

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

**September 22, 2015 – 7:00 PM
Council Chamber**

1. Call to Order
2. Approval of the Minutes of the July 28, 2015 Boards and Commissions Review Committee Meeting
3. Discussion and Potential Action Regarding Amending the Schedule of Committees to Be Reviewed
4. Discussion and Potential Action Regarding the Timeline for Production of Minutes by Committees
5. Public Comment
6. Introduction of New Business
7. Setting of Next Meeting Date – October 25, 2015 at 7:00 p.m.
8. Adjournment

The above agenda is intended to be followed, but is subject to changes, deletions, additions, and modifications, as permitted under the Freedom of Information Act of the State of Delaware. The agenda is posted (7) seven days in advance of the scheduled meeting in compliance with 29 *Del. C.* Section 10004 (e)(2). Copies may be obtained at the City Secretary's Office, 220 South Main Street, or online at www.cityofnewarkde.us.

Agenda Posted – September 4, 2015

Attest:

Sworn by:

City Secretary

Notary Public

(Seal)

**CITY OF NEWARK
DELAWARE
BOARDS AND COMMISSIONS REVIEW COMMITTEE
MINUTES
JULY 28, 2015**

Those present at 7:00 p.m.:

Members: Chairperson, Rebecca Powers, At Large
John Morgan, District 1
Christopher Laird, District 3
Roberta Sullivan, District 4
M. Howland Redding, District 6

Absent: Jo Anne Barnes, District 2
Maria Aristigueta, District 5

Guests: Katie Gifford, District 3
Al Porach, District 2

Staff: Renee Bensley, City Secretary
Sharon Bruen, Recreation Supervisor, Community Events

1. **MEETING CALLED TO ORDER BY CHAIR REBECCA POWERS AT 7:00 P.M.**
2. **APPROVAL OF MINUTES OF THE APRIL 28, 2015 BOARDS AND COMMISSION REVIEW COMMITTEE**

Ms. Bensley reviewed changes to the minutes that Dr. Morgan had submitted. Ms. Powers asked for clarification from Dr. Morgan. He stated the changes were self-explanatory and in most cases suggested clearer wording.

MOTION BY MS. SULLIVAN, SECONDED BY MR. LAIRD: TO APPROVE THE MINUTES AS AMENDED.

**MOTION PASSED UNANIMOUSLY.
VOTE: 5 TO 0. (ABSENT: ARISTIGUETA, BARNES)**

3. **MEMORIAL DAY PARADE COMMITTEE REVIEW PRESENTATION**

Ms. Powers introduced Sharon Bruen, Parks & Recreation Department staff to the Memorial Day Parade. Ms. Bruen stated the Memorial Day Parade Committee has existed for many years. The purpose of the committee is to plan the annual Memorial Day Parade on Main Street. She stated the parade starts with a ceremony on UD's "Green" and usually is held on the Sunday prior to Memorial Day (typically the third Sunday of May).

Ms. Bruen stated the proposal was to re-align the committee to be under the Parks & Recreation Department. Ms. Bruen stated this proposed change would have no effect on the Parade or the committee itself. The only change may be the realignment of the Committee's Treasurer to fall under the City for funding. The City currently donates to the Parade and they are essentially funding the event. Therefore, the City would generate payments through purchase orders, rather than have the Committee Treasurer write out checks.

Ms. Bruen stated it would make it easier to have the maintenance of the committee under the Parks & Recreation Department. The application and appointment process by Council would be alleviated. The current membership runs from January to December. Due to the parade occurring in May, it would be better to have the committee run July to June.

Dr. Morgan stated he read the documentation. It was his opinion that the proposal makes a great deal of sense. Additionally, he stated that no one was present from the committee to participate in a discussion so the kind of review that may occur for other Boards will not occur this evening for this Board. He said the Board may be able to make a motion stating they agree with the recommendation of Parks & Recreation Department to disestablish the committee as a committee of Council and rather have it as an informal group that the Parks & Recreation Department puts together to help with the organization of the parade.

Ms. Sullivan asked if anyone had ever objected to not being included or not having a say. Ms. Bruen stated that had never been an issue. Ms. Bruen stated she had been working with the committee for six years. She reported that membership had been declining for many years. The goal is to make sure there is still a veterans and military element. However, it is becoming more difficult to get those types of members. Ms. Sullivan asked if they would still be included on a consultant type basis. Ms. Bruen stated they would be. She also stated for the past few years they had been utilizing the military standard for parade which resulted in continuity and decreases the amount of meeting time and required input from the committee member spent preparing for the parade.

