LEGISLATIVE, FINANCE, AND ADMINISTRATION COMMITTEE
A G E N D A

JULY 22, 2013 - 6:00 P.M.

CITY HALL COUNCIL CHAMBERS
15 LOOCKERMAN PLAZA
DOVER, DELAWARE

Public comments are welcomed on any item and will be permitted at appropriate times. When possible, please notify the City Clerk (736-7008 or e-mail at CityClerk@dover.de.us) should you wish to be recognized.

AGENDA ADDITIONS/DELETIONS

1. **Proposed Amendment to Pricing for Sale of Garrison Oak Technology Park Lots**
   (Due to Time Constraints, This Item Has Been Placed on the Council Agenda for the Meeting Being Held Later in the Evening)

2. **Proposed Amendments to the City of Dover Investment Policy**
   (Staff Recommends Approval of the Proposed Amendments)

3. **Certified Local Government Application** *(Request of Councilmen Lynn and Slavin)*

4. **Proposed Amendments to Chapter 58 - Human Relations Commission**
   (Tabled by Committee on July 8, 2013)

5. **Adjournment by 7:00 p.m.**

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THE AGENDA ITEMS AS LISTED MAY NOT BE CONSIDERED IN SEQUENCE. THIS AGENDA IS SUBJECT TO CHANGE TO INCLUDE THE ADDITION OR THE DELETION OF ITEMS, INCLUDING EXECUTIVE SESSIONS.

City of Dover, DE

Investment Policy Statement

Dated July 15, 2013

1.0 Governing Authority

It is the policy of the City of Dover to invest public funds under its control in a manner that will provide the highest investment return consistent with the maximum safety of principal, while meeting cash flow needs of the City. The investment program shall conform to all state and local statutes governing the investment of public funds.

2.0 Scope

This Investment Policy Statement (the "Policy") applies to all financial assets of the City of Dover for which the City retains direct or indirect daily control. Funds for which the City has retained outside fund manager(s) shall also be governed by this Policy or, in the case of bond proceeds, related governing bond documents~~, including any Trust Indentures~~.

2.1 Accounts

2.1.1 Cash and Liquidity Accounts: The majority of the City's cash balance available for investment is maintained in the cash and liquidity accounts. These accounts will be managed and invested by investment managers, selected by the City Council through competitive bid, in order to maximize the return to the City while, at the same time, providing for safety of principal and sufficient liquidity for the City to meet its cash needs. The City will manage its short-term investments to ensure sufficient liquidity and prevent their premature sale for the purpose of covering expenditures. Short-term investments should mature at face value in sufficient amounts to meet any liquidity needs.

2.1.2 Reserve Cash (Intermediate) Account: To the extent cash is not expected to be needed on short notice, the City shall invest such funds in the Reserve Cash Account. This fund shall be managed and invested by an investment manager or managers**,** selected by the City Council after a competitive bid, in order to maximize the return on said money to the City while providing for the safety of principal.

All of the City of Dover's funds are accounted for in its Comprehensive Annual Financial Report. Those funds to which this Policy applies include (excluding the Deferred Compensation Plan and Pension Trusts):

2.2 Funds

2.2.1 General Fund
2.2.2 Capital Project Funds
2.2.3 Special Revenue Funds
2.2.4 Enterprise Funds
2.2.5 Internal Service Funds
~~**2.2.6** Trust and Agency Funds~~
2.2.~~7~~6 Any new fund created by the City Council, unless specifically exempted

3.0 Objectives

The primary objectives of the City of Dover's investment activities, in order of importance shall be:

3.1 Safety

Preservation of principal is the foremost objective of the investment program. To attain this objective, funds shall be diversified among securities of high credit quality and liquidity, so that risk of loss of principal is minimized.

3.2 Liquidity

The City's investments shall be made for such periods as to enable the City to meet all operating requirements that may be scheduled or reasonably anticipated.

3.3 Return on Investments

A goal of the investment program shall be to maximize investment return within the constraints of Sections 3.1 and 3.2.

4.0 Delegation of Authority

Authority to manage the City of Dover's investment program is derived from this Policy, which is approved by City Council, and "Dover Code, PART I, Subpart A, Article II, Section 17" (attachment B) which states in part that "The Controller/Treasurer shall be the custodian of all of the City funds."

The City's Controller/Treasurer shall:

1) Review the this Policy annually and recommend changes, if any, to City Council;
2) Be charged with implementing the Policy, and may delegate authority to make investments to an investment advisor. The Controller/Treasurer shall be responsible for all investment transactions and shall establish controls to regulate the activities of the investment advisor, if any.
3) Ensure that records of the City's investment activities are kept for ten-years.

5.0 Prudence, Ethics and Conflicts of Interest

Any official of the City or investment advisor/manager empowered to make investments on behalf of the City of Dover shall comply with the following:

5.1 "Prudent Person" Rule

Investment decisions shall be made with the judgment and care which persons of reasonable intelligence, under circumstances prevailing at the time the investment is made, would exercise in the management of their own investments assuming that their objectives are those shown in Section 3.0 of this policy.

5.2 Ethics and Conflict of Interest

The delegate authorized to make City investments shall act at all times in an ethical manner, and shall not engage in activity that could impair or be perceived to impair their ability to make impartial investment decisions. They shall disclose to the Mayor and City Council any material interests in financial institutions with which the City has financial dealings, and which may be related to the performance of the investment program. Employees and officers shall refrain from undertaking personal investment transactions with the same individual(s) with whom business is conducted on behalf of the City.

6.0 Authorized Institutions and Dealers

All broker/dealers that desire to become qualified for investment transactions with the City shall meet the following:

1. Primary dealers and regional dealers that qualify under Securities and Exchange Commission Rule 15C3-1 (uniform net capital rule)
2. Capital of at least $25,000,000 or capital of $5,000,000 for firms incorporated in the State of Delaware
3. Registered as a dealer under the Securities Exchange Act of 1934
4. Member of the Financial Industry Regulatory Authority (FINRA)
5. Registered to sell securities in the State of Delaware
6. Engaged in the business of effecting transactions in U.S. government, federal agency, and corporate securities for at least five (5) consecutive years

To the extent the City utilizes the services of an outside Investment Advisor, it shall be the responsibility of the Investment Advisor to maintain an approved list of brokers.

7.0 Safekeeping and Custody

To ensure that securities are deposited in an eligible financial institution prior to the release of funds, all trades of marketable securities will be executed by delivery vs. payment ("DVP").

Further, all securities will be held by an independent third-party custodian, in the name of the City, and evidenced by safekeeping receipts in the City's name. The custodian shall provide daily confirmation of held securities as well as a monthly transactions and holdings report.

8.0 Authorized Investments and Trading of Securities

The Controller/Treasurer or authorized delegate may invest only in the types of securities listed below. The maximum stated maturity of any security shall be limited to 10 years at time of purchase, unless otherwise stated. For Agency mortgage backed securities, the maximum maturity shall be defined as the weighted average life ("WAL"). WAL is a convention that estimates the expected weighted amount of time, in years, for the principal amount of an issue to be fully paid. For this sector, WAL shall be limited to 10 years, measured at the original purchase date, provided by Bloomberg Financial Markets.

8.1 United States Government Securities

Marketable securities issued by the U.S. Government and supported by the full faith and credit of the U. S. Treasury either by statue or an opinion of the attorney general of the United States. Up to 100% of the portfolio may be invested in this sector.

8.2 Government Agency Securities

Debt securities issued by government-sponsored enterprises ("GSE"), federal agencies, and federal financing banks; ~~the maximum stated maturity of any investment in this sector shall be limited to 5 years at time of purchase~~. Up to 100% of the portfolio may be invested in this sector.

8.3 Certificates of Deposit and Time Deposits

8.3.1 **Domestic Institutions**: Issued or endorsed by a domestic bank, or a savings and loan association, organized and supervised under the laws of the United States and denominated in U.S. dollars; provided, however, that deposits are fully insured or guaranteed by the Federal Deposit Insurance Corporation ("FDIC").

If not insured by the FDIC:

- The banking institution must have assets of not less than $5 billion; and
- Issuers must have a short-term rating of A-1 by Standard & Poor's and P1 by Moody's and a long-term rating of AA by Standard & Poor's or Aa by Moody's.

The maximum stated maturity of any investment in this sector shall be limited to 5 years at time of purchase. This sector shall not exceed 25% of the total portfolio. No single issuer shall exceed 5% of the City's portfolio.

8.3.2 **Delaware-Domiciled Institutions**: Issued by or endorsed by any bank or savings association domiciled in the State of Delaware and organized and supervised under federal or State of Delaware banking laws which does not meet the requirements of Section 8.3.1 hereto; provided, however, that:

- For each of the latest two years, the bank or association has had a return on total average assets of 0.50% or greater and an average capital ratio (defined as total equity capital to total assets) of at least 1 to 20, or the instrument is secured as set forth in Section ~~8~~ 9, "Collateralization of City Deposits," hereto; and
- Not more than the lesser of $10 million or 25% of an issuer's total equity capital, may be invested in any one issuer. (Investments due to mature in one business day may be excluded from the computation of this percentage.)
- The Board expressly affirms that, consistent with these guidelines, Delaware banks and savings associations should be considered as a source of investment.
- The maximum stated maturity of any investment in this sector shall be limited to 5 years at time of purchase. This sector shall not exceed 20% of the total portfolio. No single issuer shall exceed 5% of the City's portfolio.

8.4 Corporate Debt Instruments

Such instruments include commercial paper bankers' acceptances, and non-convertible senior debt securities (bonds and debentures).

8.4.1 ~~Any such instrument must be issued by a U.S. corporation~~; Corporate securities must be denominated/issued in US dollars. Many foreign corporations issue debt/securities in the US market, in US dollars.

8.4.2 No single issuer shall exceed 5% of the City's portfolio.

8.4.3 Commercial Paper shall be limited to a final stated maturity of 270 days. This sector shall not exceed 25% of the total portfolio. Issuers shall be rated at least A-1 by Standard & Poor's and P-1 by Moody's.

8.4.4. Bankers' Acceptances shall be limited to a final maturity of 365 days. This sector shall not exceed 25% of the City's Portfolio. Issuers shall be rated at

least A-1 by Standard & Poor's and P1 by Moody's.

8.4.5 Corporate bonds and debentures shall be limited to a final stated maturity of 5 years. This sector shall not exceed 50% of the total portfolio. Issuers shall hold a long-term rating of at least AA by S&P or Aa by Moody's.

8.5 Repurchase Agreements

The underlying collateral shall consist of U.S. government and/or GSE securities provided, however, that:

8.5.1 All repurchase agreements must be governed by a written master repurchase agreement;

8.5.2 Agreements will be entered into only with respect to underlying securities in which the investment manager may otherwise invest as described above, and only with a recognized U.S. Government/broker or a bank which meets the requirements set out under paragraph Section 8.3.1 or 8.3.2 above;

8.5.3 In the case of repurchase collateral held in book-entry form in the Federal Reserve System, all deliveries of securities must be made, for the transfer thereof, through the Federal Reserve book-entry system to the account designated by the investment manager for such purpose. Securities held in certificated form must be delivered to the investment manager or a custodian as directed by the investment manager.

8.5.4 Any collateral employed under this paragraph shall be counted towards the applicable maximum limits set forth within these guidelines for such type of investment, and such collateral shall be valued at market at not less than 103 percent of the maturity value of the agreement and marked-to-the-market as requested by the investment manager.

8.5.5 Repurchase agreements shall be limited to a maximum maturity of 90 days from date of purchase. No single issuer shall exceed 25% of the City's portfolio.

8.6 Registered Investment Companies (Money Market Funds)

~~Money market funds shall not be permitted to invest in or hold securities other than those approved in this Policy~~. No single fund shall exceed 25% of the City's portfolio. Money market funds shall be rated AAAm by Standard & Poor's. A current prospectus must be obtained before investing in any money market fund, and current holdings reports must be maintained at least each month.

8.7 Mortgage-Backed Securities

Mortgage-backed securities issued by the following: Government National Mortgage Association (GNMA), Federal National Mortgage Association (FNMA) or Federal Home Loan Mortgage Association (FHLMC). This sector shall not exceed 50% of the total portfolio.

8.8 Municipal Obligations

Taxable and tax-exempt securities issued by state and local governments and public authorities in the United States. The maximum stated maturity of any investment in this sector shall be limited to 5 years at time of purchase. This sector shall not exceed 30% of the City's portfolio. No single issuer shall exceed 5% of the City's

portfolio. Issuers shall be rated at least "A" ~~AA~~ by Standard & Poor's and "A" ~~Aa~~ by Moody's. Additionally Issuers in the short term market (under one year) shall be rated at a minimum of "mig-1" or "sp-1" for Moody's and S&P.

8.9 State of Delaware Investments Pool

8.9.1 Delaware Local Government Investment Pool (DELGIP) -The investment in this pool is permitted in relation to the City's cash flow and the guidelines set forth by the State of Delaware. The investment in this pool will not exceed 25% of the total funds available and will be monitored by the City's Finance Department on a monthly basis.

8.9.2 Delaware Local Government Retirement Investment Pool (DELRIP) The investment in this pool is permitted in relation to the City's Post-Retirement Benefits Fund. The investment in this pool will not exceed 25% of the total funds available and will be monitored by the City's Finance Department on a monthly basis.

8.10 Trading Securities

The Controller/Treasurer is hereby authorized to sell securities prior to their stated maturity date in the following circumstances:

1. A security with declining credit may be sold prior to its maturity to minimize loss of principal;
2. A security swap may be executed if it would improve the quality, yield, or target duration of the portfolio;
3. Securities may be sold to provide needed liquidity.

8.11 Internal Control on such transactions

8.11.1 An investment report will be provided to the Council on a quarterly basis.

8.11.2 All investment reporting documents will be provided to the independent auditors.

8.11.3 Investment records will be kept by the City for ten (10) years.

8.11.4 The trading shall not involve any hedge, derivatives and/or borrowing funds for trading purposes.

9.0 Collateralization of City Deposits

If the City deposits funds in any financial institution, those funds will be subject to the following collateralization requirements. The financial institution shall:

9.1 Collateralize the City's daily ledger balance(s) if, for any quarter during the most recent eight quarters the bank has not met both of the following two criteria:

- Return on total average assets of 0.50 percent or greater.
- Average capital ratio (total equity to total assets) of 5.00 percent or greater.

9.2 If either criterion in paragraph 8.1 is not satisfied collateral must be pledged and shall consist of one or more of the following securities:

- U.S. Government securities
- U.S. Government agency securities
- Federal Home Loan Board letters of credit
- State of Delaware securities

- Securities of a political subdivision of the State of Delaware with a Moody's rating of "A" or better

9.3 Ensure that the securities pledged as collateral (except for Federal Home Loan Board letters of credit) have a market value equal to or greater than ~~103~~ 102 percent of the ledger balance(s) in the account(s) marked to market each day.

9.4 Ensure that securities pledged as collateral are housed at the Federal Reserve Bank or a mutually agreed upon third party depository. (The trust department of the winning vendor will not be acceptable.)

9.5 Provide reports on a monthly basis to the City Finance Department detailing the collateral pledged.

9.6 Provide a Call Report (Consolidated Report of Condition and Income, FFIEC 031) on a quarterly basis to the City Finance Department.

10.0 Policy Considerations

If securities owned by the City are downgraded by either Standard & Poor's or Moody's to a level below the quality required by this Policy, it shall be the City's policy to review the credit situation and make a determination as to whether to sell or retain such securities in the portfolio.

If a security is downgraded two grades below the level required by the Policy, the security shall be sold immediately.

If a security is downgraded one grade below the level required by this Policy and matures within 6 months, the security may be held to maturity. The Controller/Treasurer may determine to sell the security if it is determined that there is a probability of default prior to maturity.

If a decision is made to retain a downgraded security in the portfolio, its presence in the portfolio will be monitored and reported monthly to the Controller/Treasurer.

11.0 Internal Controls

The Treasurer is responsible for establishing and maintaining an internal control structure designed to ensure that the assets of the City are protected from loss, theft, or misuse. The Treasurer shall also establish a process for an annual independent review by an external auditor to assure compliance with policies and procedures. The internal controls shall address the following:

- Control of collusion
- Separation of transaction authority from accounting and recordkeeping
- Custodial safekeeping
- Prohibition of physical delivery securities
- Clear, written delegation of authority to subordinate staff members
- Written confirmation of transactions for investments and wire transfers

12.0 Performance Standards

The City of Dover's investment decisions shall be made with the objective of obtaining a rate of return commensurate with the investment risk constraints and the cash flow needs. On a quarterly basis, the Controller/Treasurer shall compare the City's portfolio against the

Merrill Lynch 0-5 Year U.S. Treasury Index, in terms of time-weighted total return and average duration for the period under review.

13.0 Reporting

At the end of each calendar quarter, the Controller/Treasurer will submit a report of all quarter-ending investments to the Mayor and City Council. Reports shall include the following:

- Listing of individual securities held as of last day of reporting period, sorted by sector
- Par, market, and amortized cost values of each security
- Coupon, current yield, and final stated maturity date of each security

14.0 Investment Policy Adoption

The City of Dover's investment policy will be adopted by the City Council after review and recommendation of the Legislative and Finance Committee. The policy will be reviewed at least once every year by the Legislative and Finance Committee, which is charged with considering the existing policy and any recommendations to modify the policy. Any modifications to the policy must be approved by the City Council.

