

## **REGULAR COUNCIL MEETING**

The Regular Council Meeting was held on August 28, 2017 at 7:31 p.m. with Council President Slavin presiding. Council members present were Mr. Anderson, Mr. Sudler, Mr. Neil, Mr. Cole, Mr. Polce, and Mr. Lindell. Mr. Hare and Mr. Lewis were absent.

Staff members present were Police Chief Mailey, Ms. Peddicord, Mrs. Mitchell, Mr. Hugg, Fire Chief Carey, City Solicitor Rodriguez, and Mrs. McDowell. Mayor Christiansen was also present (departed at 7:40 p.m.).

### **OPEN FORUM**

The Open Forum was held at 7:00 p.m., prior to commencement of the Official Council Meeting. Council President Slavin declared the Open Forum in session and reminded those present that Council was not in official session and could not take formal action.

Mr. Steven French stated that Loockerman Exchange and the former library were available and asked why the homeless could not live there. He noted that the homeless would need a home before winter.

Ms. Janetta Guinn stated that she was stopped by the Dover Police two years ago for not wearing a seatbelt and the judge said that all vehicles in Delaware were required to have seatbelts. Noting that school buses, public transportation, and Dover Police motorcycles do not have seatbelts, Ms. Guinn asked how there could be one law for one person and not another law for somebody else. She noted that there were 7, 8, 9, and 10-year-old kids on school buses getting hurt every day. Responding, Council President Slavin advised that the State Legislature enacts the laws that govern transportation and that Mayor Christiansen would speak with Ms. Guinn after the Open Forum and relay her concerns to the State Legislature.

Ms. Guinn, noting recent news stories, asked why police are placed on administrative leave with pay when they do something wrong. Council President Slavin advised Ms. Guinn that Mayor Christiansen would speak with her at the conclusion of the Open Forum.

Ms. Cynthia Quevedo stated that she loves all of Councilman Anderson's posts and that she agrees with him 100%.

Mr. Swann Twitty advised that his issues were jobs and homelessness. He stated that it was difficult for people with records to get jobs and there were not equal opportunities.

Mr. Eric Abernathy stated that the homeless need to be helped because the homeless situation is not going away until they can all learn to work together to help the situation and get the people off of the street. He noted that a building or a piece of land could be found or they could build tiny houses or some type of affordable housing. Mr. Abernathy stated that you cannot survive on a minimum wage job in Dover.

Pastor Aaron Appling advised that they will serve over 50,000 meals to the Dover community this year and that they give out 100 to 125 banana boxes of food to families every single week, or approximately 5,000 boxes per year. He advised that they receive no government assistance and they

are able to provide food efficiently. Pastor Appling stated that they run into organizations who are funded, and have money, who are far less efficient than they are. He noted that they would continue with their feeding programs and would be extending the program to other parts of the county in October. Pastor Appling, noting that the City partnered with Interfaith Mission and other organizations in the past, requested assistance, such as a vacant building downtown where they can serve more efficiently without spending so much money on gas running back and forth.

Ms. Sue Harris stated that she wanted to address a comment made by Mr. Neil during the last City Council meeting that Council is roundly criticized for supporting NCALL and Habitat's building of affordable homes. She advised that they have never criticized the City's efforts with NCALL or Habitat for Humanity. Ms. Harris stated that the work that they do is commendable and they wholly support their efforts; however, they have no programs for the homeless or the chronically homeless and their efforts are for home ownership. She advised that they are advocating for those who need very low rentals and asked that the City not use its support of NCALL and Habitat for Humanity in defense of any efforts to help the homeless.

Ms. Harris advised that she had originally intended to apologize for some of the things that were said during the last meeting, since it appeared that their questions came across as unfounded, reckless accusations of profiteering. She stated that neither she nor Ms. Teri Staub intended for their questions to be taken as accusations, they were simply questions. Ms. Harris advised that she did e-mail an apology the previous week for some inaccurate research she mentioned at the last meeting. She advised that she realized she was inaccurate on the path of transactions and provided research showing the tax payments for each of the NCALL properties (**Exhibit #1**) that appear to have been disposed of as surplus properties. Ms. Harris stated that, in this process, a total payment to the Tax Assessor's Office was made in a lump sum of approximately \$226,500 for FY 2016 and FY 2017.

Ms. Harris asked if a funding stream could be created, supported by those tax lien payments, less the demo fees, for surplus abandoned properties, and allocated to help create affordable rental housing in the City of Dover. Ms. Harris advised that they were not there to make accusations and they do not quite understand the defensiveness because their point is not "what are you doing with these funds?" but "what are you not doing with them?" She reiterated that affordable rental housing for the low and very low income is in short supply and a part of the City's Consolidated Plan is to address that need. Ms. Harris asked that the City consider partnering with additional non-profits to create affordable rental units from surplus properties.

Ms. Harris requested that the City clarify in its Code that a grantee is required to submit a certification that will affirmatively further fair housing; that the City will conduct an analysis to identify its impediments, take appropriate actions to overcome them, and keep records. She stated that these impediments are private sector and government actions or behavior against policy, ordinance, regulations like building codes, zoning ordinances, and practices that have the effect of restricting housing choices or the availability of housing choices due to gender, race, familial status, national origin, real origin, and disability. Ms. Harris provided documentation on the analysis made in 2011 and the recommendations that have yet to be implemented (**Exhibit #2**).

The invocation was given by Captain Elmer N. Davis, Jr., followed by the Pledge of Allegiance and a moment of silence in recognition of the loss of Councilman Lewis' mother.

**AGENDA ADDITIONS/DELETIONS**

**Mr. Sudler moved for approval of the agenda, seconded by Mr. Neil and unanimously carried.**

**Mr. Neil moved for approval of the Consent Agenda, seconded by Mr. Anderson and carried by a unanimous roll call vote (Hare and Lewis absent).**

**ADOPTION OF MINUTES - SPECIAL COUNCIL MEETING OF AUGUST 7, 2017**

**The Minutes of the Special Council Meeting of August 7, 2017 were unanimously approved by motion of Mr. Neil, seconded by Mr. Anderson and bore the written approval of Mayor Christiansen.**

**ADOPTION OF MINUTES - SPECIAL COUNCIL MEETING OF AUGUST 14, 2017**

**The Minutes of the Special Council Meeting of August 14, 2017 were unanimously approved by motion of Mr. Neil, seconded by Mr. Anderson and bore the written approval of Mayor Christiansen.**

**ADOPTION OF MINUTES - REGULAR COUNCIL MEETING OF AUGUST 14, 2017**

**The Minutes of the Regular Council Meeting of August 14, 2017 were unanimously approved by motion of Mr. Neil, seconded by Mr. Anderson and bore the written approval of Mayor Christiansen.**

**PROCLAMATION - NATIONAL PREPAREDNESS MONTH**

The City Clerk read the following Proclamation into the record:

**WHEREAS**, National Preparedness Month creates an important opportunity for City of Dover residents to prepare their homes, businesses, and communities for potential natural disasters or terrorist attack, and investing in emergency preparedness can reduce injuries, fatalities, and economic devastation in our community and nation; and

**WHEREAS**, the 2017 National Preparedness Month theme "Disasters Don't Plan Ahead. You Can" emphasizes the importance that we should all take action to prepare, and the Federal Emergency Management Agency's "Ready" Campaign, Citizen Corps, and other federal, state, local, private, and volunteer agencies are working to increase public activities to prepare for emergencies and to educate individuals on how to take action; and

**WHEREAS**, City of Dover citizens are able to help first responders in the community by being trained on how to respond during an emergency and what to do when disaster strikes. Emergency preparedness is the responsibility of every citizen of the City of Dover, and all citizens are urged to make preparedness a priority and work together to ensure that individuals, families, and communities are prepared for disasters and emergencies of any type. Residents are encouraged to participate in preparedness activities and to be proactive in establishing sound plans for addressing emergencies.

**NOW, THEREFORE, I, ROBIN R. CHRISTIANSEN, MAYOR OF THE CITY OF DOVER, DELAWARE** do hereby proclaim the month of September 2017 as **NATIONAL PREPAREDNESS MONTH** in the City of Dover, and urge all citizens, businesses, and

organizations to develop their own emergency plan and work together toward creating a more prepared society.

On behalf of the Mayor and Council, Mayor Christiansen presented Fire Chief Carey with the Proclamation and thanked Police Chief Mailey; Mrs. Kay Sass, Emergency Management Coordinator; Fire Chief Carey; and all first responders for their service.

**PRESENTATION - RECOGNITION OF SERVICE - JOHN TINSLEY - DOWNTOWN DOVER PARTNERSHIP BOARD OF DIRECTORS (JULY 2014 THROUGH MAY 2017)**

The City Clerk read the following Certificate into the record:

***CERTIFICATE OF APPRECIATION***

*Presented to*

***JOHN TINSLEY***

*Downtown Dover Partnership Board of Directors*

*July 2014 - May 2017*

*The City of Dover extends sincere appreciation for your public service.*

*August 28, 2017*

On behalf of the Mayor and Council, Mayor Christiansen presented the certificate to Mr. Tinsley and thanked him for his service and continued commitment to downtown Dover.

**SPECIAL DOVER HUMAN RELATIONS COMMISSION REPORT - JULY 27, 2017**

The Special Dover Human Relations Commission (DHRC) meeting was held on July 27, 2017 at 6:03 p.m. with Chairman Henderson presiding.

**Election of Committee Chair - Education Committee**

Mr. Henderson advised that Mr. Fleming had expressed an interest in serving as Chair of the Education Committee and asked if there were further nominees.

The Commission elected Mr. Paul Fleming to serve as Chair of the Education Committee.

**By consent agenda, Mr. Neil moved for approval of the Commission's recommendation. The motion was seconded by Mr. Anderson and carried by a unanimous roll call vote (Hare and Lewis absent).**



**DHRC Committee Updates****Government Policy, Programs, and Practices Committee (Gaddis)**

Mr. Gaddis advised that there was no report for the Government Policy, Programs, and Practices Committee.

**Community Engagement Committee (Mullen)**

Ms. Mullen stated that St. Andrew's Lutheran Church had reached out to her because she serves on the White Oak/Towne Point Civic Association. She noted that she had not yet responded to St. Andrews and she asked if she could represent the DHRC or should represent the White Oak/Towne Point community when interacting with them. Responding, Mr. Henderson indicated that he had seen Reverend Mark Walters, Pastor, St. Andrew's Lutheran Church, earlier in the day at a Rotary Club meeting, and Reverend Walters had provided Mr. Henderson with a formal letter stating that St. Andrew's wanted to get together and ask questions. Mr. Henderson indicated that he would provide this letter to Ms. Mullen and discuss it with her. He advised that this would be an excellent contact for the DHRC, noting that Reverend Walters seemed willing to do outreach for the DHRC.

Ms. Mullen stated that the Church the Body of Christ on Townsend Boulevard was also very interested in what the DHRC does, and she was waiting for the development of a DHRC brochure to move forward. Mr. Henderson stated that he would never say no to churches and noted that he may also approach some churches.

Mrs. Herbert informed members that she had been working with the National Council on Agricultural Life and Labor Research (NCALL) Restoring Central Dover community engagement forum planning group, and Ms. Mullen had also been doing so when she is available. Mrs. Herbert advised that it is easier for her to attend than Ms. Mullen because Mrs. Herbert does not work. She stated that the group had established an over-arching topic for a series of forums, and the topic was the things that one should know about education. Mrs. Herbert advised that the first forum, scheduled for September 30, 2017, would address available sources to help with education. She explained that this session would relate to services that exist both inside and outside the public schools to support students and families, how families can learn about these services and take advantage of them, and where the gaps are.

Mrs. Herbert advised that another forum would be held on November 4, 2017 regarding how external forces and systems, such as poverty, economics, crime, the criminal justice system, and the political system, can work at cross-purposes to students' success, and how changes in these areas can bridge some of the gaps identified. She indicated that there had been discussion about placing a special emphasis on crime, since crime was a hot and timely topic in the community. Mrs. Herbert indicated that a third forum would be held on January 27, 2018 regarding transitions from high school to college and would be aimed at high school freshmen and sophomores. She stated that this session would be delivered in large part by Delaware State University (DSU) and Wesley College students and would

possibly include breakout sessions for students of different ages, so that content could be better targeted to what students need to know and when.

Mrs. Herbert asked if this series of forums was something that was appropriate for the DHRC, stating that she felt the first forum was appropriate because it was about resources. She also asked if she should continue to attend the NCALL forum group planning meetings or if this should fall under the purview of Mr. Fleming and the Education Committee.

Responding to Mr. Henderson, Mrs. Herbert stated that the community engagement forum planning group was part of NCALL, and NCALL had involved Wesley College, DSU, Wesley College Drug and Alcohol Education, and Central Middle School. She explained that Dr. Chanda Jackson, Community Engagement Specialist, NCALL, oversees the entire program. Mrs. Herbert advised that a member of the State Human Relations Commission (SHRC) had been involved in an initial housing forum put on by the group when the SHRC was working on housing; however, she had taken herself off the planning group because the next series of forums proposed was not about housing. Mrs. Herbert suggested that if the DHRC did not participate in any of the other forums, they may want attend the first to talk to families about educational resources and bring DHRC pamphlets. She explained that the forum planning group had not yet developed a title for the event. Mrs. Herbert noted that the group had been meeting every two (2) weeks at 10:00 a.m. on Fridays, and the next meeting was scheduled for Friday, August 4, 2017 at 10:00 a.m. at the Midnight Roast Coffee Shop at Wesley College.

Mr. Gaddis noted that he had taught high school for 33 years, and he suggested that the transitions workshop scheduled for January 27, 2017 not be confined to high school to college transitions. He indicated that he would like kids to have the ability to transition from high school to employment, apprenticeships, technical schools, etc. Mr. Gaddis expressed his opinion that there had always been too much emphasis on college and that credence and value should be given to working. He explained that some young people have their own ideas, do not want to go to college, and want to work and do something productive with their lives, and there is a need to help them as well.

Mr. Henderson stated that the forums were worth looking into. Mrs. Herbert advised that the planning group seemed to be concerned about whether or not parents would come and bring their kids and wanted to start advertising early; however, Mrs. Herbert indicated that more focus was needed before advertising. She stated that the group was doing very well and putting in the time that was needed for the forums. Mrs. Herbert stated that she had attended a previous forum put on by the group in April 2017 which was very successful. She noted that the group was working to make central Dover better and must hold their events in that area; therefore, the three (3) forums would be held at Wesley College, and Central Middle School would be involved.

Mr. Henderson stated that the forums sounded great, Mrs. Herbert could educate members about the sessions, and they could attend some of them. Mrs. Herbert suggested bringing the DHRC's brochure. She stated that she was unsure how the DHRC would fit into the forums; however, the forum planning group wanted the DHRC to provide any resources that members knew of, noting that Dr. Jackson needed this information to be sent to her. Mrs. Herbert noted that she herself had not been in Dover long enough to know all of the available resources. She stated that there was a resource called Parent, Inc. that she had never heard of which is very helpful to parents.

Mrs. Herbert advised that the planning group had mentioned only the transition from high school to college in regard to the forum planned regarding transitions. She noted that a lot of parents and kids would be cut out if other transitions, such as technical school and work transitions, were not included. Mrs. Herbert agreed with Mr. Gaddis's previous comments that the high school to college focus may be too narrow.

Ms. Mullen informed members that she had recommended to the planning group that they focus on the middle school to high school transition. She noted that a lot of children are being lost at an early age because they are becoming involved in other things that are offered to them. Ms. Mullen expressed the need to condition children's mindsets to think about college well before high school. She concurred with Mr. Gaddis and Mrs. Herbert that there was a need to consider children who are not interested in college.

Mr. Henderson noted that the forums would apply to the DHRC Education Committee, as well as to the Communications Committee for marketing. He advised that if the DHRC could be a conduit of information to advertise and make people aware, it will have fulfilled its role as a commission. Mr. Henderson indicated that the DHRC could advertise that they are in touch with NCALL and that symposiums would be held. He stated that events could be advertised to the community and members' districts by way of brochures, radio, and social media, such as Facebook and Twitter.

Responding to Mrs. Herbert, Mr. Henderson stated that Mr. Fleming could be involved with the forums due to his role on the Education Committee. Mrs. Herbert stated that she thought other members should be included in these types of events. She expressed her hope that Mr. Fleming could come to the next planning group meeting scheduled for August 4, 2017.

**Education Committee (Fleming)**

Mr. Fleming apologized for missing the previous DHRC meeting, stating that he had forgotten that the meeting time was 6:00 p.m. and had come at 7:00 p.m. He noted that his attendance would have provided a quorum for the meeting and apologized for taking up members' time by not being present on time.

Mr. Fleming stated that he had thought members could get exposure for the DHRC by walking in the Fourth of July parade wearing their DHRC shirts; however, he had brought this up at the last minute and members may not have been available. Mr. Fleming recommended that the DHRC participate in these type of events as often as they can so that people know who they are. He stated that all members would not have to walk, but if more than one (1) or two (2) people could participate, this would help expose the Commission to the Dover community.

