LEGISLATIVE, FINANCE AND ADMINISTRATION COMMITTEE

The Legislative, Finance, and Administration Committee meeting was held on August 26, 2013, at 6:00 p.m. with Chairman Lynn presiding. Members present were Mr. Hare (arrived at 6:21 p.m.), Mr. Rushe, and Mr. Shevock. Mr. Slavin was absent. Members of Council present were Mr. Dixon, Mrs. Williams, Mr. Hutchison, and Council President Bonar. Mayor Carey was also present.

AGENDA ADDITIONS/DELETIONS

Mr. Rushe moved for approval of the agenda, seconded by Mr. Shevock and unanimously carried.

City of Dover Participation in the Commemorative Partner Program

Members considered a letter from the United States Office of the Secretary of Defense requesting that the City of Dover consider participating in the Commemorative Partner Program. Mayor Carey explained that the Program is designed for federal, state, and local communities, veterans' organizations, and other non-governmental organizations to assist in thanking and honoring Vietnam Veterans and their families. Commemorative Partners are encouraged to participate in the Commemoration of the Vietnam War by planning and conducting events and activities that will recognize and honor the service, valor, and sacrifice made by Vietnam Veterans and their families. He assured members that there would be no costs associated with the City's participation; however, the City would be obligated to conduct two (2) programs per year. He stated that Chapter 850 of the Vietnam Veterans of America had agreed to partner with the City if members of Council wished to participate.

In response to Mr. Lynn, Mayor Carey indicated his understanding that funds would be raised to pay for any costs associated with the two (2) required events; however, he stated that it was anticipated that minimal funds would be required for such events. He also noted the possibility of utilizing current events, such as the Fourth of July Parade and Veterans Day activities. He advised members that the City's involvement would begin in 2015 and the City would be obligated to participate in two (2) events in 2015, 2016, and 2017.

Mayor Carey introduced Mr. Paul Davis, President of the Delaware Vietnam Veterans of America State Council, who would be responsible for managing the program.

Mr. Davis relayed appreciation for including the Delaware Vietnam Veterans of America State Council in the City's partnership with the Commemorative Partner Program. He indicated that hundreds of people have visited the Vietnam Veterans Memorial that was erected in the City. He introduced Mr. Joe Startt, President of Chapter 850 of the Vietnam Veterans of America, and Mr. Dave Skocik, President of the Delaware Veterans Coalition. Mr. Davis assured members that he, along with Mr. Startt and Mr. Skocik, would handle and manage the events on behalf of the City, explaining that the City would simply have to agree to the terms as outlined. He advised members that discussions had been held with the Mayor regarding the possibility of meeting with NASCAR to attempt to have a race dedicated to American Vietnam Veterans. He stated that there had also been discussion regarding the possibility of holding a massive parade that would include Delawareans and others from out of State. He noted that efforts were currently being made to bring to the area "The Moving Wall," a Vietnam Veterans Memorial that travels through the United States and contains the names of 58,000 Vietnam veterans. Mr. Davis stated that the costs for the obligated

events would be minimal; however, a great deal of time and dedication would be required and he assured members that veteran organizations had the desire and means to provide such time and dedication.

Mr. Startt relayed appreciation for the City's consideration of a partnership with Chapter 850 of the Vietnam Veterans of America relative to the Commemorative Partner Program.

Mr. Skocik stated that he was a Vietnam veteran and the fact that a Vietnam War Memorial was recently completed in Dover was an indication of what could be done without spending public money and with the cooperation of the City of Dover. Noting that the City of Dover is a military town, he felt confident that there would be plenty of participation in the events that would be planned.

In response to Mrs. Williams regarding where contributions could be sent, Mr. Skocik indicated that it had been suggested that the City establish a separate account for the acceptance of donations. He announced that the Governor was scheduled to sign the bill that created the Veterans Trust Fund to help post-service veterans. He suggested that any monies raised over and above the costs of the City's obligated events be donated to that Trust Fund, since 100% of those funds go directly to veterans.

As a Vietnam veteran, Council President Bonar relayed appreciation to these organizations for raising awareness in the State of Delaware regarding the Vietnam veterans and the sacrifices they made. He stated his pride in being associated with such organizations and urged members to recommend approval of the request.

