): A B C D F											
REVIEW COMMENTS (Use Comment Sheet.)											
OVERALL RATING RECOMMENDATION: 5 4 3 2 1											

RATING RECOMMENDATIONS DEFINED

- 5 FULLY COMPLIES WITH CODE. POSSIBLE AREAS OF OPPORTUNITY.
- 4 MOSTLY MEETS CODE WITH SOME IMPROVEMENT/S NEEDED.
- 3 CRITICAL CHALLENGES, MAJOR IMPROVEMENT NEEDED.
- 2 REDEFINE PURPOSE OR POSSIBLE CONSOLIDATION.
- 1 BOARD/COMMISSION NOT NEEDED, REVISE CODE.

Board Performance Evaluation Tool

<http://hima2.org.au/> Health Information Management Association Australia

This simple tool is designed to assist in assessing the effectiveness of the board. The tool takes the form of a series of assertions which should be awarded a rating on a scale of 1 to 3 by individual directors or by the board as a whole. Once complete, the matters should be discussed at a board meeting. Discussions facilitated by a third party are often able to bring additional value to the process. 1 = Hardly ever/Below average, 2 = Average/Most of the time/Above average, 3 = All of the time/Fully satisfactory.

Behaviours	1	2	3	Comments
<i>Setting strategy</i> All Board members support and debate the organisation's strategy and values, enabling them to set the tone from the top.				
<i>Strategy</i> All Board members have a clear understanding of the organisation's core business, its strategic direction and the financial and human resources necessary to meet its objectives.				
<i>Board performance</i> The Board sets itself objectives and measures its performance against them on an annual basis.				
<i>Managing Board meetings and discussions</i> Board meetings encourage a high quality of debate with robust and probing discussions.				
<i>Managing internal Board relationships</i> Board members make decisions objectively and collaboratively in the best interests of the organisation and feel collectively responsible for achieving organisational success.				
<i>Managing the Board's relationship with others</i> The Board communicates effectively with all of the organisation's stakeholders and seeks their feedback.				
<i>Board members' own skills</i> Board members recognise the role which they and each of their colleagues is expected to play and have the appropriate skills and experience for that role.				
<i>Reaction to events</i> The Board responds positively and constructively to events in order to enable effective decisions and implementation and to encourage transparency.				
<i>Chairman</i> The chairman's leadership style and tone promotes effective decision-making, constructive debate and ensures that the Board works as a team.				
<i>Chairman and CEO relationship</i> The chairman and the chief executive work well together and their different skills and experience complement each other.				
<i>Attendance and contribution at meetings</i> All Board members attend and actively contribute at meetings.				
<i>Open channels of communication</i> The Board has open channels of communication with executive management and others and is properly briefed.				
<i>Risk and control frameworks</i> The Board's approach to reviewing risk in the organisation is open and questioning, and looks to learning points from events, rather than blame.				

Processes	1	2	3	Comments
<i>Composition</i> The Board is the right size and has the best mix of skills to ensure its optimum effectiveness.				
<i>Terms of reference</i> The terms of reference for the Board are appropriate, with clearly defined roles and responsibilities, ensuring that the right issues are being addressed.				
<i>Committees of the Board</i> The Board's committees are properly constituted, perform their delegated roles and report back clearly and fully to the Board.				
<i>Company secretary</i> The company secretary acts as an appropriate conduit for the provision of information to the Board and support to the chairman and directors.				
<i>Meetings and administration</i> The Board meets sufficiently often, and with information of appropriate quality and detail, such that agenda items can be properly covered in the time allocated.				
<i>Timeliness of information</i> Information is received in sufficient time to allow for proper consideration, with scope for additional briefing if necessary.				
<i>Agenda items</i> The Board agenda cycle covers all matters of importance to the organisation, is prioritised and includes consideration of corporate reputation, its enhancement and the risks surrounding it.				
<i>Annual General Meeting</i> The company makes best use of its Annual General Meeting.				
<i>External stakeholders</i> The Board has defined its external stakeholders and ensures that the organisation has the right level of contact with them.				
<i>Risk management</i> The Board uses an active and well-structured process to manage risk, taking account of the organisation's activities and the breadth of functions across the business.				
<i>Induction and training</i> Board members receive proper induction on appointment and ongoing training is available to meet development needs.				
<i>Succession planning</i> There is appropriate succession planning for key Board members and senior Executives.				
<i>Performance evaluation</i> Board members are individually subject to an annual performance evaluation that measures their contribution and commitment.				