Mr. Fleming noted that an article in the Delaware State News earlier in the week regarding the Student Excellence Equals Degree (SEED) program stated that one (1) of the legislators was upset because he did not think taxpayers should be paying to send other people's children to school. Mr. Fleming expressed his opinion that this legislator was completely off base and that SEED is an excellent program. He advised that education is not just about degrees and noted that there are many technical programs, such as solar energy, etc. Mr. Fleming expressed his hope that some of the SEED money would work its way into technical programs for high school graduates. He stated that the SEED program is a wonderful opportunity for the citizens of Delaware to transition into higher education, including both technical and degree programs. He encouraged members to find and read this Delaware State News article, which he stated they would find very enlightening. Mr. Fleming estimated that 98% of those who commented in the newspaper the day after the article was published were in favor of the SEED program and helping kids to obtain higher education.

#### **Communications Committee (Paige)**

Reverend Paige advised that she had no report. She noted that she and Ms. Mullen had agreed to work together, since communications overlaps with the community engagement. She noted that Ms. Mullen had performed outreach with radio networks; however, Reverend Paige stated that she had not been involved and they would correct this for next month.

#### **Liaison to State Human Relations Commission**

During the Dover Human Relations Commission Workshop held on May 25, 2017, members considered a Review of DHRC Strategic Plan 2015-2018 Long-Term Objectives and Development of Work Plans. Members discussed objective C.2., "Develop an understanding with the State Human Relations Commission that will delineate the roles and procedures of the two Commissions in the solution of alleged discrimination complaints which fall within the jurisdiction of the State Human Relations Commission and identify and maintain specific ways the two Commissions will work together." Members discussed appointing a member of the DHRC as a Liaison to the State Human Relations Commission (SHRC) to accomplish this goal.

Mr. Henderson nominated Mrs. Herbert to serve as Liaison to the State Human Relations Commission.

The Commission elected Mrs. Sara Herbert to serve as Liaison to the State Human Relations Commission.

**By consent agenda, Mr. Neil moved for approval of the Commission's recommendation. The motion was seconded by Mr. Anderson and carried by a unanimous roll call vote (Hare and Lewis absent).**

Mrs. Herbert stated that she had spoken to Ms. Annette Fletcher, Delaware Division of Human Relations, who had encouraged her to attend SHRC meetings, and Mrs. Herbert had attended one (1). She advised that Ms. Fletcher had explained that a public forum is held before the meetings; however, Mrs. Herbert did not observe this and, since they did not have the open forum, she indicated her belief that not many people attend meetings. Mrs. Herbert advised that she attended the SHRC meeting by herself, no one had asked her why she was there, and she was eventually invited to the table. She explained that Ms. Kelly Brown, Delaware Division of Human Relations, takes meeting notes and handles meeting business in Dover. Mrs. Herbert indicated that the meeting is a virtual meeting and is conducted using television, so that those in Wilmington can see participants from southern Delaware. She advised that it was suggested that she talk to Ms. Brown and ask to be placed on an agenda.

Mrs. Herbert informed members that she would like to have their feedback regarding establishing a connection with a member of the SHRC who is not from Dover. She explained that she believed that a representative from Dover would already be enmeshed in what is going on in Dover, and she favored being connected with someone who has an unbiased opinion in case questions needed to be asked of the SHRC. Mrs. Herbert advised that she was experiencing difficulty having phone calls returned by the SHRC and noted that SHRC members, like DHRC members, are volunteers. Mrs. Herbert indicated that she wanted to find out how the DHRC and SHRC can interact with each other, noting that she was not absolutely positive that they can.

In response to Mr. Henderson, Mrs. Herbert indicated that source of the SHRC meetings is in Wilmington and meetings are run by Mr. Calvin Christopher, Chair, SHRC. She indicated that her phone number had been provided to Mr. Christopher; however, he had not returned the call. Mrs. Herbert reiterated that everyone that sits at the SHRC table is a volunteer, with the exception of Ms. Brown in Dover and Ms. Fletcher in Wilmington.

Mr. Gaddis asked what insight Mrs. Herbert was hoping to obtain by connecting with a SHRC member outside of Dover. Responding, Mrs. Herbert stated that she would not know this until she talks to a contact to find out what the SHRC does, versus the DHRC. She noted that during the DHRC Workshop of May 25, 2017, members had discussed subpoenas and other matters. Mrs. Herbert stated that the DHRC handles Dover and the SHRC covers the entire State, which includes Dover, and she wanted clarification so that the DHRC does not step on toes or do something that the SHRC

is supposed to do. She also noted that connecting with the SHRC relates to long-term goal C.2. of the DHRC Strategic Plan 2015-2018, and is something the DHRC is supposed to do.

Mr. Henderson suggested that he accompany Mrs. Herbert to the next meeting and perhaps this connection could be clarified. Mrs. Herbert noted that neither she nor her SHRC contact would be making decisions; however, there was a need to have a bridge to obtain information. She informed members that Mr. Roy Sudler, City Council Representative for the Fourth District, and Kent County Representative to the SHRC, represents the Dover area on the SHRC. She indicated that she had nothing against Mr. Sudler; however, she had noticed that he had not attended some of the SHRC meetings, and she noted that he may be busy and not have the time.

Reverend Paige stated that she had excused herself from the conversation. She advised that Mr. Sudler represents Dover on the SHRC and formerly chaired the DHRC.

Mrs. Herbert explained that she knew Mr. Sudler and had no problem with him. She acknowledged that he would be much closer than some of the other SHRC members who come from all over the State to attend the meetings.

Mr. Henderson advised that he would like to attend an SHRC meeting. In response to Mr. Henderson, Mrs. Herbert stated that she was unsure of the SHRC's meeting schedule but it was her recollection that meetings are held on the second Thursday of the month at the Cannon Building on Silver Lake Boulevard. She advised that Mr. Henderson could attend with her, and stated that she would contact Ms. Brown first, tell her that they would be coming, and obtain information from her about the meeting date and time. She indicated that she had spoken with Ms. Brown previously and informed her about the long-term objective in C.2 of the DHRC Strategic Plan 2015-2018. Mr. Henderson stated that he and Mrs. Herbert would attend the August SHRC meeting together.

#### **DHRC Participation in Radio Segment**

During the Dover Human Relations Commission (DHRC) Workshop of May 25, 2017, Ms. Mullen informed members that she had an opportunity to participate in a radio talk show segment and asked if this would be permissible. Responding, Mrs. Stein indicated that this item could be placed on a meeting agenda for members' consideration and, if they chose, participation could be recommended to Council.

Ms. Mullen advised that she had been in communication with Ms. Benita Gassi from the Ms. Benita Show TV and Radio Network, who had advised her that the cost of DHRC's participation on the radio would be \$125. Ms. Mullen explained that, if members chose to proceed, coverage would be on four (4) networks, including Bomb Baby Radio, Hottest Live Radio, Media Angel TV and Radio, and ACT Boom TV, and there would be continuous advertising and a 15-minute interview segment with

a member of the DHRC. Ms. Mullen advised that participation would allow the DHRC to update and educate the public on what the Commission is about, its missions and goals, and how the DHRC can help the community. She noted that Ms. Gassi had also offered to provide Twitter and Facebook services, which Mr. Henderson stated would be fine, noting that he is not familiar with this type of media. Ms. Mullen stated that she would have to do some research if members wanted to proceed.

Reverend Paige advised, having been in radio herself, that she was not in favor of paying \$125 for what the DHRC wants to do. She stated that the DHRC is public service and, in her opinion, there should be no cost for members to discuss who the DHRC is and what they do, and the radio station should invite the DHRC in for this purpose. Reverend Paige noted that radio station WWDE at Delaware State University (DSU) broadcasts beyond DSU and suggested WDOV as well. She indicated that she is acquainted with Ms. Gassi and had no problems with her; however, she was not in favor of paying \$125. Reverend Paige advised that she could understand paying this amount to purchase a \$125 advertising package but not to inform the community about the DHRC.

Ms. Mullen and Mrs. Herbert concurred. Ms. Mullen stated that the \$125 cost had been mentioned at the end of her conversation with Ms. Gassi, and she had then advised Ms. Gassi that she wanted to take this information back to the Commission.

In response to Mr. Gaddis, Ms. Mullen stated that she was unsure if the radio stations mentioned by Ms. Gassi were licensed. Mr. Gaddis advised that every licensed radio station is required to provide public service time as part of federal licensing. Reverend Paige stated that she was unsure if Ms. Gassi is licensed, noting that Ms. Gassi mostly does internet radio. Reverend Paige advised that Reverend Shonde Greene broadcasts on Faith 1510 in Wilmington, and interviews can be recorded for later broadcast. She indicated that Faith 1510, WWDE, and WDOV are stations in the area with wide listenership that would cover the diverse population that the DHRC is trying to target.

Mrs. Herbert noted that Ms. Gassi may not recognize that the DHRC is a public service entity.

Reverend Paige advised that she could work with Commissioner Mullen further on this matter, reiterating that communications and community engagement overlap.

In response to Mr. Henderson, Ms. Mullen noted that Ms. Gassi had also mentioned blogs and other things. She suggested deferring this item until she and Reverend Paige can collaborate. She stated that radio is a good resource and avenue to utilize to get word out to the public and expressed the desire to reach all segments of people, rather than catering to one (1) type of population.

The Commission deferred this matter for collaboration.

**Development of DHRC Brochure**

Referring to the brochure entitled, "Dover Human Relations Commission," formerly circulated by the DHRC and provided by Mr. Fleming, Mr. Henderson advised that he liked the beautiful logo.

During their meeting of April 10, 2017, Council considered the Development of a Concise Statement - Mission and Functions of DHRC and approved the DHRC's recommendation to accept the concise statement as written. Mr. Gaddis expressed concern that the brochure did not include the concise statement that he and Reverend Paige had developed and was approved by the Commission.

Mrs. Stein explained that the brochure being reviewed was used by the Commission previously and had been provided by Mr. Fleming. She noted that it was included to provide members a starting point for a new brochure. Mr. Henderson advised that the brochure was from years ago. He stated that numbers and other things would change and advised that the mission statement could be the first thing to change.

Mr. Henderson asked if Mr. Gaddis could take on the task of looking over the excellent but outdated brochure. He stated that this was not intended as a slight to Mr. Fleming and suggested that Mr. Fleming could perhaps do some fine tuning on the brochure.

Mr. Gaddis noted that Reverend Paige had also been involved in developing the concise mission statement.

Referring to the Mission Statement in the brochure, Mrs. Herbert indicated that she was disturbed by the third paragraph, which stated that "The Commission is authorized to inquire into incidents of inter-group conflicts, disputes and alleged discrimination within the City and to make recommendations to the Mayor and City Council for action to alleviate such conflicts." Based on the DHRC Workshop held on May 25, 2017, she expressed her understanding that the DHRC is an advisory Commission and noted that this statement sounded more investigative. Mrs. Herbert stated that if the DHRC was allowed to inquire into incidents, this should be listed in the brochure; however, she was unsure that a decision had been made and if the DHRC was allowed to do this. Responding, Mr. Henderson stated that he recalled that it was concluded that issuing subpoenas and getting involved in every small matter was not something that the DHRC would be doing. Mr. Fleming and Reverend Paige concurred. Reverend Paige stated that members had discussed possibly looking into this further down the road, but not now.

Reverend Paige stated that she saw the previous brochure as a guideline so that members would know what is needed in the new brochure. She noted that she was delighted to see Mr. Jon Offredo, DHRC Commissioner, Fourth District, when she walked in the door, stating that she did not know that he was a Commissioner. Reverend Paige advised that she had asked Mr. Offredo if he would help her with communications, noting that Mr. Offredo has experience with The News-Journal.



She recommended that she and Mr. Offredo work on the brochure together, stating that she viewed the brochure as falling under communications. Reverend Paige noted that anyone else who wanted to work on the brochure could also do so.

The Commission recommended that Reverend Paige and Mr. Offredo work on the brochure, as well as anyone else who wants to do so.

**By consent agenda, Mr. Neil moved for approval of the Commission's recommendation. The motion was seconded by Mr. Anderson and carried by a unanimous roll call vote (Hare and Lewis absent).**

Mr. Henderson stated his understanding that Reverend Paige, Mr. Offredo, and Mr. Gaddis would work on the brochure and provide a product at the next meeting.

At Mr. Henderson's request, Mr. Jon Offredo advised that he resides in the Fourth District, and he and his fiancée rent an apartment on The Green above The Delaware Store. He stated that he has been living in Dover for approximately four (4) years and had been a reporter for three (3) of those years at the News-Journal, covering Legislative Hall and the City of Dover. Mr. Offredo stated that he quit this job approximately one (1) year ago and now works for the State of Delaware, Public Defender's Office, where he does legislative policy and communications work. He indicated that he is happy to help in any way possible.

#### **Update of DHRC Webpage**

This item was deferred due to time constraints.

#### **Sponsorship of Educational Symposium**

This item was deferred due to time constraints.

#### **DHRC Vacancies**

This item was deferred due to time constraints.

**By consent agenda, Mr. Neil moved for acceptance of the Dover Human Relations Commission Report, seconded by Mr. Anderson and carried by a unanimous roll call vote (Hare and Lewis absent).**

#### **COUNCIL COMMITTEE OF THE WHOLE REPORT - AUGUST 15, 2017**

The Council Committee of the Whole met on August 15, 2017 at 6:00 p.m., with Council President Slavin presiding. Members of Council present were Mr. Anderson (arrived at 6:23 p.m.), Mr. Sudler (departed at 6:34 p.m. and returned at 6:40 p.m.), Mr. Neil, Mr. Cole, Mr. Polce (departed at 6:34 p.m. and returned at 6:35 p.m.), and Mr. Hare. Mr. Lewis and Mr. Lindell were absent. Mayor Christiansen was also present. Civilian members present for their Committee meetings were Ms. Arndt (*Utility*), and Mr. Shevock and Dr. Stewart (*Legislative, Finance, and Administration*).

**UTILITY COMMITTEE****Alternative Solar Energy Announcement by DSU and Eastern Woodland Holdings LLC., for Potential Public Private Partnership Opportunity sponsored by Councilman Roy Sudler, Jr. 4th District and Brian Lewis 2nd District Councilpersons**

Mr. Sudler indicated that he thought that this alternative solar energy proposal would be a great opportunity for a potential solar development in the City of Dover, noting that it was a partnership between Delaware State University (DSU) and Eastern Woodland Holdings LLC. He introduced Mr. Chris Coker, a representative for Eastern Woodland Holdings LLC. Mr. Sudler noted that Mr. J.D. Bartlett had an emergency to tend to at DSU; however, he had met with Mrs. Donna Mitchell, Acting City Manager, prior to the meeting to discuss what they were thinking about proposing to the City.

Mr. Coker informed members that he was representing Eastern Woodlands and DSU, and announced that they would be partnering up to do some solar together. He stated that they were still considering that; however, after meeting with Mrs. Mitchell, he believed that he would go after the Request for Proposals (RFP) for 30 megawatts (MW), noting that he thought he could fulfill the City's needs on that with DSU. Mr. Coker indicated that they were looking to do 20MW to 25MW but, if the station could hold it, they could perhaps do 30 MW.

Mrs. Mitchell reminded members that in the Integrated Resource Plan (IRP) that was presented to Council by The Energy Authority (TEA) back in April, one (1) of the recommendations was that the City do an RFP for 30 MW of solar. She informed members that she had explained to Mr. Coker that the City would soon be doing that RFP, and becoming aware of it had encouraged him to participate in that process.

Mr. Slavin cautioned members not to ask any questions of Mr. Coker, otherwise he may be disqualified from responding to the RFP.

**Conwell Street Discussion**

Mrs. Sharon Duca, P.E., Public Works Director/City Engineer, reviewed her memo dated July 28, 2017 regarding Conwell Street Evaluation. She explained that the Department of Public Works was charged with evaluating Conwell Street in conjunction with researching the development history, current status, and upgrade options.

Mr. Sudler asked if there would be another option that would be less complex and timing consuming, such as a paved alley, or something another level down from a street with walkways and curb appeal, and drainage. Responding, Mrs. Duca explained that if Council wanted to pursue the enhancements of this road, technically deeming it an alley and making the appropriate authentication in that manner would create the smaller pavement because it would not require the concrete addition. She stated that it would also give more room within the right-of-way for more natural

swales, etc. to handle the drainage, noting that the concrete sections on a regular road would make it very difficult and definitely require storm sewer.

In response to Mr. Hare, Mrs. Duca stated that there were a couple of houses on the front of the street. Mr. Hare noted that this was not a City street. He asked if the residents wanted to bring it into the City and for the City to take it over. Responding, Mrs. Duca stated that this was her understanding.