LEGEND

1. Original approval by City Council - November 14, 1988
2. Revised policy approved by City Council - March 7, 2005
3. City Council Approved with No Changes – April 14, 2008
4. Revised policy approved by City Council – July 25, 2011

ATTACHMENT A

GLOSSARY

AGENCIES: Federal agency securities, otherwise known as "Government Sponsored Enterprises."

CERTIFICATE OF DEPOSIT (CD): A time deposit with a specific maturity evidenced by a certificate. Large denomination CD's are typically negotiable.

BANKERS ACCEPTANCE: A short-term credit investment which is created by a non-financial firm and whose payment is guaranteed by a bank.

COLLATERAL: Securities, evidence of deposit or other property which a borrower pledges to secure repayment of a loan. Also refers to securities pledged by a bank to secure deposits of public monies.

COMMERCIAL PAPER: An unsecured obligation issued by a corporation or bank to finance its short-term credit needs. Maturities typically range from one (1) to 270 days.

COMPREHENSIVE ANNUAL FINANCIAL REPORT (CAFR): The official annual report for the City of Dover. It includes five combined statements for each individual fund and account group prepared in conformity with GAAP. It also includes supporting schedules necessary to demonstrate compliance with finance-related legal and contractual provisions, extensive introductory material, and a detailed Statistical Section.

CORPORATE BONDS: A debt security issued by a corporation based in the United States of America. Such bonds usually have a par value of $1,000, have a term maturity, and are traded on a major exchange.

DEALER: A dealer, as opposed to a broker, acts as a principal in all transactions, buying and selling for his own account.

DIVERSIFICATION: Dividing investment funds among a variety of securities offering independent returns, in an attempt to limit risk.

FEDERAL CREDIT AGENCIES: Agencies of the Federal government set up to supply credit to various classes of institutions and individuals, e.g., S&L's, small business firms, students, farmers, farm cooperatives, and exporters.

FEDERAL DEPOSIT INSURANCE CORPORATION (FDIC): A federal agency that insures bank deposits, currently up to $250,000 per deposit.

FEDERAL FUNDS RATE: The rate of interest at which Fed funds are traded. This rate is currently pegged by the Federal Reserve through open-market operations.

FEDERAL HOME LOAN BANKS (FHLB): The institutions that regulate and lend to savings and loan associations. The Federal Home Loan Banks play a role analogous to that played by the Federal Reserve Banks vis-a-vis member commercial banks.

FEDERAL NATIONAL MORTGAGE ASSOCIATION (FNMA): FNMA, like GNMA was chartered under the Federal National Mortgage Association Act in 1938. FNMA is a federal corporation working under the auspices of the Department of Housing and Urban Development (HUD). It is the largest single provider of residential mortgage funds in the United States. Fannie Mae, as the corporation is called, is a private stockholder-owned corporation. The corporation's purchases include a variety of adjustable mortgages and second loans, in addition to fixed-rate mortgages. FNMA's securities are also highly liquid and are widely accepted.

FEDERAL RESERVE SYSTEM: The central bank of the United States created by Congress and consisting of a seven member Board of Governors in Washington, D.C., 12 regional banks and about 5,700 commercial banks that are members of the system.

GOVERNMENT NATIONAL MORTGAGE ASSOCIATION (GNMA or Ginnie Mae): Securities influencing the volume of bank credit guaranteed by GNMA and issued by mortgage bankers, commercial banks, savings and loan associations, and other institutions. Security holder is protected by full faith and credit of the U.S. Government. Ginnie Mae securities are backed by the FHA, VA or FMHM mortgages. The term "passthroughs" is often used to describe Ginnie Mae's.

LIQUIDITY: A liquid asset is one that can be converted easily and rapidly into cash without a substantial loss of value. In the money market, a security is said to be liquid if the spread between bid and asked prices is narrow and reasonable size can be done at those quotes.

LOCAL GOVERNMENT INVESTMENT POOL (LGIP): The aggregate of all funds from political subdivisions that are placed in the custody of the State Treasurer for investment and reinvestment.

MARKET VALUE: The price at which a security is trading and could presumable be purchased or sold.

MATURITY: The date upon which the principal or stated value of an investment becomes due and payable.

MORTGAGE-BACKED SECURITIES (MBS): An investment instrument that represents ownership of, and is backed by, an individual interest in a pool of mortgages such as those issued by Ginnie Mae or Freddie Mac. Principal and interest from the individual mortgages is used to pay principal and interest on the MBS.

MUNICIPAL NOTES AND BONDS: Securities issued by a state, city, or local government to finance operations or special projects.

PRUDENT PERSON RULE: An investment standard. In some states the law requires that a fiduciary, such as a trustee, may invest money only in a list of securities selected by the custody state--the so-called legal list. In other states the trustee may invest in a security if it is one which would be bought by a prudent person of discretion and intelligence who is seeking a reasonable income and preservation of capital.

QUALIFIED PUBLIC DEPOSITORIES: A financial institution which does not claim exemption from the payment of any sales or compensating use or ad valorem taxes under the laws of this state, which has segregated for the benefit of the commission eligible collateral having a value of not less than its maximum liability and which has been approved by the Public Deposit Protection Commission to hold public deposits.

RATE OF RETURN: A measure of worth, either at security or aggregate portfolio level, over a period of time. There are many return conventions, including but not limited to yield to maturity at cost, yield to maturity at market, yield to worst, time weighted total return, dollar weighted total return.

REPURCHASE AGREEMENT (RP OR REPO): A holder of securities sells these securities to an investor with an agreement to repurchase them at a fixed price on a fixed date. The security "buyer" in effect lends the "seller" money for the period of the agree-ment, and the terms of the agreement are structured to compensate him for this. Dealers use RP extensively to finance their positions. Exception: When the Fed is said to be doing RP, it is lending money, that is, increasing bank reserves.

REVERSE REPURCHASE AGREEMENT: The purchase of a security by a dealer with the agreement to sell it back to the seller at a fixed price at a later date. Typically used by owners of securities to finance short-term needs without having to liquidate the security.

SAFEKEEPING: A service to customers rendered by banks for a fee whereby securities and valuables of all types and descriptions are held in the bank's vaults for protection.

TIME DEPOSITS: A savings account or CD held for a fixed term or with the understanding that the customer can withdraw only by giving advanced notice.

TREASURY BILLS: A short-term (less than one year) non-interest bearing discount security issued by the U.S. Treasury department to finance the national debt. Most bills are issued to mature in three months, six months, or one year.

TREASURY BOND: Long-term U.S. Treasury securities having initial maturities of more than 10 years.

TREASURY NOTES: A non-interest bearing discount security issued by the U.S. Treasury to finance the national debt. Most bills are issued to mature in three months, six months or one year.

UNIFORM NET CAPITAL RULE: Securities and Exchange Commission requirement that member firms as well as nonmember broker-dealers in securities maintain a maximum ratio of indebtedness to liquid capital of 15 to 1: also called net capital rule and net capital ratio.

Indebtedness covers all money owed to a firm, including margin loans and commitments to purchase securities, one reason new public issues are spread among members of underwriting syndicates. Liquid capital includes cash and assets easily converted into cash.

VARIABLE RATE MASTER DEMAND NOTES: A floating rate security with initial maturities and indexed rates chosen by the investor. The interest rate is adjusted periodically, usually off a standard such as that prevailing on a Treasury Bill or the prime interest rate.

YIELD: The rate of annual income return on an investment, expressed as a percentage.

INCOME YIELD is obtained by dividing the current dollar income by the current market price for the security.

NET YIELD or YIELD TO MATURITY is the current income yield minus any premium above par or plus any discount from par in purchase price, with the adjustment spread over the period from the date of purchase to the date of maturity of the bond.

ATTACHMENT B

Dover, Delaware, Code of Ordinances >> PART I - CHARTER AND RELATED LAWS

PART I - CHARTER AND RELATED LAWS [1]

Subpart A - CHARTER

PREAMBLE [3]

We the people of the City of Dover, under the constitution and laws of the state of Delaware, in order to secure the benefits of local self-government and to provide for an honest and accountable council-manager government, do hereby adopt this charter and confer upon the city the following powers, subject to the following restrictions, and prescribed by the following procedures and governmental structure. By this action, we secure the benefits of home rule and affirm the values of representative democracy, professional management, strong political leadership, citizen participation, and regional cooperation.

ARTICLE I. - POWERS OF THE CITY

ARTICLE II. - MAYOR AND COUNCIL

Sec. 17. - Controller/treasurer.

At the annual meeting the council shall elect a controller/treasurer to hold office until the next annual meeting of the council, or until his/her successor has been duly chosen and qualified, but subject to removal at any time by the council.

The controller/treasurer shall be the custodian of all the city funds and shall deposit them in a banking institution designated by the council.

(Amd. of 7-12-2005 (S.B. 126); Amd. of 7-8-2009 (S.B. 165, § 15))





Delaware's Certified Local Government (CLG) Program Guidelines

Division of Historical and Cultural Affairs

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http://history.delaware.gov/

TABLE OF CONTENTS

I. INTRODUCTION 3

II. BENEFITS OF CLG CERTIFICATION 3

III. CLG PROGRAM REQUIREMENTS 4

IV. APPLYING FOR CLG CERTIFICATION 6

V. DECERTIFICATION PROCESS 7

VI. AMENDING THE CLG CERTIFICATION AGREEMENT 8

APPENDIX A 9

APPENDIX B 11

ACKNOWLEDGMENT OF SUPPORT

This publication has been financed in part with federal funds from the National Park Service, Department of the Interior. However, the contents and opinions do not necessarily reflect the views and policies of the Department of the Interior.

NONDISCRIMINATION STATEMENT

This program receives Federal financial assistance for identification and protection of historic properties. Under Title VI of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, and the Age Discrimination Act of 1975, as amended, the U.S. Department of the Interior prohibits discrimination on the basis of race, color, national origin, disability or age in its federally assisted programs. If you believe you have been discriminated against in any program, activity, or facility as described above, or if you desire further information, please write to: Office of Equal Opportunity, National Park Service, 1849 C Street, N.W., Washington, DC 20240.

I. INTRODUCTION

The Certified Local Government (CLG) Program is a local, state, and federal partnership focused on promoting historic preservation at the grass roots level. Authorized as part of the 1980 amendments to the National Historic Preservation Act of 1966 (NHPA), the CLG Program provides local governments with a formally recognized role in the nation's preservation program.

The CLG Program is jointly administered by the Department of the Interior, through the National Park Service (NPS), and State Historic Preservation Offices (SHPOs) in each state. In Delaware, the SHPO is the Director of the Division of Historical and Cultural Affairs. The NPS is responsible for establishing the CLG Program's broad regulations and standards, which are further defined by each SHPO to meet the needs and abilities of their local governments.

In Delaware, local governments may include any of the counties or any municipality incorporated under the authority of the General Assembly. To participate in the CLG Program, which is an entirely voluntary commitment, the local government's chief elected official (CEO) must first submit a signed application demonstrating that it meets the basic program criteria. It is important to consider that CLG certification encompasses the entirety of the local government, rather than simply the body designated to carry out preservation activities. Therefore, the local government's CEO has a significant role in the CLG Program and possesses an independent voice in dealings with the SHPO. If approved, the CLG certification agreement functions as annually self-renewing unless, however, the local government voluntarily withdraws or fails to perform its necessary functions.

This document outlines the benefits, requirements and management procedures of Delaware's CLG Program.

II. BENEFITS OF CLG CERTIFICATION

- **CLG Grants:** CLGs are eligible to apply to the SHPO for grant funding to pursue a wide variety of preservation-related projects and activities, including (but not limited to): historic property surveys, nominations (or amendments) to the National Register of Historic Places, preservation planning assistance, public outreach, and training for members of the historic preservation review commission or CLG staff.

  Funding for CLG Grants is derived from the Historic Preservation Fund (HPF), which is awarded annually to the State. In turn, the State is required to allocate 10% of its HPF award to CLGs in the form of sub-grants. The CLG grants function on a 60/40 matching basis: the grant may constitute up to 60% of the project cost, while the applicant provides the remaining 40% through cash and/or donated services and materials.

- **Technical Assistance:** The SHPO is committed to working closely with CLGs to support historic preservation efforts and address issues of concern. The SHPO or SHPO staff are available to provide ongoing technical assistance and may, upon request, attend a CLG meeting to conduct a presentation or workshop.

III. CLG PROGRAM REQUIREMENTS

A. The local government must adopt and enforce a zoning ordinance for the designation and protection of historic properties located within its jurisdictional boundary. The following provisions must be included in either the zoning ordinance or implementing regulations:

1. A statement of purpose and definitions;

2. The establishment of an adequate and qualified historic preservation review commission (Commission);

3. An assignment of powers to the Commission to carry out the provisions of the zoning ordinance;

4. Procedures and locally-established criteria for the designation of local landmarks and/or local historic districts. [These local landmarks and local historic districts must not include properties listed on or eligible for listing in the National Register of Historic Places (National Register) unless already designated through the local designation process.];

5. Procedures and standards for the review of demolitions, alterations, and other actions that may impact local landmarks and local historic districts. [The Commission's recommendations pertaining to the protection of these properties must be consistent with the Secretary of the Interior's Standards for Rehabilitation.];

6. Procedures for enforcing the zoning ordinance and penalties for non-compliance with actions and determinations;

7. An appeal process for decisions rendered under the zoning ordinance; and

8. Procedures for public hearings and notification consistent with this document and the Delaware Freedom of Information Act (29 Del. C. §100).

B. The local government must establish an adequate and qualified historic preservation review commission (Commission), which may consist of a board, council, or other similar collegial body.

1. The Commission must adopt and consistently adhere to by-laws or rules of procedures that are publicly-available and include a section prohibiting conflicts of interest.

2. Commission meetings must be scheduled at regular intervals and occur at least four (4) times per year;

3. Unless otherwise stipulated by the zoning ordinance, members of the Commission must be appointed by the local government's chief elected official (CEO).

4. To the extent available in the community, appointees to the Commission must possess professional expertise in the disciplines of architecture, history, architectural history, planning, archaeology, or other historic preservation-related fields. At a minimum, all members of the Commission must possess a demonstrated interest, competence, or knowledge in historic preservation.

5. The Commission must have no fewer than five (5) members.

6. Vacancies in the Commission must be filled within ninety (90) calendar days of an expired term or receipt of a letter of resignation.

7. At least once annually, all members of the Commission must make a reasonable effort to participate in historic preservation training, which may consist of conferences, presentations, or workshops conducted by the SHPO or other preservation professionals, or web-based opportunities. The Commission chair should consult with the SHPO regarding the appropriateness and availability of training opportunities. The SHPO is responsible for providing the Commission with orientation materials and consulting with the Commission chair, or other designee, to determine training needs and requests.

C. The local government must maintain a system for the survey and inventory of historic properties located within its jurisdiction.

1. The local government must maintain a publicly-available list and map of locally-designated landmarks and historic districts.

2. If a historic property survey is undertaken by the local government, it must be conducted in accordance with the most recent survey guidelines established by the SHPO. Upon completion of the survey, all forms and reports must be submitted to the SHPO. The SHPO will ensure that survey materials are publicly-accessible except as withheld in accordance with Section 304 of the NHPA, which allows for the restriction of sensitive information regarding the location, character, or ownership of a historic resource that may cause a significant invasion of privacy, risk or harm to the historic resource or impede the use of a traditional religious site by practitioners.

D. The local government must provide for adequate public participation in the historic preservation program, including the process of recommending properties to the National Register.

1. All Commission meetings must be announced by public notice with an agenda, open to the public, and conducted in accordance with the Delaware Freedom of Information Act (29 Del. C. §100).

2. Adequate minutes of the Commission's decisions and actions, including applicable standards and criteria for reaching such determinations, must be maintained and be publicly-available.

3. All of the Commission's decisions and actions must be made in a public forum and affected applicants must be provided written notification of such determinations.

4. All policies, procedures, and guidelines used by the Commission must be readily accessible to the public.

5. To ensure that decisions regarding the National Register take into account local concerns, the local government must actively participate in the review of National Register nominations.

    i) For proposed National Register nominations located within the local government's jurisdiction, the SHPO must provide a copy of the nomination

to the CEO and Commission chair at least sixty (60) calendar days prior to deliberation by the Delaware State Review Board for Historic Preservation.

ii) When considering a National Register nomination, the Commission are encouraged to seek the expertise of persons meeting the Secretary of the Interior's Professional Qualifications Standards (see Appendix A) in the discipline pertinent to the nomination.

iii) Following a reasonable opportunity for public comment, the local government must submit to the SHPO a National Register nomination report with:

(a) The recommendations of the Commission and CEO; and

(b) Statements from the Commission and CEO evaluating the property in accordance with the National Register Criteria for Evaluation.

iv) If either or both the Commission and CEO recommend that the property is eligible for nomination, the SHPO will place the nomination before the Delaware State Review Board for Historic Preservation in accordance with the procedures outlined in 36 CFR 60, and 36 CFR 61.

v) If both the Commission and CEO recommend that the property is not eligible for nomination, the SHPO may not nominate the property unless an appeal is filed in accordance with Section 101(c)(2) of the NHPA, and 36 CFR 60. If such an appeal is filed, the SHPO may then place the nomination before the Delaware State Review Board for Historic Preservation in accordance with the procedures outlined in 36 CFR 60, and 36 CFR 61.

E. The local government must submit to the SHPO on January 31 of each year, an annual historic preservation report which describes the Commissions activities and determinations for the period of the previous October 1 through September 30 (i.e. the federal fiscal year). The preferred method of submittal for this report is digitally on a CD, but a paper submittal is allowed. Appendix B contains an outline of the contents of this report.