Mr. Shevock moved to recommend that the Mayor be authorized to move forward in working with the Veteran organizations and approve the City of Dover's participation in the Commemorative Partner Program. The motion was seconded by Mr. Rushe and unanimously carried.

Proposed Resolution No. 2013-22 With Staff Amendment (SA) #1 - Cessation of Illegal Gang Formation in Dover *(Recommended by the Dover Human Relations Commission)*
Members reviewed Proposed Resolution No. 2013-22, with Staff Amendment (SA) #1, regarding the cessation of illegal gang formation in Dover, as recommended by the Dover Human Relations Commission (DHRC).

Mr. Roy Sudler, Chairman of the DHRC, read the Proposed Resolution into the record.

Mr. Rushe moved to recommend adoption of Proposed Resolution No. 2013-22 with Staff Amendment (SA) #1 *(Attachment #1)*, seconded by Mr. Shevock and unanimously carried.

Proposed Ordinance #2013-15 - Amending Chapter 58 - Human Relations
During the Regular Council Meeting of August 12, 2013, City Council approved the Committee's recommendation of July 22, 2013, authorizing staff to draft an ordinance that would provide for City Council to affirm the need for the Dover Human Relations Commission (DHRC); that the

membership be set at nine (9), with two (2) serving from each Council district and one (1) at-large; that the number of meetings be set at a minimum of five (5) per year, one (1) in each quarter of the year and one (1) to be determined by the Commission and that special meetings may be called by the Chairperson or three (3) members of the Commission; that all meetings be held in accordance with Delaware State Laws regarding the Freedom of Information Act (FOIA) and City of Dover procedures through the City Clerk's Office, to include agendas and minutes to be issued as all other public bodies are handled in the City; that the DHRC report to City Council on a quarterly basis regarding its affairs; and that all of the meetings of the DHRC be held in the City Council Chambers.

As a result of Council's directive, staff submitted Proposed Ordinance #2013-15, Amending Chapter 58 - Human Relations, for the Committee's review and recommendation.

Mr. Lynn noted that members should also make a recommendation for either the Mayor or Council President to be responsible for making the appointments to the DHRC.

Mr. Shevock moved to recommend adoption of Proposed Ordinance #2013-15 ***(Attachment #2)*** **and that the Council President be responsible for appointing members to the DHRC. The motion was seconded by Mr. Hare and unanimously carried.**

By unanimous consent, the meeting adjourned at 6:23 p.m.

Sean M. Lynn
Chairman

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Attachments
Attachment #1 - Proposed Resolution No. 2013-22 With Staff Amendment (SA) #1
Attachment #2 - Proposed Ordinance #2013-15

City of Dover

MAYOR AND COUNCIL

DRAFT PROPOSED COUNCIL RESOLUTION NO. 2013-22 WITH SA#1
(SA#1 Indicated in Bold, Blue, Italics (additions) and Red, Bold, Strikeout (deletions)

A RESOLUTION PROPOSING THE CESSATION OF ILLEGAL GANG FORMATION IN DOVER, DELAWARE

~~**Whereas;**~~ ***WHEREAS,*** ~~**T**~~*t*he City of Dover, the State Capital, strives to be a model for all cities in Delaware and the United States~~.~~***; and***

WHEREAS, Chapter 58 - Human Relations, Article II. Human Relations Commission, Sec. 58-31. Purpose, of the Dover Code, states:

> ***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; and***

~~**Whereas;**~~ ***WHEREAS,*** ~~**T**~~*t*he Mayor and City Council have granted ~~**P**~~*p*owers and ~~**D**~~*d*uties to the Dover Human Relations Commission, ~~**P**~~*p*ursuant to ***Chapter 58 - Human Relations,*** Article II. ***Human Relations Commission,*** Sec. 58-3~~1~~***6. Powers and duties, of the Dover Code~~~~.~~***; and***

~~**Whereas; Article II Sec. 58-31 titles (2), (4) and (5) charges the DHRC with developing ways to measure and monitor community relations and offer a range of programs and services that will help Dover residents identify and resolve issues of human relations; anticipating, preparing for, and relieving community tensions arising from intergroup conflict.**~~
~~**(Code 1981, § 2-16; Ord. of 2-11-2002)**~~