Mr. Hare asked if this would be any different than, for example, if the contractor for Nottingham Meadows was building houses, did not want to finish the street, and wanted the City to take it over and finish it. He asked if the City would do that. In response, Mrs. Duca advised that Conwell Street would be more similar to Cannon Mill, explaining that the City did have to deal with the roads in that development because the developer went bankrupt. Mr. Hare asked if there was a developer for Conwell Street and Mrs. Duca advised that there was not. Mr. Hare asked who owns the land. Responding, Mrs. Duca stated that it could be considered no man's land at this point, explaining that it was never transferred to the City; therefore, it would be more likely to still be in Kent County. She explained that technically the land owner would be the original developer of the College Road Settlement from 1899 because they never deeded it over to any municipal entity. Mr. Hare asked how staff was going to determine who owns the land. In response, Mrs. Duca, referring to page 2 of her memo dated July 28, 2017 regarding Conwell Street Evaluation, noted that other sections of roads that wound up being vacated went through the Superior Court.

Responding to Mr. Slavin, Mrs. Duca stated that it would be difficult to trace the underlying owner of the road at this point, which, she believed, was the reason it became a matter of the courts. Mr. Slavin asked if the City had any history regarding who originally paved the road or who paid to have it paved originally. In response, Mrs. Duca advised that information regarding the original paving was not part of any of the research or the plans that staff could find. Responding to Mr. Slavin, Mrs. Duca informed members that Conwell Street was not a publicly identified road in terms of Municipal Street Aid (MSA); however, it was in regard to Google and that type of thing. Mr. Slavin stated his understanding that if the road was not owned by the City, then it would be a State road. In response, Mrs. Duca indicated that it would be a State or County road. Mr. Slavin stated that typically in a development, a developer will build out a development, build out the roads, and then dedicate them over to the City when they are up to the City's standards, so that the City does not inherit those costs. He noted, however, that in the case where the developer went bankrupt and left the roads sub-standard, the City was forced to take action out of public safety. Responding, Mrs. Duca stated that those subdivisions were legitimately within City of Dover limits.

Mr. Neil stated that he thought that this matter was very perplexing and he did not think that it would get a high priority over existing problems. He advised that his suggestion would be for the City to send all of the people who signed the petition a letter basically stating that this is not City land. Mr. Neil noted that there are many

issues dealing with the ownership and the deeding to the City, and that while the City will look at the process to see what the City can do, he did not think the individuals should expect it to be done quickly because they signed a petition. He explained that the City should be gentle, but should educate the people who have asked for help that this is not an easy question to answer and is not simply moving them up in a priority. Mr. Neil indicated that a significant amount of work would be going on before getting to the point of moving this matter up in priority, and he stated that he did not know how fast the City should be getting to that point.

Mr. Hare, referring to the map entitled "Conwell Street Exhibit," noted that the houses on State College Road were labeled "property not annexed into the City," and asked if these properties were not in the City. Responding, Mrs. Duca stated that he was correct. Mr. Hare stated that he did not understand why individuals who live in the County would request the City to pave the roads for them.

Mr. Sudler stated that he thought that the owners felt that because it said Conwell Street, it was a City road, and the main objective was to assess whether or not it is a City or County road, which had been done. He thanked Mrs. Duca, noting that she had done a great job. Mr. Sudler stated that there were a few homes on Conwell Street, but that he wanted to hear from Ms. Ryder, a resident of Conwell Street who he believed could speak regarding some of the challenges and difficulties.

Mr. Sudler asked if Mr. Hare or anyone else had been on Conwell Street to look at it, or had rode their vehicle down it and seen the stumps. Responding, Mr. Hare stated that he had. Mayor Christiansen stated that he had also been out there and had seen the condition of the street. He advised members that approximately 20 years ago the City went through this same process and it was determined that the street was difficult to bring to City standards because it was mostly in the County. Mayor Christiansen noted that, while he has empathy for the people who live there, there are streets in the City that are really under duress as well. He stated that he did not know if a private individual or a consortium of people could get together and have the street paved as they do in other communities.

Mr. Cole thanked Mrs. Duca for the research and the work that she did regarding this matter.

Ms. Sandra Ryder, 291 College Road, informed members that her property abuts Conwell Street and she was under the assumption that because it was named, it was a road. She stated that the road had never been paved and explained that, with the problems with the road, people tear their cars up driving on the street. Ms. Ryder noted that she would accept an alley, a few stones, or anything; however, after listening to the discussion, she understood that it was a problem. She asked how much it would be if everyone in the community got together and decided to pave it themselves and what that would run up against. Responding, Mr. Cole advised Ms. Ryder that it was not a City road. Ms. Ryder stated that she still felt that while they are paying taxes something should be done. Mr. Hare stated that Ms. Ryder

might have to check with the County to make sure they do not have a problem with it, noting that the City would not be giving the permits or anything.

Ms. Ryder stated her understanding that members were basically saying that it is too big a problem to be addressed at the moment because there are too many legalities. Responding, Mr. Cole explained that he did not think that members were saying it was too big of a problem, but that there were legalities and the control of the right-of-way and the road.

In response to Mr. Hare's question regarding who owns the property, Ms. Ryder stated that she owns the property from the front to 100 feet in the back; however, she noted that she did not have any idea who owned the street. She explained that she thought that the City or the County owned the street and, since it was named, she thought it had to be a street.

Mr. Sudler asked if it was standard procedure for the City to put a street sign name on streets that it does not own. Responding, Mr. Slavin explained that if there was a street sign on Conwell Street, the City does not know the origin of the street sign and, if the City did inadvertently place the street sign, it does not transfer legal ownership of the street to the City. He indicated that he thought that the underlying question was if someone could do the deed research to figure out who the underlying owner of the street is, noting that if it is a County street, the City could go to the County and ask them to improve it, and if it is a City street, the City would have responsibilities.

Mr. Neil stated that he did not know how much Ms. Ryder pays, but that he pays more in County taxes than he does in City taxes, so he thought that the County should take this one over.

Mr. Anderson, referring to the map entitled "Conwell Street Exhibit," asked if he was correct in his understanding that half of the properties surrounding Conwell Street were in the City, half were not, and the City did not know the ownership of the street. Responding, Mr. Cole stated that this was correct. Mr. Anderson asked if it would be appropriate to make a motion for the City to do the research to find out who owns it.

Mrs. Duca clarified that the City had done the plan and deed research. She informed members that deeds are not developed for street right-of-ways; however, there is the original plot plan for the development. She reiterated that the best example would be similar to a defunct subdivision where the owner has gone bankrupt. Mrs. Duca advised members that this matter would involve some movement of the County or the City to take the street over because the ownership of it basically left with the original developer.

Mr. Cole stated, for clarification, that the City is not looking to take this street over, and asked if going through the County would be residents' best avenue to find out

what they need to do if they wanted to take it upon themselves to pave it. Responding, Mrs. Duca stated that the County and the Delaware Department of Transportation (DelDOT) would be the next steps.

Mr. Sudler asked, as a point of clarity, if Mrs. Duca was saying that the City did not want to take the street over, explaining that he thought that she was saying that if the City were to do it, these would be the steps that the City would have to take. In response, Mrs. Duca stated that she was not saying that the City did not want to do it, she was just trying to clarify that there are no actual deeds for the right-of-way.

Mr. Anderson moved to recommend referring the matter to staff to find more information on the ownership of the street, seconded by Mr. Sudler.

Mr. Hare noted that this was not City property and the people who live around it are not in the City. He indicated that he was at a loss as to why the City would proceed, explaining that he could find a lot of properties that are outside of the City that the City could also research and possibly work on. Mr. Hare asked if the people who live around the property wanted to be annexed into the City and pay City taxes, etc., if the City proceeds. He stated that he felt that the County should be doing something, not the City, since it is not City property.

Mr. Sudler stated that he thought the motion was just a point on information so that members would be able to make an educated decision, explaining that it was his understanding that the City did not currently know who owns the property. He noted that although it appeared that the City does not own the property or have any responsibility, he thought that out of a genuine consideration for their Dover constituent, members could at least find out who owns it and possibly even send a letter, or partner with the constituent to send a letter, to the County or State asking for financial assistance or for them to make the proper repairs to bring the street up to code. Mr. Sudler stated that this was the same street that a lady was recently killed on, noting that it is dark and a safety issue. He expressed his opinion that this matter was beyond just dollars and was about public safety in the community and for the constituents of Dover.

Mr. Slavin indicated that he thought that staff had done due diligence in collecting the information and that, based on that research, a legal opinion was now needed to advise members regarding ownership and what the City's legal options are in regard to this matter. He stated that he thought that it was time to escalate this matter and send it to legal counsel for an opinion.

Mr. Anderson, referring to his motion to recommend referring the matter to staff to find more information on the ownership of the street, advised members that he meant staff in the broadest sense and most appropriate level, which would include the City's legal counsel. He indicated that referring it to legal counsel may be the next step; however, he would leave that decision to staff's professional discretion.

Mr. Neil asked that a fiscal note be provided regarding what it will cost to do this research, explaining that he thought members owed it to the taxpayers to find out. Responding, Mrs. Donna Mitchell, Acting City Manager, stated that she would have to find out how long it would take to do the research to be able to explain how much it would cost. Mr. Neil stated his understanding that it would not only take normal staff time, but professional time to complete this research. In response, Mrs. Mitchell stated that Mr. Neil was correct and that staff would have to talk to Deputy City Solicitor William Pepper to determine whether he would have to have staff research it as well. She explained that City staff had done some research but might need his help.

Mr. Cole asked Mr. Anderson and Mr. Sudler if they would be amenable to withdrawing the motion to recommend referring the matter to staff to find more information on the ownership of the street, and instead ask for a legal opinion to be provided at the next Utility Committee meeting. Responding, Mr. Sudler stated that he would be willing to rescind his second to the motion because he was in agreement with getting a legal opinion, as recommended by Mr. Cole. Mr. Anderson stated that he did not really think that the motion was being changed; however, if members wanted to change the wording, he was okay with it because the result of the motions would be the same.

The motion to recommend referring the matter to staff to find more information on the ownership of the street was withdrawn.

The Committee recommended that a legal opinion regarding the ownership of Conwell Street and the City's legal options in regard to this matter be provided at the next Utility Committee meeting.

**By consent agenda, Mr. Neil moved for approval of the Committee's recommendation. The motion was seconded by Mr. Anderson and carried by a unanimous roll call vote (Hare and Lewis absent).**

#### **Annual Review and Approval of Governing Policy For Energy Commodity Risk Management**

Mrs. Donna Mitchell, Acting City Manager, reviewed the proposed amendments to the Governing Policy for Energy Commodity Risk Management. Referring to page 8, she advised that the proposed amendments would provide the Utility Director and Controller with oversight rather than responsibility, which would provide everyone an equal say to agree on what changes are made and what transactions are entered into. In reference to the proposed amendments regarding delegation of authority on page 13, Mrs. Mitchell noted that the proposed change would not allow the Executive Risk Management Committee (ERMC) to delegate its approval authority limits to individuals authorized to commit Dover to financial obligations, because they did not want non-Dover people committing the City. Referring to Appendix C on pages 26-27, she advised members that the Business Risks Topology table on page 26 was meant to be struck through because it is proposed to be removed and replaced with

the table on page 27. Mrs. Mitchell explained that the proposed change to the table related to the regulatory risk, where it was proposed to put the initials for the regulatory agencies rather than the description.

Staff recommended approval of the proposed amendments.

The Committee recommended approval of the proposed amendments to the Governing Policy for Energy Commodity Risk Management, including the new table, as recommended by staff.

**By consent agenda, Mr. Neil moved for approval of the proposed amendments to the Governing Policy for Energy Commodity Risk Management, including the new table (Exhibit #3). The motion was seconded by Mr. Anderson and carried by a unanimous roll call vote (Hare and Lewis absent).**

**Review of Customer Service Department Shut-Off Procedures (2017 Budget Review - Hare)**

Mr. Kirby Hudson, Assistant City Manager, encouraged members to review the City Manager's Monthly Report for June 2017, which was accepted by City Council during their Regular Meeting of August 14, 2017, explaining that it included charts depicting the milestones and accomplishments of the Customer Service Department that he thought members would be pretty happy about. He advised members that, through the utilization of existing policies, the Customer Service Department had been able to reduce the average overall number of daily disconnects from a high of 112 to a low of 50 disconnects per day, noting that people are now starting to pay their bills on time. Mr. Hudson stated that, as part of their research, staff contacted all of the utility companies operating in Delaware and found that the 21-day due date for people to pay their bill was pretty much an industry standard.

Mr. Hudson reviewed the Customer Service Department procedure for service disconnection due to non-payment. He explained that everyone gets 21 days to pay their bill and then it takes approximately five (5) days, after the 21<sup>st</sup> day, before the City disconnects for non-payment. Mr. Hudson noted that this is also around the same time that the second bill is getting generated, so although the individual or family is not two (2) months in arrears, the second bill is getting ready to be sent out, so in a technical sense you could almost say that they are two (2) months behind; however, it is not a full 30 or 60 days. He noted that the billing dates can change for an individual, based on weekends and holidays; however, they still get 21 days to pay.

Mr. Hudson advised that Customer Service Department staff who maintain and oversee the disconnection list review it daily for different types of things, such as if it includes any large businesses, or individuals with medical apparatus. He stated that the City does not want to disconnect large businesses, such as Playtex or Edgewell, who tend to pay their bills late, noting that their billing departments may be located out of State, so by the time the check arrives, it could be late. Mr. Hudson informed



members that when staff notices these types of things on the list, they will make phone calls.

Mr. Hudson stated that the list includes codes which indicate if an individual has a history of bouncing checks, which is something else that staff looks for. He noted that staff really tries to do their best and has to perfect this process. Mr. Hudson advised members that staff tries to see if there are individuals on the list who are first-timers or are not usually late with their payments; however, he explained that the list is approximately 50 pages long and there are about eight (8) different screens that they have to go through for each account and staff is trying to do this expeditiously, so they may miss one occasionally. He noted that the City's current software is unable to indicate whether a person is not usually late with their payments or if they have a good record; however, the new ERP system should be able to indicate these types of things.

Mr. Hudson stated that complaints had decreased tremendously, and people were paying their bills. He indicated that, for those individuals who typically pay on time, as well as businesses, who are on the disconnection list, the City's meter technicians will place door hangers first thing in the morning to provide notice that they will be back around 1:00 p.m. or 2:00 p.m. to disconnect and that they should contact the Customer Service Department immediately. Mr. Hudson stated that the City also makes payment arrangements when individuals contact the Department prior to being disconnected. He noted that the City also has an autopay option and will accommodate the elderly, senior citizens, and other individuals who are on a fixed income or get their money at a particular time during the month, if they sign up for autopay.

Mr. Slavin noted that the implementation of this disconnection policy had caused some problems; however, he believed they had leveled out. He thanked the Customer Service Department team, noting that he goes in Weyandt Hall from time to time to either pay a bill or just poke his head in and see what's going on, and had only observed professional, courteous, helpful service. Mr. Slavin stated that he thought that the Customer Service team was one of the leaders in city government when it comes to service because they certainly face some difficult situations and they do it with poise and integrity, which he appreciates.

Mr. Slavin reminded members that Council originally made this change because the City was carrying approximately \$1M in back utility bills. He noted that electricity is different than phone or cable television service, for which you are billed in advance of the next 30 days you are about to use, because electricity is billed for the 30 days that you already used. Mr. Slavin explained that the City originally began at 30 days and then changed to 60 days which pushed the disconnection out to between 75 and 90 days, and it became onerous to chase down. He stated that the City was spending more money chasing down collections, so it was decided to change the process.

Mr. Slavin indicated that, in implementing the new process, one (1) of the goals was to drive people to automatic payment. He asked if there had been an increase in the number of accounts using automatic payment since the implementation of the new process. Responding, Mr. Hudson, referring to page 3 of the City Manager's Monthly Report for June 2017, stated that the City had more people signing up for bank draft every month except June and July. He advised that he did not know why the numbers were down in June and July. Mr. Sudler noted that the numbers may have been down in June and July due to the fact that a lot of people were on vacation. Responding, Mr. Hudson stated that it would be interesting to see how the trend moves forward into the next set of holidays at the end of the year.

In response to Mr. Hare, Ms. Patricia Marney, Customer Service Director, advised that the City currently had approximately 20,000 residential accounts, 50 disconnections per day, 1,500 disconnections per month, and 18,000 per year. She stated that the City had approximately 24,000 total customers that are billed for electricity each month.

Mr. Slavin stated that he thought that some of things that Council wanted to achieve had been achieved. As an example, he shared that he had received a call from the Customer Service Department regarding a constituent in his area who was on the disconnect list and staff noticed that it was an anomaly. Mr. Slavin explained that it took a series of phone calls, emails, and Facebook messages to find out where the individual was; however, it ended up that the customer was simply confused because they had two (2) different accounts and were paying the bills to the wrong account number. Mr. Slavin stated that he appreciated that the City did not just disconnect the customer indiscriminately and everyone worked that issue until it was resolved.

Mr. Hudson reminded members that staff was working on getting a new ERP system for the City and he was delighted that the new system would offer automated calling, texting, and emailing. He stated that with this new system, as long as the City has phone numbers and email addresses for each customer, it would be virtually impossible for a customer to say that they did not know their bill was due.

