

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

**April 26, 2016 – 7:00 PM
Council Chamber**

1. Call to Order
2. Approval of the Minutes of the March 22, 2016 Boards and Commissions Review Committee Meeting
3. Approval of the March 22, 2016 Evaluation of the Community Development/Revenue Sharing Advisory Committee by the Boards and Commissions Review Committee
3. Conservation Advisory Commission Presentation
4. Discussion and Potential Action Regarding the Committee Review of the Conservation Advisory Commission
5. Public Comment
6. Introduction of New Business
 - A. Creation of an FAQ Sheet to be Distributed to Committees – Jo Anne Barnes
7. Next Meeting Date – May 31, 2016
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 – April 19, 2016

Attest:

Sworn by:

City Secretary

Notary Public

(Seal)

**CITY OF NEWARK
DELAWARE
BOARDS AND COMMISSIONS REVIEW COMMITTEE
MINUTES
MARCH 22, 2016**

Those present at 7:00 p.m.:

Members: Vice Chair John Morgan, District 1
Jo Anne Barnes, District 2
Roberta Sullivan, District 4
M. Howland Redding, District 6

Absent: Rebecca Powers, At-Large
Christopher Laird, District 3
Maria Aristigueta, District 5

Guests: Mayor Polly Sierer
Carla Grygiel, Chair Community Development Revenue
Sharing Advisory Commission ("CDBG")
Paddy Wilcox, CDBG, District 5
Robert Detwiler, CDBG, District 4
Michael Gritz, CDBG, District 1
Kevin Smith, CDBG, At-Large
Nancy Willing, District 3

Staff: Renee Bensley, City Secretary

1. **MEETING CALLED TO ORDER BY VICE CHAIR JOHN MORGAN AT 7:05 P.M.**
2. **AMENDMENT TO THE AGENDA TO PERMIT MS. BARNES TO COMMENT ON THE PREPARATION OF THE DRAFTS**

Ms. Barnes said she found the draft process when a member created and worked through the draft was helpful during the initial reviews. However, it was her opinion, she found this with particular committee and going forward, this was not necessary.

Dr. Morgan said it was his opinion it depends on which Board or Commission was being reviewed. Although unnecessary in his opinion, he did believe it streamlined the meetings.

Ms. Sullivan stated she was in agreement, as long as commission members did not "wordsmith" at the meeting.

3. **APPROVAL OF MINUTES OF THE FEBRUARY 23, 2016 BOARDS AND COMMISSIONS REVIEW COMMITTEE**

Mr. Howland stated under #4 motion should read: Motion Passed 5-1.

Dr. Morgan stated on the last page (line above introduction to new business) should read Introduction of New Business. There some other minor grammatical changes that were noted. Ms. Bensley stated under #2 Ms. Aristigueta will be changed to Dr. Aristigueta.

MOTION BY MS. BARNES, SECONDED BY MR. REDDING: TO APPROVE THE MINUTES AS AMENDED.

**MOTION PASSED UNANIMOUSLY.
VOTE: 4 TO 0. (ABSENT: LAIRD, POWERS)**

3. COMMUNITY DEVELOPMENT/REVENUE SHARING ADVISORY COMMITTEE PRESENTATION

Ms. Bensley detailed the memo provided to the Boards & Commission Review Committee on March 14, 2016 that provided background on the Community Development/Revenue Sharing Advisory Committee (copy entered into the record). Also referenced was the March 16, 1990 memorandum from then Associate Planner, Maureen Feeney Roser to then City Manager, Carl Luft (also entered into the record).

Ms. Bensley added that after the memo was distributed, Ms. Grygiel submitted comments as well, which were forwarded separately.

Ms. Barnes asked if the Committee's recommendations to Council were routinely accepted. Ms. Bensley stated Council, for the most part, accepted the recommendations of the Committee. There was however, some discussion about the distribution of grant funds by the Committee.

Ms. Barnes noted that frequently the full funding was not recommended and asked what the source was of any deduction on the recommendation. Ms. Grygiel stated there was an amount of money available for allocation. The Committee reviewed and discussed the applications. After the initial presentation of the grant applications, committee members posed questions for the different organizations. Mr. Tom Fruehstorfer, Planning & Development Department, provided answers for clarification. Typically, there was not enough money to go around. Generally, the organizations were thankful to get some money and the intent was to spread the money around.

Ms. Barnes asked if the Committee knew prior to the disbursement of funds what the amount of funds may be. Ms. Bensley said the amounts are based on federal funding. Staff was notified as soon the federal government knew what the allocations were. However, frequently the amounts were an estimate. The funding calendar was October 1 to September 30. An estimate was done based on prior years because the calendar years did not match up.

Ms. Grygiel stated there were two separate pools of money. One was revenue sharing and the other was block grant money. They had different requirements.

Ms. Barnes asked Mr. Gritz why he believed it essential the Planner be at the Committee meetings. Mr. Gritz replied he thought it was necessary to have someone from the City present to keep the Committee focused with regard to what funds and programs were available and for impartiality. Explanations were frequently needed especially with handicapped access, etc., as this was frequently a point of contention.

Ms. Barnes asked Mr. Detwiler to expand on his comment about Public Works and Parks & Recreation wanting to "absorb" funds from other organizations. Mr. Detwiler stated it was his opinion the regulations were not always clearly defined to committee members. It is his belief monies (i.e. curb cuts) were never done according to federal regulations. As he understands the federal CDBG guidelines, budgeted items were not permitted to be used for other matters. He also reported he had never seen City Council overrule a decision despite concerns. He found this very refreshing. Additionally, he stated the committee members have various interests that assist in the process.