Ms. Sullivan stated he had heard nothing but praise about the parade. Mr. Redding asked if the budget would be affected by the change. Ms. Bruen stated it would not. Mr. Redding asked how members were recruited. Ms. Bruen stated it was typically done by word of mouth. She further stated in the past it has been listed as (for example) one person from each organization needs to be represented, with approximately 20 organizations on the list. Yet, Ms. Bruen stated attendance at the meetings would only be approximately 5 people. However, she stated the consistencies are in the local organizations, i.e. UD ROTC and local military personnel (retired or active) so that is helpful.

Dr. Morgan stated it was his opinion another advantage of not having a Council appointed committee was the fact that the meetings do not have to have a quorum and information can be disseminated through email. It was his opinion it would function a lot better.

MOTION BY DR. MORGAN, SECONDED BY MR. REDDING: THE BOARDS AND REVIEW COMMITTEE RECOMMEND TO COUNCIL THAT THE MEMORIAL DAY PARADE COMMITTEE BE REMOVED AS A COUNCIL APPOINTED COMMITTEE AND BE MADE AN INTERNAL DEPARTMENTAL COMMITTEE WITHIN THE PARKS & RECREATION DEPARTMENT.

MOTION PASSED UNANIMOUSLY.

VOTE: 5 TO 0. (ABSENT: ARISTIGUETA, BARNES)

4. PUBLIC COMMENT

Katie Gifford, District 3, felt the Boards & Commissions Review Committee had an interesting purpose to it. She reported the InformMe system has been a real improvement keeping track of upcoming meetings and notifications or cancellations. She expressed concern that upon attending several different meetings there ended up not being a quorum so a "real" meeting was unable to take place. Example: Parking Committee meeting. She suggested reviewing attendance and reviewing times when a particular board or committee was unable to have a quorum and were unable to meet and should be an important component of the Boards & Commission Review Committee. She also expressed concern that at times when a member of public has attended a larger meeting i.e. a Council meeting and voice concerns over certain issues/project; the attendee is told they should have attended the smaller meetings that occurred prior. Additionally, meetings that are held in restaurants, although a pleasant surrounding can be difficult to hear. There are perhaps other options. There are also ways to improve communication with the public with making sure the minutes are kept up to date on the City website so if people are unable to attend they can keep up to date by reading the minutes.

Dr. Morgan asked Ms. Bensley which boards or commissions do not meet in the municipal building. Ms. Bensley stated all the listed committees meet in Council Chambers due to the security changes. The only committees that meet outside of the municipal building are subcommittees of the Downtown Newark Partnership. The only exception would be a meeting that may attract a larger crowd and then a larger venue is secured. For example, the Board of Adjustment hearing for The Data Centers was held at Newark High School.

Albert Porach, District 2, stated this was the first time he had attended this committee's meeting. He stated he concurred with a lot of opinions expressed by Ms. Gifford. He expressed interest and will look forward to following this process.

5. DISCUSSION ON PROCEDURE FOR ADDING AGENDA ITEMS

Dr. Morgan suggested two proposals: introducing new business at the end of a meeting where a discussion could follow but no votes or submitting a motion for the agenda to be posted one week in advance.

Ms. Bensley stated the reason this topic had come up was Dr. Morgan had sent some items for last month's meeting and they were included on the agenda (i.e. the motion regarding the publicizing and advertising of committee vacancies). That item was placed on the agenda. Additionally, Dr. Morgan had sent another motion before the commission currently (slightly altered). Ms. Bensley stated she, as staff, wanted clarification on the procedure that the commission wanted to follow especially if the topic had not been discussed prior.

Ms. Sullivan asked if the new business would be included with the agenda on the website. Ms. Bensley stated it would. Ms. Sullivan stated she would prefer it would be something that was discussed before. Ms. Bensley stated the new topic could be broached in new business, formally added and then discussed at the next meeting.

Ms. Powers asked if there is a middle ground as there may be some topics that are time sensitive. Ms. Bensley stated agenda items could be brought to the chair for consideration. Mr. Redding asked Dr. Morgan for clarification as to what would be so urgent to be placed on the agenda. Dr. Morgan stated there are some committees that are not being timely on posting minutes on the web. He stated there has never been a formal statement by a representative of the City stating it is important to have accurate minutes posted promptly. It is not state law or local law. It was his opinion it would only be fair to make a statement indicating such before boards and commissions are evaluated. Another example would be if the schedule had to be altered for reviewing a committee.

Ms. Bensley stated it is not legal to have a discussion of a quorum of anybody of business that is being taken up by the body. Ms. Bensley asked Dr. Morgan if he was suggesting emailing it to a single person or a group. Ms. Bensley said any type of group email discussions are off limits. Dr. Morgan suggested identifying one other person who would second his proposed agenda. Dr. Morgan suggested proposing a "draft agenda" published on the City's website more than a week in advance before the agenda is finalized. Ms. Bensley stated she is not comfortable with this suggestion. Ms. Powers stated it was her opinion that the commission was not comfortable with saying yes to add an agenda item.