## **LEGISLATIVE, FINANCE, AND ADMINISTRATION COMMITTEE**

### **Evaluation of Proposals - Banking and Merchant Services**

Ms. Lori Peddicord, Acting Controller/Treasurer, advised that the City had solicited proposals for banking and merchant services, and received three (3) proposals. She stated that the proposals were evaluated and scored on several factors, including quality, reputation, location of branches, ability to meet the City's Cash Management requirements, completeness of the proposal, record of performance, technology, future enhancements, government banking experience and the qualifications of the team assigned to the City of Dover. Ms. Peddicord informed members that the Request for Proposals (RFP) required each bank to submit their current audited financial statement including footnotes and the auditor's opinion, as well as their current Securities and Exchange Commission Form 10K or Form 10Q. She indicated

that the submission and review of these statements are imperative to the City of Dover's due diligence to ensure the security of the City's assets. Ms. Peddicord noted that the RFP also requested a copy of each bank's 'SAS' 70, which is prepared by independent auditors and attests to the banks internal controls in regards to their online banking tools which will be utilized by the City of Dover. She explained that this last piece of due diligence ensures the City of Dover's funds are safeguarded while being transferred using the banks online software.

Ms. Peddicord advised that the estimated combined cost for the services for banking and merchant services, not to include either a earnings credit rating or an interest on balances, were \$270,798 for PNC; \$302,706 for Wells Fargo; and \$249,625 for WSFS. She stated that the City currently had business relations with the recommended bank and merchant provider. Ms. Peddicord informed members that staff was looking to contract the banking services for a five-year contract period; however the contract term for the merchant services would be on an annual basis. She stated that the annual contract term for merchant services was due to the new ERP system the City would be bringing in and other changes that would be occurring. Ms. Peddicord noted that the contract terms had already been discussed with the proposers, and all of the vendors were in agreement that it would be okay.

Staff recommended awarding the City's banking services to WSFS Bank and merchant services contract to TSYS.

The Committee recommended awarding the City's banking services to WSFS Bank and merchant services contract to TSYS, as recommended by staff.

**By consent agenda, Mr. Neil moved for approval of the Committee's recommendation. The motion was seconded by Mr. Anderson and carried by a unanimous roll call vote (Hare and Lewis absent).**

#### **Accessibility Evaluation Report**

Mrs. Donna Mitchell, Acting City Manager, advised members that an Accessibility Evaluation was conducted by Wilson James Associates, Inc. this past April, explaining that the purpose of the evaluation was to identify all elements and spaces that are required to be in compliance with the Americans with Disabilities Act (ADA) and building code standards. She noted that many areas were found to be in compliance and the report only included those items requiring remedial action. Mrs. Mitchell referred to the summary of the major points of the Accessibility Evaluation Report, noting that staff planned to make as many of the improvements as possible within the budget this fiscal year, including the on-street parking signage, the existing doorknobs, and those types of small items. She stated that what could not be done in this fiscal year within the budget, would be programmed into next fiscal year's budget, which would most likely include the toilet rooms off the hallway that need major renovation and the drinking fountain.

Staff recommended making minor improvements in the current year and budgeting for major improvements in FY19.

The Committee recommended making minor improvements in the current year and budgeting for major improvements in FY19, as recommended by staff.

**By consent agenda, Mr. Neil moved for approval of the Committee's recommendation. The motion was seconded by Mr. Anderson and carried by a unanimous roll call vote (Hare and Lewis absent).**

**Proposed Ordinance #2017-12 Amending Appendix B - Zoning, Article 5 - Supplementary Regulations, and Article 6 - Off-Street Parking, Driveways and Loading Facilities (Sponsors: Hare and Slavin)**

Mr. David Hugg, Acting Director of Planning and Community Development, reviewed Proposed Ordinance #2017-12, which would update sections of Articles 5 and 6 of the Zoning Ordinance in order to enhance the flexibility of the Code in several areas, including dumpster, screening and buffer, tree planting, and curbing requirements, as well as add requirements for recycling to Article 5, Section 6 and rewrite Article 5, Section 18 to allow the City to require multi-use path instead of frontage sidewalk under specific circumstances. He informed members that this was the first of a series of zoning and other Code amendments that would be brought forward as a result of recent staff meetings with the development community. Mr. Hugg noted that they had been reviewing the ordinance to find places where it was not clear and make the language easier to follow, address some of the complaints from the development community, and remove language that is no longer relevant. He stated that this is an ongoing initiative and staff would be bringing forward two (2) additional ordinance amendments next month, one (1) regarding adult daycare, and the other dealing with issues with the manufactured home ordinance, which he and Mr. Neil have been working on. In addition, Mr. Hugg advised members that he was working with Mr. Polce on an accelerated site plan review process or rocket docket, noting that he was unsure whether it would be coming forward for consideration in the form of a policy document, a Code change, or both.

Staff recommended adoption of Proposed Ordinance #2017-12.

Mr. Slavin thanked Mr. Hugg and his staff for developing Proposed Ordinance #2017-12. He advised members that this series of ordinances would be part of the new philosophy of find it, fix it, explaining that as things are found that simply do not pass the common sense test, they are being fixed.

Mr. Hare stated that he thought there would also be a proposed ordinance coming forward in regard to reducing the number of notices sent regarding a violation from five (5) to three (3). In response, Mr. Hugg stated that staff would be changing policy and proposing Code amendments in regard to the way the City does code enforcement, as well as the vacant building ordinance to eliminate things that are not

effective in terms of regulating vacant buildings. He noted that the process needs to be accelerated for people who are not willing to take care of their properties.

The Committee recommended adoption of Proposed Ordinance #2017-12, as recommended by staff.

**By consent agenda, Mr. Neil moved for approval of the Committee's recommendation. The motion was seconded by Mr. Anderson and carried by a unanimous roll call vote (Hare and Lewis absent). (The First Reading of the ordinance will take place during the latter part of the meeting).**

**Proposed Amendment to Committees, Commissions, and Boards Appointment Process**

Mr. Slavin proposed that, in deference to the fact that this item was originally introduced at Mr. Lewis' request and he was unable to attend the meeting and Mr. Polce and Mr. Lindell had worked on a compromise, the Committee allow Mr. Polce to explain the compromise and it be forwarded to Council without a recommendation. He explained that by proceeding in this way, when Mr. Lewis and Mr. Lindell return, Council will have the discussion from the Committee to consider and no time will be lost.

Mr. Polce indicated that, as a result of the conversation during the Regular Council meeting of July 24, 2017 regarding 2017/18 Annual Appointments Recommended by Mayor Christiansen (deferred during the Annual Meeting of May 8, 2017) (Downtown Dover Partnership Board of Directors and Silver Lake Commission), Mr. Lindell and Mr. Lewis discussed that the right path forward would probably be looking at the application process and determining if a curriculum vitae (CV) or resume is required. Mr. Polce noted that based on the fact that an individual was previously serving, that information and documentation on record would be sufficient; however, if it is a new applicant, the individual would then have to comply with the elongated application that was previously approved. He stated that he thought both Mr. Lewis and Mr. Lindell were in agreement with this; however, he noted that neither was present.

Mr. Polce moved to send this matter to Council with no recommendation, seconded by Mr. Neil.

Mr. Anderson noted that he thought that there was always room to look for improvement. He stated that he believed that there should be a period of time when the applications are signed off on, explaining that they should be checked for new information. Mr. Anderson explained that if members do not regularly check to see if something has changed, there could be conflicts of interest that have arisen and not been asked about, and someone may not have thought to inform the City about them. He noted that just because someone has served on a committee for 10 years does not mean that things have not changed. Mr. Anderson stated that he did not think that the applications needed to be reviewed every year and that it should be simple,

explaining that if someone has an application on file, they should be able to review it and, if nothing has changed, sign it and say it's good. He indicated that he did not think a big process was needed but that the applications should be checked.

Mr. Sudler stated that, as a suggestion for the future, when members do ordinances or want to make changes, that there is some statistical data stating that something is not working rather than a few people saying it is not working. He stated that he thought it would behoove members to have some tangible data to support changes of ordinances in the future.

Mayor Christiansen commended the gentlemen for coming up with a compromise. He explained that it was very frustrating to find people who are interested in serving on committees, as many of the chairmen and the Council President were aware, and a number of people who had served the City for a great length of time had refused to go through the application process because they believe that their service to the City had been a proven fact. Mayor Christiansen advised members that for many of the appointees whom he has reappointed or intends to reappoint to the Planning Commission, Board of Adjustment and other bodies, he had attended meetings to see if they are performing to the expectations of himself, Council and, particularly, the citizens they all serve. He stated that he agreed with Mr. Anderson that members need to always be aware of conflicts of interest; however, he indicated that he thought that the application process was an insult to people who have served with exemplary service. He stated that he appreciated the compromise and concurred with the fact that any new applicant who has not previously served on any committees should fill out an application for the perusal, advice, and consent of Council.

Mr. Hare informed members that he would not be at the Regular Council meeting scheduled for August 28, 2017. He stated that he thought that any new applicant should fill out an application, and that anyone who was being considered for reappointment, such as Dr. Stewart or Mr. Shevock, should be asked if anything has changed and if they say no, then they are good. Mr. Hare noted that most of the appointees are professionals and they know if something comes up that is a conflict, they will abstain, just like Council members do. He explained that he did not think that individuals would know if there is going to be a conflict when it is time for their reappointment, and that simply having them sign off on an application to say nothing had changed would be okay.

Mr. Sudler indicated that he thought, in the best interest of the City, that the application needed to be on file. He stated that he appreciated the longevity of individuals serving, noting that he had longevity of service in many capacities; however, he noted that they are human and sometimes they forget. Mr. Sudler indicated that he thought that this was about protecting the City and that members cannot leave loopholes which would allow the City to be sued. He explained that, for the best interest of the City of Dover and the 38,000 that members serve, he thought it would behoove them to have something in writing. Mr. Sudler noted that he did not think that a simple five (5) to 10 minute update would be unbearable or

cause excruciating pain to where individuals could not spend that time and look at it as a precautionary measure to make sure that the City is safe and free from any lawsuits.

Mr. Anderson stated that he agreed with Mr. Sudler. He noted that when he had reviewed some of the proposed appointments, there was not even an old application and he had a problem with the idea of only new applicants completing the application. Mr. Anderson explained that he thought that all applicants should have at least one of the new applications on file, so that members can see the information which they are seeking today, not the information from 15 years ago. He stated that no one on Council really has a complete view of the qualifications of the people they are voting to appoint, which was the reason why Council voted to put that system in, in the first place. Mr. Anderson stated that he thought that it was the correct decision then and it is the correct decision now.

Mr. Hare stated that he agreed that everyone should have an application on file. He noted, however, that a reappointee, such as Mr. Shevock, should be asked if the information on his application has changed and, if it nothing has changed, that should be okay. Mr. Hare stated that he did not think that members needed to make it a drawn out process.

The motion to send this matter to Council with no recommendation was unanimously carried.

**Noting the absence of Mr. Hare and Mr. Lewis, Mr. Lindell moved to postpone the Proposed Amendment to Committees, Commissions, and Boards Appointment Process. The motion was seconded by Mr. Anderson and unanimously carried.**

**Mr. Anderson moved for acceptance of the Council Committee of the Whole Report, seconded by Mr. Neil and unanimously carried (Hare and Lewis absent).**

#### **EVALUATION OF BIDS - TELEPHONE SYSTEM UPGRADE**

The City of Dover completed a telephone system upgrade in 2012. The telephone system consists of three separate servers, each providing different functions. The Call Manager server provides the basic functions of the telephone system (making and receiving calls, forwarding, conferencing, etc.). The Contact Center server allows Customer Service to queue and answer calls. It also gives the Supervisors reporting and analysis functionality. Lastly, the Unity Connection server is the voicemail server. Since the upgrade, a multi-year maintenance agreement was purchased to provide support for the hardware (three servers), the software, and appropriate licensing. The maintenance agreement expires on August 31, 2017. While requesting pricing information to extend the maintenance agreement, it was learned that the vendor, Cisco, will not support the current hardware or software past August 31, 2017.

Staff recommended approval of the telephone system upgrade and awarding the work to MTM Technologies for \$48,566.47.

**Mr. Sudler moved for approval of Staff's recommendation, seconded by Mr. Neil and carried by a unanimous roll call vote (Hare and Lewis absent).**

**APPOINTMENT OF DELAWARE MUNICIPAL ELECTRIC CORPORATION (DEMEC)  
ALTERNATE DIRECTOR (LORI PEDDICORD, ACTING CONTROLLER/TREASURER)**

**By consent agenda, Mr. Neil moved to appoint Ms. Lori Peddicord to serve as Delaware Municipal Electric Corporation (DEMEC) Alternate Director. The motion was seconded by Mr. Anderson and carried by a unanimous roll call vote (Hare and Lewis absent).**

**FIRST READING - PROPOSED ORDINANCE #2017-12**

Council President Slavin reminded the public that copies of the proposed ordinance were available at the entrance of the Council Chambers, on the City's website at [www.cityofdover.com](http://www.cityofdover.com) under "Government," or by contacting the City Clerk's Office at 736-7008 or [cityclerk@dover.de.us](mailto:cityclerk@dover.de.us). Since the ordinances are amendments to the Zoning Code, a public hearing is required. Staff recommended referral of the amendments to the Planning Commission on September 18, 2017 and that a public hearing be set for the Council Meeting of October 9, 2017 at 7:30 p.m., at which time final action by Council will take place.

**Mr. Neil moved to refer the amendments and set a public hearing before City Council for October 9, 2017 at 7:30 p.m., as recommended by staff. The motion was seconded by Mr. Anderson and unanimously carried.**

In accordance with Section 1-9 of the Dover Code, Council acknowledged the First Reading of the Zoning Ordinance Amendments as read by the City Clerk, by title only, as follows:

PROPOSED ORDINANCE #2017-12 AMENDING APPENDIX B - ZONING, ARTICLE 5 -  
SUPPLEMENTARY REGULATIONS, AND ARTICLE 6 - OFF-STREET PARKING,  
DRIVEWAYS AND LOADING FACILITIES  
(LEGISLATIVE, FINANCE, AND ADMINISTRATION COMMITTEE)

**ACTING CITY MANAGER'S ANNOUNCEMENTS**

Mrs. Donna Mitchell, Acting City Manager, thanked the City staff, the Library staff, the Public Works staff, the Police Department, the volunteers and everybody else that was involved in the Comic Con event. She noted that they put a lot of hard work into the event and it was very successful.

Mrs. Mitchell advised that Street Program work is in progress at Wyoming Avenue and Lincoln Street will follow once Wyoming Avenue is completed. She noted that the Lincoln Street Sanitary Sewer repairs are anticipated to start on September 1, 2017. Mrs. Mitchell stated that the Silver Lake Dam Unit's preconstruction meeting is scheduled for later in the week and there will be a drawdown in October. She advised that the water system flushing will start in October, as well as the leaf collection.

**COUNCIL MEMBERS' ANNOUNCEMENTS**

Council President Slavin wished Mayor Christiansen a happy birthday on September 4, 2017.



Mr. Anderson thanked the members of Council for their move to ensure that the regulations on businesses are modernized.

Mr. Anderson advised that, sometime in the near future, the Fourth District would be doing a business tour with some of the City Staff to hear concerns that have been expressed to them.

In Councilman Lewis' absence, and at his request, Mr. Anderson read, in part, a statement provided by Councilman Lewis, as follows:

"I believe it is important that the following statement be read into the record since I am not in attendance at this evening's council meeting and would like for the people that I represent to be aware of the reason for my recent absence."

As the president mentioned, "Last week my mom passed away to meet her creator and today I am finishing the final arrangements for her journey home. The last couple of weeks have been very sad and difficult for my family and I. I had to leave the state of Delaware and travel to Florida where my mom resided. She became ill and was placed on a ventilator, then Hospice care. I would hope that everyone understands family comes first, and again, it's a very sad time for me.

So everyone is aware, on Thursday, August 10th, I notified Council President Slavin and copied City Solicitor Rodriguez of my mother's illness. I asked Council President Slavin if I could be excused from the August 14, 2017 Council meeting and this evening's regular Council meeting, for I knew I would be out of town and didn't want any problems for missing the meetings. Council President Slavin responded in an email with "no problem" and said my family and I would be in his thoughts and prayers, which I sincerely appreciated.

While down in Florida caring for my mom at her bedside, I had my cell phone on me at all times and randomly checked my e-mails and text messages on my phone. I received emails from Councilman Slavin inquiring how I was doing and received text messages from Councilmen Sudler and Anderson asking the same.

During my absence from Delaware, I received no communication from Mr. Christiansen or Mr. Lindell pertaining to the evening's agenda item Proposed Amendment to Committees, Commissions and Boards Appointment Process." And he was forwarded a message about the article in the Delaware State News where it was said "he doesn't seem to be anywhere to get ahold of," referring to him in a newspaper article. Basically, he thinks that, he said he checked, and he certainly would have responded to a text or email message from Mr. Lindell or the mayor, "If they reached out to me like in the past." He reviewed his phone messages, even junk mail, and found no such record regarding the agenda item. And, we did defer the agenda item, so that's appreciated. And there will be more to be said about that.