Ms. Barnes noted at least one of the members was a Director of one of the applying organizations. She asked if they recuse themselves on votes that apply to their organizations, which Ms. Bensley confirmed they did.

Ms. Sullivan asked if anyone had appealed their award. Ms. Bensley stated she was not aware of any. She also stated if anyone took issue with the recommendation they could come before Council as the Committee issues recommendations, while Council makes the final decision.

Ms. Sullivan wanted to know the criteria used for determining a grant. Ms. Grygiel stated the committee reviews the grant application. The purpose, the mission and the actual project were taken into consideration. She noted all committee members were very familiar with the Newark community, so it was not uncommon for additional information to be shared by the Committee members. City staff also may provide additional information. Programs and projects that were doing the most good for the neediest of the population of Newark were given priority. This was why sometimes some programs were funded at a lower rate or not funded at all.

Ms. Wilcox stated there were guidelines the committee followed. Additionally, there was a packet of information they received to refresh the committee members of the guidelines of what funding goes into Block Grants and Revenue Sharing. She also reported there were new groups that attended meetings that were requesting consideration of future grants.

In response to a question regarding whether any of the funds administered were from the State, Ms. Bensley stated the State has their own grant-in-aid program they administer. She stated there was a report provided to Council that detailed and summarized how the money was allocated with a section that addressed the public services expenditures versus the non-public services expenditures. It provided details surrounding the CDBG federal funding, its criteria and how that money was to be allocated.

Mr. Redding asked how the grant money was publicized. He also inquired how

organizations hear of the availability of grants. Ms. Bensley stated the application was open to the public and available on the website. Additionally, reports of what organizations received the grants were provided on the City website as well. There was discussion among Council about improved ways to publicize the programs; as generally in the past, applicants came to the Committee rather than the reverse, as members would not want to initiate contact that may be perceived as showing favoritism. Ms. Bensley stated the Planning Department was working on further outreach and she would provide further details at a later meeting.

Dr. Morgan asked if all available minutes had been posted on the City's website for the committee. Ms. Bensley stated the minutes in the Review Committee's packet were present on the web but some were linked with the Council packet item, not listed separately in the archives. Dr. Morgan asked that all earlier minutes be posted on the website. Ms. Bensley stated they were easy to retrieve by typing the committee name followed by the word recommendations in the search bar.

Dr. Morgan asked Ms. Bensley if advertising was done to attract groups in need of funding. Ms. Bensley was unsure and would follow up. He also inquired if the groups were required to report how the money was spent. Ms. Grygiel stated this inquiry was part of the application. She also indicated any grant received was a small part of any organization's budget and they had other sources of revenue. However, the diversity of funding was very important and every non-profit counted on every bit of money to complete their budget.

Ms. Barnes asked the members what additional training they may benefit from. Mr. Detwiler reported the CDBG funds were posted in the federal register as well as the State and County. However, there were frequent changes by the government in the requirements and regulations. He believed he did not get notification of these changes and would like to see changes in the federal register format. Ms. Wilcox stated she wished to point out the City representative from the Planning Department was very knowledgeable and readily answered any questions the members of the Committee may have.

Ms. Barnes asked the committee members present if the packet of information they received prior to deliberations was accurate. The members present indicated it was sufficient.

Ms. Sullivan asked if each committee member evaluated each application and provided individual comments, or were the applications divided. The committee members present indicated each member evaluated each application. It was Ms. Sullivan's opinion that decreasing the membership from 13 members to 11 members would not increase the individual workload on any single person. Ms. Grygiel stated on her time on the committee she cannot recall a time when more than 8 or 9 committee members attended the meetings. She stated it was necessary to have a group of committed committee members available to attend and regular attendance was essential. She believed each member served a purpose and believed that each member had been a part of Newark for many years and was familiar with most of the organizations. It was her opinion that 11 people was a large number for such a committee.

Ms. Wilcox believed restricting the number of the committee to 9 would be too limiting. In her opinion, 11 was a good number. She believed the key was to encourage members to participate fully and was a better option than cutting the number on the committee.

Mr. Kevin Smith, a new member wished to add on the City's website there was criteria for the use of the CDBG funds and it did have some general scope for the revenue sharing funds as well.

Mr. Redding confirmed the meetings were open to the public. Mr. Gritz stated in the past the applicants were present, however in recent times that had changed.

Ms. Barnes stated the Boards & Commissions Review Committee may want to consider recommending a more formal document chartering the committee by resolution or ordinance. Ms. Bensley stated she was not certain this had been discussed with the Committee and came from her research process. It was very unusual to have a committee formed by approval by a staff recommendation. It was usually in City Code or by formal resolution that outlined the duties, membership, etc. This committee was formed through a motion for adoption of a staff recommendation and was later amended by a resolution.

Ms. Barnes asked Ms. Bensley the difference between a resolution and ordinance as it would pertain in this case. Ms. Bensley stated an ordinance would place this committee in the City Code. An ordinance takes a first and second reading so it is a longer process than a resolution. Amendments to an ordinance take longer as well. Ms. Bensley stated it was her belief the City of Newark was the only city this size that had a committee of this type.

Dr. Morgan asked Ms. Sierer if there was difficulty recruiting members to fill vacancies. He also asked if Ms. Sierer was in support of reducing the number of committee members to 11. Mayor Sierer reported she did not have any difficulty, but had not filled the open vacancies in hopes the committee was reduced to 11 members. It was her belief that 13 was too many people. She would prefer 9, but was in agreement to have 11. It was her opinion that a large group becomes ineffective.

