

8D

**CITY OF NEWARK
DELAWARE
CITY COUNCIL
PUBLIC HEARING
NOTICE**

November 28, 2016 - 7:00 P.M.

Pursuant to Section 402.2 of the Charter of the City of Newark, Delaware, notice is hereby given of a public hearing at a regular meeting of the Council in the Council Chamber at the Municipal Building, 220 S. Main Street, Newark, Delaware, on November 28, 2016 at 7:00 p.m., at which time the Council will consider for Second Reading and Final Passage the following proposed Ordinances:

Bill 16-31- An Ordinance Amending Chapter 17, Housing and Property Maintenance, Code of the City of Newark, Delaware, By Updating Code Sections to Allow Private Certified Rental Property Maintenance Inspectors, to Allow Financial Credits if Such Inspectors are Used and to Clarify Certain Aspects of the City of Newark's Annual Rental Inspection Program ***(The second reading of this Bill was rescheduled from the November 14, 2016 meeting)***

Bill 16-32 - An Ordinance Amending Chapter 30, Water, Code of the City of Newark, Delaware, By Permitting Potable and Non-Potable Water Supply Wells Under Certain Conditions

Bill 16-33 - An Ordinance Amending Chapter 2, Administration, Code of the City of Newark, Regarding the Provision of a Limited Enhanced Early Retirement Option

✓ Bill 16-34 - An Ordinance Amending Chapter 2, Administration, Code of the City of Newark, Delaware, By Updating the Appointment Language for Conservation Advisory Commission Members

Renee K. Bensley, CMC
City Secretary

**Advertised: Newark Post – November 18, 2016
Direct Mail: November 18, 2016**

BILL NO. 16-34
1st Reading: 11/14/2016
2nd Reading: _____

**CITY OF NEWARK
DELAWARE**

ORDINANCE NO. 16-__

An Ordinance Amending Chapter 2, Administration, Code of the City of Newark, Delaware, By Updating the Appointment Language For Conservation Advisory Commission Members

THE COUNCIL OF THE CITY OF NEWARK HEREBY ORDAINS:

That Chapter 2, Administration, Article X, Newark Conservation Advisory Commission, Code of the City of Newark, Delaware, be hereby amended in the following respects:

AMENDMENT 1. Amend Section 2-152, Composition, appointment, terms and rules of procedure, by deleting the stricken text and adding the underscored text as follows:

“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 t~~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.”~~

MOTION for Acceptance as First Reading on November 14, 2016.

by Council Member Morehead.

Second Reading and Final Passage on _____, 2016.

VOTE: __ to __.

Mayor

Attest:

City Secretary

Approved as to Legality & Form:

City Solicitor



**CITY OF NEWARK
DELAWARE**

November 1, 2016

TO: Mayor and Council

FROM: Renee Bensley, City Secretary *RKB*

VIA: Carol Houck, City Manager *CH*
Tom Coleman, Director of Public Works and Water Resources *For Tom Coleman*

SUBJECT: Boards and Commissions Review Committee Recommendations Regarding the Conservation Advisory Commission

At the April 26, 2016 meeting of the Boards and Commissions Review Committee, the Committee reviewed the Conservation Advisory Commission (minutes attached), with the final recommendation to Council (attached) being approved unanimously at its May 31, 2016 meeting.

The Conservation Advisory Commission ("CAC") received an overall positive review from the Boards and Commissions Review Committee ("Committee") and the Committee issued six recommendations overall. Those recommendations are as follows:

Recommendation #1: Amend the bylaws to reflect actual activities or complete activities as indicated in the bylaws

As part of the background materials (attached) provided to the Committee by staff, it was noted that there were several activities in the bylaws that it was either not completing (i.e. a quarterly report to Council at a Council meeting) or was not completing in the specified timeline (i.e. submitting its annual report to Council by March). Amendment of the CAC bylaws or adherence to them was recommended by both staff and the Committee. As the bylaws are a document maintained and administered by the CAC, no Council action is necessary on this item.

Recommendation #2: Amend the bylaws to reflect the actual election process

The CAC bylaws currently reference electing the chair of the group by email. However, the practice of the CAC has been to elect its chair at a public meeting in adherence with the State of Delaware Freedom of Information Act. The staff and committee recommendation was to amend the bylaws to reflect this. As previously mentioned, since the bylaws are a document maintained and administered by the CAC, no Council action is necessary on this item.

Recommendation #3: Pursue better outreach to get additional resources from the community outside of the formal committee

Through discussions at the review meeting, the Committee encouraged the CAC to expand its community outreach in order to maximize the potential involvement of Newark residents that might be interested in involvement with the CAC, but may not want to commit to being a full member at this time. This is a recommendation regarding CAC activities, so no Council action is necessary on this item.

