DOVER HUMAN RELATIONS COMMISSION

The Dover Human Relations Commission (DHRC) meeting was held on March 25, 2014 at 5:30 p.m. Members present were Mr. Henderson, Ms. Hicks, Mr. McGiffin, Mr. Roach, Mr. Ruane, Ms. Sadusky, Ms. Stewart, and Mr. Wilson. Ms. Smith was absent. Members of Council present were Mr. Dixon and Mr. Lynn.

Mr. Scott Koenig, City Manager, expressed appreciation to members for their willingness to dedicate their time to serving the City of Dover through their participation on the DHRC.

AGENDA ADDITIONS/DELETIONS

Introduction of New Members

Mrs. Traci McDowell, City Clerk, requested that members perform self-introductions.

Mrs. Lynne Sadusky stated that she has been a resident of Dover for most of her life (since third grade), works as a substitute teacher, and has spent most of the previous 20 years raising her seven (7) children. She noted that she has served as a volunteer at the James T. Vaughn Correctional Center for close to seven (7) years and in the school system, which has provided her insight regarding the needs of the community.

Mr. Theodore Henderson informed members that he served in the military for 25 years, arriving in Dover in July 1995. He also indicated that he was the current pastor of Dover Christian Church, that he has three (3) grown children and has been married for 37 years.

Ms. Jane Hicks stated that she is a retired coach from Delaware State University and is currently the administrative assistant for men and women's basketball, volleyball, and soccer at the University. She also indicated that she is the former director of a national sports program for disadvantaged and low-income families in the community. She noted that she is a wife, mother of two (2), and has one (1) grandson.

Mr. Kenneth Roach advised members that he has lived in Delaware his entire life, apart from four (4) years away while attending college. He indicated that he has worked with children at the Boys and Girls Club at Simon Circle since the age of 14. When he returned from Bowie State University he obtained a job at Brenford Residential Treatment Center and moved into the field of child protective services with the Division of Family Services, where he served for five (5) years. Mr. Roach stated that he was currently employed at Booker T. Washington Elementary School as a family crisis therapist and volunteers with many organizations, including Delta Sigma Theta Sorority, Inc. He also performs community service for his fraternity, Phi Beta Sigma Fraternity, Inc. He expressed his love for the City of Dover, his community, and for children.

Ms. Courtney Stewart explained that she moved to Dover in 2000 to attend Wesley College, where she obtained Bachelor's and Master's degrees. Following graduation, she began working for the Department of Natural Resources and Environmental Control (DNREC) and held a number of positions within the State of Delaware. She currently works for the General Assembly in the Controller General's Office. She also teaches classes at the Dover Young Men's Christian Association (YMCA) and is active in the YMCA "Girls on the Run" program for girls aged eight (8) to 11, which teaches self-confidence and life lessons while incorporating a running component in the program. She noted that she was also an adjunct instructor for Wilmington University.

Mr. James McGiffin advised members that he formerly served for almost five (5) years as a member of City Council representing the Third District. He stated that he is a lawyer and has worked for the Community Legal Aid Society for most of his career and performed most of that work in Dover. He has worked in Dover since 1987 and lived in the City since 1988.

Mr. Eugene Ruane stated that he grew up in Baltimore and moved to Dover in 1972. He is married and the father of three (3) grown children. He was an employee of the State of Delaware government for approximately 20 years before retiring and then served on City Council for ten years, representing the Second District. He resides in the Crossgates area.

Mr. Cecil Wilson stated that he had lived in Dover since graduating from Delaware State College in 1963 and had been active in the community under the auspices of the National Association for the Advancement of Colored People (NAACP). He is a former teacher, principal, associate principal, and adjunct professor at Wilmington University and Delaware State University. He explained that the NAACP had been responsible for bringing the City into a "more representative" status and he was very proud of this and stated his pleasure at being involved with the DHRC.

On behalf of the Mayor and Council, Mrs. McDowell thanked all members for volunteering to serve. She expressed excitement about the DHRC and its mission.