IV. APPLYING FOR CLG CERTIFICATION

A. To apply for CLG certification, the local government's CEO must submit to the SHPO an application with the following materials:

1. A request to participate in the CLG Program signed by the CEO; and

2. A copy of *Delaware's Certified Local Government Program Application* with required attachments.

B. The SHPO will review the application and may request additional information from the local government. Once sufficient information has been provided, the SHPO will notify the CEO of its decision within sixty (60) calendar days.

C. If the certification request is denied, the SHPO will specify the cause(s). If the certification request is approved, the SHPO will prepare a certification agreement, which outlines the

responsibilities of the local government, and transmit it the CEO for signature. Upon receipt, the SHPO will then forward the application and signed certification agreement to the NPS for review.

D. The NPS will provide a determination or request for additional information within fifteen (15) working days. If the NPS concurs with the certification request, the date of the NPS' concurrence will be the effective date of certification.

E. The certification agreement will function as annually self-renewing and may be terminated or amended as outlined below.

V. DECERTIFICATION PROCESS

A. A local government may be decertified from the CLG program either voluntarily or due to non-compliance. In either instance, open CLG Grants must be resolved.

1. **Voluntary Decertification**

   i) The local government's CEO may, at any time, request decertification by notifying the SHPO in writing and indicating the reason(s) for seeking decertification. The SHPO will then notify the NPS, and the decertification process will be considered complete.

2. **Decertification for Non-Compliance**

   i) If, at any time, the SHPO determines that the local government is failing to meet the requirements of the CLG program, the CEO and Commission chair will be notified and provided with recommended corrective measures.

   ii) Upon receipt of the notification, the CLG will be allotted 120 calendar days to address any deficiencies. By the end of this 120 day period, the CEO must submit a letter to the SHPO documenting how such deficiencies were addressed or, if not successful, a summary of ongoing progress along with time extension request. Within thirty (30) calendar days, the SHPO will respond to the CEO and Commission chair and will either note that the CLG has made the necessary changes, grant the requested extension, or recommend decertification.

   iii) If the SHPO recommends decertification, the CLG has thirty (30) calendar days to appeal the decision. This appeal should provide clear justification as to why the decision should be overturned. After this time frame, the SHPO will transmit all pertinent documentation, including any appeal filed, to the NPS for review. If the Secretary of the Interior concurs with the SHPOs recommendation for decertification, the local government will be considered decertified at the time of the NPS letter.

3. **Financial Closeout Procedures**

   i) If at the time of decertification the local government is a grant recipient, the SHPO will conduct financial assistance closeout procedures.

VI. AMENDING THE CLG CERTIFICATION AGREEMENT

A. For minor changes, technical corrections, and changes required by NPS policy directives, a written notification from the SHPO to all local governments will be considered sufficient.

B. Any substantive change(s) will require an amendment to the Certification Agreement.

1. The SHPO must notify the affected CLGs and other potentially interested parties of the proposed amendment and allow sixty (60) calendar days for comment.

2. At the end of this period, the SHPO will submit a record of any comments received and the proposed amendment to the NPS for review. Upon receipt, the NPS will have forty-five (45) working days to respond to the SHPO.

3. If the NPS approves of the amendment, the SHPO must send amended certification agreements to each of the affected CLGs for signature and, once returned, forward them to the NPS within 120 calendar days.

APPENDIX A

Secretary of the Interior's Professional Qualifications Standards

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Throughout this Appendix, a year of full-time professional experience need not consist of a continuous year of full-time work, but may be made up of discontinuous periods of full-time or part-time work adding up to the equivalent of a year of full-time experience.

I. History: The minimum professional qualifications in history are a graduate degree in history, or closely related field; or a bachelor's degree in history, or a closely related field, plus one of the following:

1. At least two years of full-time experience in research, writing, teaching, interpretation, or other demonstrable professional activity with an academic institution, historical organization or agency, museum, or other professional institution; or

2. Substantial contribution through research and publication to the body of scholarly knowledge in the field of history.

II. Archeology: The minimum professional qualifications in archeology are a graduate degree in archeology, anthropology, or closely related field, plus:

1. At least one year of full-time professional experience or equivalent specialized training in archeological research, administration, or management;

2. At least four months of supervised field and analytic experience in general North American archeology, and

3. Demonstrated ability to carry research to completion.

In addition to these minimum qualifications, a professional in prehistoric archeology shall have at least one year of full-time professional experience at a supervisory level in the study of archeological resources of the prehistoric period; and a professional in historic archeology shall have at least one year of full-time professional experience at a supervisory level in the study of archeological resources of the historic period.

III. Architectural History: The minimum professional qualifications in architectural history are a graduate degree in architectural history, art history, historic preservation, or closely related field, with course work in American architectural history; or a bachelor's degree in architectural history, art history, historic preservation, or closely related field, plus one of the following:

1. At least two years of full-time experience in research, writing, or teaching in American architectural history or restoration architecture with an academic institution, historical organization or agency, museum, or other professional institution; or

2. Substantial contribution through research and publication to the body of scholarly knowledge in the field of American architectural history.

IV. Architecture: The minimum professional qualifications in architecture are a professional degree in architecture, plus at least two years of full-time professional experience in architecture; or a State license to practice architecture.

V. Historic Architecture: The minimum professional qualifications in historic architecture are a professional degree in architecture; or State license to practice architecture, plus one of the following:

1. At least one year of graduate study in architectural preservation, American architectural history, preservation planning, or closely related field; or

2. At least one year of full-time professional experience on historic preservation projects.

Such graduate study or experience shall include detailed investigations of historic structures, preparation of historic structures research reports, and preparation of plans and specification for preservation projects.

APPENDIX B

Annual Historic Preservation Report

The local government must submit to the SHPO on January 31 of each year, an annual historic preservation report which describes the Commissions activities and determinations for the period of the previous October 1 through September 30 (i.e. the federal fiscal year). The preferred method of submittal for this report is digitally on a CD, but a paper submittal is allowed. Below is an outline of the materials to be contained in this report.

Historic Zoning Ordinance:

1. Copies of any new historic preservation zoning ordinances, amendments, regulations, by-laws, or guidelines implemented during the review period.

2. A total number of cases reviewed under the authority of the zoning ordinance during the review period.

Local Historic Preservation Commission:

1. A list of all currently serving members of the Commission, any changes in membership during the review period, and resumes for any members of the Commission appointed during the review period demonstrating their interest, knowledge, or competence in historic preservation. [Please note whether any of the Commissioners meet the Secretary of the Interior's Professional Qualifications Standards as outlined in Appendix A].

2. Any vacancies on the Commission along with the duration of such vacancies.

3. Members of the Commission who participated in historic preservation training and a description of such training.

4. Any requests for technical assistance from the SHPO.

Public Participation:

1. Total number of Commission meetings held during this period.

2. Copy of the minutes and agenda for all Commission meetings.

3. Documentation of any changes to the public notification procedures.

4. List of National Register nominations reviewed by the Commission.

Local Survey and Inventory:

1. Names of new local landmark and local historic district designations and a map illustrating their locations.

2. Update on the status of historic property surveys in progress. [If completed but not submitted, a copy of the survey materials should be transmitted to the SHPO].

ACTION FORM

PROCEEDING: Legislative, Finance, and Administration Committee	**MEETING DATE:** 07/08/13
DEPARTMENT OF ORIGIN: City Council	
PREPARED BY: Traci McDowell, City Clerk	

SUBJECT: Dover Human Relations Commission	**DATE SUBMITTED**: 07/02/2013
RELATED PROJECT: N/A	
APPROVALS: LF&A Committee and City Council	
EXHIBITS: Exhibit #1 - Historical Overview Provided to Committee on May 28, 2013 Exhibit #2 - DHRC 2013 Meetings Summary Exhibit #3 - List of Committees Which Meet as Needed Exhibit #4 - DHRC Membership Summary and List of Resignations 2010-2013 Exhibit #5 - DHRC By-Laws (Adopted: September 6, 2002; Amended: December 15, 2004) Exhibit #6 - DHRC Intake Form Log - 2010-Present	
TIMETABLE: Recommendations to City Council on July 22, 2013	
RECOMMENDED ACTION: Examine the role and performance of the Dover Human Relations Commission by reviewing Items #1-5 below and formulating recommendations for Council's consideration.	

BACKGROUND AND ANALYSIS

During the Legislative, Finance, and Administration Committee meeting of June 24, 2013 members requested addition information (Exhibits #5 and #6) and tabled the discussion of recommendation items #1-5 included in the May 28, 2013 committee action form pertaining to the Dover Human Relations Commission, as follows:

1) If the Commission is fulfilling its purpose (below)

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.

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.

2) If there is evidence of a continued necessity for the Commission, or if it is a duplication of services provided by other agencies, committees, etc. within the City and/or State of Delaware.

(See Exhibit #2 - DHRC 2013 Meetings Summary; and Exhibit #6 - DHRC Intake Form Log - 2010-Present)

3) The possibility of amending Sec. 58-33 (c) - Meetings, of the Dover Code to limit the Commission to meeting on an as needed basis, in the same manner as many other City committees, commissions and boards, including the Awards Committee, Election Board, Ethics Commission, and Property Maintenance Code Board of Appeals.

(See Exhibit #3 - List of Committees Which Meet as Needed)

4) The possibility of amending Sec. 58-32 (b) - Composition; appointment, of the Dover Code to reduce the membership of the Commission from fifteen (15) to seven (7), which would maintain the threshold originally proposed during the Dover Community Meeting of December 4, 2001.

(See Exhibit #4 - DHRC Membership Summary and List of Resignations 2010-2013)

5) Direct staff to prepare a Proposed Ordinance reflecting the recommendations of the Committee.

/dd

ACTION FORM

PROCEEDING: Legislative, Finance, and Administration Committee	**MEETING DATE:** 05/28/13
DEPARTMENT OF ORIGIN: City Council	
PREPARED BY: Denise L. Devine, Assistant City Clerk, on Behalf of Councilman James Hutchison, Sr.	

SUBJECT: Dover Human Relations Commission	**DATE SUBMITTED**: 05/23/2013
RELATED PROJECT: N/A	
APPROVALS: LF&A Committee and City Council	
EXHIBITS: Dover Community Meeting Minutes (May 1, 2001 - December 4, 2001); Chapter 58 - Human Relations, Article II - Human Relations Commission of the Dover Code	
TIMETABLE: Direct staff to prepare a Proposed Ordinance reflecting the recommendation of the Committee for First Reading by City Council during the Regular Meeting of June 10, 2013	

RECOMMENDED ACTION: Councilman Hutchison requests that the Legislative, Finance, and Administration Committee examine the role and performance of the Dover Human Relations Commission to determine the following: 1) if the Commission is fulfilling its purpose; 2) if there is evidence of a continued necessity for the Commission, or if it is a duplication of services provided by other agencies, committees, etc. within the City and/or State of Delaware; 3) the possibility of amending Sec. 58-33 (c) - Meetings, of the Dover Code to limit the Commission to meeting on an as needed basis, in the same manner as many other City committees, commissions and boards, including the Construction Code Appeals Committee, Election Board, Ethics Commission, and Property Maintenance Code Board of Appeals; 4) the possibility of amending Sec. 58-32 (b) - Composition; appointment, of the Dover Code to reduce the membership of the Commission from fifteen (15) to seven (7), which would maintain the threshold originally proposed during the Dover Community Meeting of December 4, 2001; and 5) direct staff to prepare a Proposed Ordinance reflecting the recommendation of the Committee for First Reading at City Council during the Regular Meeting of June 10, 2013 and Final Reading on June 24, 2013.

BACKGROUND AND ANALYSIS

In 2001, two (2) incidents occurred during the month of March (one (1) involving the shooting of a police officer in the Capital Green area, and one (1) involving the death of Mr. Reginald Hannah) which caused racial tension and divisiveness within the City of Dover. As a result, Mayor Hutchison requested an Emergency Council Meeting to discuss the conflicting issues involving the community, which was held on March 25, 2001. Subsequently, the Delaware Human Relations Commission held a series of Dover Community Meetings throughout the year **(Exhibits)**, to begin a dialogue and develop objectives to restore and rebuild the community, together with all citizens of Dover. Those in attendance at these Community Meetings worked to develop and prioritize a list of issues as well as strategies and objectives for resolution.

During the Dover Community Meeting held on August 28, 2001, those present reviewed five (5) alternatives for developing a forum for the community. During the Dover Community Meeting of September 25, 2001, Councilman Eugene Ruane reviewed a list of what he felt the responsibilities of a local Human Relations Commission would entail.

During their Regular Meeting of February 22, 2002, Dover City Council adopted an ordinance establishing the City of Dover Human Relations Commission.

The Commission was established to restore and rebuild the community, however, during the past several years, the Commission has experienced low meeting attendance rates, by both members and citizens, and the Mayor and Council have received resignations from numerous members. As a result, the Commission has experienced difficulty in obtaining the required quorum of members to convene meetings and conduct official business.

Additionally, there is a lack of communication between the Commission and Council, as well as between the Commission and members of City staff. The Commission has repeatedly jeopardized the City's compliance with the Freedom of Information Act (FOIA) through its disregard of requests to provide detailed meeting minutes.

Councilman Hutchison requests that the Legislative, Finance, and Administration Committee examine the role and performance of the Dover Human Relations Commission to determine the following:

1) if the Commission is fulfilling its purpose;

2) if there is evidence of a continued necessity for the Commission, or if it is a duplication of services provided by other agencies, committees, etc. within the City and/or State of Delaware;

3) the possibility of amending Sec. 58-33 (c) - Meetings, of the Dover Code to limit the Commission to meeting on an as needed basis, in the same manner as many other City committees, commissions and boards, including the Construction Code Appeals Committee, Election Board, Ethics Commission, and Property Maintenance Code Board of Appeals;

4) the possibility of amending Sec. 58-32 (b) - Composition; appointment, of the Dover Code to reduce the membership of the Commission from fifteen (15) to seven (7), which would maintain the threshold originally proposed during the Dover Community Meeting of December 4, 2001; and

5) direct staff to prepare a Proposed Ordinance reflecting the recommendation of the Committee for First Reading at City Council during the Regular Meeting of June 10, 2013 and Final Reading on June 24, 2013.

Highlights
Dover Community Meeting
May 1, 2001

- **Partnership**

  Delaware State Housing Authority, Community Leaders, Government Officials, Attorney General Offices, U.S. Department of Justice, HUD, Delaware State University, Wesley College and Delaware Technical Community College, Civic Organizations, and Law Enforcement

- **Media Issues**

  How to approach the Media

- **Education/Community Outreach**

  Feedback from citizens – Dialogue with community leaders
  Market the city
  Hold community meetings
  Proactive v. Reactive Approaches

- **Citizen Police Academy**

- **Involvement of Clergy**

- **Develop a plan of action before the end of school**

DOVER COMMUNITY MEETING MINUTES

The Delaware Human Relations Commission held a meeting on May 15, 2001 at the University of Delaware Paradee Building, Route 113 and Bay Road, Dover, Delaware. The meeting was called to order by Commissioner David W. Hill at 6:45 p.m.

Those present were: Commissioner David Hill, Director of the Human Relations Office, Juana Fuentes-Bowles, Councilpersons, Carleton Carey, Sr., William McGlumphy, John Pitts, Robert Ritter, Eugene Ruane, Stephen Speed, William Truitt, Charles Weller, President of Kent County NAACP, Cecil Wilson, Bishop Marion Lott, Mayor James Hutchinson, Chief of Police designees, Lt. Keith O'Connell and Capt. Ray Taraill, NAACP Community Activist, Travis Mishoe Sudler and NAACP Chair of Labor, Ray Sudler, Jr.

The purpose of the meeting was to begin a dialogue and develop objectives to restore and rebuild the community together with all citizens of Dover. Highlights of the May 1st meeting was discussed. Those highlights were as follows:

Partnership:

Partnering with other entities to establish a working relationship (Delaware State Housing Authority, community leaders, Government Officials, Attorney General Office, U.S. Department of Justice, HUD, Delaware State Housing Authority, Wesley College, Delaware Technical and Community College, Civic Organizations and Law Enforcement).

Media Issues:

How they can approach the Media. How the media portrays races and cultures. How media self-evaluates news.

Education/Community Outreach:

Feedback from citizens – Develop ways to dialogue with community leaders; ways to market the City of Dover, holding public meetings and how to be proactive vs. reactive approaches.

Citizen Police Academy:

How the academy functions. How it can be a resource to the community.

Involvement from the Clergy:

Participation from all clergy.

The group felt that a plan of action should be developed before the end of the 2001 school year.

From those Highlights of the May 1, 2001 meeting, seven issues were developed:

(1) Isolation
(2) How citizens are viewed by local officials; i.e. stereotyping, race profiling, labeling.
(3) Media
(4) Dover Police Department
Recruitment, Promotion, Retention of minority group members
(5) How citizens view police, i.e. stereotyping, fear, advocacy role.
(6) Capitol School District role
Recruitment of minority teachers and administrators, school board issues.
Ratio of minority students vs. minority teachers and administration
(7) The anger of citizens

Several strategies were discussed; citizen police academy, opportunities, hold council meetings in council members districts, partner with groups, proactive approaches, develop diversity programs, community league, community review boards, civic association involvement, partner with multi-housing units and their managers, invite the community to the roundtable.

The group agreed with the issues discussed and a ranking should take place to address immediate issues first and respectively followed. They further discussed inviting other members to the table. The group felt that once the issues have been identified and agreed upon, strategies and objectives should be developed for implementation.

All members present were asked to prioritize the issues and be prepared to talk about strategies and objectives for each issue by next meeting.