Ms. Barnes asked the committee members present if they had any additional issues or concerns. Mr. Detwiler stated he liked the fact the committee had elected the chair this year. In the past, a former City staff member was Chair and, in his opinion, it felt like the City was steering the committee.

Ms. Grygiel stated she thought it was important that a representative from a non-profit be on the committee.

Dr. Morgan stated he believed it was very important each committee have a Vice Chair. Mayor Sierer agreed with Dr. Morgan's suggestion to have the committee elect the Chair and Vice Chair.

Ms. Wilcox stated when the Chair is absent, they elect a Chair for the evening.

However, she would prefer a formal solution.

The matter was returned to the table.

4. DISCUSSION AND POTENTIAL ACTION REGARDING THE COMMITTEE REVIEW OF THE COMMUNITY DEVELOPMENT/REVENUE SHARING ADVISORY COMMITTEE

After discussion among the committee members, it was determined Ms. Sullivan would draft a motion to be approved at the next meeting.

Mr. Redding stated he disagreed with that determination. He suggested making a motion on the easier items (i.e. Vice Chair and Chair elect) Ms. Bensley stated historically this committee has made a motion regarding the framework and then a draft final report was presented at the next meeting and the final report is approved at the point. She believed this was an appropriate course of action for this meeting.

MOTION BY MS. BARNES, SECONDED BY MR. REDDING: TO ADOPT THE FRAMEWORK WHICH APPLIES TO THE COMMITTEE COUNT AND THE REMAINING ITEMS, BE FINALIZED AT THE NEXT MEETING.

MOTION PASSED.

VOTE: 4 TO 0. (ABSENT: ARISTIGUETA, LAIRD, POWERS)

The other three issues, clarity around the process by ordinance or resolution and qualifications (non-profit business-person, etc.) and rough guidelines and calendar will follow by approval after Ms. Sullivan provides them in more detail.

MOTION BY MS. SULLIVAN, SECONDED BY MR. REDDING: TO REDUCE THE NUMBER OF COMMITTEE MEMBERS FROM 13 TO 11.

MOTION PASSED.

VOTE: 4 TO 0. (ABSENT: ARISTIGUETA, LAIRD, POWERS)

MOTION BY MS. SULLIVAN, SECONDED BY MR. REDDING: THAT THE CHAIR OF THE COMMITTEE BE ELECTED BY THE MEMBERS OF THE COMMITTEE RATHER THAN APPOINTED BY THE MAYOR AND A VICE CHAIR BE ELECTED AS WELL.

MOTION PASSED.

VOTE: 4 TO 0. (ABSENT: ARISTIGUETA, LAIRD, POWERS)

MOTION BY MS. SULLIVAN, SECONDED BY MR. REDDING: THAT THE BOARDS AND REVIEW COMMITTEE CONSIDER PRIOR TO THE NEXT MEETING THE THREE OTHER POINTS WHICH IS CLARITY AROUND THE PROCESS, QUALIFICATIONS, ROUGH CALENDAR OF EVENTS FOR FINALIZATION AT THE NEXT MEETING.

MOTION PASSED.

VOTE: 4 TO 0. (ABSENT: ARISTIGUETA, LAIRD, POWERS)

5. PUBLIC COMMENT

Ms. Nancy Willing, District 3, asked if any general rules for memberships of boards and commissions; such as consequences of multiple un-excused absences, etc. There was a general recommendation after three unexcused absences the opportunity is passed to someone that wants to be a member. In addition, the requirements for recusal should be fine-tuned. Dr. Morgan stated those concerns were his as well.

Ms. Bensley noted initially there was a meeting that discussed general rules for boards and committees. She reminded the Committee that they decided at that time they wished to wait until all committees were reviewed and return to that matter. When the Board of Ethics returned to Council from this Committee they were to be incorporated into a larger Ethics Code review. This was anticipated to go to the Board of Ethics in approximately June 2016. This meeting would include public comment.

Ms. Barnes asked if the recusal process would be part of the Ethic's Code revamp. Ms. Bensley stated it would be covered. Additionally, the Board of Ethics would be encouraged to meet on a more regular basis so they could review updates and make recommendations to Council to the Code. The recommendation that came from the Boards & Commissions Review Committee recommended an annual meeting of the Board of Ethics or at least a biennial recommendation to match up with the legislature year to make updates, if needed, based on how the State was updating its Ethics Code. This was presented to Council and the recommendations from this committee would be incorporated into the entire Ethics Code revamp.

Dr. Morgan recommended a simple statement on the first page of Ethics Board description that addresses the recusal issue (i.e. conflict of interest).

6. INTRODUCTION TO NEW BUSINESS

Ms. Bensley stated the Conservation Advisory Commission would be moving their April meeting to Tuesday, April 19th at 7:00 pm. They are rescheduling due to a conflict with the election. (*Secretary's Note: this meeting was later rescheduled to April 18th.*)

Dr. Morgan stated he would do the preliminary comments for the Planning Commission. Ms. Sullivan stated she would do the preliminary comments for the Conservation of Advisory Commission.

Dr. Morgan would like to propose if there is large amount of material the Board & Commission Review Committee is required to review that the historical material be provided a few weeks in advance. Ms. Bensley stated the upcoming boards and commissions to be reviewed have available minutes on their website. Ms. Barnes asked that Ms. Bensley send an email to the Committee providing detail of where to find pertinent material such as minutes and annual reports, etc.

7. **NEXT MEETING DATE**

The next meeting is scheduled for Tuesday, April 26, 2016 at 7:00 p.m.