He says, "I personally believe that the current process that was previously voted on by a unanimous vote be left in place. I believe this issue has been politicized by the

Mayor and have not seen any documented complaints since the process was implemented back in October, 2016. The only comment I have heard was from the Mayor indicating one of his Fourth of July Committee appointees declined to fill out an updated application for whatever reason. On another note, to my recollection, when this process was put in place, there was no objection by the Mayor or anyone else. Why now?"

Mr. Anderson asked that the e-mail, in its entirety, be made a part of the record (**Exhibit #4**).

Mr. Neil stated that he concurred with the Acting City Manager's remarks about Comic Con, noting that he attended and it was a marvelous program that continues to bring people into the City. He noted that Thunder Over Dover was an extraordinary event that brought thousands of people to Dover and the personnel at Dover Air Force Base could not have been better representatives of the service people in our country.

Mr. Lindell advised that, if he had known that Mr. Lewis' mother was sick, which he did not know until he received the email advising that she had passed away, he would definitely have moved to change the agenda back on August 10<sup>th</sup>, or made an outreach. He noted that he had been blocked on Facebook, which makes it hard to reach out and make contact. Mr. Lindell advised that he lost his mom in May, and that August 28<sup>th</sup> was her birthday. He stated that anyone knows that he is not going to be callous when it comes to these things; however, it is hard to communicate when the other person does not want to communicate.

Mr. Lindell advised that, over the weekend, he and his family attended Whatcoat United Methodist Church's Community Day and the hospitality and service were great and his daughter had a great time. He stated that he was definitely looking forward to going back next year for the same event.

**Mr. Sudler moved for adjournment, seconded by Mr. Neil and unanimously carried.**

Meeting adjourned at 7:55 p.m.

TRACI A. McDOWELL  
CITY CLERK

All ordinances, resolutions, motions, and orders adopted by City Council during their Regular Meeting of August 28, 2017, are hereby approved.

ROBIN R. CHRISTIANSEN  
MAYOR

/TM

S:\AGENDAS-MINUTES-PACKETS-PRESENTATIONS-ATT&EXH\Council-Minutes\2017\08-28-2017 Council Minutes.wpd

Exhibits

- Exhibit #1 - Property Information Provided by Sue Harris
- Exhibit #2 - Affirmatively Further Fair Housing in Delaware Provided by Sue Harris
- Exhibit #3 - Governing Policy for Energy Commodity Risk Management
- Exhibit #4 - E-Mail from Councilman Brian Lewis dated August 28, 2017

City of Dover  
Property Tax  
Account History

			FY 2016	FY 2017	
231 N Queen Street	08/17/15		\$14933.26		
14 S Queen St	08/17/15		\$16210.00		
67 S Queen St	10/14/15		\$7500.00		
45 S Queen St	10/14/15		\$7500.00		
24 N New St	10/13/15		\$10500.00		
27 N New St	10/14/15		\$7500.00		
101 S Queen ST	10/14/15		\$7500.00		
212 N Gov Ave	11/02/2015		28805.96		
325 N New St	08/16/2016			\$17583.19	
	08/22/2016			\$33672.82	
1128 Forrest AVE	02/24/2016		\$6149.10		
	10/12/2016			\$25084.86	
1126 Forrest Ave	02/24/16		\$5130.92		
	10/12/2016			\$1187.61	
1124 Forrest Ave	02/24/2016		\$1972.12		
	10/12/2016			\$19160.49	
	10/13/2016			\$16164.19	
			\$113701.4	\$112853.20	\$226554.50

[Home](#) [Login](#) [Pay Utility & Tax Bills](#) [Property Taxes](#) [Help & Support](#)

City of Dover eGov Portal



Property Tax

Billing  
Sign up here

## Account History Inquiry

Account ID 8178  
 Tax Map Number ED-05-076.08-02-380.000-000  
 Address 231 N QUEEN ST  
 Owner name NATIONAL COUNCIL ON AG LIFE &

Add to  
My Properties

No Payment Due

## Account Summary

Pending \$ 0.00  
 Taxes \$ 0.00  
 Penalty \$ 0.00  
**Total Due \$ 0.00**

\* Balance as of end of last business day.

If you have any questions, call Customer Service at (302) 736-7035  
 Click on a payment or bill to view more details

Date	Type	Year	Period	Amount
7/17/17	Payment			\$ 55.89 -
8/02/16	Payment			\$ 572.30 -
8/02/16	Payment			\$ 572.30 -
8/02/16	Payment			\$ 572.30 -
8/02/16	Payment			\$ 572.30 -
8/07/15	Payment			\$14,933.26 -
8/07/15	Payment			\$14,933.26 -
8/07/15	Payment			\$14,933.26 -
8/07/15	Payment			\$14,933.26 -
8/07/15	Payment			\$14,933.26 -
8/07/15	Payment			\$14,933.26 -
7/05/12	Payment			\$ 237.14 -
4/25/12	Payment			\$ 582.59 -
4/25/12	Payment			\$ 582.59 -
4/25/12	Payment			\$ 582.59 -
8/31/10	Payment			\$ 269.00 -
6/30/09	Payment			\$ 269.50 -
6/12/08	Payment			\$ 269.50 -
6/06/07	Payment			\$ 269.50 -
10/27/05	Payment			\$ 238.27 -
7/29/04	Payment			\$ 167.28 -
7/31/03	Payment			\$ 167.28 -
7/29/02	Payment			\$ 167.14 -
7/25/01	Payment			\$ 126.04 -
7/13/00	Payment			\$ 126.04 -
7/30/99	Payment			\$ 126.04 -
7/23/98	Payment			\$ 126.04 -

[Search Results](#) [New Search](#)


© Copyright 2000 - 2006 City of Dover, Delaware. All Rights Reserved.  
[Privacy Policy](#) & [Terms of Use](#) | [Top of page](#)

# Dover, DE : Assessor Database

## Property Search:

Parcel ID:  Owner 1 Name:  Street Number:  Street Name:

## Property Detail:

Parcel ID: ED05-076.08-02-38.00 Card: 231 Street Number: 231 Street Name: N QUEEN ST Zoning: RG-1 LUC: RESIDENTIAL VACANT LAND Acres: 0.17

## Owner Information:

Owner 1 Name: NATIONAL COUNCIL ON AG LIFE &  
 Owner 2 Name: LABOR RESEARCH FUND INC

## Valuation:

Appraised Land: \$13,800.00  
 Appraised Bldg: \$0.00  
 Total: \$13,800.00

## Property Images:

Picture:



## Sketch:

There is no sketch available.

## Sales History:

Book:	Page:	Sale Date:	Price:	Validity:	Sale Type:
I&S 26	008	09/28/2012		T	2
VL-8188	114	07/18/2016		T	2
VL-7753	110	08/04/2015	20,000	L	2

[Home](#) [Login](#) [Pay Utility & Tax Bills](#) [Property Taxes](#) [Help & Support](#)

City of Dover eGov Portal



Property Tax

Lookup

e-billing  
Sign up here

## Account History Inquiry

Account ID 11350  
 Tax Map Number ED-05-076.08-06-410.000-000  
 Address 14 S QUEEN ST  
 Owner name NATIONAL COUNCIL ON AG LIFE &

Add to  
My Properties

No Payment Due

## Account Summary

Pending \$ 0.00  
 Taxes \$ 0.00  
 Penalty \$ 0.00  
**Total Due \$ 0.00**

\* Balance as of end of last business day

If you have any questions, call Customer Service at (302) 736-7035  
 Click on a payment or bill to view more details

Date	Type	Year	Period	Amount
8/17/15	Payment			\$16,210.00 -
8/17/15	Payment			\$16,210.00 -
10/20/14	Payment			\$ 124.63 -
10/20/14	Payment			\$ 124.63 -
8/08/14	Payment			\$ 25.00 -
2/06/13	Payment			\$ 135.87 -
12/05/11	Payment			\$ 132.18 -
9/23/10	Payment			\$ 129.58 -
9/23/10	Payment			\$ 129.58 -
11/04/09	Payment			\$ 313.29 -
11/04/09	Payment			\$ 313.29 -
9/17/07	Payment			\$ 143.10 -
9/28/06	Payment			\$ 120.01 -
8/10/05	Payment			\$ 285.88 -
8/10/05	Payment			\$ 285.88 -
8/10/05	Payment			\$ 285.88 -
7/18/03	Payment			\$ 124.53 -
8/14/02	Payment			\$ 128.02 -
8/14/02	Payment			\$ 128.02 -
5/08/02	Payment			\$ 107.29 -
7/13/00	Payment			\$ 94.53 -
7/27/99	Payment			\$ 94.53 -
7/31/98	Payment			\$ 94.53 -

[Search Results](#) [New Search](#)


© Copyright 2000 - 2006 City of Dover, Delaware. All Rights Reserved.  
[Privacy Policy & Terms of Use](#) | [Top of page](#)

## Dover, DE : Assessor Database

## Property Search:

Parcel ID:	Owner 1 Name:	Street Number:	Street Name:
<input type="text"/>	<input type="text"/>	<input type="text"/>	S QUEEN ST <input type="button" value="v"/>
<input type="button" value="Search"/> <input type="button" value="Reset"/>			

## Property Detail:

Parcel ID:	Card:	Street Number:	Street Name:	Zoning:	LUC:	Acres:
ED05-076.08-06-41.00		14	S QUEEN ST	RG-1	EXEMPT VACANT	0.09

## Owner Information:

Owner 1 Name:	CENTRAL DEL HAB FOR HUMANITY
Owner 2 Name:	

## Property Images:

Picture:  
There is no picture available.

## Valuation:

Appraised Land:	\$10,400.00
Appraised Bldg:	\$0.00
Total:	\$10,400.00

Sketch:  
There is no sketch available.

## Sales History:

Book:	Page:	Sale Date:	Price:	Validity:	Sale Type:
VL-7726	42	07/23/2015	10,600	L	2

The information delivered through this on-line database is provided in the spirit of open access to government information and is intended as an enhanced service and convenience for citizens of Dover, DE.  
The providers of this database: Tyler CLT, Big Room Studios, and Dover, DE assume no liability for any error or omission in the information provided here.

Comments regarding this service should be directed to: [tim@bigroomstudios.com](mailto:tim@bigroomstudios.com)

Fri. August 18, 2017 : 11:45 AM : 0.13s : 11mb



*Lump payment Aug 2015*

*Home owner  
to City  
to Habitat  
to NEAC*



Investigation by City staff revealed that Ms. Buchanan is correct and her assessment has been revised in accordance with the correct square footage computation (143.03 square feet of 4" thick concrete and 40.40 square feet of 6" thick concrete). Also, the sidewalk which was damaged by City trucks was paid for by the City and was not assessed to the property owner.

A letter was received from the property owner withdrawing the appeal. No action by Council was necessary.

917 S. Bradford Street - Roy Powell

An appeal was received from Roy Powell for sidewalk repairs at 917 S. Bradford Street. Mr. Powell was assessed for 132.31 square feet of 4" thick concrete at \$3.50 and 30.0 square feet of 6" thick concrete at \$3.75 per square foot, for a total of \$575.58. Mr. Powell did not appeal the amount of the assessment, but objected to the construction of the new sidewalk which has caused ponding of water on the sidewalk.

Mr. O'Connor stated that City staff has worked with Mr. Powell and the drainage problem has been corrected. Mr. Powell has agreed to pay the assessment for the replacement of sidewalk.

No action by Council was necessary.

PUBLIC HEARING - VIOLATION OF DANGEROUS BUILDING ORDINANCE - 14 S. QUEEN STREET

A public hearing was duly advertised for this time and place to consider a violation of the Dangerous Building ordinance at 14 S. Queen Street, owned by Charles E. Murphy, Sr. The Building Inspector, Mr. DePrima, showed slides depicting the structural deterioration throughout the building including rotted timbers, falling ceilings, broken windows and extensive deterioration. The rear of the structure has windows broken out and vagrants sleeping in and around the structure. It is the Building Inspector's opinion that the structure is a fire hazard. The estimated cost of demolition is \$7,500.

Mr. DePrima pointed out that the lien search is incomplete at this time. The City Solicitor recommended that Council move forward with the public hearing and that the lien search could be completed at a later date.

Responding to Mr. Salters, Mr. DePrima stated that rehabilitation costs for the structure would exceed 50% of its value.

Council President Christiansen declared the hearing open.

There was no one present wishing to speak during the public hearing.

Council President Christiansen declared the hearing closed.

Mr. Hutchison expressed his opinion that this information could be helpful in the future.

Mr. Sudler questioned what one (1) of the major issues was that was identified by the African-American business owners in the downtown area in regard to conducting business in the City of Dover, or an issue related to engaging, encouraging, or advocating for individuals of African-American, Hispanic, or minority descent. In response, Dr. Casson advised members that this study was actually focused on the services and programs that were coming out of the City.

Mr. Sudler questioned if a survey could be conducted or if questions could be asked to get current feedback from African-American business owners and minority owners as a whole. Dr. Casson stated that this request went directly to the recommendations of the study in terms of the inclusion plan. He indicated that this would bring the stakeholders to the table to talk about the strategic plan and the focus for addressing some of the needs pertaining to African-American business and workforce development.

Dr. Casson encouraged members to consider the economic inclusion plan, which would include the type of surveys that Mr. Sudler mentioned to gather information and find out why African Americans were or were not being engaged.

**Mr. Hare moved to recommend acceptance of the report as presented, seconded by Mr. Sudler and unanimously carried.**

**Request to Waive Demolition Liens - 27 North New Street and 45, 67, and 101 South Queen Street**

Mr. Scott Koenig, City Manager, advised members that the City had been working in the Downtown Development District (DDD) to improve a number of different components in this area and a number of structures had been demolished there over the last few years. Central Delaware Habitat for Humanity, Inc. had offered to purchase four (4) properties from Dr. Joe Burden, Jr. Under the proposal, the liens would be transferred from Dr. Burden to Habitat, and Habitat would then pay the City of Dover \$7,500 for each of the four lots (4), for a total of \$30,000. The subject properties were 27 North New Street and 45, 67, and 101 South Queen Street. Each of the properties had been encumbered by a demolition lien due to prior dangerous building declarations. A summary of the offer and associated write-off amounts was as follows:

Address	Offer Price	Total City Lien Amount	Write-Off Amount	City's 2015 Assessed Land Value
27 N. New Street	\$ 7,500	\$ 22,274.97	\$ 14,774.97	\$ 13,100
45 S. Queen Street	\$ 7,500	\$ 13,862.18	\$ 6,362.18	\$ 11,900
67 S. Queen Street	\$ 7,500	\$ 14,348.46	\$ 6,848.46	\$ 13,800
101 S. Queen Street	\$ 7,500	\$ 15,684.02	\$ 8,184.02	\$ 13,400
Totals	\$ 30,000	\$ 66,169.63	\$ 36,169.63	

Mr. Koenig advised members that, while the write-off would be substantial, the long term benefit of the proposal outweighed the financial impact of this write-off. Mr. Koenig stated that it was staff's strong belief, from an administrative standpoint, that transferring this property would be a good thing for the City of Dover. He noted that the City had preached home ownership in this area and Habitat would virtually guarantee long-term home ownership.


Staff recommended authorizing the properties to be transferred from Dr. Joe Burden, Jr. to Central Delaware Habitat for Humanity without collecting the City's liens against the properties in exchange for a payment of \$30,000 from Central Delaware Habitat for Humanity (\$7,500 per parcel).

In response to Mr. Shevock regarding whether Dr. Burden owned any other properties in the City, Mr. Koenig stated that Dr. Burden owned a substantial amount of property within the City.


Responding to Mr. Shevock as to whether either the write-off or the total lien amount could be transferred to Dr. Burden's other properties and attached for payment, Mr. Koenig stated his belief that this could not be done. He expressed his opinion, in the larger context of dealing with distressed properties, that this would not be a good precedent to start and was unsure if the City could legally do this. Mr. Koenig stated that staff had talked to Mr. William Pepper, Deputy City Solicitor, about this particular transaction and there was no legal reason that the City could not transfer a lien from one (1) property owner to another and then forgive the lien.

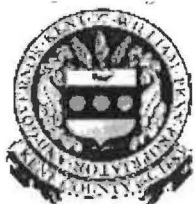
Mr. Koenig advised members that Dr. Burden had been working with staff and had paid all of his FY 15 taxes. He stated his belief that Dr. Burden had paid FY 16 taxes on all but the subject properties; therefore, progress had been made in a number of areas. Mr. Koenig indicated staff's belief that this land transfer would clear the water in some cases and provide a fast forward to home ownership on these four (4) lots. He stated that if the City continued to pursue the liens and forced a tax sale, there would be no guarantee that those purchasing the properties would occupy them, as they could be rentals. Mr. Koenig reiterated, under the proposal, that the City would be virtually guaranteed home ownership.