The meeting was adjourned at 8:45 p.m.. The next meeting is scheduled for June 6, 2001 at 6:30 p.m. at University of Delaware, Paradee Building, Route 113 and Bay Road, Dover, Delaware.

DOVER COMMUNITY MEETING MINUTES

The Delaware Human Relations Commission held a meeting on June 6, 2001 at the University of Delaware, Paradee Building, Route 113 and Bay Road, Dover, Delaware. The meeting was called to order by the Director of the Division of Human Relations, Juana Fuentes-Bowles. Commissioner David Hill was unable to attend the meeting due to illness.

Those present: Director of the Division of Human Relations, Juana Fuentes-Bowles, Mayor James Hutchinson, Lt. Keith O'Connell, Roy Sudler, Jr. Evangelist Shirley Caldwell, Pastor Richard Avant, Bishop Marion Lott, Pastor William Fitzhugh, Councilpersons, John Pitts and Gene Ruane, Elder W.R. Dixon, Elder Paul Caldwell, Bridget Avant and Ray (FAMBCF).

The meeting opened with an introduction of the people present. The meeting was a continuation from the last meeting (May 15, 2001) on the development of strategies and objectives to restore and rebuild the Dover Community. The highlights of the May 15 meeting were discussed. The issues were prioritized as follows:

Issues

(1) Concern of Citizens
(2) How citizens are viewed by local officials
(3) How citizens view the Police Department
(4) Isolation
(5) Dover Police Department (Recruitment, promotions, retention, new hires, etc.)
(6) Role of the Capital School District
(7) Media

Discussion took place on different strategies and objectives that can be placed under some of the issues. Those Strategies and objectives were as follows:

Strategies ad Objectives

- How to get citizens involved (i.e. clergy)
- Neighborhood watch program
- Talk with citizens
- Identify communities
- Identify representation from those communities
- Communication
- Meetings being conducted (i.e. neighborhoods)
- Council to hold district meetings
- Hold community meetings
- Mobilization of a Task Force
- Develop a Citizen Concern Board

- Information meetings held by identified entities
- Establish community organizations
- Hold Block Parties
- Citizen Police Academy
- Opportunities
- Partner with Groups
- Develop Diversity Programs
- Develop Civic Associations
- Invite community to a roundtable

All members present were asked to look at some of the strategies that were identified and place them under a issue that was identified and to develop other strategies for the identified issues.

Discussion took place in identifying communities within Dover that are not organized. Some that were mentioned are: Capital Green, Manchester Square, Liberty Court, Whatcoat, Simmon Circle and Schoolview.

Roy Mishoe Sudler introduced information entitled "Meeting Agenda for the NAACP reference to the State of Delaware, Division of Human Relations Commission" to the group. It was decided by the group to review the information for discussion at the next meeting. (Attached)

The group agreed to invite Diane Mitchum, U.S. Department of Justice at the next meeting.

The meeting was adjourned at 8:10 p.m.. The next meeting is scheduled for June 19 at 6:30 p.m.

DOVER COMMUNITY MEETING MINUTES

The Delaware Human Relations Commission held a meeting on June 19, 2001 at the Del Dot Administrative Building, Route 113 and Bay Road, Dover, Delaware. The meeting was called to order by the Director of the Division of Human Relations Juana Fuentes-Bowles at 6:45 p.m. Commissioner David W. Hill was unable to attend. The meeting opened with a prayer from Bishop Marion Lott.

Those present were: Director of the Human Relations Office, Juana Fuentes-Bowles, Captain Ray Taraila, Evangelist Shirley Caldwell, Pastor Anthony Wallace, Pastor Dan Burton, Bishop Marion Lott, Pastor William Fitzhugh, Councilpersons, Carleton Carey, Sr., William McGlumphy, and Eugene Ruane, Reverend James Hill, Sr., Jerry Alston, Paul Caldwell, House of Pride, Ray Famble, Don Doyle, Alphonso Cottman, Victor Couch and Samuel Rodgers, Reverend Anna Watson and Commissioner Marian Harris. There were two other individuals present whose names could not be translated.

The meeting opened with an introduction of the people present. The meeting was a continuation from the June 6, 2001 on the development of strategies and objectives to restore and rebuild the Dover Community.

Discussion took place on the issues that were prioritized by the group. Those issues were:

Concern of Citizens:

How citizens are viewed by local officials. How citizens view the Police Department, Isolation, Dover Police Department recruitment, promotions, retention and new hires, Role of the Capitol School District and the Media. The group decided to address the first issue (Concern of Citizens) strategically. The group felt that Citizens felt they were in fear if they made a complaint at the Police Station. Also citizens did not know the process to file a complaint.

A discussion took place on how to implement a Citizen Police Review Board as a strategy to the issue. Information has been offered by Captain Ray Taraila on what the Dover Police Department Complaint Process is presently.

The Group decided to develop a task force to develop a complaint process and report to the group. The task force members are Bishop Marion Lott, Jerry Alston, Reverend James Hill, Reverend Anna Watson and Captain Ray Taraila. The next scheduled meeting for the **Task Force** is June 26th at 4:00 p.m. at the Dover Police Department, 400 S. Queen Street, Dover, Delaware.

The meeting adjourned at 8:00 p.m. along with a closing prayer by Pastor William Fitzhugh. The next **Community Harmony** meeting is scheduled for July 24th at 6:30 p.m. at the Dover Police Department, 400 S. Queen Street, Dover, in the Public Assembly Room.

Minutes of the Dover Community Meeting
Dover City Police Department, July 24, 2001

The DHRC held a meeting on July 24, 2001 at the Dover City Police Department, Dover, Delaware. Juana Fuentes-Bowles, the Director of the Division of Human Relations, was away on business. Therefore, the meeting was called to order by Human Relations Investigator, Sharese McGhee at 6:40 p.m.

Those present were: Human Relations Investigator, Sharese McGhee, Mayor James Hutchison, Captain Ray Taraila, Evangelist Shirley Caldwell, Bishop Marion Lott, Pastor William Fitzhugh, Councilman Eugene Ruane, Councilman Stephen Speed, Clergy Paul Caldwell, Elder Wallace Dixon, City Manager Anthony De Prima.

The meeting opened with silent meditation. The group remembered Emily Morris. The meeting started with each one introducing him/herself to the group. There was further discussion on developing strategies and formulating objectives on how to restore and rebuild the Dover community. The discussion was a continuation from the groups' first prioritized issue.

Concern of Citizens

Draft citizen's complaint form. Bishop Lott along with Capt. Ray Taraila presented a draft. The information was pulled from the Wilmington Police, NCC Police, Human Relations and Department of Corrections. Prior to this, the Dover City Police Department did not have forms in place that a person would receive. Complaints are logged in. Suggestions were made to (1) make the complaint form on one piece of paper; (2) title needs to express the message of complaint; (3) add lines concerning if force was used e.g. physical, injuries, chemical, hospitalization, etc.; (4) swearing or affirming should be placed by the signature line; (5) form to be housed at Dover City Police Department.

Capt. Ray will draft a brochure/flyer to explain the complaint process. Human Relation Commission will submit final draft to Dover Police for final decision. The group wants it to be noted that this form came out of discussion from citizen's perspective rather than the state agency. This matter was referred back to the task force to complete final draft. A meeting with the task force is in the process of being scheduled.

Police Citizens Review Board

Lengthy discussion took place regarding this topic. The group had concerns about the title. The title needs to be changed. Suggestion: Citizens Advisory Council.

Discussion on the implementation of the mayor's new Executive Advisory Board. The group wanted to know if this board would serve the group's purpose. It was decided that a board is still needed. This issue was tabled for next meeting's agenda.

Bridging the Gap in the Community

The group decided it needed to identify the leaders in the community, that more that one or two leaders should be identified. To be able to identify leaders, sections of the city must be defined which would require a review of the city's map. It was agreed that leaders would be able to foster dialogue within the community.

Mayor Hutchison will contact Dr. DE Lauder of Del-State University to elicit his help in drawing a list. Gene Ruane will do the follow-up. This item was tabled for next meeting's agenda.

The meeting adjourned at 8:10 p.m. The next meeting is scheduled for **Tuesday, August 28, 2001 at 6:30 p.m. at the Paradee Building Conference Room of the University of Delaware, located at Rt. 113 & Bay Road, Dover.**

The task force will set its own meeting date.

DOVER COMMUNITY MEETING MINUTES
U. of DE Parade Building
August 28, 2001

The Delaware Human Relations Commission held a meeting on August 28, 2001 at the University of Delaware Paradee Building, Dover, Delaware. The meeting was called to order by Juana Fuentes-Bowles, Director of the Division of Human Relations, at 6:35 p.m.

Those present were: Director of the Human Relations Office, Juana Fuentes-Bowles, Rev. James Hill, Jr., Bishop Marion Lott, Sr., Pastor Dan Burton, Rev. William Fitzhugh, Tony DePrima, Paul Caldwell, Shirley Caldwell, Eugene Ruane, Elder Dixon, Rev. Richard Avant, Reuben Salters, and John Pitts.

Bishop Lott revised the discussion regarding the complaint form. He updated the group on the status. Captain Ray Taraila called and indicated he was not able to attend the meeting. Bishop Lott stated that the only outstanding issue with the complaint form was it being a 4-copy form. One copy would go to the Police Department, one to Internal Affairs, and one to the Advisory Board, if this is developed, or some sort of Board or Council that would be a neutral body to look at the complaint. The other outstanding issue was to educate the community on the new form. Captain Taraila is to develop a media campaign to educate the community. Bishop Lott and Juana Fuentes-Bowles will follow-up with Captain Taraila to see where the complaint and media information stands.

Discussion took place what route the group should have on how to develop a forum for the community, to express their concern on issue for resolution. Several suggestions were offered:

- Each city council person elect a person from their District to be a member of a sub -committee that would report to the council.
- Citizen Review Board
- Develop a Task Force
- Develop a local Human Relations Commission
- Police Review Board

The group discussed the possible purpose of such a committee, i.e., Data Bank, Diverse Group of Members, something permanent, handle <u>all</u> issues not just police issues.

The group decided to look into developing a local Human Relations Commission. They felt that this idea would benefit the whole community. They requested the Human Relations Commission find other local government that have Human Relations Commissions and get information forwarded to them for review. Juana Fuentes-Bowles indicated there are many local governments that have Human Relation Commissions. She will follow-up and see what information she can gather to forward to the group.

Eugene Ruane discussed a Police Ad that was recently in the paper that was recruiting for a Police Officer. Bishop Lott will follow-up with the police ad to see if the Police Department can

extend the recruitment date. Talk to local churches about the recruitment. They are going to also see if someone can go to local churches to talk about police recruiting.

Discussion took place regarding bridging the gap in the community. Tony DePrima indicated Mayor Hutchison did talk with Dr. DeLauder regarding assistance with identifying community leaders, and he gave him full cooperation in assisting. Eugene Ruane talked with Dr. Altson(?) and Dr. Johnson from Delaware State University and they said they would be willing to talk to the Group about how they can assist with identifying community leadership. They are willing and wanting to assist. This is through the social of social work about Delaware State University. Eugene Ruane will follow-up and see if they can attend the October 23, 2001 group meeting at 6:30 p.m.

The group was charged with attending the next meeting with a list of leaders they know of in their community. This list will be completed and it will be a starting point.

Reuben Salters mentioned to the group about the League of Government promoting race relations. He indicated last year the Mayor recognized a day for race relations. He will like to continue this effect and asked the group to endorse his effects. The group agreed to send a letter to the mayor and Bishop Lott, along with Elder Caldwell will draft the letter. The meeting adjourned at 8:10 p.m. The next meetings scheduled are September 25th at 6:30 p.m. and October 23rd at 6:30 p.m.

DOVER COMMUNITY MEETING MINUTES
Del Dot Building
September 25, 2001

The Delaware Human Relations Commission held a meeting on September 25, 2001 at the Department of Transportation (DelDot), Dover, Delaware. The meeting was called to order by Juana Fuentes-Bowles, Director of the Division of Human Relations, at 6:35 p.m.

Those present were: Director of the Human Relations Office, Juana Fuentes-Bowles, Evangelist Shirley Caldwell, Councilman Carleton E. Carey, Sr., Tony DePrima, Honorable James L. Hutchison, Bishop Marion Lott, Lt. Keith O'Connell, Councilman Eugene B. Ruane, Roy Sudler, Jr., Captain Ray I. Taraila, and Cecil Wilson.

The meeting opened with a discussion of the complaint form and understanding of the complaint process. Captain Taraila went over the Complaint Process. There were minor changes to the document and Captain Taraila will make the changes for final form. The group agreed to have a press conference introducing the new process. The Press Conference will be held on October 22, 2001 at 7:30 p.m. in Council Chambers.

A letter will go out to the Chief of Police recommending his acceptance of the complaint form and process prior to the Press Conference. Further discussion took place on how the process was going to inform the public. The group agreed that a promotional campaign should take place, and the Police Department will follow through with promoting the process to the citizens of Dover.

Councilman Ruane briefly discussed the development of a local Human Relations Commission. He handed out what he felt should be the responsibilities of this Commission. They are:

- 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 improve human relations in the city.
- Inquire into incidents of inter-group conflicts and disputes within the city and take such action, as may be designed to alleviate such conflicts and disputes.
- Promote and encourage communication between, and cooperation of, all groups interested in bettering human relations in the city.
- 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.
- Engage in such research, education, and advocacy as in the judgement of the Commission of the City Council, may be needed to improve human relations in the city.

Councilman Ruane asked the group to review the responsibilities of a commission for discussion at the next scheduled meeting, November 20, 2001 at 6:30 p.m. The meeting was adjourned at 8:30 p.m.

DOVER COMMUNITY MEETING MINUTES
155 S. Bradford Street, Dover
December 4, 2001

A meeting for the Community Harmony Ad Hoc Committee for establishing City of Dover Human Relations Commission was held on December 4, 2001 at 1:00 p.m. at 155 S. Bradford Street, Dover, Delaware. The meeting was called to order by Sharese McGhee, Investigator with the Division of Human Relations.

Those present were: Human Relations Office Investigator, Sharese McGhee, Councilman Reuban Salters, Bishop Marion Lott, Councilman Eugene Ruane, Pastor William Fitzhugh, and Pastor Anthony Wallace.

Councilman Ruane submitted an extended draft of Human Relations Ordinance. Councilman Salters raised the issue of whether or not there would be a 'conflict of interest,' because the City Council will have to approve it. Councilman Ruane didn't believe that it would be a conflict, because members of the City Council who vote will not be a part of this meeting. It was decided that this was not a conflict of interest. Powers and duties will be approved by the large committee. The rest of draft needs to be decided upon. Using the Department of Justice effective guidelines, re-define the bullets on Page 9 on the goals, to not hit civil rights issues, this draft is for consideration. This Commission will work on the State Commission. Need to make sure it is known that this Commission not trying to replace the State Human Relations Commission.

This Commission will refer issues to other agencies.

This group is basically a mediation group to make sure things are equal.

This group would give Mayor an outlet to turn to.

This draft suggests giving Mayor and Council authority to appoint Commissioner's.

This Commission should be made up of the population of diverse group; i.e., minorities representing 37% minorities, then committee will respect that.

Guideline represent 7-15 members. Councilman should appoint someone from their district and Mayor appoints. Noted in the draft on page (2) Establishment appointment; composition; terms of office (d) the group decided the members selected should be 15 members; 5 Mayor, 10 appointed by President.

The members felt that under the expenses there probably wouldn't be funding for the budget this year.

The members of the Ad Hoc committee were in agreement with the draft of the ordinance for the Human Relations Commission submitted by Councilman Ruane.

The members of this committee wanted this draft to be submitted to the entire Community Harmony Committee at a brief meeting to discuss the draft of the ordinance. The next meeting will be held on December 17th at 6:30 p.m. at 155 S. Bradford Street, Dover.

EXCERPT FROM CITY COUNCIL MEETING MINUTES OF OCTOBER 22, 2001

HUMAN RELATIONS COMMITTEE UPDATE

Ms. Juana Fuentes-Bowles, Director of the Delaware State Division of Human Relations advised members that a group of community members have worked diligently to begin dialogue, and develop objectives and strategies to restore and rebuild the community. As an enforcement agency of the State Human Relations Commission, she stated that there are many tasks one of which is to promote amicable relationships among all racial ethnical groups in the State of Delaware. During the past six (6) months, the State Human Relations Commission felt that due to the climate in the Dover community, it was important to take necessary steps to develop strategies to avoid potential escalating tension within the community.

Ms. Fuentes-Bowles relayed appreciation for those members of Council and staff that have been participating in the meetings that have occurred for the past several months. As a result, she stated that the group has identified seven (7) priority issues that need to be addressed, as follows: 1) concerns of citizens; 2) how citizens are viewed by local officials; 3) how citizens view the Dover Police Department; 4) isolation; 5) Dover Police Department recruitment, promotions, retention, new hires, minority group members, etc.; 6) role of the Capital School District; and 7) the media.

Referring to the first issue being citizens' concerns, Ms. Fuentes-Bowles explained that citizens feared that if they made a complaint, there would be adverse actions towards them, and that many were not aware of how to make a complaint to the City or the Police Department. A Task Force was developed in formulating a process to address these issues. On behalf of the Task Force, she presented a new Citizen Complaint Form and Citizen Complaint Process Brochure to Chief Horvath developed to be used by the City of Dover Police Department. It is hoped that the Chief, as well as Mayor and Council will welcome and implement the form and brochure as a part of City policy.