8. **THE MEETING WAS ADJOURNED AT 8:51 P.M.**

Renee K. Bensley
City Secretary

/tas

DRAFT



BOARDS AND COMMISSIONS REVIEW COMMITTEE REPORT

Name of Board/Commission/Committee: Community Development/Revenue Sharing Advisory Committee

Representatives Present For Review: Carla Grygiel, Paddy Wilcox, Robert Detwiler, Michael Gritz, Kevin Smith

CATEGORY	ASPECTS	AREAS OF STRENGTH	AREAS FOR IMPROVEMENT	COMMENTS
Governing Authority	City Code and/or resolutions governing the body		Adoption of staff recommendation for committee formation is a unique method compared to other committees and could be more formalized.	Clarity is needed around the purpose and timing of the approval process, preferably by resolution or ordinance.
Qualifications	Are the required qualifications appropriate for the body?	Existing members have a good mix of qualifications.		Explicit requirement for members with non-profit experience, financial experience and/or knowledge of block grant regulations may be beneficial.

CATEGORY	ASPECTS	AREAS OF STRENGTH	AREAS FOR IMPROVEMENT	COMMENTS
Orientation/ Training	Existing orientation and/or training for the body		Additional guidelines for category criteria/worthiness for approval could be provided.	No training currently provided.
	Level of participation by members of the body in the above training			N/A
Rules of Procedure	Selection of chair and other officers		Election of chair by Committee should be formalized and vice chair should also be elected.	Chair is appointed by Mayor per the current regulations, so these should be amended to reflect election by Committee.
	Meeting procedures			
Activity Level	Amount of active participation by members	8-9 members actively participate each cycle.	If members do not attend all meetings, they can miss important information previously provided.	A calendar of events on the City website from initial application to final report could be useful. Additionally, there may be benefit in reducing the number of members on the committee from 13 to 11 by deleting two at-large positions.

CATEGORY	ASPECTS	AREAS OF STRENGTH	AREAS FOR IMPROVEMENT	COMMENTS
Reporting	Existing reporting requirements	Report recommendations to City Council for consideration in addition to meeting minutes.		
	Compliance with existing reporting requirements	Reporting requirements are met.		
	Appeal process for decisions of the body	Applicants dissatisfied with the recommendations of the Committee can provide comment to Council prior to final decision.		
Stakeholder Viewpoints	Views of members of the body being evaluated	Committee is functioning well with staff support. The process has become more efficient over the years, requiring fewer meetings.	Concerns expressed by one member regarding the information received regarding updated regulations.	
	Views of department heads who work with the body	Effective group that provides a valuable venue for citizen input in the grants process.		
	Views of the public who interact with the body			No members of the public offered comments.

CATEGORY	ASPECTS	AREAS OF STRENGTH	AREAS FOR IMPROVEMENT	COMMENTS
Necessity	Scope of duties	Provides valuable public input to grant award process.		
	Similarity to other bodies			No similarities to other bodies as the state process is done outside the City.

Activity Level

1. When is this board or commission required to meet? Monthly Quarterly Annually As Needed Other (Explain) _____
2. In the past five years, this board or commission has met 20 times. Its last two meetings were on 10/8/15 and 10/15/15.
3. Do the minutes of this board or commission maintained by the City appear to be complete and up-to-date? Yes No
If no, identify any apparent deficiencies: _____
4. How many members are on this committee? 11
5. How many vacancies are currently on this committee (number and percentage)? 2

Board Membership

6. How long is a committee member's term on this committee? 1 year 2 years 3 years Other (Explain) _____
7. Is City residency a qualification for membership on this committee? Yes No (Business representative may be non-City resident)
8. If City residency is not a requirement, does this committee have any members who are not City residents? Yes No

9. How long is the committee chair's term on this committee? 1 year 2 years 3 years Other (Explain) Pleasure of Mayor

10. How is the Chair selected for this committee? Volunteer Elected by Committee Appointed by Mayor

Compensation

11. How much is the compensation for this committee? None

Final overall recommendations of the Boards and Commissions Review Committee:

SUMMARY STATEMENT: The Community Development/Revenue Sharing Advisory Committee appears to be well-organized and functioning under current leadership. We see the following areas that need review or clarification.

1. FORMAL CHARTER OF THE COMMITTEE, ITS MEMBERSHIP REQUIREMENTS AND DUTIES

As this Committee was formed via the adoption of a staff recommendation by Council, a formal charter of the Committee via resolution or ordinance would be advised to provide a clear charter and reference point for the membership requirements and duties of the Committee.

2. REDUCTION OF MEMBERSHIP FROM 13 MEMBERS TO 11 MEMBERS

In order to provide a more manageable size for the Committee, including a smaller needed quorum to conduct business, it is recommended that the two vacant at-large positions on the Committee be eliminated, leaving six members to be nominated by Council (one from each district) and five at-large members to be nominated by the Mayor.

3. FORMALIZING ADDITIONAL EXPERIENCE REQUIREMENTS FOR MEMBERS

In addition to the current requirements for a member of the Newark Housing Authority and a member of the business community to be appointed to the Committee, consideration should also be given to requiring a member to have non-profit experience. Financial experience and knowledge of block grant regulations would also be helpful attributes for members to have.

4. CHANGING THE PROCESS FOR APPOINTMENT OF COMMITTEE CHAIR AND ADDING A VICE CHAIR

Currently, the Mayor appoints the chair of the Committee. However, both the Mayor and Committee members have indicated a desire to have the Committee elect its own chair. It is also advised that a vice chair be provided for in the event that the Chair is not available for a meeting.