BOARDS AND COMMISSIONS REVIEW COMMITTEE

Name of Board/Commission/Committee: _____

Please describe the purpose of your Board/Commission/Committee: _____

Category	Description	Rating		Comments
		Yes	No	
Orientation & Training	1. New committee members participate in an orientation training session.			
Orientation & Training	2. Existing committee members participate in training opportunities.			
Board Membership	3. This committee has the sufficient number of members to execute the charge of the body.			
Reporting	4. This committee is required to submit regular reports to the City of Newark. (Specify frequency.)			
Reporting	5. This committee complies with submitting regular reports to the City of Newark.			
Rules of Procedure	6. This committee follows an agenda for their meetings.			
Rules of Procedure	7. This committee has a secretary that takes minutes during their meetings.			
Rules of Procedure	8. This committee provides copies of their meeting minutes to members of the public.			
Necessity	9. This committee is similar to another body within the City of Newark. (Specify which body.)			
Necessity	10. This committee is a candidate to merge with another body within the City of Newark. (Specify which body.)			

Activity Level

11. This committee meets Weekly Monthly Quarterly Annually Other (Explain) _____
12. How many members are in your committee? _____
13. How many vacancies do you currently have in your committee? _____

Board Membership

14. How long is a committee member's term on your committee? 1 year 2 years 3 years Other (Explain) _____
15. How long is the committee chair's term on your committee? 1 year 2 years 3 years Other (Explain) _____
16. What are the current qualifications required to serve on this committee? _____
- a. Are these qualifications appropriate? Yes/No _____ Please explain. _____
17. Please describe the current availability of training for existing committee members. _____

18. Please describe the orientation process for new committee members. _____

Compensation

19. How much is the compensation for this committee? _____

Rules of Procedure

20. How is the Chair selected for this committee? Volunteer Elected Selected by Committee Appointed by _____
21. How are members selected for this committee? Volunteer Elected Selected by Committee Appointed by _____

Governing Authority

22. What are the City Code sections from which your committee derives their governing authority? _____

23. What are the resolutions from which your committee derives their governing authority? _____

24. What factors would improve your committee's governing authority? _____

Feedback

25. What are the areas in which your board/committee/commission excelled? _____

a. To what do you attribute this excellence? _____

26. What are the areas in which your board/committee/commission could improve? _____

27. What recommendations would you make for the future of this committee? _____

REMARKS ON EVALUATIONS OF BOARDS AND COMMISSIONS

John D. Morgan (District 1) April 15, 2015

At the risk of being in a minority of one, I would like to share with you my reservations about trying to evaluate all our City's boards and commissions on a numerical scale.

As a faculty member at the University of Delaware, I am familiar with the annual evaluation of its employees in various categories on numerical 9-point scales. Because we faculty are represented by a union and our Collective Bargaining Agreement specifies that our merit pay increases must be directly related to our numerical evaluation scores, we must use numerical scales for our annual evaluations.

It is my understanding that the annual evaluation of employees on a numerical scale is also common in the business world.

There are, however, some important differences between this common practice in the academic and business worlds and the situation we face in evaluating our City's boards and commissions.

One important difference is that numerical evaluation scores of employees in the academic and business worlds are usually treated as confidential between the employee and the supervisor(s), and are not shared even with other employees, let alone with the general public. In contrast, any evaluation scores we may give will be a matter of public record, and can be used by members of the public in whatever way they choose.

Another important difference is that the people being evaluated in the academic and business worlds are **employees**, whereas the members of the boards and commissions we will evaluate are unpaid **volunteers**.

To be sure, our review committee has been asked not to evaluate the individual members of our City's boards and commissions, but each board or commission as a whole. Nonetheless, I think it is inevitable that the members of our City's boards and commissions will take personally our evaluations of the boards and commissions on which they serve.