On behalf of the Dover Police Department, Chief Horvath commended all those that worked on this project and relayed assurance that the new form and brochure will be utilized, stating his feeling that it will enhance the department's public service.

Ms. Fuentes-Bowles advised members that the next Human Relations Commission's meeting is scheduled to be held on November 20, 2001 at 6:30 p.m. at the State DelDOT facility. The topic for discussion is to consider the establishment of a local Human Relations Commission.

Council President McGlumphy thanked Ms. Fuentes-Bowles and the members of the Human Relations Commission and other community participants for beginning the building of harmony in the City and for taking positive action in this regard.

ARTICLE II. - HUMAN RELATIONS COMMISSION

Sec. 58-31. - Purpose.
Sec. 58-32. - Established; composition; appointment; representation; holding other office; removal from office; terms of office; vacancies; reappointments.
Sec. 58-33. - Organization; quorum; meetings; rules of procedure; limitation of functions; agreements; compensation; legal counsel; reports.
Sec. 58-34. - Expenses.
Sec. 58-35. - Conflicts of interest.
Sec. 58-36. - Powers and duties.

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 commission shall consist of 15 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.

(c) *Representation.* In selecting the membership of the commission, the mayor and president of the council and the council shall take particular care 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 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 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.

(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 to the mayor and city council as shall be periodically necessary. An annual report of its accomplishments and a summary of its recommendations, as appropriate, shall be sent 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 a conflict of interest with respect to a matter which is pending before the commission, that member shall disqualify himself from participating in any deliberations, discussions and decision making processes of the commission.

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

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)

DOVER HUMAN RELATIONS COMMISSION - 2013 MEETINGS SUMMARY

JANUARY 23, 2013

Four (4) members present - Sudler, Allen-Pyne, Wasfi, and Edamatsu
Five (5) members absent - (Senato), Hackett, White, Warfield, Baccio-Walker, and Brewington
Vacancies (6)
( ) = in minutes (Mr. Senato resigned September 14, 2012)
__ = omitted from minutes

Adoption of Minutes of November 28, 2012
No Action Taken - Lack of a Quorum

Comments/Presentations from Members of the Community
There were no comments made at this time

Chair's Report
Chairman Sudler reported that on January 15, 2013 at approximately 7:30am, he attended the Capital School District's School Board Meeting. There were two major concerns expressed by the parents and teachers:

1) The need for strengthening how we teach and reach students with special needs in the DCAS Testing.

2) The Contract Extensions and Specifications for Arthur Thomas with a two year renewal contractual agreement.

PURPOSE: Not within the defined purpose or powers and duties of the Commission.

Chairman Sudler reported that on January 19, 2013 at approximately 7am a historical moment took place in downtown Dover on Legislative Mall with the unveiling of the Martin Luther King Boulevard street sign.

On January 21, 2013 Chairman Sudler reported that he attended the 30th Annual Martin Luther King Prayer Breakfast in which he commented was highly attended and excellently done.

Committee Reports
School Programs: Commissioner Wasfi reported on the proposed "Study Circle" Project. This is a five week project that would run for 2 hours for five consecutive weeks and should have a minimum of 10 people participating. Commissioner Wasfi also advised that Don Blakely agreed to be the Facilitator if he can fit it into his schedule. Sessions can be held at the Dover Library on Saturday mornings from 10:00am to 12:00pm or during the week from 6:00pm to 8:00pm, if convenient for the Commissioners. It should also be noted that the Dover Library does close at 9:00pm which could create an issue if the sessions run over.

PURPOSE: Difficult to determine the purpose without knowing more about the Study Circle Project.

Community Programs: Commissioner Dawn Allen-Pyne- nothing to report at this time.

Assessment: Commissioner Edamatsu- nothing to report at this time.

Intake Forms: Commissioner Warfield - not present to report.

Brief discussion took place regarding intake forms. Commissioner Wasfi asked about the Commissions role in intake form process. She stated that the intake forms provide a channel for the citizens of Dover. It was suggested that a letter be drafted regarding the intake process.

Chairman Sudler stated that he would like to appoint Commissioner Wasfi as a liaison to get a point of clarity.

Commissioner Wasfi stated that we need to respond to the Henry Fordham matter. She also expressed the importance of letting Dr. Warfield know that those who were present for this meeting share her concerns.

CITY CLERK'S OFFICE NOTE: The Commission was advised on October 3, 2012 that the City of Dover and the DHRC should not be involved in this matter and that the complainant be referred to the State Human Relations Commission or the Attorney General.

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

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

New Business

2012 Annual Report:

(Final report must be submitted to the City Clerk's Office by 12:00 noon on February 1, 2013 for consideration by City Council at the regular Council Meeting on February 11, 2013}
[Chairman Sudler forwarded report to all of the Commissioners via email for review]

PURPOSE:

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

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

FEBRUARY 27, 2013

Seven (7) members present	-	Sudler, Allen-Pyne, Wasfi, Hackett, Brewington, White, and Edamatsu
One (1) member absent	-	Baccio-Walker and (Warfield)

Vacancies (7)
( ) = in minutes (Ms. Warfield resigned on February 27, 2013)
__ = omitted from minutes

Agenda Additions & Deletions:
Chairman Sudler added item (a) Adoption of Minutes to the Agenda and items (b) Ad Hoc Committee for Resolution Proposal (c) Ad Hoc Committee for Grant Proposal and (d) Commissioners Wasfi report on her meeting with a Native American Chief to the New Business section of the Agenda

CITY CLERK'S OFFICE NOTE: Unless considered an emergency, items are to be added to an agenda at least six (6) hours in advance of the meeting.

Adoption of the Minutes of January 23, 2013
After reviewing the minutes of 1/23/13, Chairman Sudler asked for a motion to accept the minutes Ellen Wasfi motioned to accept the minutes of January 23, 2013 with the proper corrections.
Dr. Linda Hackett second.
Motioned carried.

Adoption of the Minutes of November 28, 2012
After reviewing the minutes of 11/28/12, Chairman Sudler asked for a motion to accept the minutes Dr. Edamatsu motioned to accept the minutes of November 28, 2012 with the proper corrections.
Vice Chair Dawn Allen-Pyne Second.
Motioned carried.

Commissioner Wasfi suggested that the Commissioners should draft a follow up letter to the Dover Police Department in regards to Henry Fordham complaint that was mentioned in November 28, 2012 minutes.

Commissioner Wasfi also suggest that we check with the State Human Relations Commission to see if they received any information on this matter first and then ask if they would jointly sign off on the letter of inquiry that will be sent to the Dover Police Department.

CITY CLERK'S OFFICE NOTE: The Commission was advised on October 3, 2012 that the City of Dover and the DHRC should not be involved in this matter and that the complainant be referred to the State Human Relations Commission or the Attorney General.

Presentation – Capital Mentoring Program:
Capital School District Mentor Coordinator, Steffi Holmes gave a presentation for the Capital School District's Mentoring Program. Miss Holmes informed the Commission that the program is geared for children grades K-12. Mentors are loving adults from the community ages 18 and up who are looking to make a positive impact in a child's life. The program offers free 3 hour training session every month for those who are interested in becoming a Mentor as well as free background checks which are completed every two years. It is a 6 week process to become a Mentor. Ms. Holmes concluded her presentation by handing out brochures and applications to everyone present and personally inviting each Commissioner to join Capital School District's Mentoring Program.
(Adjourned - 10 Minute Recess)

PURPOSE: In accordance with the following sections of the Dover Code:
Sec. 58-31. - Purpose.
(3) Intergroup relations. Involve all segments of the community in understanding and appreciating the benefits of positive intergroup relations; and

Sec. 58-36. - Powers and duties.
The powers and duties of the human relations commission shall be to:
(3) Intergroup cooperation. Promote and encourage communications between and cooperation of all groups interested in bettering human relations in the city;

(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;

Comments/Presentations from Members of the Community:
There were no comments made at this time.

Chair's Report:
Chairman Suddler reported that in February 2013 he worked on a letter that needed to be drafted to the Mayor and City Council in regards to the intake form process and the Commissioners concerns.

That concluded the Chairman's Report of February 2013.

Committee Reports:

School Programs
Commissioner Wasfi – mentioned that having the Study Circle at the Dover Library during the week will not work being that the library closes at 8pm and not 9pm. It was suggested that we facilitate the Study Circle on the weekends to avoid interruption in dialogue if we go over time. After making observation it was noted that the Study Circle for the Commissioners should to be more diverse both in race and gender.

PURPOSE: Difficult to determine the purpose without knowing more about the Study Circle Project.

Community Programs:
Commissioner Dawn Allen-Pyne – nothing to report at this time.

Assessment:
Commissioner Edamatsu – nothing to report at this time.

Intake Forms:
Commissioner Warfield – not present to report.

New Business:
Annual Report – Commissioners reviewed final report that will be submitted at the next City Council Meeting for Council approval.

Chairman Sudler asked for a motion to accept the 2012 Annual Report

PURPOSE: In accordance with the following section of the Dover Code:
Sec. 58-33. - Organization; quorum; meetings; rules of procedure; limitation of functions; agreements; compensation; legal counsel; reports.

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

Commissioner Edamatsu motioned to accept the 2013 Annual Report with the proper corrections.
Dr. Hacket Second.
Motioned carried.

Chairman Sudler suspended items b, c and d that are listed below until our next meeting.
b. Ad Hoc Committee for Resolution Proposal
c. Ad Hoc Committee for Grant Proposal
d. Commissioners Wasfi report on her meeting with a Native American Chief

Announcements:
Chairman Sudler asked if all the Commissioners could show up for the March 11th City Council Meeting at 7:30pm regards to acceptance and approval of the Dover Human Relations Commission Annual Report.

Adjournment:
Commissioner Sudler asked for motion to adjourn the meeting
Commissioner Wasfi made motion for the meeting to be adjourned
Commissioner Edamatsu second.
Motion carried.

Meeting adjourned at 9:30pm

CITY CLERK'S OFFICE NOTE: The agenda stipulated an adjournment time of 9:00 p.m.

MARCH 27, 2013

Six (6) members present - Sudler, Wasfi, Hackett, Brewington, White, and Edamatsu
Two (2) members absent - Allen-Pyne, and Baccio-Walker

Vacancies (7)
__ = omitted from minutes

Adoption of the Minutes of February 27, 2013
Chairman Sudler asked for a motion to accept the minutes of February 27, 2013.
Commissioner Ellen Wasfi motioned to accept the minutes of February 27, 2013 with the proper corrections.
Commissioner White second.
Motioned carried.

Comments/Presentations from Members of the Community:
There were no comments made at this time.

Chair's Report:
Chairman Sudler reported that on March 25, 2013 at approximately 8:33 p.m., he presented to the Mayor and City Council of Dover, Delaware the Dover Human Relations Commission's Annual Report for 2012. The PowerPoint presentation content consisted of the following:

1. Origin of the Commission
2. Enabling Legislative Powers and Duties
3. Operating Procedural Flow Chart
4. Intake Forms Reported
5. Complaint Against DHRC
6. DHRC Concerns
7. Certificates of Training
8. Special Forum on How to Report Hate Crimes
9. Proposed Resolution and Funding
10. Questions

The DHRC Annual Report for 2012 and PowerPoint Presentation were accepted by a unanimous vote. **Councilman David Anderson made a motion to forward the Cessation of Illegal Gang Formation in Dover, Delaware Resolution to the proper committee for consideration of adoption for the City of Dover.** There were no questions asked from the Mayor or City Council Members. At this meeting Dr. Wilma Mishoe was honored and recognized by the City of Dover for being inducted into the Women's Hall of Fame for the State of Delaware. Congratulations were given to Dr. Wilma Mishoe and other individuals recognized on March 25, 2013.

That concluded the Chair's report.

CITY CLERK'S OFFICE NOTE: To date, the Commission has not approved the draft resolution.

Committee Report:

School Programs
Commissioner Wasfi – nothing to report at this time.

Community Programs:
Commissioner Dawn Allen-Pyne – not present to report at this time.

Assessment:
Commissioner Edamatsu – nothing to report at this time.

Intake Forms:
Chairman Sudler asked if anyone was interested in fulfilling the Intake Form Chair position.
Commissioner Brewington asked, what were the duties of the Intake Form Chairperson?
Chairman Sudler and Commissioner Wasfi described the various duties of an Intake Chairperson.

New Business:
Formation of an Ad Hoc Committee for Resolution Proposal – Chairman Sudler asked if anyone was interested in overseeing this Committee.

Formation of an Ad Hoc Committee for Grant Proposal– Chairman Sudler asked if anyone was interested in heading up this Committee.

Commissioners Wasfi report on her meeting with a Native American Chief
Chairman Sudler deferred item (c) until the City Clerk places it on the agenda.

CITY CLERK'S OFFICE NOTE: Other than the minutes, this request was not communicated directly.

Dr. Hackett stated that she was upset about the article in March 27, 2013 Dover Post.
Dr. Hackett made a motion to address the article in the newspaper
Dr. Edamatsu second

Dr. Hackett amended the motion to address the facts used in the article in the newspaper
Commissioner White second

Chairman Sudler advised that the Commissioners should go back to the person who appointed them and express their concerns of how Commissioners not wanting to participate because of lack of follow-up.

Chairman Sudler made motion that we look for a location to have an outreach meeting or assist Vice Chair Pyne. Chairman Sudler also stated that if there is an event you would like to see the Commission participate let DHRC know of the event.

Commissioner White second
Motion carried unanimously

Announcements:
Commissioner Wasfi made an announced that November is Native American Month and stated she would like to draft a resolution. Commissioner Wasfi asked if there was a single file for all resolutions DHRC passed. Chairman Sudler said he will check with the City Council office.

CITY CLERK'S OFFICE NOTE: Other than the minutes, this request was not communicated directly.

It was also announced that Kent Count League of Women Voters held a meeting Document of Discovery. They will be showing a film of Women in the Military in April.

Edamatsu announced March is Woman's History Month and mentioned a resolution. Commissioner Sudler asked Dr. Edamatsu if she would be the liaison to find out if the previous Chair has a file of past resolutions.

Dr. Hackett announced the release of the new movie God's Amazing Grace that was filmed at Calvary Baptist Church.

APRIL 24, 2013

Four (6) members present - Sudler, Allen-Pyne, Wasfi, Hackett, Brewington, and White
Two (2) members absent - Edamatsu, and Baccio-Walker

Vacancies (7)
__ = omitted from minutes

Commissioner Wasfi motioned to have Approval of Minutes automatically placed on agenda as item number three on the agenda.

Vice Chairman Dawn Allen-Pyne second

Motioned Carried.

CITY CLERK'S OFFICE NOTE: The minutes were not placed on the agenda for approval because they had not been provided for the meeting packet. The Clerk's Office received the minutes from Ms. Talton on April 29, 2013.

Comments/Presentations from Members of the Community: **There were no comments made at this time.**

Chair's Report:
Chairman Sudler asked the Commissioners to review the Chair's Report. Chairman Sudler advised that the Flow Chart that was presented at the meeting he attended will be presented to the Commissioners at the next meeting. Chairman Sudler reported that on April 13, 2013 at

approximately 8:30 p.m. to 3:00 pm he participated in the Delaware Department of Justice Crime Free Multi-Housing Program Training which reviewed:

- City of Dover's Property Inspection Tips
- Best Practices For Landlords
- Best Eviction Process For Landlords
- Fair Housing and Tenant Screening Techniques

On April 16, 2013 at approximately 5:46pm, a resident of Dover inquired about the process for filing an intake form with the Dover Human Relations Commission. Chairman Sudler explained to the person to the process and gave them an intake form.

On April 17, 2013 at approximately 11:17am, Chairman Sudler was contacted by a resident of Dover who recently inquired about the Intake process for DHRC on April 16, 2013. The resident is working on a statement of events to file as an intake form with DHRC.

DHRC-(PO) Case #01.2013-04-17
[01=Number of Cases 2013=Year-04=Month-17Day]

On April 22, 2013 at approximately 8:30pm, Chairman Sudler spoke with Chief James E. Hosfelt of the Dover Police Department and Ann Marie Townsend, City Developer and both individuals agreed to participate in a special forum titled Landlord's and Tenant's Obligation to Adhere to New City Ordinance #2013-04 Sec 22-331 (Purpose, Applicability, Definition and Compliance).

On March 25, 2013 at approximately 7:47pm, Chairman Sudler presented the following items for review of content of the Speech Flowchart for Annual Presentation.:

- ORIGIN OF THE DHRC

In the year 2001, a Resident of Dover, Delaware named Reginald L. Hannah age 39, died while in custody of the Dover Police during a routine traffic stop. Reginald L. Hannah's controversial death accompanied by death threats and shots fired towards Dover Police Officers, in result, sparked racial tension and intergroup conflict between most Caucasian and African American Communities.

In an effort to relieve the racial tension in Dover, Delaware; Director of the State Human Relations Commission in 2001, Juana Fuentes-Bowles, NAACP, IMA, Councilman James Hutchison who was at that time was Mayor James Hutchison, Councilman Wallace R. Dixon, at that time Elder Wallace R. Dixon and myself Roy Sudler, Jr. all participated on the "Dover Community Harmony Panel" which helped to create the Dover Human Relations Commission.

The issues, strategies, objectives and clergy involvement is provided for review in your annual report packet.

2. Enabling Legislative Powers and Duties

Of the Dover Human Relations Commission is Pursuant to Chapter 2 - Administrative, Article I, Division 6, Section 2 - 21 and Article II Section 58 - 31 Titled Human Relations Commission's Purpose;

(1) Fairness and Respect among all citizens of Dover
(2) Monitoring and developing ways to measure community relations particularly those that are a source of intergroup conflict
(3) Involve all segments of the community in understanding and appreciating the benefits of positive intergroup relations
(4) Offer a range of programs and services that will help its residents and neighborhoods prevent and resolve issues of human relations; and
(5) Develop ways of anticipating, preparing for, and relieving community tensions arising from intergroup conflict.