Election of Commission Chair

Mrs. McDowell explained that the Chair of the DHRC would work closely with City Clerk's Office staff to set meeting agendas, monitor follow-up actions, and conduct meetings in an orderly fashion.

Mr. McGiffin stated that he had observed Mr. Wilson for a long period of time and was aware of some of his accomplishments in the City. He expressed his opinion that Mr. Wilson was a very impressive individual with a tremendous set of skills and knowledge.

Mr. McGiffin moved to nominate Mr. Wilson to serve as Chair, seconded by Mr. Ruane.

Mr. Henderson moved that nominations be closed.

The motion to elect Mr. Wilson as Chair of the DHRC was unanimously carried.

Mr. Henderson moved to nominate Mr. McGiffin to serve as Vice Chair of the DHRC, seconded by Mr. Roach.

Mr. Henderson expressed his feeling that Mr. McGiffin was very eloquent, wise, and experienced and felt that the diversity provided by having Mr. Wilson and Mr. McGiffin working together would be "human relations personified."

Mr. Henderson moved to close nominations, seconded by Mrs. Sadusky.

The motion to elect Mr. McGiffin as Vice Chair of the DHRC was unanimously carried.

Overview of Commission Purpose, Powers, and Duties

Ms. Denise Devine, Assistant City Clerk, advised members that the City Clerk's Office was excited to work with members to help fulfill the purpose of the Dover Human Relations Commission (DHRC). She reminded members that regulations for the Human Relations Commission are addressed in Chapter 58 - Human Relations, of the Dover Code and reviewed a presentation entitled, "Human Relations Commission - Overview of Commission Purpose, Powers, and Duties - March 25, 2014 ***(Attachment #1)***.

Referring to the powers and duties of the DHRC, Section 58-36 (1) - Recommendations of the Dover Code, Ms. Devine noted that recommendations are essential for the Commission to function. Since the Commission serves as an advisory board to City Council and makes recommendations for action to Council, communication with members of council is imperative. She noted that Section 58-33 (i) - Reports states that the Commission shall report to City Council on a quarterly basis regarding its affairs, and to accomplish this, following each Commission meeting, the meeting minutes would be scheduled for consideration by Council.

With regard to Section 58-36 (4) - Complaints, Ms. Devine noted that the City Clerk's Office maintains a log of all complaints received in order to determine whether each complaint is within the jurisdiction of the Commission, corresponds with the complainant, and ensures that each complaint is resolved. She advised members that any complaints received by a commissioner should be forwarded to the City Clerk's Office.

Referencing Section 58-36 (7) - Other Functions, Ms. Devine indicated that the Commission shall do all other acts and deeds necessary and proper to carry out and effectively accomplish the objections, functions and service contemplated by the provisions of Chapter 58 - Human Relations, Article II. Human Relations Commission. However; the Commission's functions are limited by Section 58-33 (e), which states that the Commission shall not involve itself in activities or functions already assigned by law or decree to other governmental bodies. Ms. Devine cited an example that occurred in 2013 when the DHRC received a complaint alleging unfair housing practices against the Dover Housing Authority and Colonial Investment Public Housing Program. Since this type of complaint falls under the jurisdiction of the Delaware State Human Relations Commission, Delaware Department of Justice Consumer Protection Unit, and the U.S. Department of Housing and Urban Development, the complaint was forwarded to these agencies and the Commission was unable to discuss the matter.

Ms. Devine noted that all meetings shall be held at City Hall and in accordance with the Laws of Delaware regarding the Freedom of Information Act (FOIA) and City of Dover procedures. The Commission will distribute its agendas and minutes through the City Clerk's Office. She stated that the City Clerk's Office would work with the Commission Chair to develop future meeting agendas, but encouraged all members to feel free to contact the Clerk's Office with any recommendations for agenda items. Ms. Devine noted that meeting agendas, packets, and minutes are made available on the City's website, that members would receive an email each time they are posted, and that Human Relations Commissions agendas and packets would also be mailed to members prior to each meeting.