Mr. Sudler stated that he was glad that Dr. Burden and the City of Dover had reached an understanding and agreement and were working together.

 Mr. Sudler moved to recommend approval of Staff's recommendation to authorize the properties to be transferred from Dr. Joe Burden, Jr. to Central Delaware Habitat for Humanity without collecting the City's liens against the properties in exchange for a payment of \$30,000 from Central Delaware Habitat for Humanity (\$7,500 per parcel). The motion was seconded by Mr. Cole and unanimously carried.

**Disposition of City Owned Land – Property Located at 710 and 715 Slaughter Street**

 Members were informed that the City of Dover acquired properties located at 710 and 715 Slaughter Street at a monition sale due to liens for taxes and demolition expenses. Mr. Scott Koenig, City Manager, stated that these were excess properties, as the City had no use for them and would be better served by the properties being redeveloped and restored as taxable properties.



# KENT COUNTY, DELAWARE

555 Bay Road, Dover, Delaware 19901-3615

(302) 744-2300 -- FAX (302) 736-2279

*"Serving Kent County With Pride"*

## PROPERTY INFORMATION

Planning and Building Permits Information

<b>Reference #</b>	ED EAST DOVER HUNDRED	<b>Card # 1 of 1</b>
<b>Location ID</b>	13869	<b>Map Number</b> 2-05-07608-06-4100-00001
<b>Tax ID</b>	13869	<b>Deed BVP</b> D 7726 0042
<b>Parcel ID</b>	39361	<b>Property Code</b> X - EXEMPT
<b>Current Owner</b>	CENTRAL DELAWARE HABITAT FOR, 544 WEBBS LN DOVER, DE 19904	<b>Property Location</b> 14 QUEEN ST DOVER, DE 19901
<b>Additional Owner</b>		<b>Zoning</b> RG1
		<b>Acres</b> .09

**Sub-Division** COMEGYS LOTS

<b>Sales History</b>				<b>Liv.Sq.Ft</b>	.0000
<b>Date</b>	<b>Price</b>	<b>Assessment</b>		<b>Total Rooms</b>	
7/29/15	10,600	<b>Land</b>	1,900	<b>Bedrooms</b>	
0/00/00	0	<b>Buildings</b>		<b>Full Bath</b>	
		<b>Total</b>	1,900	<b>Half Bath</b>	

<b>Base Tax Due</b>	.00	<b>Last Billing Detail</b>	<b>History</b>	<b>Farm Info</b>
<b>Tax Penalty</b>	.00			
<b>Total Tax Bal.</b>	.00			
<b>Sewer Balance</b>	.00	<b>Sewer Account #</b>		
<b>Neighborhood #</b>	00214	<b>Coordinates</b>		0467487 E 0422470 N
<b>Land Use</b>		<b>Lot Dimensions</b>		0000025.00 0000150.00
<b>Living Units</b>		<b>School District</b>	18	CAPITOL
<b>Class</b>	Residen	<b>Fire District</b>	46	ROBBINS HOSE (DOVER)
<b>Plat Book Pg</b>	00000	<b>Sewer District</b>	00	NONE
<b>Topography</b>	Level	<b>Ambulance District</b>	46	ROBBINS HOSE (DOVER)
<b>Street or Road</b>	Paved	<b>Trash District</b>		
<b>Fronting</b>	Residen	<b>Light District</b>		
<b>Improvement</b>	VACANT	<b>Commissioner Dist</b>	00	

[Home](#) [Login](#) [Pay Utility & Tax Bills](#) [Property Taxes](#) [Help & Support](#)

City of Dover eGov Portal



Property Tax

Locking



eBilling

Sign up here

## Account History Inquiry

Account ID 2050  
 Tax Map Number ED-05-077.09-01-010.000-000  
 Address 67 S QUEEN ST  
 Owner name CENTRAL DEL HAB FOR HUMANITY

Add to  
My Properties

No Payment Due

## Account Summary

Pending \$ 0.00  
 Taxes \$ 0.00  
 Penalty \$ 0.00  
**Total Due \$ 0.00**

\* Balance as of end of last business day

If you have any questions, call Customer Service at (302) 736-7035  
 Click on a payment or bill to view more details

Date	Type	Year	Period	Amount
10/14/15	Payment			\$7,500.00 -
10/14/15	Payment			\$7,500.00 -
10/14/15	Payment			\$7,500.00 -
2/03/14	Payment			\$ 308.83 -
2/03/14	Payment			\$ 308.83 -
12/28/12	Payment			\$ 291.47 -
3/12/12	Payment			\$ 307.97 -
8/31/10	Payment			\$ 274.97 -
6/08/10	Payment			\$ 9.94 -
2/01/10	Payment			\$ 217.95 -
7/31/08	Payment			\$ 208.56 -
7/31/07	Payment			\$ 208.56 -
9/01/06	Payment			\$ 214.82 -
11/30/05	Payment			\$ 217.95 -
7/30/04	Payment			\$ 174.68 -
8/29/03	Payment			\$ 177.30 -
7/31/02	Payment			\$ 174.68 -
7/31/01	Payment			\$ 127.41 -
9/22/00	Payment			\$ 131.23 -
8/31/99	Payment			\$ 126.54 -
10/31/98	Payment			\$ 130.28 -

[Search Results](#) [New Search](#)


© Copyright 2000 - 2006 City of Dover, Delaware. All Rights Reserved.  
[Privacy Policy & Terms of Use](#) | [Top of page](#)

[Home](#) [Login](#) [Pay Utility & Tax Bills](#) [Property Taxes](#) [Help & Support](#)

City of Dover eGov Portal



Property Tax

Billing  
Sign up here

## Account History Inquiry

Account ID 7910  
 Tax Map Number ED-05-076.08-05-730.000-000  
 Address 45 S QUEEN ST  
 Owner name THE MILFORD HOUSING DEV CORP

Add to  
My Properties

No Payment Due

## Account Summary

Pending \$ 0.00  
 Taxes \$ 0.00  
 Penalty \$ 0.00  
**Total Due \$ 0.00**

\* Balance as of end of last business day

If you have any questions, call Customer Service at (302) 736-7035  
 Click on a payment or bill to view more details

Date	Type	Year	Period	Amount
10/14/15	Payment			\$7,500.00 -
10/14/15	Payment			\$7,500.00 -
10/14/15	Payment			\$7,500.00 -
2/03/14	Payment			\$ 220.98 -
11/16/12	Payment			\$ 211.98 -
12/23/11	Payment			\$ 215.17 -
12/23/11	Payment			\$ 215.17 -
7/05/11	Payment			\$ 3.27 -
9/02/10	Payment			\$ 199.98 -
12/31/09	Payment			\$ 181.20 -
7/31/08	Payment			\$ 170.94 -
7/31/07	Payment			\$ 170.94 -
9/01/06	Payment			\$ 176.07 -
11/30/05	Payment			\$ 178.63 -
7/30/04	Payment			\$ 163.58 -
8/29/03	Payment			\$ 166.03 -
7/31/02	Payment			\$ 163.72 -
11/15/01	Payment			\$ 115.77 -
7/10/01	Payment			\$ 287.71 -
7/10/01	Payment			\$ 287.71 -
12/29/99	Payment			\$ 100.00 -
12/29/99	Payment			\$ 100.00 -
8/04/99	Payment			\$ 50.00 -

Search Results

New Search



© Copyright 2000 - 2006 City of Dover, Delaware. All Rights Reserved.  
[Privacy Policy & Terms of Use](#) | [Top of page](#)

[Home](#) [Login](#) [Pay Utility & Tax Bills](#) [Property Taxes](#) [Help & Support](#)

City of Dover eGov Portal



Property Tax

eBilling  
Sign up here

## Account History Inquiry

Account ID 1734  
 Tax Map Number ED-05-076.08-05-180.000-000  
 Address 24 N NEW ST  
 Owner name SAFFIELD, HOWARD T & SUE M

Add to  
My Properties

No Payment Due

## Account Summary

Pending \$ 0.00  
 Taxes \$ 0.00  
 Penalty \$ 0.00  
**Total Due \$ 0.00**

\* Balance as of end of last business day

If you have any questions, call Customer Service at (302) 736-7035  
 Click on a payment or bill to view more details

Date	Type	Year	Period	Amount
7/28/17	Payment			\$ 44.55 -
* 10/13/15	Payment			\$10,500.00 -
4/15/13	Payment			\$ 228.12 -
3/13/12	Payment			\$ 483.38 -
3/13/12	Payment			\$ 483.38 -
3/26/10	Payment			\$ 222.07 -
2/24/09	Payment			\$ 222.07 -
4/09/08	Payment			\$ 228.10 -
4/09/07	Payment			\$ 477.57 -
4/09/07	Payment			\$ 477.57 -
6/30/06	Payment			\$ 100.00 -
6/30/06	Payment			\$ 100.00 -
5/03/06	Payment			\$ 100.00 -
2/14/06	Payment			\$ 100.00 -
10/03/03	Payment			\$ 226.00 -
3/05/03	Payment			\$ 401.00 -
3/05/03	Payment			\$ 401.00 -
6/05/02	Payment			\$ 25.00 -
8/29/01	Payment			\$ 200.00 -
8/29/01	Payment			\$ 200.00 -
3/29/00	Payment			\$ 66.34 -
9/10/99	Payment			\$ 50.00 -
8/24/99	Payment			\$ 50.00 -
11/20/98	Payment			\$ 166.28 -

[Search Results](#) [New Search](#)


© Copyright 2000 - 2006 City of Dover, Delaware. All Rights Reserved.  
[Privacy Policy & Terms of Use](#) | [Top of page](#)

[Home](#) [Login](#) [Pay Utility & Tax Bills](#) [Property Taxes](#) [Help & Support](#)

City of Dover eGov Portal



Property Tax

eBilling  
Sign up here

## Account History Inquiry

Account ID 2132  
 Tax Map Number ED-05-076.08-05-360.000-000  
 Address 27 N NEW ST  
 Owner name WESTER, HENRY & LINDA

Add to  
My Properties

No Payment Due

## Account Summary

Pending \$ 0.00  
 Taxes \$ 0.00  
 Penalty \$ 0.00  
**Total Due \$ 0.00**

\* Balance as of end of last business day

If you have any questions, call Customer Service at (302) 736-7035  
 Click on a payment or bill to view more details

Date	Type	Year	Period	Amount
7/25/17	Payment			\$ 53.06 -
10/14/15	Payment			\$7,500.00 -
* 10/14/15	Payment			\$7,500.00 -
10/14/15	Payment			\$7,500.00 -
2/03/14	Payment			\$ 289.87 -
2/03/14	Payment			\$ 289.87 -
12/28/12	Payment			\$ 273.56 -
3/12/12	Payment			\$ 289.05 -
8/31/10	Payment			\$ 258.08 -
6/08/10	Payment			\$ 9.05 -
2/01/10	Payment			\$ 198.29 -
7/31/08	Payment			\$ 189.75 -
7/31/07	Payment			\$ 189.75 -
9/01/06	Payment			\$ 195.44 -
11/30/05	Payment			\$ 198.29 -
7/30/04	Payment			\$ 180.84 -
8/29/03	Payment			\$ 183.55 -
7/31/02	Payment			\$ 180.84 -
7/31/01	Payment			\$ 138.37 -
9/22/00	Payment			\$ 142.52 -
8/31/99	Payment			\$ 140.45 -
10/31/98	Payment			\$ 144.60 -

[Search Results](#) [New Search](#)


© Copyright 2000 - 2006 City of Dover, Delaware. All Rights Reserved.  
[Privacy Policy & Terms of Use](#) | [Top of page](#)



# Dover, DE : Assessor Database

## Property Search:

Parcel ID:	Owner 1 Name:	Street Number:	Street Name:
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="N NEW ST"/> ▼
<input type="button" value="Search"/> <input type="button" value="Reset"/>			

## Property Detail:

Parcel ID:	Card:	Street Number:	Street Name:	Zoning:	LUC:	Acres:
ED05-076.08-05-36.00		27	N NEW ST	RG-1	NON-PROFIT ORGANIZATIONS	0.16

## Owner Information:

Owner 1 Name: CENTRAL DEL HAB FOR HUMANITY

Owner 2 Name:

## Valuation:

Appraised Land:	\$13,100.00
Appraised Bldg:	\$0.00
Total:	\$13,100.00

## Property Images:

Picture:



Sketch:

There is no sketch available.

## Sales History:

Book:	Page:	Sale Date:	Price:	Validity:	Sale Type:
WB Q 010	164	11/07/2011		U	2
I&S 026	403	03/25/2015		T	2
VL-7817	310	09/29/2015		K	1

[Home](#) [Login](#) [Pay Utility & Tax Bills](#) [Property Taxes](#) [Help & Support](#)

City of Dover eGov Portal



Property Tax

Log In

eBilling  
Sign up here

## Account History Inquiry

Account ID 2136  
 Tax Map Number ED-05-077.09-01-020.000-000  
 Address 101 S QUEEN ST  
 Owner name NATIONAL COUNCIL ON AG LIFE &

Add to  
My Properties

No Payment Due

## Account Summary

Pending \$ 0.00  
 Taxes \$ 0.00  
 Penalty \$ 0.00  
**Total Due \$ 0.00**

\* Balance as of end of last business day

If you have any questions, call Customer Service at (302) 736-7035  
 Click on a payment or bill to view more details

Date	Type	Year	Period	Amount
10/14/15	Payment			\$7,500.00 -
10/14/15	Payment			\$7,500.00 -
10/14/15	Payment			\$7,500.00 -
2/03/14	Payment			\$ 275.48 -
9/25/12	Payment			\$ 256.78 -
3/12/12	Payment			\$ 279.22 -
8/31/10	Payment			\$ 249.30 -
12/31/09	Payment			\$ 175.95 -
7/31/08	Payment			\$ 165.99 -
7/31/07	Payment			\$ 165.99 -
9/01/06	Payment			\$ 170.97 -
11/30/05	Payment			\$ 173.46 -
7/30/04	Payment			\$ 177.55 -
8/29/03	Payment			\$ 180.21 -
7/31/02	Payment			\$ 177.42 -
7/31/01	Payment			\$ 130.84 -
9/22/00	Payment			\$ 134.77 -
8/31/99	Payment			\$ 132.80 -
10/31/98	Payment			\$ 125.27 -

[Search Results](#) [New Search](#)


© Copyright 2000 - 2006 City of Dover, Delaware. All Rights Reserved.  
[Privacy Policy & Terms of Use](#) | [Top of page](#)

# Dover, DE : Assessor Database

## Property Search:

Parcel ID:  Owner 1 Name:  Street Number:  Street Name:



## Property Detail:

Parcel ID: ED05-077.09-01-02.00 Card: 101 Street Number: 101 Street Name: S QUEEN ST Zoning: RG-1 LUC: NON-PROFIT ORGANIZATIONS Acres: 0.16

## Owner Information:

Owner 1 Name: CENTRAL DEL HAB FO HUMANITY

Owner 2 Name:

## Valuation:

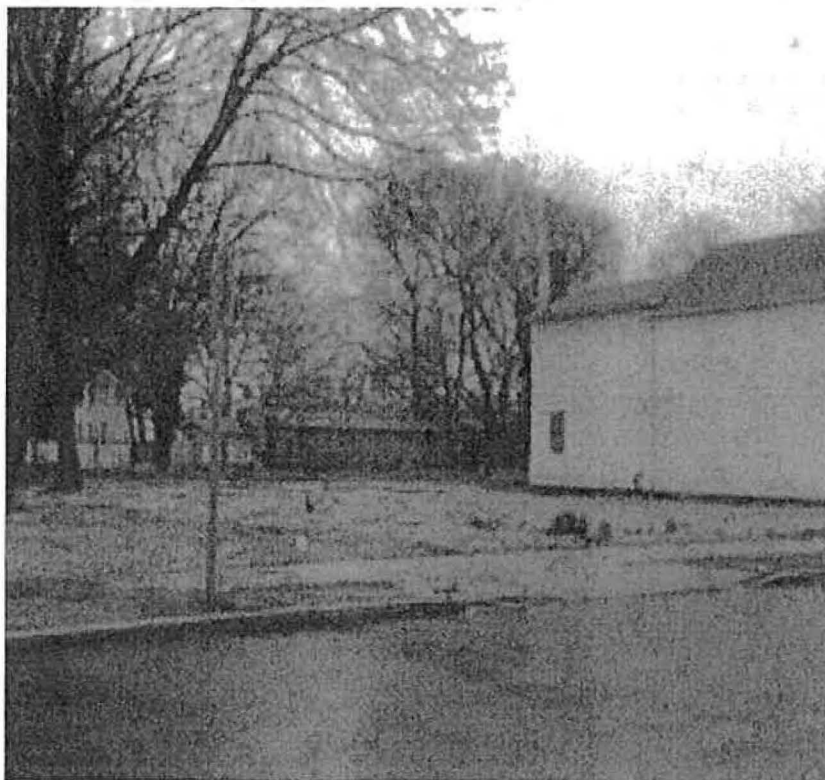
Appraised Land: \$13,400.00

Appraised Bldg: \$0.00

Total: \$13,400.00

## Property Images:

Picture:



Sketch:

There is no sketch available.