- The Commission Members are [Look at Slide]

We will now review item #3

3. **The Commission's Meeting and Procedural Flowchart**
States that once the Commission has received an Intake Form from a Resident of Dover, it is then submitted to the City Clerk's Office for a case number and placed on the Commission's Business Meeting Agenda under New Business, ten [10] days prior to the next scheduled meeting.

Pursuant to the Flowchart, the Commission is responsible and charged with investigating the facts, merit and jurisdiction of the complaint in a hearing session.

The Commission only hears both parties testimony and does not make a decision during the night of the hearing.

The Commission's Recommendation for Action and Jurisdiction is assessed at the Decision-Making Meeting which is held at a later date determined by the Commission after considering all of the facts and circumstance related to the complaint.

CITY CLERK'S OFFICE NOTE: Intake forms are not placed directly on the Commission agenda; City staff reviews each intake form to determine the appropriate course of action, and requests the opinion of the City Solicitor when necessary. In most cases, the intake forms received involve matters that are not within the Commission's jurisdiction.

We will now review item #4

4. 2012 INTAKE FORMS REPORTED

The first report was filed in January 2012, which involved an array of
1. 3/5 Index Cards that were disseminated on the streets of Down - Town Dover and Delaware State University's Campus which displayed an image of a person of color hanging by a rope tied to his or her neck from a tree with a racial slur statement saying, "Cleaning Up the Streets One Nigger at a Time"

The second report was also filed in January 2012, which involved an

2. Alleged Excessive Force Complaint between a Dover Police Officer and a Dover Resident. The witness to the alleged assault feared for his or her safety and chose not to report the incident to Industrial Affairs for the Dover Police Department.

The third report was filed in September 2012, which involved an

3. Alleged Hanging Report that according to Henry Fordham, took place at Silver-Lake Recreational Park located in Dover, Delaware on September 21, 2012.

On September 28, 2012, The Dover Human Relations Commission scheduled a Special Roundtable Meeting for October 5, 2012, to hear the testimony of Mr. Henry Fordham.

[Please see Roundtable Agenda pg. 30, City Solicitor's Opinion pg.34 and 4th District Councilmen Andersons Opinion on pg. 35 in Annual Report]

PURPOSE: The City Solicitor opined that the complaints alleged in these intake forms were not within the jurisdiction of the Commission, in accordance with Sec. 58-33. - Organization; quorum; meetings; rules of procedure; limitation of functions; agreements; compensation; legal counsel; reports - (e) Functions limited. The commission shall not involve itself in activities or functions already assigned by law or decree to other governmental bodies.

We will now review item # 5.
ITEM 5
Complaint against DHRC
On November 5, 2012, the City Clerk's Office and City Manager received an official complaint from Mr. Eshed Alston a resident of Dover, who claims that the Commission is not investigating or informing the Black Community of the factual existence of lynching activity in the City of Dover.
[Please review pg. 33 of Annual Report

Item 6
DHRC - CONCERNS:
The Dover Human Relations Commission is very concerned about the amount of intake forms that indicate racial tension in the City of Dover being deferred out to other agencies for investigation. Pursuant to Chapter 2 - Administrative, Article I, Division 6, Section 2 - 21 and Article II Section 58 - 31 Titled Human Relations Commission's Purpose; the Commission has been granted the Powers and Duties to investigate claims of unfair treatment and develop ways to monitor intergroup conflict among all segments of the City of Dover.

The ambiguity of our purpose and constant deferrals of intake complaint forms followed by constant ostracism from constituents of Dover regarding the Commission's lack of investigating official intake complaint forms have unfortunately, contributed significantly to the resignation of current and previous commission members, especially after hearing the nature and urgency of resident's concerns and not being able to investigate the merit of their complaint.

In an effort to avoid further resignations of current and future Commission Members, it is my recommendation, as Chairman of the Dover Human Relations Commission, that the Mayor and City Council of Dover, Delaware, conduct a Special Meeting with the Dover Human Relations Commission, City Clerk's Office and City Solicitor in quest of interpreting Chapter 2 - Administrative, Article I, Division 6, Section 2 - 21 of the Dover Code and Article II.

Human Relations Commission, Sec. 58-31. Purpose: to mitigate or eradicate current and future Commission Member's concerns and feelings of not fulfilling their duties as Commissioners who advocate Human and Civil Rights for all segments of Dover, Delaware.

We will now review item # 7.
Item 7 Certificates of Training
Were received in the areas of
1) Title 25 State of Delaware's Landlord / Tenant Codes
This training covered key issues involving:
Fair Housing Initiatives
Landlord & Tenant's Remedies for Breach of Rules and Covenants; and
Zero-Tolerance Rules & Regulations for Subsidy Housing [HUD]
[Please refer to pg. 16 of your annual report packet]
The second training identified
2) How to Investigate and Prosecute Hate Crimes
The training covered an array of topics such as the need for Non-Governmental Organizations to be more proactive and aware of the statutes and laws involving hate crimes.
" This training was the foundation of the Dover Human Relations Commission's Special Meeting conducted on August 9, 2012
[Please review attachment for training outline on pg. 7 of your Annual Report Packet]

Item 8
****
SPECIAL FORUM ON COMMUNITY AND STUDENT INVOLVEMENT IN REPORTING AND RESOLVING HATE CRIMES IN COMMUNITIES AND HIGHER LEARNING INSTITUTIONS:
****
Was a partnership initiative with the State Human Relations Commission, Delaware Department of Justice, Delaware State University Police Department, Delaware State University's Counseling Division, 31st District House of Representative Darryl Scott and the Dover Human Relations Commission in accordance with Article II. Section 58 - 21 (1) Fairness \ Respect and (4) Prevent and Monitor Human Relations in Dover, Delaware.

The forum focused on raising the awareness and involvement in resolving and reporting racial and sexual orientation hate crimes in Dover and throughout the State of Delaware.
In addition, to review ethical remedies for dealing with emotional, spiritual, and social challenges for victims of bias-motivated violence.
Some of the highlighted information discussed was Title 42 U.S.C. Code 3631 as a Hate Crime covered under the State of Delaware's Title 11 Code 1304 Section (a) (2), selection of victim due to race and sexual orientation.
Chief Prosecutor of Kent County, Delaware {Ken Haltom Esq.} from the Department of Justice stated, "He knows that hate crimes occur more often than what is being reported and he feels and understands the frustration that a person can experience, but he believes that forums such as this one would help to promote healthy dialogue and change in the State of Delaware.
In fact, Chief Haltom shared with the Commission that out of 15 years of practicing law, this forum was the first of its kind according to his experience, which he feels is a big change for him, one which he embrace and is eager to be a big part of.

[Please Review Special Forum Minutes Located on pg. 18 - 29 Annual Report]

In conclusion of the Dover Human Relations Commission's 2012 Annual Report Presentation, Item number 9 titled:
PROPOSED RESOLUTION AND FUNDING
was approved by the Commission on June 27, 2012,
The Commission's approval of the final resolution draft, titled:
Cessation of Illegal Gang Formation in Dover, Delaware, was due to the amount of complaints and concerns from Dover Residents and Business Owners complaining about the enormous amount of gang activity and graffiti growth in the City of Dover and throughout Kent County.

CITY CLERK'S OFFICE NOTE: CITY CLERK'S OFFICE NOTE: To date, the Commission has not approved the draft resolution.

This Resolution was written as a plan of action to provide the City of Dover with additional monetary resources and youth enrichment programs that will help eliminate illegal gang activity in the City of Dover.
According to the City's Controller Mrs. Donna Mitchell, the City's Human Relations Commission is the first Commission to seek or inquire about a grant on behalf of the City during her tenure with the City of Dover.
The Principle of the Grant is provided by OJJDP, which promotes Defending Childhood Resource Centers and Improving the Nation's Response to Children Exposed to Violence.
[Please turn to page 13 - 15 of the annual report and follow me as I read the resolution.]
DHRC - 2012 PROPOSED RESOLUTION & FUNDING
FOR CESSATION OF ILLEGAL GANG FORMATION IN DOVER, DELAWARE
****
Whereas; The City of Dover, the State Capital, strives to be a model for all cities in Delaware and the United States.
Whereas; The Mayor and City Council have granted Powers and Duties to the Dover Human Relations Commission, Pursuant to Article II. Sec. 58-31.
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; The 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.
Whereas; Illegal gangs are 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.
Whereas; the 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.

Whereas; Illegal 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.
Whereas; Illegal 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 property, without unwelcomed and unauthorized graffiti signs.
Therefore, Be it Resolved; That the Residents 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 eliminating illegal gang formation, activities, and communication, including the display of graffiti signs in Dover, Delaware.

Be it Further Resolved; that 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 unwelcomed 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
4. Implementing and supporting additional intervention and summer programs; and
5. Providing additional funding to the Dover Police Department through grant and other resources to establish additional police stations in areas with high volumes of crime to protect Dover residents from being a target of bias-motivated violence in the City of Dover.
As the year 2013 continues, the Dover Human Relations Commission looks forward to addressing unfair treatment claims in an effort to promote and monitor amicable relations between all races in the City of Dover.
On behalf of the Dover Human Relations Commission, we thank
The Mayor and Dover City Council Members for appointing each and every one of us, to serve the Dover Community in such an imperative and essential way.
o That will conclude the Dover Human Relations Commission's 2012 Annual Report
Thank You. Are there any Questions???????????
That concluded the Chair's report.

Dr. Hackett commented that the report was very well done.

Chairman Sudler stated that the new Commissioners should express their concerns. He also mentioned the problem with the turnover of Commissioners.

Dr. Hackett and Commissioner White mentioned that they attended the Mayors Reception and spoke to the Mayor regarding more support.

Commissioner Wasfi mentioned that we should have a follow through with what was mentioned in the Annual Report.

Committee Report:

School Programs
Commissioner Wasfi - nothing to report at this time.

Community Programs:
Commissioner Dawn Allen-Pyne - nothing to report at this time.

Assessment:
Commissioner Edamatsu - not present to report.

Intake Forms:
Chairman Sudler asked if anyone was interested in fulfilling the Intake Form Chair position. Commissioner Brewington and Vice Chair Allen-Pyne agreed to oversee this position. Commissioner White said she will help as needed.

Chairman Sudler appointed Commissioner Brewington and Vice Chair Allen-Pyne fill this position.

Dr. Hackett stated that the problem she sees is where people go in with an intake and the Commissioners are not aware of it. She believes that we should be made aware and advised if it was out sourced.

Commissioner Wasfi suggested that we need to inquire about obtaining a mailbox for the Commission in order to receive incoming intake forms.

CITY CLERK'S OFFICE NOTE: The Clerk's Office advises the DHRC of all action related to intake forms.

Unfinished Business:
Formation of an Ad Hoc Committee for Grant Proposal - Chairman Sudler differed this until our next meeting.

Formation of an Ad Hoc Committee for Resolution Proposal - Chairman Sudler differed this until our next meeting.

New Business:
Commissioners Wasfi meeting with a Native American Chief - Commissioner Wasfi reported that November is Native American Heritage Month and she is working on creating a Resolution. She also reported that the League of Women Voters had a program of Document of Discovery telling of the problems they face in society. Chief Dennis Coker will work with the Commission on a Resolution. Commissioner Wasfi stated once we review the Document of Discovery, we will see their struggles as a minority and as part of the community.

PURPOSE: In accordance with the following sections of the Dover Code:
Sec. 58-31. - Purpose.
(1) Fairness, respect. Promote and develop an environment of fairness and respect among its citizens; and

Sec. 58-36. - Powers and duties.

(3) Intergroup cooperation. Promote and encourage communications between and cooperation of all groups interested in bettering human relations in the city;

(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;

Chairman Sudler asked if we can review the last part of his packet labeled "Landlord Tenants Ordinance". Chairman Sudler stated that the Commissioners need to educate the community on how they will be affected by this new ordinance.

Chairman Sudler mentioned that we should have a Special Forum.

Commissioner Wasfi said this ordinance was in the paper change and followed by Council.

Chairman Sudler ask for a motion to accept a Special Forum to go over Landlord Tenant Ordinance
Commissioner White motioned

Commissioner Wasfi second

It was agreed up that on Wednesday, June 5, 2013 at 7pm this Special Forum will take place. Chairman Sudler advised that Dover Chief of Police and Ann Marie Townsend said they will attend such a forum to go over the new ordinances. This will be advertised in the newspaper and Commissioner White will get the information for the press release from the Dover Post.

PURPOSE: In accordance with the following sections of the Dover Code:

Sec. 58-31. - Purpose.

(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; and

Sec. 58-36. - Powers and duties.

The powers and duties of the human relations commission shall be to:

(3) Intergroup cooperation. Promote and encourage communications between and cooperation of all groups interested in bettering human relations in the city;

(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;

CITY CLERK'S OFFICE NOTE: The Clerk's Office assisted Chairman Sudler with scheduling a special meeting for June 13, 2013. Although copies of the agenda were provided for

distribution, a flyer prepared by Mr. Sudler was also distributed. The flyer indicated the wrong date for the meeting which created confusion for members as well as the community.

DHRC Community Meetings: Dr. Hackett was appointed by Chairman Sudler to oversee this task.

Chairman Sudler reported that Bible Way has agreed to allow the Commission to meet in their basement for Community Meetings.

Commissioner White said Village II will also make their facility available.

Dr. Hackett said Calvary will let us use their facility.

Dr. Hackett stated that she will shoot for Sunday, June 23rd for the Commissions first visitation.

Scheduling of the Next Regular Meeting: May 22, 2013 @ 7pm at Dover City Hall

Announcements:
Commissioner Wasfi announced that the YMCA will be sponsoring a Race Relations Forum this Saturday in Newark. She advised that she will email the announcement to the Commissioners. Commissioner Wasfi also announced that April 26, 2013 is International Seed Day.

Chairman Sudler announced that the Department of Justice plans on having a document shredding event on Saturday, May 4, 2013 from 9am to 1pm in DelDOT' S Administration Building parking lot.

Adjournment:
Commissioner Sudler asked for motion to adjourn the meeting
Commissioner Wasfi made motion for the meeting to be adjourned
Vice Chair, Dawn Allen-Pyne second.
Motion carried.

Meeting adjourned at 9:10pm

CITY CLERK'S OFFICE NOTE: The agenda stipulated an adjournment time of 9:00 p.m.

COMMITTEES WHICH MEET AS NEEDED

Awards committee. The awards committee shall consist of three members, ***to be appointed by the mayor upon receipt of a nomination for a CDM and shall serve for deliberation of the nomination for which they were appointed***. The mayor shall designate a member to serve as chairperson, who shall be responsible for organizing and calling the meetings of the awards committee. The awards committee shall make recommendations to the city council for awards of the CDM. No city employee, retired employee, volunteer firefighter, or appointed or elected official shall be eligible to serve on the awards committee. The awards committee shall serve without compensation.

Election Board. There is hereby created an election board which shall be **a non-elected body to oversee the municipal elections, as well as to serve as an advisory board to Council on such matters as voter registration, municipal elections, election rules and regulations, and polling locations for City elections.** The board shall be composed of five members, serving three-year terms, to be appointed by the Mayor and confirmed by council at the Annual Meeting, or as necessary to fill vacancies as they occur. One member shall be appointed from each district into which the city has been divided for election purposes, and one member shall be appointed on an at-large basis. The City Clerk shall serve as a liaison member of the board. Upon expiration of the term of appointment, a member shall serve until his/her successor has been duly appointed. If a vacancy occurs during the term of any member of the election board, a person residing in the same numbered district shall be appointed to fill the remainder of said term. Members serve without salary, but shall be paid a per diem allowance as specified by City ordinances.

Ethics Commission. Established; composition; removal. The city ethics commission is hereby established to administer and implement this chapter. The ethics commission shall consist of five members appointed by the mayor and confirmed by the city council. 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. Members of the ethics commission may be removed by the mayor, with the concurrence of the city council, for substantial neglect of duty, gross misconduct in office or a violation of this chapter.

The powers and duties of the ethics commission shall be:

(1) Rules of conduct. To recommend to the mayor and council, from time to time, such rules of conduct for public employees and officials as it shall deem appropriate.

(2) Advisory opinions. To issue written advisory opinions, upon the request of any city employee or official, as to the applicability of this chapter to any particular factual situation.

(3) Referrals to solicitor. To refer to the city solicitor for investigation any alleged violation of this chapter and, after notice and hearing, to recommend such disciplinary action as it may deem appropriate to such appropriate official or agency as the ethics commission shall determine, or to take such other disciplinary action as authorized by section 30-73(d) or other provisions of the city Charter or this Code. The ethics commission may dismiss, without reference to the city solicitor, any complaint which the ethics commission determines is frivolous or fails to state a violation.

(4) Report of crimes. To report to the appropriate federal, state or city authorities any substantial evidence of a violation of any criminal law which may come to its attention in connection with any proceeding, whether advisory or disciplinary.

(5) Records. To maintain a file of its proceedings, waiver decisions and advisory opinions with a view toward achieving consistency of opinions and recommendations subject to the confidentiality requirements of sections 30-35(d) and 30-73(h).

(6) Procedures. To follow the procedural rules specified in section 30-73 and to establish such other procedural rules as shall be consistent with the rules prescribed therein.