~~**Whereas;**~~ ***WHEREAS,*** ~~**T**~~*t*he Dover Human Relations Commission***,*** through open discussion with members of the community and the knowledge of local events***,*** has found that gun possession and illegal gang activity is at an all-time high~~.~~***; and***

~~**Whereas;**~~***WHEREAS, an*** ~~**I**~~*i*llegal gang~~**s are**~~ ***is*** a group of individuals consisting of three or more persons whose demoralizing influence, common interest, attitude***,*** and graffiti signs significantly contribute to ~~**the commission of**~~ disruptive behavior and criminal enterprises in the City of Dover~~.~~***; and***

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~~Whereas;~~ ***WHEREAS,*** ~~T~~*t*he number of illegal gang organizations in Dover and Kent County has increased over the last few years, cultivating an environment of psychic imprisonment, mistrust***,*** and fear among citizens of Dover~~.~~***; and***

~~Whereas;~~ ***WHEREAS,*** ~~I~~*i*llegal gang culture and activities have played a significant role in student dropout rates, drug activity***,*** and random acts of violence, often leaving innocent bystanders paralyzed and traumatized for life~~.~~***; and***

~~Whereas;~~ ***WHEREAS,*** ~~I~~*i*llegal gang graffiti promoting hate, fear***,*** and danger has defaced public and private sector facilities, impeding home and business owner~~'~~s***'*** rights to market or enjoy their propert~~y~~***ies,*** without unwelcome~~d~~ and unauthorized graffiti signs.

~~Therefore, Be it Resolved;~~ ***NOW, THEREFORE, BE IT RESOLVED*** ~~T~~*t*hat the ~~R~~*r*esidents of Dover, Delaware~~,~~***;*** the Mayor~~,~~***;*** City Council~~,~~***;*** Dover Police Department~~,~~***;*** ~~Delaware Department of Justice~~ and the Dover Human Relations Commission have observed with dismay the escalation of gang growth and development in our communities and will merge resources and efforts to intensify the pursuit of ***the*** eliminati~~ng~~***on of*** illegal gang formation, activities, and communication, including the display of graffiti signs in Dover, Delaware.

~~Be it Further Resolved;~~ ***BE IT FURTHER RESOLVED*** ~~T~~*t*hat we will accomplish this goal and establish a New Community and Family Involvement Paradigm for Cessation of Illegal Gang Formation by***:***

1. Cleaning up our streets together, showing resistance to illegal gang formation and unwelcome~~d~~ graffiti signs through unity and clear purpose;

2. Increasing individual~~'s~~ awareness and accountability for reporting known illegal gang activity and~~/~~or formation in your community~~.~~***;***

3. Strengthening parent and family involvement in the childrearing and educational process***es;***

4. Implementing and supporting additional intervention and summer programs; and

5. Providing additional funding to the Dover Police Department through grants and other resources to establish additional police stations in areas with high volumes of crime to protect Dover residents from being ~~a~~ target***s*** of bias-motivated violence in the City of Dover.

ADOPTED: *

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CARLETON E. CAREY, SR. MAYOR	DAVID L. BONAR COUNCIL PRESIDENT

Actions History:
August 26, 2013 - Introduced at Legislative, Finance, and Administration Committee

Draft

CITY OF DOVER PROPOSED ORDINANCE #2013-15

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF DOVER, IN COUNCIL MET:

That Chapter 58 - Human Relations, Article II - Human Relations Commission, be amended by inserting the bold, blue text and deleting the text indicated in bold, red, strikeout as follows:

Sec. 58-31. Purpose.

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.

(Code 1981, § 2-16; Ord. of 2-11-2002)

Sec. 58-32. Established; composition; appointment; representation; holding other office; removal from office; terms of office; vacancies; reappointments.

(a) *Established*. There is hereby established an advisory commission to be known as the "City of Dover Human Relations Commission," to carry out the objectives as described in this article.