It is a mathematical truism that if anything is evaluated on a numerical scale, half the scores will be below average. If we are evaluating each board or commission on a numerical scale in 10 or so different categories, it is very likely that each board or commission will be rated "below average" in at least a couple of categories, and that some or all of its volunteer members will interpret these rankings personally.

One of the main reasons why our review committee was established last year was a feeling that there were limited opportunities for our citizens to become members of our City's boards and commissions, and that more should be done to facilitate a broader range of our citizens volunteering to serve on them. I am quite worried that our review committee could do more harm than good if in the process of evaluating all our City's boards and commissions, we discourage citizens from volunteering to serve on them because they think some aspects of their work will end up being publicly rated "below average" in the near or distant future.

Hence I continue to believe the best way forward is for our review committee not to use numerical evaluation scales, but rather to issue narrative reports which focus on what should be done to help our City's boards and commissions function more effectively.



BOARDS AND COMMISSIONS REVIEW COMMITTEE REPORT

Name of Board/Commission/Committee:

CATEGORY	DESCRIPTION	RATING				
		1	2	3	4	5
Governing Authority	Major factors to consider are the City Code sections and/or resolutions governing the body, their effectiveness and if improvement is needed.					
Activity Level	Major factors to consider are meeting frequency, membership levels and number of vacancies.					
Necessity	Major factors to consider are the scope of duties addressed by the body, similarity to other bodies, and candidacy for consolidation.					
Qualifications	Major factors to consider are current qualifications required to serve on the body and if greater/fewer qualifications may be appropriate.					
Orientation/Training	Major factors to consider are existing orientation and/or training opportunities provided to new and existing members of the body and participation in those opportunities.					
Board Membership	Major factors to consider are evaluation of the number of members necessary to execute the charge of the body and the length of member terms.					
Rules of Procedure	Major factors to consider are evaluation of the rules of procedure of the body including the selection/appointment of a chair and other officers, meeting procedures, etc.					
Compensation	Major factors to consider are the existing compensation amount for the body and comparative compensation within other jurisdictions for similar bodies.					
Reporting	Major factors to consider are existing reporting requirements for the body and the compliance of the body with those requirements.					

REVIEW COMMITTEE COMMENTS FOR EACH CATEGORY:

CATEGORY	COMMENTS
Governing Authority	
Activity Level	
Necessity	
Qualifications	
Orientation/Training	
Board Membership	
Rules of Procedure	
Compensation	
Reporting	

What are areas in which the board/committee/commission excelled?

What could be improved regarding the board/committee/commission?

What actions are recommended by the Boards and Commissions Review Committee regarding this board/committee/commission for City Council to consider?

DRAFT

Approved by the Boards and Commissions Review Committee on _____, 2015.

Vote: __ to __.

Attest:

City Secretary

Chairperson
Boards & Commissions Review Committee

For Office Use Only:

Date Submitted to Council: _____, 2015

Action Taken by Council:

DRAFT

**CITY OF NEWARK
DELAWARE**

April 20, 2015

TO: Boards & Commission Review Committee Members

FROM: Renee Bensley, City Secretary *RB*

**CC: Mayor and Council
Carol Houck, City Manager**

SUBJECT: Recruitment and Nomination of Boards and Commissions Members

Traditionally, the Mayor and members of Council have recruited all boards and commissions member. If the membership of a board is geographically distributed, the sitting Council member solicits residents within his or her district to fill any vacancy and is responsible for the nomination of a resident for appointment or reappointment to that position. Examples of geographically distributed boards and commissions include Planning Commission, Conservation Advisory Commission, Community Development/Revenue Sharing Advisory Committee, Election Board and the Boards and Commissions Review Committee.

If the membership of a board is not geographically distributed or there are at-large positions on a board, the Mayor solicits individuals to fill any vacancies and is responsible for the nomination of individuals for appointment or reappointment to those positions. While those individuals are most often residents, there are some positions that allow for the option of non-residents to be appointed, particularly on the Downtown Newark Partnership (such as an owner of a Main Street business, a representative of the New Castle County or Delaware Chamber of Commerce, etc.). The Mayor traditionally has also taken recommendations of Council members under advisement if they offer any potential nominees. Examples of boards that are not geographically distributed include Board of Adjustment, Board of Building Appeals, Board of Business License Review, Downtown Newark Partnership, Board of Ethics, Newark Housing Authority, Memorial Day Parade Committee, Personnel Review Committee, Property Maintenance Appeals Board and Board of Sidewalk Appeals.