5. PUBLISH A CALENDAR OF EVENTS FOR THE COMMITTEE PROCESS

In order to provide better understanding of the grants process administered by the Committee, it is recommended that a general calendar/timeline of events spanning from the initial application to the final report be created and published on the City's website for the public.

Approved by the Boards and Commissions Review Committee on _____, 2016.

Vote: __ to __.

Attest:

City Secretary

Chairperson
Boards & Commissions Review Committee

For Office Use Only:

Date Submitted to Council: _____, 2016

Action Taken by Council:

**CITY OF NEWARK
DELAWARE**

April 19, 2016

TO: Boards & Commission Review Committee Members

FROM: Renee Bensley, City Secretary

VIA: Carol Houck, City Manager
Tom Coleman, Public Works and Water Resources Director
Tom Fruehstorfer, Planner

CC: Mayor and Council

SUBJECT: Conservation Advisory Commission Review Information and Staff Recommendation

Governing Authority

The Conservation Advisory Commission is governed by City Code Chapter 2, Article X (attached), which was adopted on November 14, 1977. Additionally, the Commission has adopted bylaws (attached), which were created on November 14, 2012.

Qualifications

Section 2-152 of City Code provides for nine members on the Commission. Three are appointed by the Mayor and each Council member appoints one member.

Orientation/Training

Currently no formal training for Commission members is provided.

Rules of Procedure

The Conservation Advisory Commission utilizes the Commission's bylaws as the basis for its rules of procedure. The chair is elected by the Commission members per Section 2-152 of City Code. The bylaws outline the duties of Commission officers and the procedures for their election. However, it should be noted that section 1.f. of the bylaws should be updated to reflect the current practice of electing officers at the Commission meetings in compliance with the Delaware Freedom of Information Act, not via email as currently stated.

Activity Level

The Commission typically meets monthly, with the occasional cancellation for a summer break or due to inclement weather. While the Commission has been active in its primary duties regarding conservation-related projects for the City as outlined in staff comments later in this memo, there are several items in the bylaws as currently written that are either not being completed (such as the Chair or co-Chair presenting a 5-minute report on CAC activities once every quarter to City Council [2.a.]) or are not being

completed in the timeline specified (such as submitting the annual report by March of each year [4.]). The Commission should consider either enforcing those sections of the bylaws or updating them to reflect what is actually occurring.

There are nine members on the Commission with no vacancies. Members are appointed for three year terms. Members are not explicitly required to be residents of the City in the Code, however, there have been no non-resident appointees and several members of the Commission have been removed in the past due to moving out of the City. There is no compensation for this committee.

Reporting

Currently, the boards are required to keep minutes under the State of Delaware Freedom of Information Act. Minutes are up-to-date and have been posted on the City website since 2006. Additionally, the Commission is required to submit an annual report to Council, which is posted on the website. Annual reports have been submitted through 2014 and the 2015 report currently is in progress.

Stakeholder Viewpoints

All Commission members were contacted by mail to solicit comments for the review. The following members and staff submitted comments:

The Conservation Advisory Commission discussed the review at their April 18, 2016 meeting as a published agenda item. Comments from the Commission were received the next day and are attached as submitted. Katherine Sheedy, at-large member, also noted that the Commission found the self-review to be a valuable exercise and looked forward to hearing what the Review Committee had to say.

Tom Fruehstorfer is the previous chair of the Conservation Advisory Commission and is currently Planner for the City of Newark. He noted that he felt the Commission was functioning well and that they had been successful in bringing forward ideas that were later implemented by the City, such as the LEED-like requirements for new developments. He did not think that there were changes needed in the current structure and duties of the Commission.

Tom Coleman is the Public Works and Water Resources Director and acts as staff liaison for the Conservation Advisory Commission to the City of Newark. He thought the CAC was fairly effective in its current configuration. He noted that they are accomplishing tasks like the recent reforestation at Curtis Park and allocating funding towards projects such as the McKees solar park and the LED street light project. He also commended them for surviving the resignation of their active chair and not missing a beat. He expressed surprise that there was not better community involvement outside of the acting members due to the large number of conservation focused Newark residents so he thought that perhaps better outreach would be beneficial. He commented that with the current membership level and lack of additional volunteers to share the workload, it seemed at time to be difficult to maintain momentum between meetings. He thought that

perhaps more at-large members would help but noted the Commission could then get too big to operate effectively.

Necessity

The Committee is not similar to any other boards or commissions. It is necessary as a venue for the citizens of Newark to have a voice in conservation issues for the City.

Recommendations

Staff recommends that the Boards and Commissions Review Committee submit a positive review to Council regarding the work of the Conservation Advisory Commission. However, the Boards and Commissions Review Committee may want to consider recommending updates to the bylaws to reflect compliance with FOIA for officer elections, updated duties for the Chair and an updated timeline for submission of the annual report.

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

/rkb

re
ac

ARTICLE X. - NEWARK CONSERVATION ADVISORY COMMISSION

Sec. 2-151. - Creation of conservation advisory commission.

The council of the City of Newark hereby creates a conservation, hereafter called the commission, to advise in the development, management, and protection of its natural resources with appropriate consideration of Newark's human and economic resources. The commission shall concern itself with conservation in its broadest sense and may, among its activities:

- (a) Recommend to city council a program for ecologically suitable utilization of all wet lands, valley streams, and floodplains and other land areas, the condition and use of which will affect the environmental quality of life in the City of Newark;
- (b) Shall file an annual report;
- (c) Maintain informal liaison with the planning commission, the parks and recreation department, the city manager, and the city council, and cooperate with other public and private bodies organized for similar purposes;
- (d) In addition to the foregoing, carry out any other duties, tasks, or responsibilities, consistent with the objectives of this commission assigned to it by resolution of city council.