(7) Witnesses, evidence. To subpoena witnesses, compel their attendance and testimony, administer oaths and affirmations, take evidence and require, by subpoena, the production of books, papers, records or other evidence needed for the performance of the ethics commission's duties or exercise of its powers.

(8) Assistance to city personnel. To provide assistance to any city employee, official or agency in administering the provisions of this chapter.

(9) Provide information. To prepare any necessary reports and studies to advance the purpose of this chapter, to provide any necessary materials explaining the duties of individuals covered by this chapter, and to supply instructions and public information materials to facilitate compliance with, and enforcement of, this chapter.

(10) Request city agencies for assistance. To request appropriate city agencies to provide such professional assistance as it may require in the discharge of its duties.

Sec. 30-73. - Complaints; hearings; dispositions.

(a) Investigation of violations. Upon the sworn complaint of any person or on its own initiative, the ethics commission may refer to the city solicitor for investigation, any alleged violation of the conflict of interest provisions and of the code of conduct provisions in sections 30-33 and 30-34, respectively. The city solicitor shall be the prosecuting attorney in all disciplinary proceedings before the ethics commission. In any such investigation or proceeding, a defendant shall be given an opportunity to be heard after notice, to be advised and assisted by legal counsel, to produce witnesses and offer evidence, and to cross examine witnesses. A transcript of any such proceeding shall be made and retained, subject to the confidentiality requirements of this chapter.

(b) Omitted
(c) Omitted

(d) Actions by ethics commission. With respect to any violation with which a person has been charged and which the ethics commission has determined as proved, the ethics commission may take any one or more of the following actions:

(1) Reprimand. Issue a written reprimand or censure of that person's conduct.

(2) Discipline. With respect to a city employee, remove, suspend, demote or take other appropriate disciplinary action with respect to that person, without regard to any limits imposed by this chapter, but within the limits of the constitution, the laws of the state, the Charter of the city, and ordinances and existing collective bargaining agreements.

(3) Recommend removal. With respect to an appointed official, recommend that appropriate action be taken to remove the official from the appointed position.

(4) Recommend fine. With respect to an elected city official, recommend that such official be fined in an amount recommended by the ethics commission.

(e) Rights of person charged. In any proceeding before the ethics commission, upon the request of any person charged with a violation of this chapter, such person shall be permitted to inspect, copy or photograph books, papers, documents, photographs or other tangible objects which will be used as evidence against that person in a disciplinary hearing and which are material to the preparation of his defense.

(f) Exculpatory information. In any proceeding before the ethics commission, if the city solicitor or ethics commission at any time receives any exculpatory information concerning an alleged violation against any person, it shall forthwith make such information available to such person.

(g) Subpoenas. Any person charged with a violation of this chapter may apply to the ethics commission for the issuance of subpoenas for the appearance of witnesses and for the production of documents on his behalf. The application shall be granted upon a concise showing by such person that the proposed testimony or evidence is relevant (or is reasonably calculated to lead to the discovery of relevant evidence) and is not otherwise available. The application shall be denied if not made at a reasonable time or if the testimony or evidence would be merely cumulative.

(h) Confidentiality of proceedings.

(1) City employee. All proceedings before the ethics commission relating to a violation of this chapter by a city employee shall be maintained confidential by the ethics commission, unless:

a. Public disclosure is requested, in writing, by the person charged; or

b. The ethics commission determines after a hearing that a violation has occurred.

(2) City official. All proceedings before the ethics commission relating to a violation of this chapter by a city official, appointed or elected, shall be maintained confidential by the ethics commission, unless:

a. Public disclosure is requested, in writing, by the person charged; or

b. The ethics commission determines after a hearing that a violation has occurred.

(3) Appeals; public inspection. Notwithstanding the confidentiality requirements of subsections (h)(1) and (2) of this section, the ethics commission shall make available for public inspection the record of all proceedings relating to any decision of the ethics commission which is appealed to the superior court and the ethics commission shall report to appropriate federal, state and/or city authorities any substantial evidence of a violation of any criminal law which comes to its attention in connection with any proceeding under this chapter.

(4) Confidentiality procedures. The chairperson of the ethics commission shall, with the approval of the ethics commission, establish such procedures as, in the chairperson's judgment, may be necessary to prevent the disclosure of any record of any proceedings or other information received by the ethics commission, except as permitted by this chapter.

Sec. 30-74. - Judicial review.

In the event that the ethics commission finds that any person has violated any provision of this chapter, said person shall have a right of appeal to the superior court of any such finding, and of any sanctions imposed with respect thereto, by filing a notice of appeal with the superior court within 30 days of the final action by the ethics commission in a particular case. The appeal shall be on the record without a trial de novo. If the court determines that the record is insufficient for its review, it shall remand the case to the ethics commission for further proceedings on the record. The court's review, in the absence of actual fraud, shall be limited to a determination of whether the ethics commission's decision was supported by substantial evidence on the record. The burden of proof in any such appeal shall be on the appellant.

Property Maintenance Code Board of Appeals. There shall be a board to be referred to as the "property maintenance code board of appeals," consisting of three members, one of whom shall be the city manager, one a resident generally selected as a representative of homeowners, and one representative of the local real estate industry association. The members shall be appointed by the mayor, subject to confirmation of a voting majority of the city council at its annual meeting. Decisions of the board shall be final.

/tm

DOVER HUMAN RELATIONS COMMISSION
MEMBERSHIP SUMMARY AND LIST OF RESIGNATIONS 2010-2013

Current Membership Names and Term Expiration, as of June 17, 2013

Mayor Appointments:

Roy Sudler, Jr., Chairman (2/14)
Justina Brewington (2/13)
Linda D. Hackett (2/15)
~~Richard Senato (2/15)~~ **VACANCY**
~~G. Thomas Steele (2/12)~~ **VACANCY**

Council President Appointments:

Dawn Allen-Pyne (2/14)
Anlee Baccio-Walker (2/14)
Dr. Phyllis Edamatsu (2/13)
Ellen O. Wasfi (2/12)
Faye White (2/13)
~~Willie Jones (2/13)~~ **VACANCY**
~~Catherine M. Gregory (2/10)~~ **VACANCY**
~~Reverend Charles Lee MacCallum (2/13)~~ **VACANCY**
~~A. Aaron Yatskevich (2/15)~~ **VACANCY**
~~Kim Warfield (2/13)~~ **VACANCY**

DHRC Resignations 2010-2013

2010
Katrina Brumble, August 2007 - February 2010
Brian Lewis, October 2008 - February 2010
Catherine Gregory, January 2009 - February 2010
Mark Monroe, October 2008 - September 2010
Ivan Finney, October 2006 - October 2010

2011
Charles Lee MacCallum, October 2010 - May 2011
Catherine Gregory, July 2010 - August 2011
Maisha Britt, July 2010 - October 2011

2012
A. Aaron Yatskevich, November 2011 - February 2012
Willie Jones, July 2010 - March 2012
Richard Senato, January 2012 - September 2012

2013
Kim Warfield, November 2011 - February 2013

/dd

THE CITY OF DOVER
HUMAN RELATIONS COMMISSION BY-LAWS

PREAMBLE

The City of Dover has granted the Human Relations Commission the following powers and duties pursuant to Chapter 2 – Administration, Article I, Division 6, Section 2-21 of the Dover Code:

A. 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 Dover residents and enhance communication and understanding among residents of Dover

B. Inquire into incidents of inter-group conflicts and disputes within the City and take such actions as may be designed to alleviate such conflicts and disputes.

C. Promote and encourage communications between and cooperation of all groups interested in bettering human relations in the City.

D. 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.

E. 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.

F. Develop and maintain programs that build positive relations among communities and enhance problems-solving skills among residents throughout Dover.

ARTICLE I - OFFICERS

SECTION 1.
The Officers of the City of Dover Human Relations Commission shall be a Chairperson and a Vice-Chairperson.

SECTION 2.
The Chairperson or Chairperson's designee shall preside at all meetings of the Commission. The Chairperson or the Chairperson's designee shall be the only person authorized to make public announcements for the Commission. The Chairperson shall be a member of all committees of the Commission, ex officio. The Vice Chairperson shall be a member of all committees of the Commission, ex officio. The Chairperson shall designate members of the Commission and/or its Staff to represent the Commission and/or its Staff upon all affiliated associations, committees, organizations, and meetings. No Commissioner shall be eligible to become the Commission Chairperson unless that person has served on the Commission for one year. The one-year period shall run from the time the individual is appointed to the Commission to the date the individual would take office if elected to be Chairperson.

SECTION 3.
The Vice-Chairperson shall be vested with all powers and perform all the duties of the Chairperson in his/her absence or disability, to the extent which may be permitted by city ordinance, and the Vice-Chairperson shall perform such other duties as may be prescribed from time to time by the Commission. The Vice-Chairperson shall be a member of all standing and special committees of the Commission, ex officio.

SECTION 4.
All officers of the Commission shall be elected to office by secret ballot of Commission members, and the number of votes for each officer shall be recorded and be part of the public record.

ARTICLE II – PART-TIME ASSISTANT

SECTION 1.
The Commission shall decide each year at its February meeting whether or not to hire a Part-Time Assistant for the purpose of preparing the minutes of the Commission meetings and performing other administrative and secretarial functions as deemed appropriate and necessary by the Commission. The Part-Time Assistant shall be financially compensated for the work performed at a rate that is approved by the Commission, and the Commission may amend the rate at any time.

ARTICLE III - MEETINGS

SECTION 1.
Unless the Commission decides otherwise the Commission shall hold one regular meeting per month for the completion of its purposes, responsibilities and functions. The Commission shall designate the date, time and location of its meeting. The Part-time Assistant shall mail a written notice of the regular meeting to each Commissioner at least seven (7) days prior to the date of the regular meeting. The City Clerk shall give proper notice of all the Commission's regular meetings to the public and Commissioners.

SECTION 2.
Special meetings may be called by the Chairperson or by three members of the Commission. The Part-time Assistant shall give notice of the special meeting to each Commissioner at least two (2) days prior to the date of the special meeting. "Notice" here means, in writing, by facsimile, email and/or telephone conversation/voicemail.

SECTION 3.
A meeting of the Executive Committee may be called at any time by the Chairperson or by three (3) members of the Executive Committee acting independently of the Chairperson. The Part-time Assistant shall give notice of the Executive Committee meeting to each member of the Executive Committee at least two (2) days prior to the date of the Executive Committee meeting. "Notice" here means, in writing, by facsimile, email and/or telephone conversation/voicemail.

SECTION 4.
Five members of the Commission, including the Chair, shall constitute a quorum at a regular meeting being held at the Commissioner's normal meeting location. However, when the Commission has a meeting at a community location, a quorum is not needed for the Commission to open its meeting, but no vote by the Commission can be taken at such a meeting being held at a community location when there is not a quorum.

SECTION 5.
At all meetings of the Commission or of the Executive Committee thereof, all proceedings shall be conducted in accordance with Robert's Rules of Order (Newly Revised), unless suspended by the majority of the Commissioners present. The Commission's Chairperson or Vice Chairperson shall maintain order at Commission meetings.

SECTION 6.
Any member of the Commission who fails to attend three (3) consecutive regular meetings without the Chairperson finding that there was reasonable cause for being absent or fails to attend at least half of all regular business meetings during any calendar year shall automatically be deemed to have resigned from the Commission. The Chairperson shall promptly notify the Mayor and City Council President of the situation and request a replacement.

ARTICLE IV - COMMISSION INTAKE, NOTICE, AND MEETING PROCEDURES

SECTION 1.

Meetings of the Commission or of the Executive Committee thereof, shall be conducted according to procedures established by the Procedures Committee and accepted by the Commission.

I. PROCEDURE FOR BRINGING A CONCERN OR MATTER BEFORE THE CITY OF DOVER HUMAN RELATIONS COMMISSION

A. Intake Procedure:

The City of Dover Human Relations Commission (hereinafter referred to as the "Commission") shall adopt an INTAKE FORM. Each Commissioner and the City Clerk shall have INTAKE FORMS available for distribution to the public. Any member of the public or an organization that wants the Commission to consider, recommend or rule on a concern or matter within the Commission's jurisdiction shall file an INTAKE FORM with the City of Dover Clerk's Office. The Commission shall maintain a record of all INTAKE FORMS received.

B. Scheduling the Concern or Matter Expressed in the INTAKE FORM Before the Commission:

To the best of the Commission's ability, with the assistance of the City Clerk's Office, any INTAKE FORM received at least 10 days prior to a Business Meeting of the Commission shall be placed on the next Business Meeting Agenda under the "New Business" section. The City Clerk will send notice by regular mail to the person or organization who filed the INTAKE FORM informing them of the date, time and location of the Commission's Business Meeting when the concern will be considered.

A similar notice will be sent by regular mail to any party or organization identified on the INTAKE FORM as being an interested party or a party-giving rise to the concern. This notice shall request the presence of the recipient and also extend an invitation for that party to address the Commission.

C. Consideration by the Commission of a Concern Set Forth in an INTAKE FORM:

The concern set forth in an INTAKE FORM will be considered by the Commission at its Business Meeting at the time new business is discussed. The Commission reserves the right to limit the time a person has to present the concern to the Commission, as well as limit the amount of time a party has to respond to the concern in issue. Any party testifying before the Commission shall not be sworn in. The party who filed the INTAKE FORM shall make their presentation first, followed by any party that has been invited to respond. The party filing the INTAKE FORM shall have a time to rebut or answer the party that presented a response. The Commission may limit the length of the rebuttal or answer. All parties appearing before the Commission may submit written exhibits, documents, photographs or other materials, which shall become part of the record of the proceedings.

The Commission may table a matter, decide not to take any action because of jurisdictional or other issues, refer the matter to a Commission Decision-Making meeting, or take any other action within its jurisdiction that is fair, reasonable and in the interest of justice.

D. Commission's Decision-Making Meeting:

At the Commission's Decision-Making Meeting, items referred by the Commission at its Business Meeting to the Agenda by the Commission shall be considered before members of the public, but the public will not be allowed to present any further facts and circumstances relating to a concern set forth in the original INTAKE FORM. The Commission members shall discuss and vote upon any issue being considered at a Decision-Making Meeting in public. Furthermore, the Commissioners shall state the reason(s) for their vote, if a vote is taken.

II. MEETINGS

A. Notice of Meetings:

The City of Dover Clerk, pursuant to legal requirements, will give notice of Commission meetings to the public. The Agenda of the Commission's Business Meetings and a copy of the proposed Minutes of the previous Business Meeting shall be submitted to the City Clerk's Office 14 days prior to the next Business Meeting. The Agenda for the Commission's Decision-Making Meeting shall be submitted to the City Clerk's Office 10 days before the Decision-Making Meeting. (A procedural flowchart is attached.)

B. Business Meeting Agenda:

1. The items on the Agenda for the Commission's Business Meeting shall include the following:

   a. Amendments to Agenda

   b. Presentations by Community Members: This segment of the Agenda is limited to 30 minutes. Members of the public shall have three minutes per person per issue to address the Commission. The Commission's Chairperson or designee will give the Commission's response, if any.

   c. Approval of the Minutes of the Last Commission Business Meeting

   d. Report of the Chairperson (or Designee)

   e. Reports by Committee Chairpersons (or their Designees)

   f. Unfinished Business

   g. New Business

   h. Suggestions for the Agenda for the Commission's Next Business Meeting

   i. Suggestions for the Agenda for the Commission's Next Decision-Making Meeting, and Setting Date, Time and Location

   j. Executive Session (if Needed)

   k. Adjournment

2. The items on the Agenda for the Commission's Decision-Making Meeting shall include the following:

   a. Amendments to the Agenda

   b. Approval of the Minutes of the Last Decision-Making Meeting

   c. Consideration of Matters for Decision

   d. Executive Session

   e. Suggestions for the Agenda for the Commission's Next Decision-Making Meeting, and Setting Date, Time and Location

III. MINUTES AND RECORDING OF COMMISSION MEETINGS

All Business Meetings and Decision-Making Meetings of the Commission shall be recorded, and the Commission shall prepare minutes of the Meetings. The recordings and minutes shall be maintained by the City of Dover Clerk's Office.

IV. IDENTIFICATION AND ANNOUNCEMENT OF POTENTIAL CONFLICTS OF INTEREST

All Commission members shall avoid the appearance of impropriety. All conflicts of interest, whether they be personal, legal, financial or otherwise, between a Commission member and a party appearing before the Commission shall be identified and announced by the Commissioner having the conflict. The Commissioner also shall announce on the record that he or she will abstain from all consideration of the matters being presented by the party, and that the Commissioner will not discuss the matter with any other members of the Commission.

V. DEVIATION FROM ORDER OF BUSINESS

The Chairperson shall have the authority to deviate from the order of business as circumstances warrant.

VI. LIMITATIONS ON PUBLIC PRESENTATIONS

Presentations by members of the public shall be limited, unless approved by the Chairperson. Speakers are requested to give presentations in the order of sign in. The Chairperson may limit the number of speakers heard, as circumstances warrant.