As part of the formulation of the Boards and Commissions Review Committee, Council elected to create and approve an application form for the boards and commissions nomination process, which has now been in place since June 23, 2014. The Mayor and members of Council may still solicit nominees to submit applications, but applicants may also submit applications unsolicited via the application posted on the website. To date, two unsolicited applications have been received since the application process was implemented. The Mayor and members of Council still retain the right to submit their chosen nominee for any vacancies assigned to them as described above to Council as a whole for consideration. Any individual being nominated for appointment or

reappointment to one of the City's boards must complete the application form (blank copy attached) and submit a resume or brief biographical statement to be considered by Council. Additionally, nominations for boards and commissions appointments were also removed from the consent agenda of Council meetings as of November 10, 2014 to its own section of the agenda open for public comment. Response to both of these changes has been varied. Some of the comments received include:

- Standardization of information received via the application process is beneficial and creates more transparency;
- The content of the application and items traditionally included in the required resume have duplicative elements;
- Is there a need for existing board members to submit the application/resume/bio or if they should be "grandfathered in" and only new applicants required to submit the application materials;
- Whether application materials should be posted online in full as other Council agenda packet items are or with personal information redacted;
- Should applicants be required to be present for their nomination to be considered by Council;
- Whether Council members should submit additional information regarding their reasons for supporting their nominees as part of the Council packet item;
- Is the application process is too cumbersome for volunteer positions; and
- Should all boards and commissions be required to use the application as it is currently or are there some committees where individual applications may not be necessary.

All members of the Boards and Commissions Review Committee have gone through this application process and are thus familiar with it. However, the Committee may find it beneficial to get feedback from the members of other boards through the larger evaluation process before making a final recommendation to Council.

Thank you for your consideration and please contact me if you have any questions.

/rkb



CITY OF NEWARK

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Updated 6/23/14

Boards and Commissions Application

Thank you for your interest in the boards and commissions of the City of Newark!

Name:

Address:

Phone Number (home):

Phone Number (cell):

E-mail Address:

Council District: Select District Length of Time as a City of Newark Resident:

Board/Commission on which you are interested in serving:

Provide any special knowledge, education, experience, qualities or talents that qualifies you to serve on the boards and/or commissions listed.

Explain why you are seeking appointment to this committee.

Which of your personal or professional skills do you feel will enhance this committee?

Please describe a time you worked as part of a committee or team that demonstrates your ability to work effectively in a group.

How much time on a monthly basis are you able to devote to the board/commission if selected? Please refer to the attached list for the average amount of time each board/commission requires.

Do you, your spouse or any immediate family members have any potential conflicts of interest (personal or financial) that could require you to recuse yourself from votes of the board/commission for which you are applying?

Do you have a personal or business relationship with any members of City Council, members of any City board or commission, or employee of the City of Newark? If so, please list them.

Have you ever been registered or served as a lobbyist (paid or unpaid) with the state of Delaware or any government organization? If so, please list the organizations you represented.

Please list three references that are not related to you and would be able to speak to your ability to serve on this board/commission.

Please attach a resume or bio that includes the following: employment history, educational history, professional licenses/certifications, organizational/society memberships, community/volunteer experience and previous experience serving on committees.

_____ Please initial to certify that you are in good financial standing with the City of Newark, which includes being current on all taxes, utilities and other obligations owed to the City.

_____ Please initial to acknowledge that applications are public documents and are subject to disclosure under the Freedom of Information Act of the State of Delaware if requested.

I certify that the information submitted in this application is true to the best of my knowledge and recognize that if any of the information included in this application is false, my application may be disqualified from consideration. If any information in this application changes during the consideration process or during my term if appointed, I agree to submit the updated information to the City Secretary's office to be appended to my application as soon as possible.

Signature of Applicant

Date

Thank you for volunteering for the City of Newark!