MOTION BY DR. MORGAN, SECONDED BY MS. POWERS: THAT BETWEEN MEETINGS ANY MEMBER OF THIS COMMITTEE CAN SUBMIT TO THE CHAIR OR THE VICE CHAIR AN ITEM TO BE INCLUDED ON THE AGENDA OF THE NEXT MEETING.

**MOTION PASSED. VOTE: 3 TO 2.
AYE: LAIRD, MORGAN, POWERS
NAY: REDDING, SULLIVAN
(ABSENT: ARISTIGUETA, BARNES)**

6. INTRODUCTION OF NEW BUSINESS

Proposed motion drafted by Dr. Morgan (entered into the record).

It was Dr. Morgan's opinion that every effort should be made to get draft minutes posted within 20 working days of the conclusion of a meeting. Dr. Morgan stated the Planning Commission could be used as a guide. The commission has monthly meetings and draft minutes are posted a week before the next meeting.

Ms. Bensley stated it was her understanding the state law had been passed for groups that meet four or fewer times per year. If a group only meets once per quarter, etc. and are waiting to approve the minutes at the next meeting and then post these minutes, you could at times be seeing a three, six or more month delay. She further stated the motion before this commission currently is to have draft minutes of all meetings of the City of Newark's boards and commissions be posted within 20 working days after the conclusion of the meeting, which was more restrictive than the State law.

Ms. Powers asked (in regard to the Planning Commission) if the draft minutes are removed off the web site once they are finalized. Ms. Bensley stated the draft minutes are removed once they have been approved and then an approved copy is placed on the website.

Ms. Sullivan stated she had a concern about the twenty working days being enough time to notify someone (i.e. a board or commission they are reviewing) if a decision is made and had not yet been communicated appearing on a website first. Ms. Bensley stated after a review of a committee is completed, at the next meeting the draft evaluation will be approved and then it would be forwarded on to Council. Then the topic would be placed on a Council agenda and would advertised and the committee would be notified.

Mr. Redding stated his concern in posting draft minutes would be the potential for inaccuracies (i.e. quotes being inaccurate). He stated he is in agreement for timely minutes but has concerns.

Dr. Morgan stated he did not write the proposed resolution with the intent to be a recommendation for formal action by Council for several reasons. He stated he does not care if it's 20 working days or more. He further stated it is simply a recommendation to go to all the boards and commissions that compile minutes.

Mr. Laird had a concern about the committees that don't meet regularly (i.e. Sidewalk Committee). How would they know they have to comply?

Ms. Bensley stated she was concerned where this concept would go if it was passed by the committee if the intent was not to go before Council. Ms. Powers stated she may be in agreement with Ms. Bensley. Dr. Morgan stated the commission has a month to think about this idea.

Dr. Morgan expressed concern that individuals perhaps should not have to fill out the application form every year to be reappointed to the committee (e.g. Memorial Day Parade Committee). Ms. Bensley stated Council passed this as a policy not as a formal Code change. Therefore, it has been practice for those who have filled out the application form once to be asked to provide any updated information and for the previous application to be resubmitted during the reappointment process.

Dr. Morgan stated he thought Ms. Gifford's input was valuable and he stated he had attended three of last four meetings of the Planning Commission and he was very impressed in the content. There is no substitute for attending a meeting. Dr. Morgan recommended to the commission for them to attend a least one board or commission meeting before they review them.

Dr. Morgan suggested moving the Parking Committee review up. Ms. Powers suggested emailing Ms. Bensley with this concern prior to next month's meeting. Dr. Morgan stated the Downtown Newark Partnership is a very large committee with several sub-committees. It his opinion there will need to be more than one meeting to consider it adequately. Ms. Bensley stated the order of reviews is flexible. However, any schedule changes should be made at least two months in advance to provide for adequate preparation.

Ms. Sullivan asked if there was an updated schedule. Ms. Bensley stated there was a schedule change. The Mayor had requested the Memorial Day Parade Committee be moved up to the first committee to be evaluated due to expired terms. Everything else is being reviewed in the same order. Ms. Sullivan asked if the commission was required to provide a rationale for recommendations. Ms. Bensley stated with regard to tonight's review it was done sufficiently. With more complex recommendations, Ms. Bensley would do a cover memo that the Chair would sign off on prior to it being forwarded to Council to provide a summary on the recommendations. Ms. Powers stated when at all possible she will attend the Council's meetings when they are presented to Council. Ms. Sullivan wished to add that she found the "background" document (on the commission being reviewed) was important and very helpful.

Ms. Powers asked Ms. Bensley to send out the schedule again. Ms. Bensley stated the proposed resolution will be on the August 24, 2015 meeting, if the agenda permits.

7. SETTING OF NEXT MEETING

The next meeting is scheduled for Tuesday, August 25, 2015 at 7:00 p.m.