Recommendation #4: Update Section 2-152 of the City Code to remove references to staggered terms

In the initial establishment of the CAC, staggered terms were written into the Code which were to become three years for subsequent terms. The Committee found the references to the terms in the Code to be confusing and recommended their removal. This Code change is in Bill 16-34, which is scheduled for first reading on November 14, 2016 and second reading and public hearing on November 28, 2016 for Council consideration.

Recommendation #5: Update the bylaws to remove the elected secretary role

Through discussions at the review meeting, it was relayed that the secretary position in the CAC bylaws is fulfilled by City staff. The Committee recommended removing the elected secretary from the bylaws as a member does not fulfill that role. As noted earlier, since the bylaws are a document maintained and administered by the CAC, no Council action is necessary on this item.

Recommendation #6: Implement formal onboarding/orientation process

As provided in the background materials to the Committee, there currently is no formal training or onboarding process provided for new members of the CAC. The Committee recommended providing new members with an overview of the committee as well as an orientation when they are appointed. As this recommendation is administrative in nature, no Council action is necessary on this item.

Staff Recommendation

Staff recommends that Council approve Bill 16-34, which addresses recommendation #4 from the Committee regarding the CAC. Recommendations #1-3 and #5-6 are either under CAC jurisdiction or are administrative in nature and require no Council action.

Thank you for your consideration and please do not hesitate to contact staff if there are any questions.

/rkb

**CITY OF NEWARK
DELAWARE
BOARDS AND COMMISSIONS REVIEW COMMITTEE
MINUTES
APRIL 26, 2016**

Those present at 7:01 p.m.:

Members: Chair Rebecca Powers, At-Large (Left at 8:03 p.m.)
John Morgan, District 1
Jo Anne Barnes, District 2
Christopher Laird, District 3
Roberta Sullivan, District 4 (Left at 8:35 p.m.)
Maria Aristigueta, District 5
M. Howland Redding, District 6

Guests: Jason Kramer, Conservation Advisory Commission

Staff: Renee Bensley, City Secretary

1. **MEETING CALLED TO ORDER BY CHAIR REBECCA POWERS AT 7:01 P.M.**
2. **APPROVAL OF THE MINUTES OF THE MARCH 22, 2016 BOARDS AND COMMISSIONS REVIEW COMMITTEE MEETING**

(Secretary's Note: Dr. Morgan submitted various changes which were distributed to the Committee membership for review prior to the meeting and were incorporated.)

Ms. Barnes stated on page 7, public comment, second paragraph, the sentence should read "When the Board of Ethics recommendations are referred to Council from this committee, they are to be incorporated into a larger Ethics Code review."

Mr. Redding stated on page 2, first line change "Howland" to "Redding".

MOTION BY DR. MORGAN, SECONDED BY MR. REDDING: TO APPROVE THE MINUTES AS AMENDED.

**MOTION PASSED UNANIMOUSLY.
VOTE: 7 TO 0.**

3. **APPROVAL OF THE MARCH 22, 2016 EVALUATION OF THE COMMUNITY DEVELOPMENT/REVENUE SHARING ADVISORY COMMITTEE BY BOARDS AND COMMISSIONS REVIEW COMMITTEE**

MOTION BY MS. BARNES, SECONDED BY MS. SULLIVAN: TO APPROVE THE EVALUATION OF THE COMMUNITY DEVELOPMENT/REVENUE SHARING ADVISORY COMMITTEE.

MOTION PASSED UNANIMOUSLY.

VOTE: 7 TO 0.

4. CONSERVATION ADVISORY COMMISSION PRESENTATION

Ms. Bensley reviewed the comments provided to the Boards and Commission Review Committee from the Conservation Advisory Commission ("CAC") that provided background on the Commission (copy entered into the record). Also referenced was Article X, Sec. 2-151 from the Newark City Code that references the CAC. Ms. Bensley stated there were several items in the bylaws, as currently written, that were not being completed or followed in the timeline specified. For example, the bylaws specify they are to do a five minute presentation to Council on the Commission once per quarter. The commission is to submit the Annual Report by March of each year. Neither one of these matters were in compliance. The commission should either consider enforcing these or update the bylaws to reflect current practices. Ms. Bensley stated the nine member Commission had no vacancies. Although its members are not required to be City residents, there have been no non-resident appointees.

Ms. Bensley reported Mr. Tom Fruehstorfer, former Chair of the commission and currently Planner with the City of Newark felt the commission functioned well and was successful bringing forth ideas that were later implemented, such as the LEED-like development standards. He stated he did not feel any changes were needed in the current structure and duties of the commission.