(Ord. No. 77-56, 11-14-77)

Sec. 2-152. - Composition, appointment, terms and rules of procedure.

The commission shall consist of nine members; three appointed by the mayor and one by each of the council members. Three shall be appointed for three years; three for two years; and three for one-year terms. Succeeding terms will be for three years. The mayor's first appointments will be for a three-, two and one-year term; council will draw lots on the terms of their appointees. The commission will draw up its own rules of procedure and elect its own officers annually.

(Ord. No. 77-56, 11-14-77)

Sec. 2-153. - Removal of members; vacancies.

The city council shall have authority to remove any member of said commission so appointed for cause, after a public hearing, if requested. A vacancy shall be filled for the unexpired term in the same manner as original appointment.

(Ord. No. 77-56, 11-14-77)

Sec. 2-154. - Programs.

Examples of programs that may be considered by the commission include:

- (a) Street tree replacement;
- (b) Improved recycling;
- (c) A plant and tree bank;
- (d) A beautification plan ready for implementation by volunteer groups;
- (e) Mini parks;
- (f) Assist parks department in the acquisition of conservation easements;

- (g) Guidelines for multiple use of open space and public areas;
- (h) Community gardens;
- (i) Energy conservation;
- (j) Review zoning code amendments to encourage conservation.

The above list shall not, however, limit the program which the commission may undertake or be requested to undertake.

(Ord. No. 77-56, 11-14-77)

**Conservation Advisory Commission
City of Newark, Delaware**

Mission Statement and By-Laws

Created: November 14, 2012

Mission Statement: The Conservation Advisory Commission (CAC) was created in 1977 by City Council Ordinance No. 77-56. The Ordinance states that “a commission whose primary concern is conservation of natural resources is needed to advise the public, various departments of City government, and the Council of the City of Newark.” This may be taken as the broad mission of the CAC. More specific goals and obligations are also described in the Ordinance, which is appended hereto.

Bylaws: Ordinance 77-56 calls for the CAC to establish its own rules of procedure. These are described as the CAC Bylaws in this document.

1. CAC Officers, their Terms, and Elections:

- a. The CAC will identify and elect three officers: the Chair; the co-Chair; and the Secretary.
- b. The Chair has overall responsibility for the functioning of the CAC. The Chair sets the agenda in consultation with the CAC members, chairs the monthly meetings, delegates responsibilities, and serves as the primary point-of-contact with City Council, and as the primary spokesperson with the public.
- c. The co-Chair becomes the Chair when the Chair’s term ends. The co-Chair also chairs the monthly CAC meeting if the Chair is unavailable.
- d. The Secretary will take notes during meetings and prepare a set of “Internal Minutes” which provide much more detail than the official minutes. These Internal Minutes will also identify action items for CAC members to complete prior to the next meeting.
- e. The Chair, co-Chair, and Secretary will each serve one-year terms.
- f. Elections will be held in December so that the new officers can step into their roles starting with the first meeting of the next year in January. Candidates can step forward for the three posts and present their case during the December meeting. Voting will be done by e-mail. CAC members will send in their e-mail votes to the Secretary. E-mail is preferred to in-person voting since not all CAC members may be in attendance during the December meeting.

2. Additional Duties of the Chair and co-Chair:

- a. The Chair (or co-Chair) will present a 5-minute report on CAC activities once every quarter to City Council. The report would be presented during the Public Comment portion of the City Council meetings.
- b. The Chair will designate one CAC member per month to read the minutes of the bi-weekly City Council meetings and report any significant issues to the CAC.
- c. The Chair will organize, in consultation with CAC members, workshops on topics of interest such as green energy, green transportation, stormwater management, LEED certification, etc.

3. Meetings and Attendance:

- a. The CAC will meet on the second Tuesday of every month, starting at 7 pm in the City Municipal Building. At the discretion of the members, there will be no meeting during one month in the summer. The off-month will be selected during a prior meeting based on members' vacation schedules.
- b. The meeting agenda will be posted to the public at least one week in advance of the meeting.
- c. CAC members are expected to attend every meeting. An occasional absence is permitted if the member provides advance notification. If the number of absences becomes excessive, the Chair will discuss the matter with the member, and if necessary, suggest that the member resign. The number of absences leading to the member's ultimate resignation is left to the discretion of the Chair.
- d. Members are encouraged to participate in traditional activities like Community Cleanup, Community Day, Newark Night, etc.
- e. Members are expected to suggest candidates for the Better Newark Award on a regular basis.

4. Annual Report:

The Annual Report for a given year will be submitted by March of the following year. The Chair will designate specific tasks to write the annual report among the CAC members in the December meeting. The Annual Report will be an agenda item starting with the December meeting until it is submitted in March.

5. Amendments to the By-Laws:

The By-Laws may be amended at any time by a majority vote of the CAC.

BILL NO. 77-77 Revised to
1st Reading 10-24-77
2nd Reading 11-14-77

11-14-77

CITY OF NEWARK
DELAWARE
ORDINANCE NO. 77-56

An Ordinance to Amend Chapter 2, Administration, Code of the City of Newark, Delaware, by Adding a New Article X Entitled Newark Conservation Advisory Commission.