## Sales History:

Book:	Page:	Sale Date:	Price:	Validity:	Sale Type
WB Q 010	164	11/07/2011		U	2
I&S 026	403	03/25/2015		T	2
VL-7817	304	09/30/2015		K	1



# KENT COUNTY, DELAWARE

555 Bay Road, Dover, Delaware 19901-3615  
(302) 744-2300 -- FAX (302) 736-2279

*"Serving Kent County With Pride"*

## PROPERTY INFORMATION

Planning and Building Permits Information

<b>Reference #</b>	ED EAST DOVER HUNDRED	<b>Card # 1 of 1</b>
<b>Location ID</b>	17247	<b>Map Number</b> 2-05-07709-01-0200-00001
<b>Tax ID</b>	17247	<b>Deed BVP</b> D 7817 0304
<b>Parcel ID</b>	39376	<b>Property Code</b> X - EXEMPT

<b>Current Owner</b>	<b>Property Location</b>
CENTRAL DELAWARE HABITAT, FOR	101 QUEEN ST
544 WEBBS LN	DOVER, DE 19904
DOVER, DE 19904	<b>Zoning</b> RG1

**Acres** .16

**Additional Owner**

### Sub-Division

<b>Sales History</b>				<b>Liv.Sq.Ft</b>	.0000
<b>Date</b>	<b>Price</b>	<b>Assessment</b>		<b>Total Rooms</b>	
10/08/15	10	<b>Land</b>	2,600	<b>Bedrooms</b>	
3/25/15	0	<b>Buildings</b>		<b>Full Bath</b>	
		<b>Total</b>	2,600	<b>Half Bath</b>	

<b>Base Tax Due</b>	.00	<u>Last Billing Detail</u>	<u>History</u>	<u>Farm Info</u>
<b>Tax Penalty</b>	.00			
<b>Total Tax Bal.</b>	.00			
<b>Sewer Balance</b>	.00	<b>Sewer Account #</b>		
<b>Neighborhood #</b>	00214	<b>Coordinates</b>		0467847 E 0421976 N
<b>Land Use</b>		<b>Lot Dimensions</b>		0000047.00 0000151.50
<b>Living Units</b>		<b>School District</b>	18	CAPITOL
<b>Class</b>	Residen	<b>Fire District</b>	46	ROBBINS HOSE (DOVER)
<b>Plat Book Pg</b>	00000	<b>Sewer District</b>	00	NONE
<b>Topography</b>	Level	<b>Ambulance District</b>	46	ROBBINS HOSE (DOVER)
<b>Street or Road</b>	Paved	<b>Trash District</b>		
<b>Fronting</b>	Residen	<b>Light District</b>		
<b>Improvement</b>	VACANT	<b>Commissioner Dist</b>	00	

City of Dover eGov Portal



### Property Tax



Billings  
Hwy 93



No Payment Due

Pending	\$ 0.00
Taxes	\$ 0.00
Penalty	\$ 0.00
<b>Total Due</b>	<b>\$ 0.00</b>

\* Balance as of end of last business day.

If you have any questions, call Customer Service at (302) 736-7035  
Click on a payment or bill to view more details

[illegible]

[Search Results](#) | [New Search](#)



© Copyright 2000 - 2006 City of Dover, Delaware. All Rights Reserved.  
Privacy Policy & Terms of Use | Top of page

# Dover, DE : Assessor Database

## Property Search:

Parcel ID:	Owner 1 Name:	Street Number:	Street Name:
<input type="text"/>	<input type="text"/>	<input type="text" value="212"/>	<input type="text" value="N GOVERNORS AVE"/> ▼
<input type="button" value="Search"/> <input type="button" value="Reset"/>			

## Property Detail:

<b>Parcel ID:</b>	<b>Card:</b>	<b>Street Number:</b>	<b>Street Name:</b>	<b>Zoning:</b>	<b>LUC:</b>	<b>Acres:</b>
ED05-076.08-02-77.00		212	N GOVERNORS AVE	RG-1	RESIDENTIAL VACANT LAND	0.10

## Owner Information:

**Owner 1 Name:** NCALL RESEARCH INC

**Owner 2 Name:**

## Property Images:

**Picture:**

There is no picture available.

**Sketch:**

There is no sketch available.

## Valuation:

**Appraised Land:** \$10,800.00

**Appraised Bldg:** \$0.00

**Total:** \$10,800.00

## Sales History:

Book:	Page:	Sale Date:	Price:	Validity:	Sale Type:
		02/02/2002	115,000	0	2
RE VL-35	226	08/09/2006		S	2
REVL5704	011	01/11/2011		L	2
VL-7840	157	10/20/2015	20,000	L	2

The information delivered through this on-line database is provided in the spirit of open access to government information and is intended as an enhanced service and convenience for citizens of Dover, DE.  
The providers of this database: Tyler CLT, Big Room Studios, and Dover, DE assume no liability for any error or omission in the information provided here.

Comments regarding this service should be directed to: [tim@bigroomstudios.com](mailto:tim@bigroomstudios.com)

Fri. August 18, 2017 : 11:49 AM : 0.16s : 11mb





# DOVER POST

---

## Neighborhood eyesore at 212 N. Governors Avenue condemned

By Antonio Prado/Dover Post

Posted Oct 2, 2012 at 3:54 PM

Updated Oct 2, 2012 at 4:12 PM

Dover officials continue to target problem properties through the city's dangerous buildings ordinance. The latest to be condemned was 212 N. Governors Avenue.

**THE RUNDOWN** The owner of 212 N. Governors Ave. has until Oct. 24 to repair or demolish this dilapidated property due to Dover City's Council's recent condemnation of the two story home.

Council ordered the property repaired or demolished under the city's dangerous building ordinance at its Sept. 24 meeting.

**The city** Department of **Planning & Inspections** had condemned the two story, wood framed, single family as unfit for human habitation on July 20 due to the lack of utilities and the amount of broken windows and unsecured doors, Dover Director of Planning & Community Development Ann Marie Townshend said.

The property is owned by **Deutsche Bank** National Trust Company, she said.

**WHAT'S BEING SAID** The city has boarded up this property several times, Townshend said. Yet, unknown subjects still entered the dwelling on Aug. 10 and started a fire in the front bedroom of the second floor, causing additional damage to the home, she said.

"Currently, the structure is still vacant, with no active utility services and in serious disrepair," Townshend wrote in her report to council.

Councilman David Bonar asked if the fire damage to the home was structural in nature or just to the interior of the structure. Townshend said there was no structural damage, but the interior damage was substantial.

Councilman Adam Perza asked if the owner had taken any steps to repair the structure. Townshend said no.

Councilman David Anderson asked the requisite question of whether proper notice had been given, and Townshend said several letters from the city to the property owner had been returned.

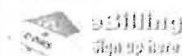
**City Council** then voted 8-0 to condemn the property. (Councilwoman Sophia Russell was absent.)

**WHAT'S NEXT?** The city would order the building inspector to repair or demolish the structure if Deutsche Bank National Trust does not perform repairs or demolition within 10 days of Oct. 24, Townshend said. If the city goes through with demolition or repairs, the city manager and city solicitor would then recoup the costs of such work through a municipal lean on the property or a lawsuit against the property owner, she said.

The cost of demolition is estimated at between \$10,000 and \$15,000. That money, if needed, would come out the \$150,000 budgeted in the 2013 fiscal year budget for all demolitions.




City of Dover eGov Portal



## Account History Inquiry

Account ID	8766
Tax Map Number	ED-05-067.20-03-120 000-000
Address	325 N NEW ST
Owner name	CENT DE HABITAT FOR HUMANITY

 Add to My Properties

No Payment Due

### Account Summary

Pending	\$ 0.00
Taxes	\$ 0.00
Penalty	\$ 0.00
<b>Total Due</b>	<b>\$ 0.00</b>

\* Balance as of end of last business day

If you have any questions, call Customer Service at (302) 736-7035  
Click on a payment or bill to view more details

[illegible]

[Home](#) [Login](#) [Pay Utility & Tax Bills](#) [Property Taxes](#) [Help & Support](#)

City of Dover eGov Portal



Property Tax

eBilling  
Sign up here

## Account History Inquiry

Account ID 5288  
 Tax Map Number ED-05-077.10-01-520.000-000  
 Address 528 BAY RD  
 Owner name LOS PAISAS LLC

Add to  
My Properties

Pay Bill

## Account Summary

Pending \$ 0.00  
 Taxes \$6,534.14  
 Penalty \$ 23.01  
**Total Due \$6,557.15**

\* Balance as of end of last business day

If you have any questions, call Customer Service at (302) 736-7035  
 Click on a payment or bill to view more details

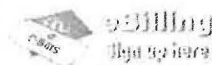
Date	Type	Year	Period	Amount
8/01/16	Payment			\$4,726.87 -
8/01/16	Payment			\$4,726.87 -
3/21/16	Payment			\$ 131.91 -
10/01/15	Payment			\$2,726.87 -
11/24/14	Payment			\$ 73.31 -
9/10/14	Payment			\$2,384.58 -
9/10/14	Payment			\$2,384.58 -
9/24/13	Payment			\$2,360.04 -
9/24/13	Payment			\$2,360.04 -
9/25/12	Payment			\$2,291.30 -
8/16/11	Payment			\$2,391.30 -
8/16/11	Payment			\$2,391.30 -
12/28/10	Payment			\$ 100.00 -
8/25/10	Payment			\$2,291.30 -
10/26/09	Payment			\$ 21.07 -
9/16/09	Payment			\$1,384.02 -
7/29/08	Payment			\$1,384.02 -
10/16/07	Payment			\$ 42.14 -
9/10/07	Payment			\$1,384.02 -
7/31/06	Payment			\$1,384.02 -
8/03/05	Payment			\$1,384.02 -
7/26/04	Payment			\$1,694.55 -
12/15/03	Payment			\$1,821.22 -
11/20/03	Payment			\$1,796.22 -
10/31/02	Payment			\$1,770.95 -
10/02/01	Payment			\$1,749.76 -
10/06/00	Payment			\$1,775.25 -
8/18/99	Payment			\$ 25.48 -
8/13/99	Payment			\$1,698.80 -
7/30/98	Payment			\$1,698.80 -

[Search Results](#) [New Search](#)


© Copyright 2000 - 2006 City of Dover, Delaware. All Rights Reserved.  
[Privacy Policy & Terms of Use](#) | [Top of page](#)

[Home](#) [Login](#) [Pay Utility & Tax Bills](#) [Property Taxes](#) [Help & Support](#)

City of Dover eGov Portal



## Account History Inquiry

Account ID 6386  
 Tax Map Number ED-05-076.11-02-590.000-000  
 Address 1128 FORREST AVE  
 Owner name NISTAZOS HOLDINGS LLC


 Add to  
 My Properties

No Payment Due

## Account Summary

Pending \$ 0.00  
 Taxes \$ 0.00  
 Penalty \$ 0.00  
**Total Due \$ 0.00**

\* Balance as of end of last business day

If you have any questions, call Customer Service at (302) 736-7035  
 Click on a payment or bill to view more details

Date	Type	Year	Period	Amount
7/19/17	Payment			\$ 337.70 -
* 10/12/16	Payment			\$25,084.86 -
10/12/16	Payment			\$25,084.86 -
10/12/16	Payment			\$25,084.86 -
10/12/16	Payment			\$25,084.86 -
10/12/16	Payment			\$25,084.86 -
10/12/16	Payment			\$25,084.86 -
10/12/16	Payment			\$25,084.86 -
5/18/16	Payment			\$ 713.07 -
2/24/16	Payment			\$6,149.10 -
2/24/16	Payment			\$6,149.10 -
2/24/16	Payment			\$6,149.10 -
2/24/16	Payment			\$6,149.10 -
2/24/16	Payment			\$6,149.10 -
2/24/16	Payment			\$6,149.10 -
2/24/16	Payment			\$6,149.10 -
2/24/16	Payment			\$6,149.10 -
2/24/16	Payment			\$6,149.10 -
2/24/16	Payment			\$6,149.10 -
2/24/16	Payment			\$6,149.10 -
2/24/16	Payment			\$6,149.10 -
12/31/14	Payment			\$ 658.80 -
1/24/14	Payment			\$ 666.67 -
1/25/12	Payment			\$1,230.98 -
1/25/12	Payment			\$1,230.98 -
10/30/09	Payment			\$ 513.25 -
7/30/08	Payment			\$ 498.30 -
7/31/07	Payment			\$ 498.30 -
7/26/06	Payment			\$ 498.30 -
8/26/05	Payment			\$ 498.30 -
7/26/04	Payment			\$ 628.01 -
7/25/03	Payment			\$ 628.01 -
7/30/02	Payment			\$ 628.15 -
7/23/01	Payment			\$ 339.08 -
7/18/00	Payment			\$ 339.08 -
7/26/99	Payment			\$ 339.08 -
7/14/98	Payment			\$ 339.08 -

[Search Results](#)
[New Search](#)


© Copyright 2000 - 2006 City of Dover, Delaware. All Rights Reserved.  
 Privacy Policy & Terms of Use | Top of page

[Home](#) [Login](#) [Pay Utility & Tax Bills](#) [Property Taxes](#) [Help & Support](#)

City of Dover eGov Portal



Property Tax

eBilling  
Sign up here

## Account History Inquiry

Account ID 60582  
 Tax Map Number ED-05-076.11-02-200.001-000  
 Address 1126 FORREST AVE  
 Owner name NISTAZOS HOLDINGS LLC

Add to  
My Properties

No Payment Due

## Account Summary

Pending \$ 0.00  
 Taxes \$ 0.00  
 Penalty \$ 0.00  
**Total Due \$ 0.00**

\* Balance as of end of last business day

If you have any questions, call Customer Service at (302) 736-7035  
 Click on a payment or bill to view more details

Date	Type	Year	Period	Amount
7/19/17	Payment			\$ 113.36 -
10/12/16	Payment			\$1,187.61 -
10/12/16	Payment			\$1,187.61 -
10/12/16	Payment			\$1,187.61 -
5/18/16	Payment			\$ 455.04 -
2/24/16	Payment			\$5,130.92 -
2/24/16	Payment			\$5,130.92 -
2/24/16	Payment			\$5,130.92 -
2/24/16	Payment			\$5,130.92 -
2/24/16	Payment			\$5,130.92 -
2/24/16	Payment			\$5,130.92 -
2/24/16	Payment			\$5,130.92 -
12/31/14	Payment			\$ 894.09 -
1/24/14	Payment			\$ 904.77 -
1/25/12	Payment			\$1,670.63 -
1/25/12	Payment			\$1,670.63 -

Search Results

New Search



© Copyright 2000 - 2006 City of Dover, Delaware. All Rights Reserved.  
[Privacy Policy & Terms of Use](#) | [Top of page](#)

[Home](#) [Login](#) [Pay Utility & Tax Bills](#) [Property Taxes](#) [Help & Support](#)

City of Dover eGov Portal



## Account History Inquiry

Account ID 6384  
 Tax Map Number ED-05-076.11-02-200.000-000  
 Address 1124 FORREST AVE  
 Owner name NISTAZOS HOLDINGS LLC



Add to  
My Properties

No Payment Due

## Account Summary

Pending \$ 0.00  
 Taxes \$ 0.00  
 Penalty \$ 0.00  
**Total Due \$ 0.00**

\* Balance as of end of last business day

If you have any questions, call Customer Service at (302) 736-7035  
 Click on a payment or bill to view more details

Date	Type	Year	Period	Amount
7/19/17	Payment			\$ 119.83 -
✂ 10/13/16	Payment			\$19,164.19 -
10/13/16	Payment			\$19,164.19 -
10/13/16	Payment			\$19,164.19 -
10/13/16	Payment			\$19,164.19 -
10/12/16	Payment			\$19,160.49 -
10/12/16	Payment			\$19,160.49 -
10/12/16	Payment			\$19,160.49 -
5/18/16	Payment			\$ 142.06 -
✂ 2/24/16	Payment			\$1,972.12 -
2/24/16	Payment			\$1,972.12 -
2/24/16	Payment			\$1,972.12 -
2/24/16	Payment			\$1,972.12 -
2/24/16	Payment			\$1,972.12 -
2/24/16	Payment			\$1,972.12 -
2/24/16	Payment			\$1,972.12 -
1/24/14	Payment			\$ 386.11 -
1/25/12	Payment			\$ 712.93 -
1/25/12	Payment			\$ 712.93 -
10/30/09	Payment			\$ 400.06 -
7/30/08	Payment			\$ 388.41 -
7/31/07	Payment			\$ 388.41 -
7/26/06	Payment			\$ 388.41 -
8/26/05	Payment			\$ 388.41 -
7/26/04	Payment			\$ 348.12 -
7/25/03	Payment			\$ 348.12 -
7/30/02	Payment			\$ 347.98 -
7/23/01	Payment			\$ 321.27 -
7/18/00	Payment			\$ 321.27 -
7/26/99	Payment			\$ 321.27 -
7/14/98	Payment			\$ 321.27 -

[Search Results](#) [New Search](#)


© Copyright 2000 - 2006 City of Dover, Delaware. All Rights Reserved.  
 Privacy Policy & Terms of Use | Top of page

**RESOLUTION NO. 2017-08 APPROVING THE 2017  
COMMUNITY DEVELOPMENT  
BLOCK GRANT (CDBG) ACTION PLAN**

By consent agenda, Mr. Lewis moved for adoption of the proposed resolution, seconded by

Mr. Neil and, by a unanimous roll call vote, Council adopted Resolution No. 2017-08, as follows:

**A RESOLUTION APPROVING THE 2017 COMMUNITY  
DEVELOPMENT BLOCK  
GRANT (CDBG) ACTION PLAN**

**WHEREAS**, the City of Dover is entitled to \$230,289 through the United States Department of Housing and Urban Development Community Development Block Grant program; and **WHEREAS**, the City of Dover has prepared the 2017 Action Plan, in accordance with the United States Department of Housing and Urban Development guidelines, that serve as the primary planning document for identifying and meeting the housing and community development needs for the low and moderate-income residents of Dover; and **WHEREAS**, the City of Dover is in favor of utilizing the Community Development Block Grant funds for the community development purposes in accordance with the National Community Development objectives of benefiting low and moderate income families, eliminating slums and blight, and meeting other community development objectives; and **WHEREAS**, the United States Department of Housing and Urban Development requires the City of Dover to submit a Consolidated Plan and an Action Plan for Application for Federal Assistance including the proposed use of funds and including certain certifications and policies to obtain its \$230,289 entitlement; for eligible activities; and **NOW, THEREFORE BE IT RESOLVED THAT THE MAYOR AND COUNCIL OF THE CITY OF DOVER APPROVE THE 2017** Community Development Block Grant Action Plan and application for Federal Assistance included in the Action Plan, along with certifications and policies attached and authorize its forwarding to the United States Department of Housing and Urban Development for consideration.