Ms. Devine explained that all proceedings of the Commission must take place in accordance with FOIA and that FOIA's intent is to ensure that all public business is conducted openly and publicly and to ensure transparency; therefore, all meetings of the Commission must be properly publicized. All meeting agendas must be posted on the City's website at least seven (7) days in advance of the meeting unless an emergency meeting is necessary for the immediate preservation of the public peace, health, or safety. She cautioned members that FOIA dictates that all meetings of the Commission are to be held publicly, which means that a quorum of members should not gather unless they are attending a meeting that has been properly publicized. Ms. Devine informed members that FOIA also prohibits "serial meetings," which is when a majority of members develop a collective agreement on an action item through direct personal communication, either by telephone, intermediaries, email, or other technology, etc. She advised members that a public meeting with a quorum in attendance is the only arena for making commission decisions. To help avoid serial meetings, Ms. Devine stated that members would be blind copied on all DHRC email correspondence from the City of Dover. She stressed the importance of complying with all FOIA regulations.

Ms. Devine indicated that, in addition to quarterly reports, the Commission shall provide an annual report of its accomplishments and a summary of its recommendations to the Mayor and City Council and that the annual report is typically presented to City Council during the month of January each year. She suggested that members review Chapter 58 - Human Relations, Article II. Human Relations Commission of the Dover Code and contact the City Clerk's Office with any related questions.

Mr. Wilson requested a copy of the information reviewed by Ms. Devine.

Recission of By-Laws

Ms. Denise Devine, Assistant City Clerk, advised members that the Dover Human Relations Commission (DHRC) had been regulated in the past by both its by-laws (adopted on September 6, 2002 and amended December 15, 2004) and Chapter 58 of the Dover Code, which establishes and regulates the purpose, organization, power, and duties, etc. of the Human Relations Commission. She noted that differences between Chapter 58 and the by-laws had led to miscommunication in the past.

Ms. Devine stated that Chapter 58 does not require the creation of by-laws; therefore, in an effort to improve communication and provide one (1) set of regulations, staff recommended rescission of the by-laws.

Ms. Devine explained that if DHRC members wished to incorporate any of the content of the by-laws into the Code, staff could assist in preparing a proposed ordinance for consideration by the Legislative, Finance, and Administration Committee and City Council.

Mr. Wilson suggested that members review the various subcommittees of the DHRC and think about their own expertise when considering committee service.

Mr. Ruane noted that staff suggested "starting all over" by considering how many committees there would be and what their mode of operation would be. He stated that the by-laws had been in place for ten years and suggested that some of the areas may be redundant. He indicated that one (1) suggestion was to rescind the current by-laws, which would provide members the option to create their own by-laws.

Mr. Wilson noted that the members currently serving on the DHRC were serving as district representatives; therefore, he felt that it would be appropriate to start over with new by-laws and also to review the DHRC intake form.

Mr. McGiffin questioned if the DHRC had the authority to create new by-laws if the current by-laws were rescinded. Responding, Mrs. McDowell stated that she did not believe that there would be anything to prohibit creation of new by-laws.

Mr. McGiffin expressed his understanding that the Commission did not have the express authority to create by-laws but that it was implied that the DHRC could create a mode of operating by by-laws. Mrs. McDowell stated that she could obtain a legal opinion on this matter, if members so desired.

Mr. McGiffin stated that he did not wish to rescind the by-laws only to discover the DHRC would be stuck operating strictly by the terms of the Code without the ability to "flesh out" other things that they must do.

Mrs. McDowell stated that she could do obtain an opinion the following day, if members so desired. She stated that she did receive a legal opinion stating that there was nothing prohibiting members from rescinding the existing by-laws. It was her recollection that previous members of the DHRC did not come forward and ask permission to create the current by-laws.

Mr. McGiffin moved to rescind the by-laws of the DHRC, seconded by Mr. Ruane.