8. THE MEETING WAS ADJOURNED AT 8:11 P.M.

Renee K. Bensley
City Secretary

/tas

DRAFT

**CITY OF NEWARK
DELAWARE**

September 3, 2015

TO: Boards & Commission Review Committee Members

FROM: Renee Bensley, City Secretary *RUB*

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

SUBJECT: Boards and Commissions Review Committee Schedule Change

At the Boards and Commissions Review Committee meeting held on June 16, 2015, the Committee set the order of review for the City's boards, commissions and committees as follows:

- Newark Memorial Day Parade Committee
- Board of Building Appeals, Property Maintenance Appeals Board, Board of Sidewalk Appeals
- Board of Business License Review, Personnel Review Committee
- Board of Ethics
- Election Board
- Board of Adjustment
- Downtown Newark Partnership
- Planning Commission
- Community Development/Revenue Sharing Advisory Committee
- Conservation Advisory Commission

Review of the Newark Memorial Day Parade Committee was completed on July 28, 2015. Since that time, Dr. Morgan has requested that the schedule for the committee reviews be revisited. Additionally, it was thought that a more holistic view of the overall schedule may be beneficial as concerns have been raised due to the timing of the workload of certain committees being reviewed due to the Committee's delayed start of review of committees as part of the time it took to determine the evaluation procedures at the Committee's launch and subsequent issues that have been raised by City staff.

Therefore, staff proposes a revised schedule (with tentative dates attached) for review of the boards and committees as follows:

- Newark Memorial Day Parade Committee (completed July 28, 2015 and recommendation approved by Council on August 10, 2015.)
- Election Board (October 27, 2015)
- Board of Ethics (November 24, 2015)

- Board of Building Appeals, Property Maintenance Appeals Board, Board of Sidewalk Appeals (January 26, 2016)
- Downtown Newark Partnership (February 23 and March 22, 2016)
- Community Development/Revenue Sharing Advisory Committee (April 26, 2016)
- Conservation Advisory Commission (May 31, 2016)
- Planning Commission (June 28, 2016)
- Board of Adjustment (July 26, 2016)
- Board of Business License Review, Personnel Review Committee (August 23, 2016)

These recommended changes would address the following logistical issues:

- Moving the Election Board to October would allow Council to address any recommendations for the board prior to the beginning of the 2016 City election season, which would avoid the appearance of impropriety that could be raised by changing items for the Election Board during the time that the Mayor and other Council members are up for election.
- Moving the Board of Ethics to November would permit the anticipated needed Code changes to be addressed by Council prior to completion of the recodification project and allow those changes to be incorporated.
- Due to potential difficulties with scheduling staff and committee member availability around the holidays, the Committee may wish to consider cancelling its December meeting as it falls the week of the Christmas holiday.
- Moving the Board of Building Appeals, Property Maintenance Appeals Board and Board of Sidewalk Appeals to January would permit more meaningful staff involvement in the evaluation process due to other legal issues that require staff attention.
- Giving the Downtown Newark Partnership two months for review in February and March due to the fact that there are four subcommittees in addition to the primary committee that will be part of that review.
- Moving the Community Development/Revenue Sharing Advisory Committee to April so that its review may be completed and any recommendations be implemented by Council prior to the committee beginning its duties for 2016.
- Moving the Conservation Advisory Commission to May for review in order to avoid having the Planning and Development Department related committees evaluated in five consecutive months.
- Moving the Board of Business License Review to be the final committee reviewed as it is in the process of being reconstituted and may be becoming more active, which would be pertinent to the Committee review process.

Recommendations:

Staff recommends that the Boards and Commissions Review Committee approve the amended review schedule enumerated above.

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

/rkb

MOTION drafted by John D. Morgan (District 1) for Introduction as New Business at the Boards and Commissions Review Committee Meeting on Tuesday, July 28, 2015:

WHEREAS prompt and accurate communication of information between a government and its citizens is vital if a representative democracy is to function well, and

WHEREAS the State of Delaware's Freedom of Information Act (Title 29, Chapter 100, Section 10004(f); see <http://delcode.delaware.gov/title29/c100/>) provides that

'All public bodies in the executive branch of state government that are subject to the provisions of this chapter and meet 4 or fewer times per year shall electronically post draft minutes of open public meetings, identified as "draft minutes," to the designated State website approved by the Secretary of State within 20 working days after the conclusion of the meeting',

and

WHEREAS the government of the City of Newark should strive to meet or exceed the standards for openness set by the State of Delaware, in compliance with not only the letter but also the spirit of the law, therefore be it

RESOLVED that the Boards and Commissions Review Committee recommends that draft minutes of all meetings of the City of Newark's boards and commissions be posted on the City's website within 20 working days after the conclusion of the meeting, and also be linked to the agenda of the next meeting at least one week before the next meeting.