(b) *Composition; appointment*. The **members of the human relations** commission shall **be appointed by the mayor** (or president of the council)**, based upon recommendations from and subject to confirmation by the council. The human relations commission shall** consist of ~~15~~ **nine** members, all residents of the city. ~~**Five of these members shall be appointed by the mayor and confirmed by the city council. Ten of these members shall be appointed by the president of the council, based upon recommendations from the council and confirmed by the council.**~~ **Two members shall be selected from each council district and one member shall serve from the city at-large.**

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(c) *Representation*. In selecting the membership of the commission, ~~the mayor and president of the council and the council shall take~~ particular care **shall be taken** to ensure that the commission is broadly representative of racial, religious, gender and ethnic groups residing in the city.

(d) *Holding other office; removal*. No member of the commission shall hold any elected or appointed office under the government of the United States or the state, county, or city. The mayor **(or the city council** president **of council)** may remove members of the commission, with the concurrence of the city council, for substantial neglect of duty, or gross misconduct in office.

(e) *Terms of office; vacancies*. A member of the commission shall be appointed for a term of office of three years and until his successor has been appointed ~~and has qualified~~. The appointees shall be appointed for staggered terms of office. When a vacancy occurs in the membership of the commission, it shall be filled by appointment for the unexpired portion of the term in the same manner as the original appointment.

(f) *Reappointments*. Members may be reappointed.

(Code 1981, § 2-17; Ord. of 2-11-2002; Ord. No. 2010-23, 8-23-2010)

Sec. 58-33. Organization; quorum; meetings; rules of procedure; limitation of functions; agreements; compensation; legal counsel; reports.

(a) *Organization*. The human relations commission shall annually elect its own chairperson to preside over its meetings and may create and fill such other offices and committees among its members as may be found necessary and proper for its effective organization.

(b) *Quorum*. 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.

(c) *Meetings*. The commission shall hold **at least five meetings per year; one each quarter and one to be determined by the commission.** ~~such meetings as may be deemed necessary for the completion of its purposes, responsibilities and functions. Regular meetings shall be held at least once per month unless there is no business to be considered by the commission.~~ Special meetings may be called by the chairperson or three members of the commission.

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.

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(d) *Rules of procedure*. The commission is also authorized to adopt rules of procedure for the conduct of its meetings.

(e) *Functions limited*. The commission shall not involve itself in activities or functions already assigned by law or decree to other governmental bodies.

(f) *Agreements*. The commission may enter into agreements and build partnerships with other entities and organizations for the purpose of more efficiently and effectively carrying out its responsibilities.

(g) *Compensation*. Members of the commission shall receive no compensation.

(h) *Legal counsel*. The city solicitor shall provide legal counsel to the commission and shall be the legal representative of the commission in connection with its duties hereunder, on a case-by-case basis, or determine that outside counsel is needed and obtain such outside counsel for a particular matter.

(i) *Reports*. The commission shall ~~make such reports~~ **report** to the ~~mayor and~~ city council ~~as shall be periodically necessary~~ **on a quarterly basis regarding its affairs**. An annual report of its accomplishments and a summary of its recommendations~~, as appropriate,~~ shall be ~~sent~~ **provided** to the mayor and the city council.

(Code 1981, § 2-18; Ord. of 2-11-2002)

Sec. 58-34. Expenses.

(a) *Budget*. The city council may appropriate a budget for the city human relations commission to provide for necessary expenses and expenditures.

(b) *Other funding*. The commission may also receive funding from other governmental, philanthropic or private organizations for the exclusive purpose of carrying out its responsibilities.

(Code 1981, § 2-19; Ord. of 2-11-2002)

Sec. 58-35. Conflicts of interest.

If any member of the human relations commission concludes that ~~he has~~ **they have** a conflict of interest with respect to a matter which is pending before the commission, that member shall disqualify ~~himself~~ **themself** from participating in any deliberations, discussions and decision making processes of the commission.

(Code 1981, § 2-20; Ord. of 2-11-2002)

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Sec. 58-36. Powers and duties.

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.

(Code 1981, § 2-21; Ord. of 2-11-2002)

ADOPTED: *

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SYNOPSIS

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(SPONSORS: LF&A COMMITTEE)

Actions History

August 26, 2013 - Introduced at the Legislative, Finance, and Administration Committee

Draft