Average Monthly Time Commitment for the City of Newark Boards and Commissions

- Board of Adjustment
 - Meets on the third Thursday of each month when appeals are filed. Averages six to eight meetings per year. Length of meeting dependent on number of appeals considered plus the time to review applications independently.
- Boards and Commissions Review Committee
 - Meets monthly to review existing boards and commissions. Temporary board to be sunset upon completion of reviews and recommendations to Council.
- Board of Building Appeals
 - Only meets when appeals are filed. Averages one meeting or less per year.
- Board of Business License Review
 - Only meets when appeals are filed. Averages one meeting or less per year.
- Community Development/Revenue Sharing Advisory Committee
 - Meets from June through October each year. Averages four to five meetings plus a public hearing. Meetings are approximately two hours each plus the outside time to review proposals independently.
- Conservation Advisory Commission
 - Meets on the second Tuesday of each month. Meetings are approximately two to two and a half hours.
- Downtown Newark Partnership
 - Meets monthly for approximately one hour. Members may volunteer to assist on additional DNP projects which would require additional time.
- Election Board
 - Meets annually in January. Additional volunteer time required for election preparation from January through the election on the second Tuesday in April, including certifying candidate petitions, Election Day preparation, meetings for voting machine operation training, certification of voting machines and election worker training.
- Board of Ethics
 - Only meets when complaints are filed. Averages one meeting or less per year.
- Newark Housing Authority
 - Meets on the second Wednesday of each month.
- Newark Memorial Day Parade Committee
 - Meets as needed in the months prior to the Memorial Day Parade, which is held on the third Sunday in May.
- Personnel Review Committee
 - Only meets when appeals are filed. Averages one meeting or less per year.
- Planning Commission
 - Meets on the first Tuesday of each month. Length of meeting dependent on number of appeals being considered plus the outside time to review applications independently.
- Property Maintenance Appeals Board
 - Only meets when appeals are filed. Averages one meeting or less per year.
- Board of Sidewalk Appeals
 - Only meets when appeals are filed. Averages one meeting or less per year.

**CITY OF NEWARK
DELAWARE**

April 20, 2015

TO: Boards & Commission Review Committee Members

FROM: Renee Bensley, City Secretary 

**CC: Mayor and Council
Carol Houck, City Manager**

SUBJECT: Open Meetings Requirements

Currently, all boards and commissions for the City of Newark meet the minimum obligations of the Delaware Freedom of Information Act, which include posting notice of the meeting in the Newark Municipal Building a minimum of 7 days in advance of the meeting date, keeping summary minutes of all meetings and holding open meetings where the public is able to attend and observe the proceedings. Additionally, the following boards regularly post agendas and approved minutes on the City's website: Board of Adjustment, Boards and Commissions Review Committee, Conservation Advisory Commission, Downtown Newark Partnership, Election Board and Planning Commission. The Community Development/Revenue Sharing Advisory Committee also posts agendas on the City's website. Currently, audio recordings are not posted for any boards and commissions meetings. Notices of boards and commissions meetings are also placed on the calendar on the City's website and sent out via text and e-mail messages through the InformMe notification system.

Additionally, there are some boards and commissions that have additional notification requirements to affected residents when considering applications and projects. The Board of Adjustment requires "due notice to the parties in interest, and by mail to the registered owners of the next five properties adjoining or adjacent, in each direction, to the property upon which the appeal centers" (Sec. 32-70). The Planning Commission requires that "in the case of proposals to amend the zoning map, a reasonable effort shall be made to give ten days' notice by mail to all property owners of record, according to ownership data available at Newark, whose property is proposed to be changed by said amendment, and to those immediately adjacent thereto, extending 300 feet therefrom and to those directly opposite thereto, extending 300 feet back from the street frontage of such opposite lots" (Sec. 32-79(b)). Both Board of Adjustment and Planning Commission also require publication of notice of their meetings 15 days prior to the meeting date in a newspaper of general circulation.

Questions the Committee may wish to consider include:

- Should all boards and commissions post both agendas and approved minutes on the City's website?

- Should all boards and commissions meetings be required to be recorded? If so, will that affect the venue for the meetings?
- If all meetings are required to be recorded, should audio recordings of boards and commissions meetings be posted on the City's website?

The Committee may find it beneficial to get feedback from members of other boards through the larger evaluation process before making a final recommendation to Council. Thank you for your consideration and please contact me if you have any questions.

/rkb