Ms. Bensley also had received feedback from Tom Coleman, Public Works and Water Resources Director and staff liaison for CAC. He believed the CAC was fairly effective in the current configuration and they were accomplishing tasks (i.e. reforestation recommendation at Curtis Mill Park, McKees Solar Park, LED Street Light Project). Mr. Coleman was surprised there was not more community involvement outside of the active members. He felt there should be enhanced outreach efforts. The commission participated in Community Day and Newark Night but they may consider other ways to enrich community involvement. Mr. Coleman further stated with the current membership level and lack of additional volunteers, it was sometimes difficult for the commission to maintain momentum between the meetings and he believed additional at-large members may be beneficial. However, if the commission was too large, it may lose effectiveness.

The commission was not similar to any other boards and commissions but was necessary as a venue for the citizens of the City to have a voice in conservation related issues. Staff recommended that the Boards and Commissions Review Committee submit a positive review to Council regarding the work of the CAC. However, they may want to consider recommending updates to their by-laws to reflect FOIA compliance for officer elections, updated duties for the Chair and an updated timeline for submission of the Annual Report.

Ms. Barnes stated she had attended the previous CAC meeting and stated it was her opinion, they were a very active group that functioned well together. She further stated she was impressed by the activities undertaken by the commission.

Mr. Kramer, a recent CAC appointee, stated their new initiative, the dashboard concept, is the intent by the CAC to show the community the impact the committee is having. Items shown will be the LED light replacement project, reforestation and estimated run-off reduction and groundwater recharge, etc. In addition, Mr. Kramer stated there were frequently members of the public present at the meetings who notify the members of upcoming events or projects that may be of interest to the Commission. Ms. Sullivan asked if the CAC is made aware of potential projects and items they may find of interest. Mr. Kramer stated

it is a two-way street and they find topics of interest from other members or residents; and City staff is proactive in notifying them as well of new projects and ideas. Mr. Kramer also indicated there was some conversation about adding some at-large members to the commission. It was Mr. Kramer's opinion the size of the commission was adequate (the addition of one or two members should not matter); but that a larger number may make the commission unwieldy. He suggested the by-laws should be updated. Ms. Bensley also stated projects such as the LED light replacement project have been brought before the CAC for input prior to the matter coming before Council. Ms. Barnes added the CAC stated they were on the distribution list for Planning & Development reports, and this is one way they are kept up to date with City news and projects.

Ms. Barnes stated she was not clear who the elected secretary on the commission was. Ms. Bensley said clerical staff was provided by the City Secretary's office. Ms. Bensley stated the commission may also have an internal secretary and internal minutes but she was not certain.

Dr. Morgan asked if there had ever been a contested election. Ms. Bensley stated that to her knowledge there had never been a contested election.

The Boards and Review Commissions Review Committee suggested the following changes:

Governing Authority: Sec. 2-152 should read "The commission shall consist of nine members' three appointed by the mayor and one by each of the council members for three year terms. The commission will draw up its own rules of procedure and elect its own officers annually." Areas for improvement: clarify terms, codify residency requirements.

Qualifications: Should read: Qualifications not specified by the commission but appears to have a good mix of talent and experience. It was noted there is no residency (City of Newark) for this commission. Dr. Morgan stated it was his opinion that the requirements of being a member of this commission did not necessarily depend on being a resident of a certain district. Ms. Bensley noted there are certain boards and commissions that do have places for business owners (non-resident) of City of Newark establishments. Mr. Redding suggested having a member from each district and three members at-large (non-residents). Ms. Bensley stated this concept would not change the current membership of the commission.

Ms. Powers asked what the gender balance was on the Commission. Ms. Bensley stated there are currently six men and three women on the Commission. Ms. Powers suggested gender balance be kept in mind for this commission. Ms. Bensley thought the Boards and Commission Review Committee may want to consider keeping this idea in mind for all boards and commissions in general and be mindful to not target just the Conservation Advisory Commission. Ms. Powers concurred.

Orientation/Training: Mr. Kramer suggested a more formal orientation could be instituted i.e. introduction, review of current projects, etc. Dr. Morgan suggested it also include FOIA training as it would pertain to members of boards and commissions. Ms. Bensley stated the City had offered formal FOIA in the past. She further stated information on general guidelines is offered to boards and commissions periodically.

(Secretary's Note: Dr. Morgan took the role as Chair at 8:03 p.m. due to the early departure of Ms. Powers.)