VII. FORMS

The following forms and documents shall be used by the Commission to carry out its duties:

A. Intake Form Front Page

THE CITY OF DOVER HUMAN RELATIONS COMMISSION
INTAKE FORM

Name of person or organization filing: (last name, first name, middle initial) ☐ Mr. ☐ Miss ☐ Mrs. ☐ Ms.		Home Phone: ( )	Business Phone: ( )	Fax: ( )
Street Address:	City:	County:	State:	Zip Code:
Identify the contact person that the Commission should notify:				
List the name, address and telephone number of any person or organization that you believe should be invited to appear before the Commission to help resolve your concern:				
Summarize what has or will occur that has given rise to your concern. Use this space for a brief and concise statement of facts (who, what, where, when, why, how). Additional details may be submitted on an attachment.				
What relief or action is being requested?				
Completion of the following questions is ***OPTIONAL***: Ethnicity: ☐ Black ☐ White ☐ Hispanic ☐ Asian ☐ Native American ☐ Other: _____ Sex: ☐ Male ☐ Female Age: _____ Nation of Origin: _____				
NOTICE: ALL DOCUMENTS AND TESTIMONY PRESENTED TO THE HUMAN RELATIONS COMMISSION ARE AVAILABLE TO THE PUBLIC AND THE PRESS.				
Signature:		Date:		
This form was delivered to: _____(person) on _____(date), located at _____(address). This form was mailed to: _____(person) on _____(date), located at _____(address).				

A. Intake Form - Back of Page

THE CITY OF DOVER HUMAN RELATIONS COMMISSION
RECORD OF ACTION

Case No. _____

CITY CLERK ACTION:

1. On _____ (date), the INTAKE FORM was received by the City Clerk's Office.

2. On _____ (date), the concerns expressed in the INTAKE FORM were placed on the New Business section of the Agenda for the Commission meeting to be held.

3. On _____ (date), a copy of the INTAKE FORM was mailed to members of the Commission along with the Agenda for the Commission meeting.

4. On _____ (date), notice of the date, time and location of the Commission meeting at which the concern(s) expressed in the INTAKE FORM will be considered by the Commission was mailed to the following:
   a.) the party(ies) filing the INTAKE FORM;
   b.) the interested party(ies) identified in the INTAKE FORM; and
   c.) the person(s) or entity(ies) who caused the concern(s) to be raised.

5. On _____ (date), notice of the Commission's final action was sent to the person(s) filing the INTAKE FORM and the other party(ies) listed on the INTAKE FORM.

COMMISSION ACTION:

1. On _____ (date), the Commission decided it did/did not have jurisdiction over the matters set forth in the INTAKE FORM.

2. On _____ (date), the Commission considered the matters set forth in the INTAKE FORM.

3. On _____ (date), the Commission took the following action:

_____
_____
_____
_____
_____

B. Notice to Public of Commission Business Meeting

NOTICE OF THE CITY OF DOVER HUMAN RELATIONS COMMISSION BUSINESS MEETING

TO: _____ (Name)

_____ (Street Address)

_____ (City, State, Zip)

DATE: _____

RE: Business Meeting of the City of Dover Human Relations Commission on Issues Indicated on the INTAKE FORM Submitted to the City of Dover on _____ (date)

The City of Dover Human Relations Commission has added to its Business Meeting Agenda the matters indicated on the attached INTAKE FORM. Please note that these matters will be considered at the Business Meeting to be held at the following date, time and location:

DATE: _____

TIME: _____

LOCATION: _____

The presentation of your concern(s) will be limited to _____ (minutes).

The Commission will not make a decision on your concern(s) on the night of the hearing. That will occur at a Decision-Making Meeting at a date to be determined by the Commission after considering all of the facts and circumstances related to your concern. You may speak at the Business Meeting, followed by any party you identified as being an interested party, and then you will be given a chance to speak again after that party.

Sincerely,

_____

City Clerk

Enclosure: INTAKE FORM

cc: Chairperson, City of Dover Human Relations Commission

C. Notice to Interested Parties of a concern that will be before the Commission and Invitation to attend and speak at the Commission Meeting

NOTICE OF THE CITY OF DOVER HUMAN RELATIONS COMMISSION BUSINESS MEETING AND INVITATION TO INTERESTED PARTY TO ATTEND

TO: _____ (Name)

_____ (Street Address)

_____ (City, State, Zip)

DATE: _____

RE: Invitation to Interested Party to Attend the City of Dover Human Relations Commission Business Meeting

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You have been identified as an interested party or a party-giving rise to a human relations concern in the City of Dover. Please refer to the City of Dover Human Relations Commission INTAKE FORM attached to this letter. In the interest of fairness, the Commission wants to hear from all sides before making any decisions.

The City of Dover Human Relations Commission has added the matters set forth in the attached INTAKE FORM to the Agenda for consideration at the Business Meeting to be held at the following date, time and location:

DATE: _____

TIME: _____

LOCATION: _____

You or your designated representatives are invited to attend the Business Meeting to observe and respond to the concern(s) expressed by the party that filed the INTAKE FORM.

If you decide to respond to the party that filed the INTAKE FORM at the Commission meeting, your response time may be limited. It will be the same amount of time that the party who filed the INTAKE FORM will have to make their presentation. That party will speak first, followed by your presentation, and then the party will be given a chance to speak again after you. ***Please contact the City Clerk (736-7008) to verify if you will attend or not attend the meeting.***

The Commission will not make a decision on the matters presented on the night of the hearing. That will occur at a Decision-Making Meeting at a date and time to be determined by the Commission after considering all of the facts and circumstances related to the concern.

Sincerely,

_____

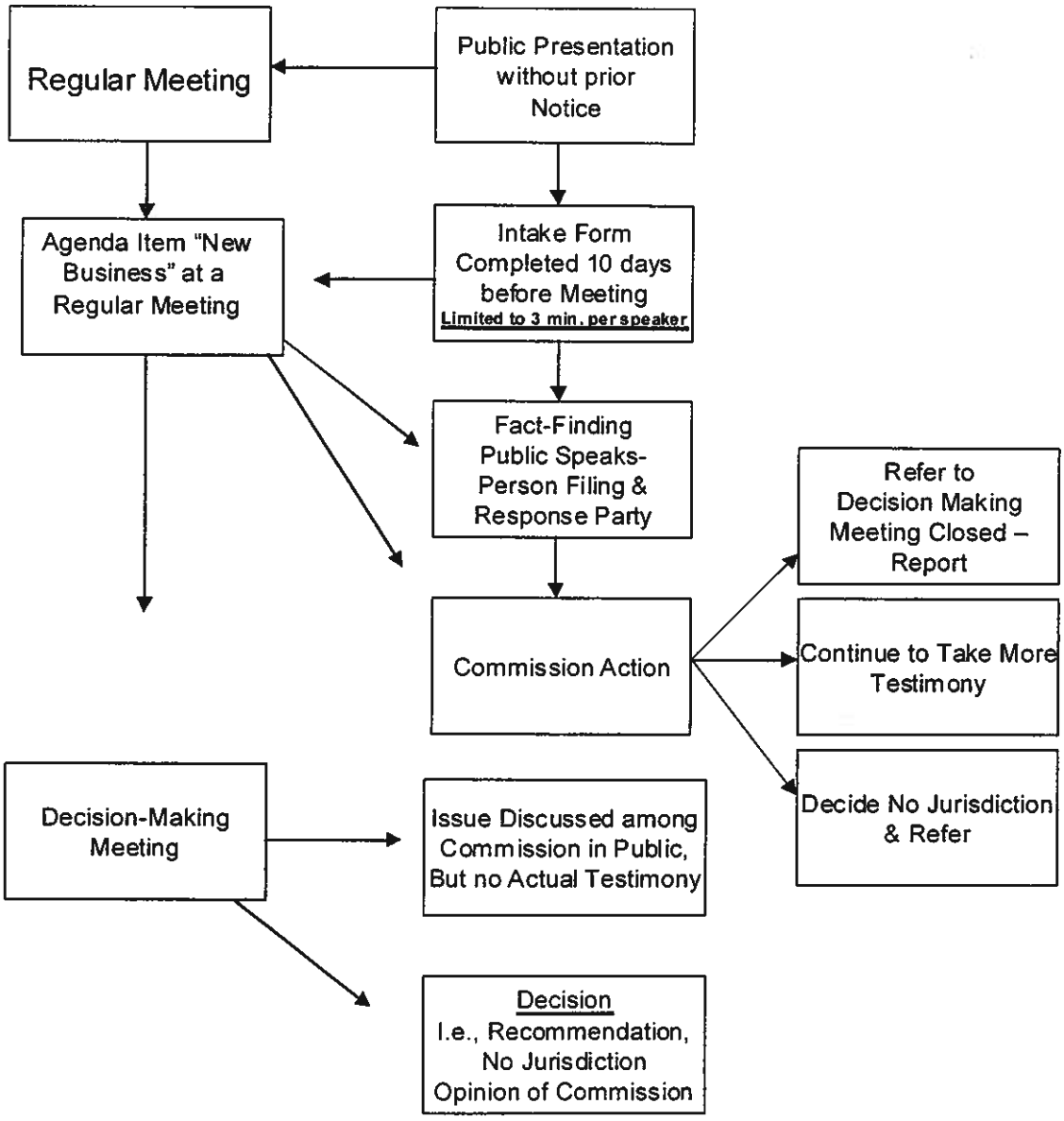
City Clerk

Enclosure: INTAKE FORM

cc: Chairperson, City of Dover Human Relations Commission

D. Commission Meeting Flowchart

Meeting Procedural Flowchart



ARTICLE V - COMMITTEES

The Commission shall create all standing and special committees.

SECTION 1.
The standing committees of the Commission shall be as follows: (1) Executive Committee; (2) Assessment Committee; (3) Community Programs Committee; and (4) School Programs Committee.

1.1 The Executive Committee shall be composed of the officers of the Commission and charged with acting on the business of the entire commission in between its regular meetings. It shall be responsible for interfacing with other City Departments and Offices including City Council.

1.2 The Assessment Committee shall be responsible for measuring and monitoring community relations. The duties of the Committee shall include meeting with different groups; developing assessment tools; analyzing results; and making proposals to the Human Relations Commission based on its analysis.

1.3 The Community Programs Committee shall be responsible for offering a range of programs and services that help community residents and neighborhoods prevent human relations problems and resolve issues of human relations. The Committee shall develop, implement, and sustain community- wide programs that foster a spirit of understanding and unity.

1.4 The School Programs Committee shall be responsible for offering a range of programs and services that help community residents and neighborhoods prevent human relations problems and resolve issues of human relations. The Committee shall develop, implement, and sustain community-wide programs that foster a spirit of understanding and unity with a particular emphasis on oneness of humanity as a part of the regular school curriculum or program.

Section 2.
The Special Committees of the Commission shall be as follows: (1) Media Relations Committee; (2) Intake Screening Committee; (3) Education and Development Committee; (4) Nominating Committee; and (5) By-Laws Committee. The Commission and/or the Chairperson shall have the discretion to create and terminate special committees.

2.1 The Media/Public Relations Committee shall be responsible for publicizing all programs and activities through communication channels. The Committee shall: (a.) prepare and send Press Releases to local Newspaper Editors, and Radio/TV Station Managers; (b.) disseminate information to local community organizations, and prepare correspondence in response to inquires and complaints; (c.) submit copies of all correspondence and releases to the Part-time Assistant, and; (d.) submit an oral and written report of all its activities to the Commission at its regular meetings.

2.2 The Intake Screening Committee, when the procedures set forth in Article IV do not apply and when so designated by the Commission or Chairperson to do so, shall be responsible for receiving and screening all intakes from the public. The Committee shall: (a.) Make recommendations to the Commission on matters such as jurisdiction, referral and preliminary solution; (b.) submit copies of Intakes to Commissioners at least 2 days before a regular or special meeting called for discussion of the matter; (c.) submit oral and written Committee activities to the Commission at the Commissions regular meeting; and (d.) notify the Part-time Assistant of all proceedings.

2.3 The Education and Development Committee shall be responsible for providing educational materials to the public and the Commission, and organize development programs for the benefit of Commissioners. The Committee shall: (a.) focus on diversity training, problem solving, conflict resolution, parliamentary procedures and similar initiatives; (b) schedule programs involving lectures and role play, and distribute materials to Commissioners at least 30 days in advance of such presentation or discussion, and; (c.) submit an oral and written report of its activities to the Commissioners at the regular meetings.

2.4 The Nominating Committee shall be responsible for nominating a slate of candidates who will seek election as officers of the Commission. The Nominating Committee shall consist of three Commission members appointed by the Chairperson in December of each year. One member shall be designated by the Chairperson as the Nominating Committee Chairperson. The Committee shall present its nominees to the Commission in January of each year for election at the February meeting.

2.5 The By-Laws Committee shall be appointed by the Chairperson to review any proposed amendments to the By-Laws and present them to the full Commission for action.

ARTICLE VI - AMENDMENTS

SECTION 1.
Any member of the Commission may at any time propose an amendment to these BY-LAWS, by submitting the same in writing to the Chairperson. All proposed amendments shall be initially reviewed by a Special By-Laws Committee for recommendations then submitted to the full Commission for action as per Section 2.5.

SECTION 2.
A copy of any proposed amendments of these BY-LAWS shall be forwarded by mail to each member of the Commission at least ten (10) days prior to the meeting of the Commission at which it is to be presented and acted upon, together with a written notice of the date, hour, and place of such meeting.

SECTION 3.
Any amendment to these BY-LAWS must first be adopted by the affirmative vote of two-thirds of the active members of the Commission, before the same shall become effective.

ARTICLE VII - BUDGET PLANNING, CONTROL AND REPORTING AND PAYMENT OF EXPENSES

SECTION 1.
Budget planning, control and reporting and all accounting and financial transactions of the Commission shall be governed by the City of Dover procedure F359 d/7-22-2002 and subsequent amendments thereto. The fiscal year of the commission shall coincide with that of the City of Dover.

SECTION 2.
The procedures for payment of expenses by the Commission shall be as follows: (a) The City of Dover shall handle the accounting and financial functions of the Commission as set forth in the City of Dover procedure F359 d\7-22-02; (b) All requests for expenses relating to purchase of supplies and services shall be submitted to the Part-time Assistant on the Payment Request Form with the supporting documents; (c) Every payment request shall indicate the budget account to be charged ; (d) A payment request shall not be approved by the requestor but shall be approved by another authorized person after review; (e) All payment requests shall be routed to the City of Dover Director of Finance by the Part-time Assistant for processing and payment; and (f) An expense of less than $30.00 shall be paid out of the petty cash account, but all other payment requests shall be processed according to the Purchasing Policy and Guidelines of the City of Dover.

ARTICLE VIII - SAVINGS ARTICLE

SECTION 1.
If any part or section of these Bylaws is determined to be unlawful or unconstitutional, the remaining parts or sections of these Bylaws shall remain in force and effect.

Adopted: September 6, 2002
Amended: December 15, 2004

DOVER HUMAN RELATIONS COMMISSION
INTAKE FORM LOG
2010 - PRESENT

DATE RECEIVED by Clerk's Office	FILED BY/ CONTACT PERSON	SUBJECT MATTER	LEGAL OPINION	CLERK'S OFFICE ACTION	CONTACT PERSON NOTIFIED
01/01/2010	Maurice Parker	Allegation of discrimination by Delaware State University - employment termination	Case is a private matter between Mr. Parker and Delaware State University	Notified Mr. Parker that this matter was not within the jurisdiction of the DHRC	10/20/2010
04/01/2010	Peter Andile Ntozake	Complaint against City of Dover Inspections Officer / appeal of property maintenance code violations	Strongly advised that the Commission not discuss this matter.	Notified Mr. Ntozake that the proper venue to appeal property maintenance code violations is through the City of Dover Property Maintenance Code Board of Appeals	08/26/2010 10/25/2010
12/30/2010	Marsha Misenheimer	Allegation of discrimination - employment termination	Case is a private matter between Ms. Misenheimer and Carmike Cinema	Notified Ms. Misenheimer that this matter was not within the jurisdiction of the DHRC	01/18/2011
05/10/2011	Nina Shahin	Allegation of discrimination based on race and national origin of the City's Board of Assessments in its 2009 assessments of real estate properties located on Shinnecock Road in Fox Hall West	Not within DHRC jurisdiction	Notified Ms. Shahin that this matter was not within the jurisdiction of the DHRC	05/12/2011
01/03/2012	Joe Burden, Jr.	Request for investigation in the downtown area and suggestion for a forum on racial/cultural awareness and sensitivity to highlight and discuss racial issues in the Dover area...	Not within DHRC jurisdiction; should not discuss	Documents attached to intake form were part of an ongoing police investigation and forwarded to the Dover PD Criminal Investigations Unit. Referred Mr. Burden to contact the PD. DHRC members considered his suggestions regarding a forum during their meeting of 02/22/2012	01/27/2012

DATE RECEIVED by Clerk's Office	FILED BY/ CONTACT PERSON	SUBJECT MATTER	LEGAL OPINION	CLERK'S OFFICE ACTION	CONTACT PERSON NOTIFIED
01/03/2012	William Copeland	CONFIDENTIAL	Not within DHRC jurisdiction; should not discuss	Intake form was forwarded to Lt. Benton Counselman, Internal Affairs, Dover PD. Mr. Copeland was provided Lt. Counselman's information.	01/27/2012 Confidential Correspondence
09/27/2012	Henery Fordham; Lida Darling; and Anna Watson	Allegations of attempted murder.	Not within DHRC jurisdiction; should not discuss. Suggested that the complainant be directed to speak with the DSHRC or the Attorney General's Office.	Mr. Sudler and Dr. Warfield were provided Mr. Rodriguez' legal opinion on 10/03/2013.	
06/03/2013	Joybeth I. Guy	Alleging unfair housing practices against the Dover Housing Authority and Colonial Investment Public Housing Program	Not within DHRC jurisdiction; should not discuss	(07/02/13) As recommended by the DSHA, City Clerk forwarded to DSHRC, DDJCPU, and HUD (06/10/13) Forwarded to Delaware State Housing Authority Director; Council on Housing	07/02/2013 06/10/2013

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