Mr. Henderson stated that he felt uncomfortable getting rid of the by-laws as he had not yet read them. He inquired if staff wanted the by-laws rescinded because Chapter 58 provided all the mandate that was needed. Responding, Ms. Devine confirmed that staff's recommendation was to rescind the by-laws since Chapter 58 provided all the mandate that was needed and having two (2) sets of rules had caused confusion in the past. She noted that staff typically referred to the Code and that changes had been made to the by-laws without staff's knowledge. It was staff's desire to ensure that the DHRC, staff, and the public were working with the same set of rules and regulations.

Mr. Henderson inquired about the origin of the by-laws. In response, Mr. Ruane explained that Council established the DHRC by ordinance and, as it evolved over a number of years, the DHRC developed its own by-laws. He felt that by-laws would provide essential guidance for the operation of the organization; however, he stressed the importance of not including anything in the by-laws that would contradict the ordinance. He felt that the idea of starting over would allow the DHRC to develop a set of by-laws that everyone could be happy with, including staff, legal advisors, and City Council. After reading the by-laws, it was his impression that they included very detailed prescriptions on how to do business and he was unsure if the DHRC would continue to operate in

the same way. He referenced the provisions regarding a large number of committees, noting that there were now only nine (9) members versus the previous number of 21, and that they would be meeting quarterly; therefore, he believed that fewer committees would be needed.

Mr. McGiffin stated that, to some degree, the Code functions as by-laws and lays out the kinds of things that by-laws address, although by-laws frequently address additional items. He felt that the existing by-laws went far beyond Code provisions. He felt that the Code provided a basis to begin, and he suggested that if members felt that additional rules were needed at some point, they could be developed at that time. He stated his concurrence with Mr. Ruane that it may be appropriate to "start from scratch."

Mr. Roach concurred, noting that the Commission previously had 21 members and that this number had been reduced. He expressed his desire to start the Commission fresh and go in a new direction to fulfill the duty of the Commission. He felt that it would not be appropriate to use the old by-laws.

On a call for the question, the motion to rescind the existing by-laws of the DHRC was unanimously carried.

Scheduling of Future Meeting Dates for 2014

In regard to the scheduling of future meetings, Mr. Wilson stated that after going through all of the material, he felt that it would be necessary to hold additional meetings between the quarterly meetings to consider reorganizing in order to over forward.

Members discussed their preferences in regard to the schedule for future quarterly meeting dates.

Mrs. McDowell indicated that the Council Chambers was available on Tuesday evenings, and suggested that members consider scheduling the quarterly meetings for July, October, and January, which would provide an opportunity for members to review the DHRC Annual Report in January prior to submission to City Council.

Mr. McGiffin moved to schedule the quarterly meetings for the fourth Tuesday in July, October, and January (July 22, 2014; October 28, 2014, and January 27, 2015) at 4:30 p.m. The motion was seconded by Mr. Henderson and unanimously carried.

Mr. Wilson allowed members the opportunity to express additional comments.

Mr. Henderson expressed a desire to attend meetings "with both ears open and [his] mouth shut" and learn as much as he could.

Mr. Roach congratulated Mr. Wilson and Mr. McGiffin upon being elected Chair and Vice Chair, respectively, and expressed appreciation for their taking on these responsibilities.

Ms. Stewart stated that she looked forward to working with the DHRC to help make the City of Dover better.

Mr. McGiffin expressed his feeling that the first job of the Commission was to "figure out what is going on" and indicated that he was looking forward to this.

Mr. Ruane stated that he had made some inquiries in the community since he was contacted to consider serving on the DHRC and got the impression that "we were doing pretty good." He expressed his opinion that Dover had done a good job in promoting diversity and community relations and that he felt optimistic. He indicated that he was curious about each member's feelings about the state of the City in terms of community relations. Mr. Ruane stated that it would be beneficial to get to know one another better across cross-cultural, religious divides and expressed the need to reach out and ask other groups what they thought the DHRC should do. He noted that the DHRC was created in a moment of tension and expressed his belief that the City had moved beyond that time to a moment of opportunity today.