Rules of Procedure/Selection of Chair and other officers: Ms. Barnes suggested the commission no

longer have an elected secretary from its members. In addition, Ms. Bensley suggested a “clean-up” of the by-laws with regard to the procedure for voting on a chair for the commission.

Meeting Procedures: Ms. Barnes expressed concern about the commission keeping internal minutes. Mr. Kramer stated he had not utilized any internal minutes but kept his own set of notes. Ms. Bensley reported any internal minutes are subject to the rules of FOIA. Dr. Morgan suggested any internal minutes be accessible to the public.

Activity Level: It was agreed there was high participation from the commission. Mr. Kramer stated each member of the commission has areas of expertise, so that a particular member may focus more on a project that was aligned with their knowledge base. A suggestion was made to provide more publicity of A Better Newark Award

Reporting: The suggestion was made to reflect what the commission follows or to adhere to the bylaws. Mr. Laird asked when the CAC anticipated completion of their 2015 Annual Report. Ms. Bensley said it was hoped to be finalized at the May 2016 meeting. It was suggested the Commission had difficulties in the past with consistency and momentum. Ms. Bensley reported there had been some long term vacancies and possible inconsistencies may have been related to those vacancies. She noted the Commission seemed to be getting more momentum now that all vacancies are filled. Ms. Bensley stated that although recommendations from the Commission are forwarded to Council with regularity in a memo format, the Commission is not presenting to Council on a quarterly basis as is indicated on their by-laws. Council also garners support from the Commission on projects that Council may deem suitable for CAC input. The appeal process for decisions of the body was not applicable to this committee.

Stakeholder Viewpoints: Mr. Kramer reported he was satisfied with the current structure of the commission. It was functioning at a high level and was a friendly and professional atmosphere. There was cooperation from all the members.

Necessity/Scope of Duties: Should say “Duties are clear and important to the City.” There should also be clarification on how items are referred to or raised by the Commission (i.e. ideas come to the Commission or are brought up by the Commission). There are no similarities to other bodies.

The final overall recommendation of the Boards and Commissions Review Committee for the Conservation Advisory Commission:

- Amend the by-laws to reflect actual activities, or complete activities as indicated by bylaws.
- Amend Rules of Procedure to reflect actual election process.
- Pursue better outreach to get additional resources from community outside the formal committee.
- Update Section 2-152.
- Formalize secretary role for City staff.
- Implement formal onboarding/orientation process.

Ms. Bensley stated a final draft would be prepared for the Boards and Review Commission Review Committee.

5. PUBLIC COMMENT

There was no one present from the public.

(Secretary's Note: Ms. Sullivan departed at 8:35 p.m.)

6. INTRODUCTION OF NEW BUSINESS

A. CREATION OF NEW FAQ SHEET TO BE DISTRIBUTED TO COMMITTEES

Ms. Barnes said she thought it helpful to have the commission members ask questions about the form. Therefore, her FAQ form was created from their questions. Ms. Bensley stated prior to every review a cover letter, along with a copy of the amended blank form is sent to each of the committee members. This FAQ form would be added to the packet. There was consensus from the Committee members to do so.

B. DOWNTOWN NEWARK PARTNERSHIP REVIEW

Dr. Morgan reported the independent review of the DNP was delivered to the City of Newark and the DNP board. He reported there would be a meeting of the DNP board on May 12, 2016 at which time, there will a discussion of the report. It is his opinion the Boards and Commissions Review Committee should take part in the evaluation of the Downtown Newark Partnership in conjunction with the independent report with the consultant's findings. Ms. Bensley stated several members of Council were expecting the consultant's report will be presented to Council first. She believed the evaluation from the consultant and the Boards and Review Commission were two separate processes. After a lengthy discussion, it was agreed Ms. Bensley would follow-up with the DNP staff to determine where they are in the process of the consultant's evaluation and report back to the Committee at its 5/31 meeting. Following, the determination would be made how to proceed with Council.

Dr. Morgan stated the Planning Commission is up for review at the next Boards and Review Committee. He said he would attend the meeting. Ms. Barnes and Mr. Laird indicated they would attend as well.

Ms. Barnes stated she would attend the upcoming Downtown Newark Partnership Board meeting on May 12, 2016. Mr. Redding would check his schedule.

7. NEXT MEETING DATE

The next meeting is scheduled for Tuesday, May 31, 2016 at 7:00 p.m.