WHEREAS, conservation of Newark's natural resources and the orderly and appropriate development, management, and protection of said resources are of prime consideration to the citizens of Newark, and

WHEREAS, a commission whose primary concern is conservation of natural resources is needed to advise the public, various departments of City government, and the Council of the City of Newark;

NOW, THEREFORE, THE COUNCIL OF THE CITY OF NEWARK HEREBY ORDAINS:

That Chapter 2, Administration, Code of the City of Newark, Delaware, is hereby amended by adding thereto a new Article X entitled "Newark Conservation Advisory Commission," which reads as follows:

ARTICLE X
NEWARK CONSERVATION ADVISORY COMMISSION

Sec. 2-151. Creation of Conservation Advisory Commission.

The Council of the City of Newark hereby creates a Conservation Advisory Commission, hereafter called the Commission, to advise in the development, management, and protection of its natural resources with appropriate consideration of Newark's human and economic resources. The Commission shall concern itself with conservation in its broadest sense and may, among its activities:

(a) Recommend to City Council a program for ecologically suitable utilization of all wet lands, valley streams, and floodplains and other land areas, the condition and use of which will affect the environmental quality of life in the City of Newark;

(b) Shall file an annual report;

(c) Maintain informal liaison with the Planning Commission, the Parks and Recreation Department, the City Manager, and the City Council, and cooperate with other public and private bodies organized for similar purposes:

(d) In addition to the foregoing, carry out any other duties, tasks, or responsibilities, consistent with the objectives of this Commission assigned to it by resolution of City Council.

Sec. 2-152. Composition, Appointment, Terms, and Rules of Procedure.

The Commission shall consist of nine (9) members; three appointed by the Mayor and one by each of the Council Members. Three shall be appointed for three years; three for two years; and three for one year terms. Succeeding terms will be for three years. The Mayor's first appointments will be for a three, two, and one year term; council will draw lots on the terms of their appointees. The Commission will draw up its own rules of procedure and elect its own officers annually.

Sec. 2-153. Removal of Members; Vacancies

The City Council shall have authority to remove any member of said Commission so appointed for cause, after a public hearing, if requested. A vacancy shall be filled for the unexpired term in the same manner as original appointment.

Sec. 2-154. Programs.

Examples of programs that may be considered by the Commission include:

- a) Street tree replacement;
- (b) Improved recycling;
- (c) A plant and tree bank;
- (d) A beautification plan ready for implementation by volunteer groups;
- (e) Mini parks;
- (f) Assist Parks Department in the acquisition of conservation easements;
- (g) Guidelines for multiple use of open space and public areas;
- (h) Community gardens;
- (i) Energy conservation;
- (j) Review Zoning Code amendments to encourage conservation.

The above list shall not, however, limit the program which the Commission may undertake or be requested to undertake."

CAC COMMENTS TO THE BOARDS AND COMMISSIONS REVIEW COMMITTEE

The comments presented below are the response of the members of the Conservation Advisory Commission (CAC) for consideration by the Boards and Commissions Review Committee as part of their review. The CAC appreciates this opportunity and invites the members of the Review Committee and Council to attend our meetings. If there are any questions, or for further discussion, our next CAC meeting is scheduled to be held on May 10, 2016 at 7 pm in Council chambers.

Governing Authority:

Chapter 2, Art. X, Sections 2 - 151 to 2 - 154, City Code (Ordinance No. 77 - 56, 11/14/77)

Qualifications:

The City Code does not require specific qualifications for CAC members. A person nominated to serve as a Commissioner is required to provide Council with a resume and to complete a questionnaire regarding their qualifications. This material is provided to Council for review prior to voting on the nomination. The Commission currently represents a diverse cross section of the City population including professionally trained scientists and engineers and others who have long been interested, and active in, conservation issues.

Orientation/Training:

There is no training provided by the City. Existing Commissioners brief new members on the CAC's mission, rules, and procedures. The Commission is currently considering instituting a buddy system for new members which would pair an experienced Commissioner with a new member to provide a one-on-one orientation. The Commission has also asked that a copy of the confirmation letter that is sent to a new member be forwarded to the Commission Chair so that the Chair can reach out to the new member prior to the first meeting.

Rules of Procedure:

The Rules of Procedure are set out in the CAC Mission Statement and By-Laws, created on November 11, 2012.

Selection of chair and other officers – as stipulated in the By-Laws and presented below:

Ordinance 77-56 calls for the CAC to establish its own rules of procedure. These are described as the CAC Bylaws in this document.

1.

CAC Officers, their Terms, and Elections:

a.

The CAC will identify and elect three officers: the Chair; the co-Chair; and the Secretary.

b.

The Chair has overall responsibility for the functioning of the CAC. The Chair sets the agenda in consultation with the CAC members, chairs the monthly meetings, delegates responsibilities, and serves as the primary point-of-contact with City Council, and as the primary spokesperson with the public.

c.

The co-Chair becomes the Chair when the Chair's term ends. The co-Chair also chairs the monthly CAC meeting if the Chair is unavailable.

d.

The Secretary will take notes during meetings and prepare a set of "Internal Minutes" which provide much more detail than the official minutes. These Internal Minutes will also identify action items for CAC members to complete prior to the next meeting.

e.

The Chair, co-Chair, and Secretary will each serve one-year terms.

f.

Elections will be held in December so that the new officers can step into their roles starting with the first meeting of the next year in January. Candidates can step forward for the three posts and present their case during the December meeting. Voting will be done by e-mail. CAC members will send in their e-mail votes to the Secretary. E-mail is preferred to in-person voting since not all CAC members may be in attendance during the December meeting.

Meeting Procedures – as stated above the meeting procedures are as described in the By-Laws a copy of which can be provided on request. Our meetings are conducted in a manner that is collegial and open to the public.