Mr. Wilson concurred with Mr. Ruane's comments. He indicated that the DHRC members should start with their respective Council district representatives, who should be attuned to the needs of all people, and noted that neighborhood watches, neighborhood organizations, and people in general could also provide input. Mr. Wilson stated that once committees were formulated and members decide what they want to give to the commission as commissioners, the DHRC could move forward. He noted that issues connected with race, employment, those who are re-entering society after imprisonment, and the homeless situation were affecting Dover and the entire nation. Mr. Wilson thanked members for electing him Chair.

Councilman Lynn stated that he had been involved in the process of reforming the DHRC and stated his pride in looking around the room and seeing the faces present. He felt that the members were a "fantastic cast of characters" and indicated that he could not wait to see what members will bring to the table.

Councilman Dixon also expressed his excitement and gratitude regarding the service of the new members and asked members to contact him if he could be of any assistance.

By unanimous consent the meeting adjourned at 6:20 p.m.

Cecil C. Wilson
Chairman

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Attachment
Attachment #1 - Presentation - Human Relations Commission - Overview of Commission Purpose, Powers, and Duties - March 25, 2014

HUMAN RELATIONS COMMISSION

OVERVIEW OF COMMISSION PURPOSE, POWERS, AND DUTIES

March 25, 2014

Prepared by: City Clerk's Office

PURPOSE

(Section 58-31)

- The city council has deemed it to be in the best interest of the city to establish a human relations commission to include members who are broadly representative of the entire community and who are committed to a philosophy of inclusion, intergroup cooperation, and fair treatment that will effectively help the city meet the following needs:
  - (1) Fairness, respect. Promote and develop an environment of fairness and respect among its citizens;
  - (2) Monitoring. Develop ways to measure and monitor community relations, particularly those that are sources of intergroup conflict;
  - (3) Intergroup relations. Involve all segments of the community in understanding and appreciating the benefits of positive intergroup relations;
  - (4) Issues. Offer a range of programs and services that will help its residents and neighborhoods prevent and resolve issues of human relations; and
  - (5) Intergroup conflict. Develop ways of anticipating, preparing for, and relieving community tensions arising from intergroup conflict.

POWERS AND DUTIES

(Section 58-36)

- The powers and duties of the human relations commission shall be to:
  - (1) Recommendations. Review city programs, activities, functions and ordinances, and make recommendations to the city council for new, amended or changed programs, functions, activities or ordinances which would support inclusiveness and civility among city residents and enhance communication and understanding among residents of the city;
  - (2) Intergroup conflicts. Inquire into incidents of intergroup conflicts and disputes within the city and take such action as may be designed to alleviate such conflicts and disputes;
  - (3) Intergroup cooperation. Promote and encourage communications between and cooperation of all groups interested in bettering human relations in the city;
  - (4) Complaints. Seek the active assistance of the state human relations commission in the solution of complaints of alleged discrimination which fall within the jurisdiction of the state commission;
  - (5) Research, education, etc. Engage in such research, education and advocacy as, in the judgment of the commission or the city council, may be needed to improve human relations in the city;
  - (6) Programs. Develop and maintain programs that build positive relations among communities and enhance problem-solving skills among residents throughout the city;
  - (7) Other functions. Do all other acts and deeds necessary and proper to carry out and effectively accomplish the objectives, functions and services contemplated by the provisions of this article.

MEETINGS AND REPORTS

(Section 58-33)

- A majority of the membership of the commission shall constitute a quorum and, if a quorum is present, a vacancy on the commission shall not impair the right of the remaining members to exercise all the powers of the commission. [58-33(b)]

- The commission shall hold at least five meetings per year; one each quarter and one to be determined by the commission. Special meetings may be called by the chairperson or three members of the commission. [58-33(c)]

- All meetings shall be held at City Hall and in accordance with the Laws of Delaware regarding the Freedom of Information Act (FOIA) and City of Dover procedures. The commission will distribute its agendas and minutes through the city clerk's office. [58-33(c)]

- The commission shall report to the city council on a quarterly basis regarding its affairs. An annual report of its accomplishments and a summary of its recommendations shall be provided to the mayor and the city council. [58-33(i)]