8. THE MEETING WAS ADJOURNED AT 9:04 P.M.

Renee K. Bensley
City Secretary

/tas



BOARDS AND COMMISSIONS REVIEW COMMITTEE REPORT

Name of Board/Commission/Committee: Conservation Advisory Commission

Representatives Present For Review: Jason Kramer, District 6

CATEGORY	ASPECTS	AREAS OF STRENGTH	AREAS FOR IMPROVEMENT	COMMENTS
Governing Authority	City Code and/or resolutions governing the body	Charter and responsibilities clearly spelled out in City Code Chapter 2.	Section 2-152 should be updated to remove the initial staggering of terms as that is no longer applicable.	
Qualifications	Are the required qualifications appropriate for the body?		Six members from Council districts and three at-large Commissioners (at-large could possibly be non-residents)	Qualifications not specified but appears to have a good mix of talent and experience. No specified residency requirement for this Commission and non-residents may add value in an at-large role.
Orientation/ Training	Existing orientation and/or training for the body		No formal training provided. Buddy system used to orient/train new members.	Formal orientation/training should be provided. This should include FOIA training.
	Level of participation by members of the body in the above training	Members active. Means for replacing non-active members exists.		

Rules of Procedure	Selection of chair and other officers	Clearly defined and followed.	Remove the elected secretary position as that is fulfilled by staff.	
	Meeting procedures	Clearly defined.	Concern about the reference to internal minutes. If they exist, they should be available to the public.	“Internal minutes” are actually a to-do list and should be referred to as such.
Activity Level	Amount of active participation by members	High participation.	Better community involvement could improve the reach of the Commission.	A Better Newark Award program could be better publicized and used as leverage for more public participation.
Reporting	Existing reporting requirements	Clearly defined.		
	Compliance with existing reporting requirements	Minutes are complete and up to date.	Not all reporting listed is being completed (ex: quarterly report to Council, date of annual report).	Commission should comply with existing reporting requirements or the bylaws should be changed to reflect what currently is occurring.
	Appeal process for decisions of the body			Not applicable.

Stakeholder Viewpoints	Views of members of the body being evaluated	Members happy with the functioning and workload of the group.		
	Views of department heads who work with the body	City liaisons happy with the interaction with the group.		
	Views of the public who interact with the body			None provided.
Necessity	Scope of duties	Clear and essential.		Clarification should be provided on how items are referred to the Commission for consideration.
	Similarity to other bodies	None.		

Activity Level

1. This committee meets Monthly Quarterly Annually As Needed Other (Explain) _____

2. In the past five years, this board or commission has met 50 times. Its last two meetings were on 3/8/16 and 4/18/16.

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 in your committee? 9

5. How many vacancies do you currently have in your committee? None

Board Membership

6. How long is a committee member's term on your committee? 1 year 2 years 3 years Other (Explain) _____

7. Is City residency a qualification for membership on your committee? Yes No

8. If City residency is not a requirement, does your committee have any members who are not City residents? Yes No

9. How long is the committee chair's term on your committee? 1 year 2 years 3 years Other (Explain) _____

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 Conservation Advisory Commission appears to be well-organized and functioning under current leadership. We see the following areas that need review or clarification.

1. AMEND THE BYLAWS TO REFLECT ACTUAL ACTIVITIES OR COMPLETE ACTIVITIES AS INDICATED IN THE BYLAWS

The Commission has several reporting items in its bylaws that it is either not completing (i.e. a quarterly report to Council at a Council meeting) or is not completing in the specified timeline (i.e. submitting its annual report to Council by March). The bylaws for the Commission should be amended to reflect what is actually occurring or the Commission should complete the activities as indicated in its bylaws.

2. AMEND BYLAWS TO REFLECT ACTUAL ELECTION PROCESS

The bylaws should be amended to remove references to electing the chair by email as the chair is elected at the Commission meeting in public and in compliance with FOIA.

3. PURSUE BETTER OUTREACH TO GET ADDITIONAL RESOURCES FROM THE COMMUNITY OUTSIDE THE FORMAL COMMITTEE

With the conservation-minded nature of the citizenry of Newark, the Commission is encouraged to expand its outreach to the community via better publicity of the A Better Newark Award, participation in City community events, etc.

4. UPDATE SECTION 2-152 OF THE CITY CODE TO REMOVE REFERENCES TO STAGGERED TERMS

As the Commission is already established, the references to shortened, staggered terms can be confusing and should be clarified as the Commission is already in existence.

5. UPDATE THE BYLAWS TO REMOVE THE ELECTED SECRETARY ROLE

As City staff fulfills the role of secretary for the Commission, it is unnecessary for the bylaws to provide for an elected secretary from the body.

6. IMPLEMENT FORMAL ONBOARDING/ORIENTATION PROCESS

New members should be provided with an overview of the committee as well as an orientation when they are appointed.

Approved by the Boards and Commissions Review Committee on May 31, 2016.

Vote: 5 to 0.

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

r
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.