Activity Level:

The expected activity level of members is outlined in the By-Laws as follows –

CAC members are expected to attend every meeting. An occasional absence is permitted if the member provides advance notification. If the number of absences becomes excessive, the Chair will discuss the matter with the member, and if necessary, suggest that the member resign. The number of absences leading to the member's ultimate resignation is left to the discretion of the Chair.

Members are encouraged to participate in traditional activities like Community Cleanup, Community Day, Newark Night, etc. Members are expected to suggest candidates for the Better Newark Award on a regular basis.

In addition, members are also expected to participate in the preparation of the CAC's Annual Report preparation and in activities as appropriate for particular CAC initiatives. The CAC also is responsible for making recommendations regarding the use of Green Energy funds. The current activity level is considered to be sufficient for the Commission to have an impact but not burdensome for the volunteer Commissioners.

Reporting:

The CAC is required to submit an annual report on its activities to City Council. The report for 2015 has been drafted and is being reviewed by the Commissioners. We expect to provide a draft report to Council by the end of April. In addition, the minutes of each meeting are posted on the City website in a timely fashion.

Appeal Process –as the CAC is not a decision making body this is not applicable.

Stakeholder Viewpoints:

Views of members – the members believe that the CAC serves a valuable function for the City in that we identify and research issues that have the potential to improve the livability of the City. When the research on such an issue indicates that it has application to the City, the CAC liaises with the appropriate City department or body and then develops recommendations for Council if appropriate.

Views of department heads – the CAC enjoys a mutually supportive relationship with the Departments of Public Works and Water Resources and Parks and Recreation. The CAC provided review and input into

the City's Comprehensive Plan through liaison with the Planning Department. We encourage all City staff to attend our meetings and raise issues of concern appropriate to the Commission.

Views of the public – the CAC encourages participation by individual residents and organizations. The CAC also issues invitations to interested parties to attend meetings to discuss interests and concerns. We have benefitted from presentations by, and discussions with, the University of Delaware Students for the Environment, DEMEC, the Sierra Club, Newark Residents Against the Power Plant, and the Coalition for Natural Stream Valleys.

Necessity:

We believe that the CAC adds value to the governing process of the City by bringing conservation and environmental issues to the forefront for public consideration.

Scope of Duties – According to the governing authority the duties of the CAC are as follows:

The commission shall concern itself with conservation in its broadest sense and may, among its activities:

(a) Recommend to city council a program for ecologically suitable utilization of all wet lands, valley streams, and floodplains and other land areas, the condition and use of which will affect the environmental quality of life in the City of Newark;

(b) Shall file an annual report;

(c) Maintain informal liaison with the planning commission, the parks and recreation department, the city manager, and the city council, and cooperate with other public and private bodies organized for similar purposes;

(d) In addition to the foregoing, carry out any other duties, tasks, or responsibilities, consistent with the objectives of this commission assigned to it by resolution of city council.

The CAC also maintains liaison with the Department of Public Works and Water Resources, the Director of which represents the City at CAC meetings.

The CAC appreciates the on-going encouragement, support and operational assistance that City staff and Council provide to the Commission and to the implementation of the Commission's recommendations. We look forward to fostering this cooperative relationship to further improve conservation and environmental responsibility in the City.

Similarity to other bodies – the CAC is the only body that is tasked with advising Council on the conservation of the City's natural resources. Without the CAC there would be a gap in addressing these issues that are critical to the quality of life in the City.

FAQ'S

BOARDS AND COMMISSIONS REVIEW COMMITTEE (BCRC) REVIEW PROCESS

1. Who should complete the form for the committee being reviewed?

- Every member is encouraged to fill out the form, giving feedback on areas of particular concern. It's not necessary for members to complete every section. Your completed form should be given to your Chair.
- Alternatively, if a committee prefers to complete the form as a group or delegate the process to one member, that's up to each committee to determine.

2. Who should the committee under review contact for questions about the form?

- Renee Bensley, City Secretary

3. Who should attend the BCRC's review meeting?

- As many members of the committee as are able, but at least one member should be in attendance. The BCRC finds discussion with the members of the committee under review to be important to understanding the committee stakeholders' viewpoints and any problems or concerns voiced in the form.

4. How long does the BCRC review meeting take?

- Usually one to two hours. Duration of the review depends on the nature of the committee being reviewed.

5. Report Section FAQ's

- Governing Authority (also referred to as your committee's Charter): Where is this found?

In City Code. Your chair or staff person can provide you with it or point to its location at the City web site.

- Qualifications: To whom does this question refer?

Some committee's charters include detail on credentials, training or experience required in order to be appointed to the committee. Are these appropriate requirements and are they being met currently?

- Orientation/Training: To whom does this refer?

All members have experienced being new on the committee. When you were first appointed, did you feel you were given adequate orientation and/or training to function effectively? Would ongoing training, at some regular interval, help you be a more effective committee member?

- Stakeholder Viewpoints: How would a committee member be able to answer this?

All members are encouraged to share candidly their own opinions and experience on the committee. For City departments or public bodies with whom the committee interacts, the Chair and longer-tenured committee members are usually able to provide this information.

- Necessity: What is the BCRC looking for here?

Basically, the BCRC has two goals with this section. First, for committees that meet very infrequently, in what ways is your committee necessary for Newark? Do you feel that your committee should continue or might your committee be merged with another? Second, given how necessary you believe your committee to be, do you feel the committee is given sufficient support by Council to fulfill your charter and the scope of the committee's duties?

- Committee "Demographics": What if I don't know the answers to these questions?

It's not necessary for every member to complete the last three sections on Activity Level, Board Membership and Compensation. Usually the Chair is able to complete them. Also, assistance from the City Secretary Renee Bensley is available.