**ADOPTED: JUNE 26, 2017**

CITY OF DOVER ORDINANCE # 2017-08

**CDBG GRANT FUND  
CASH RECEIPTS/REVENUES AND BUDGET FOR 2017-2018**

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

The amount hereinafter named aggregating Two Hundred Eighteen Thousand Eight Hundred dollars (\$218,800) or so much thereof as may be necessary are hereby appropriated from current revenues and other funds for the use by several departments of the Municipal Government for the fiscal year beginning July 1, 2017 and ending June 30, 2018:

OPERATING REVENUES

	<u>2017/18 BUDGET</u>
PRIOR YEAR BALANCE	\$ 2,100
CDBG GRANTS RECEIVED	216,700
<b>TOTALS</b>	<b>\$ 218,800</b>

OPERATING EXPENSES

	<u>2017/18 BUDGET</u>
<b>EXPENDITURES</b>	
CURRENT YEAR CLOSING COST/DOWN PAYMENT PROGRAM	\$ 60,000
CURRENT YEAR CONNECTION SUPP PROGRAM	3,000
CURRENT YEAR DOVER INTERFAITH MINISTRY	24,000
CURRENT YEAR MHDC EMERGENCY HOME REPAIR	25,000
CURRENT YEAR HABITAT FOR HUMANITY	21,300
CURRENT YEAR MHDC HOMEOWNER REHAB.	40,000
CURRENT YEAR ADMIN EXPENSE	43,400
<b>TOTAL EXPENDITURES</b>	<b>216,700</b>
<b>CURRENT YEAR BALANCE</b>	<b>2,100</b>
<b>TOTALS</b>	<b>\$ 218,800</b>

The City Manager is hereby authorized, without further approval of the City Council, to make interdepartmental transfers of up to five percent of the amount hereinafter appropriated to any department with the exception of any transfers prohibited by City Procedure #F306.

ADOPTED: JUNE 26, 2017

# FY 2017 ANNUAL OPERATING BUDGET - DOVER, DELAWARE

## COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG)

### OPERATING REVENUES

	2015/2016 ACTUAL	ORIGINAL BUDGET	2016/17 PROJECTED	2017/18 APPROVED	\$ DIFFERENCE FY18 VS FY17 BUDGET	% CHANGE
PRIOR YEAR BALANCE CDBG	2,013	2,100	2,100	2,100	-	0.0%
PRIOR YEAR BALANCE NSP	85,277	-	-	-	-	0.0%
CDBG GRANTS RECEIVED	231,161	236,500	279,700	216,700	(19,800)	-8.4%
REVENUE FROM NSP	25,501	-	-	-	-	0.0%
<b>TOTALS</b>	<b>343,952</b>	<b>238,600</b>	<b>281,800</b>	<b>218,800</b>	<b>(19,800)</b>	<b>-8.3%</b>

### OPERATING EXPENSES

	2015/2016 ACTUAL	ORIGINAL BUDGET	2016/17 PROJECTED	2017/18 APPROVED	\$ DIFFERENCE FY18 VS FY17 BUDGET	% CHANGE
Prior year Closing cost/down payment program	892	-	900	-	-	0.0%
Prior year Ncall Research Inc.	-	-	1,000	-	-	0.0%
Prior year Connection Supp Program	-	-	2,500	-	-	0.0%
Prior year MHDC emergency home repair	-	-	22,300	-	-	0.0%
Prior year Habitat for Humanity	5,500	-	3,000	-	-	0.0%
Prior year Milford housing H/O rehab	-	-	13,400	-	-	0.0%
Current year closing cost/down payment program	59,108	50,000	50,000	60,000	10,000	20.0%
Current year Connection Comm Supp program	4,952	7,200	7,300	3,000	(4,200)	-58.3%
Current year Dover interfaith ministry	27,000	22,000	22,000	24,000	2,000	9.1%
Current year MHDC emergency home repair	12,990	25,000	25,000	25,000	-	0.0%
Current year Habitat for Humanity	37,047	30,000	30,000	21,300	(8,700)	-29.0%
Current year MHDC homeowner rehab.	39,506	55,000	55,000	40,000	(15,000)	-27.3%
Current year Peoples Place	6,722	-	-	-	-	0.0%
Current year admin expense	37,444	47,300	47,300	43,400	(3,900)	-8.2%
NSP program expenditures	95,453	-	-	-	-	0.0%
CURRENT YEAR BALANCE CDBG	2,013	2,100	2,100	2,100	-	0.0%
CURRENT YEAR BALANCE NSP	15,325	-	-	-	-	0.0%
<b>TOTALS</b>	<b>343,952</b>	<b>238,600</b>	<b>281,800</b>	<b>218,800</b>	<b>(19,800)</b>	<b>-8.3%</b>



Mr. Koenig advised members that, while the write-off would be substantial, the long term benefit of the proposal outweighed the financial impact of this write-off. Mr. Koenig stated that it was staff's strong belief, from an administrative standpoint, that transferring this property would be a good thing for the City of Dover. He noted that the City had preached home ownership in this area and Habitat would virtually guarantee long-term home ownership.


Staff recommended authorizing the properties to be transferred from Dr. Joe Burden, Jr. to Central Delaware Habitat for Humanity without collecting the City's liens against the properties in exchange for a payment of \$30,000 from Central Delaware Habitat for Humanity (\$7,500 per parcel).

In response to Mr. Shevock regarding whether Dr. Burden owned any other properties in the City, Mr. Koenig stated that Dr. Burden owned a substantial amount of property within the City.

Responding to Mr. Shevock as to whether either the write-off or the total lien amount could be transferred to Dr. Burden's other properties and attached for payment, Mr. Koenig stated his belief that this could not be done. He expressed his opinion, in the larger context of dealing with distressed properties, that this would not be a good precedent to start and was unsure if the City could legally do this. Mr. Koenig stated that staff had talked to Mr. William Pepper, Deputy City Solicitor, about this particular transaction and there was no legal reason that the City could not transfer a lien from one (1) property owner to another and then forgive the lien.


Mr. Koenig advised members that Dr. Burden had been working with staff and had paid all of his FY 15 taxes. He stated his belief that Dr. Burden had paid FY 16 taxes on all but the subject properties; therefore, progress had been made in a number of areas. Mr. Koenig indicated staff's belief that this land transfer would clear the water in some cases and provide a fast forward to home ownership on these four (4) lots. He stated that if the City continued to pursue the liens and forced a tax sale, there would be no guarantee that those purchasing the properties would occupy them, as they could be rentals. Mr. Koenig reiterated, under the proposal, that the City would be virtually guaranteed home ownership.

Mr. Sudler stated that he was glad that Dr. Burden and the City of Dover had reached an understanding and agreement and were working together.



**Mr. Sudler moved to recommend approval of Staff's recommendation to authorize the properties to be transferred from Dr. Joe Burden, Jr. to Central Delaware Habitat for Humanity without collecting the City's liens against the properties in exchange for a payment of \$30,000 from Central Delaware Habitat for Humanity (\$7,500 per parcel). The motion was seconded by Mr. Cole and unanimously carried.**

**Disposition of City Owned Land – Property Located at 710 and 715 Slaughter Street**



Members were informed that the City of Dover acquired properties located at 710 and 715 Slaughter Street at a monition sale due to liens for taxes and demolition expenses. Mr. Scott Koenig, City Manager, stated that these were excess properties, as the City had no use for them and would be better served by the properties being redeveloped and restored as taxable properties.

Excerpts from:

## Affirmatively Furthering Fair Housing in Delaware

### Delaware Housing Coalition

**Michael Allen**  
**Relman, Dane & Colfax, PLLC**  
**Georgetown, Delaware**

April 4, 2013

“Today’s Federal housing official commonly inveighs against the evils of ghetto life even as he pushes buttons that ratify their triumph—even as he OK’s public housing sites in the heart of the [African-American] slums, releases planning and urban renewal funds to cities dead-set against integration, and approves the financing of suburban subdivisions from which [African-Americans] will be barred.... “These and similar acts are committed daily by officials who say they are unalterably opposed to segregation, and have the memos to prove it....But when you ask one of these [HUD administrators] why, despite the [fair housing legislation] most public housing is still segregated, he invariably blames it on regional custom, local traditions, personal prejudices of municipal housing officials.” --Senator Edward Brooke: 114 Cong. Rec. 2281 [1968]

FHA requires HUD to “administer [housing] programs...in a manner affirmatively to further the policies of [the Fair Housing Act],” including the general policy to “provide, within constitutional limits, for fair housing throughout the United States.”

– 42 USC §3608

42 U.S.C. §5304(b)(2): “Any grant under [the CDBG program] shall be made only if the grantee certifies to the satisfaction of the Secretary that ... the grant will be conducted and administered in conformity with the Civil Rights Act of 1964 [42 U.S.C. 2000a et seq.] and the Fair Housing Act [42 U.S.C. 3601 et seq.], and the grantee will affirmatively further fair housing.”

#### Preventing the Increase of Segregation

“...the affirmative duty placed on the Secretary of HUD by § 3608(d)(5)... requires that consideration be given to the impact of proposed public housing programs on the racial concentration in the area in which the proposed housing is to be built. Action must be taken to fulfill, as much as possible, the goal of open integrated residential housing patterns and to prevent the increase of segregation, in ghettos, of racial groups whose lack of opportunities the Act was designed to combat.” “...every court that has considered the question has held or stated that Title VIII imposes upon HUD an obligation to do more than simply refrain from

discriminating (and from purposely aiding discrimination by others)...This broader goal [of truly open housing] ... reflects the desire to have HUD use its grant programs to assist in ending discrimination and segregation, to the point where the supply of genuinely open housing increases."

– *NAACP v. Sec’y of Housing and Urban Development*,

*Westchester* Litigation: A

Cautionary Tale

County received \$52 million+ in CDBG, HOME, ESG funds from 2000-2006

Receipt of funds required repeated AFFH certifications

Litigation brought under the False Claims Act: AFFH certifications were false because County did not consider race-based impediments to fair housing choice

*Westchester* AI

2000 and 2004 Analyses of Impediments ("AIs"): "The [Fair Housing Plan] describes the housing needs of handicapped persons, larger/smaller families [and] extended families...." AIs do not identify any impediments on the basis of race, color, national origin or any other protected class, even though County is part of one of the most segregated regions in the country No mention of housing discrimination or residential segregation

Settlement Terms

County required to ensure development of 750 affordable housing units, within 7 years, in the whitest neighborhoods – 660 units must be built in municipalities with African-American population of less than 3% and Latino population of less than 7% – Additional integrative criteria at the census block group level

Settlement Terms

☑County Returns \$30 Million to HUD – \$21.6 Million to Fund Integrative Units – \$7.5 Million to Pay "Relator's Share" for Ferreting out False Claims County Must Supply an Additional \$30 Million for Integrative Units County Pays \$2.5 Million in Attorneys' fees and Costs

HUD Administrative Complaints

City of Atlanta (race and disability)

State of Louisiana (race)

Jefferson Parish, Louisiana (race)

Danville, Illinois (race)

Sussex County, Delaware (race and national origin)

Waukesha County, Wisconsin (race)

State of Maryland (LIHTC/race)

## Sussex County, Delaware

Attempt to build a new subdivision of single family, for-sale homes in a community land trust for low-income service and agricultural workers blocked by Planning Commission and County Council

The lawsuit, filed today in the U.S. District Court for the District of Delaware, alleges that the county's planning and zoning commission denied land use approval for a 50-lot affordable housing subdivision proposed by Diamond State Community Land Trust, a Delaware affordable housing developer, in southwestern Sussex County near the town of Laurel, Del. The suit alleges that the Sussex County Council later affirmed the denial of the proposed development. The suit alleges that opposition to the proposal was based partly on the assumption that the subdivision's residents would be Latino and African-American and on stereotypes based on race, color and national origin. The lawsuit arose from a complaint to the U.S. Department of Housing and Urban Development (HUD) that was referred to the Department of Justice.

The settlement, also filed today as a proposed consent decree that must be approved by the court, requires that the defendants reconsider the affordable housing proposal using nondiscriminatory criteria and take no actions to obstruct or delay the development of the subdivision. It also requires the county to pay \$750,000 to Diamond State Community Land Trust in compensation for its damages.

In addition, the settlement requires that the county take affirmative steps to provide for future affordable housing, communicate its commitment to fair housing, and establish mechanisms to ensure affordable and fair housing in Sussex County. Among other things, the county must formulate an affordable and fair housing marketing plan to encourage the development of housing opportunities that are available and accessible to all residents of Sussex county regardless of race, color or national origin, appoint a fair housing compliance officer, and ensure that county officials and staff undergo fair housing training.

"The Fair Housing Act guarantees that all Americans have the opportunity to live where they choose regardless of the color of their skin," said Thomas E. Perez, Assistant Attorney General for Civil Rights Division. "It is especially important that counties employ their land use powers in a manner that does not obstruct housing choice, and we will take action when jurisdictions block housing because of the race or ethnicity of those who would live there."

## Lessons for Recipients of Housing and Community Development Funds

“[T]he central goal of the obligation to AFFH [is] to end housing discrimination and segregation.” Taking AFFH seriously can alert a recipient to ways in which private sector activity is harming the recipient. AFFH certifications are material preconditions to the receipt of HUD funds. Courts likely to see claims for payment as implicit AFFH certifications. Recipients ignore HUD’s *Fair Housing Planning Guide* and AFFH regulations at their peril. A recipient must identify *all* impediments experienced by *all* protected classes, and must keep records of this analysis – Whether created by public or private sector, impediments must be analyzed – Impediments may include actions or policies that discriminate on the basis of protected class, whether by way of intentional discrimination or disparate treatment – A recipient is not excused from such an analysis by identifying the “greatest” or “most challenging” impediment; it must analyze everything it finds. Permitting concentration of affordable housing development in minority neighborhoods likely perpetuates segregation and is a violation of the recipient’s AFFH obligation. A recipient must take appropriate actions to overcome the impediments identified, and keep records of those actions. It is impossible to meet this requirement in the absence of an adequate identification and analysis of underlying impediments.

Recipients are responsible for the AFFH compliance of their sub-recipients

- You can’t fund jurisdictions whose policies and practices are AFFH non-compliant
- There will be more vigorous AFFH enforcement in the coming years:
- Administrative complaints to HUD
- HUD “front end” and compliance reviews
- Litigation by civil rights groups
- Litigation by developers and property owners



# AFFH FACT SHEET:

## THE DUTY TO AFFIRMATIVELY FURTHER FAIR HOUSING

---

### WHAT IS THE DUTY TO AFFIRMATIVELY FURTHER FAIR HOUSING?

From its inception, the Fair Housing Act (and subsequent laws reaffirming its principles) not only prohibited discrimination in housing related activities and transactions but also imposed a duty to affirmatively further fair housing (AFFH). The AFFH rule sets out a framework for local governments, States, and public housing agencies (PHAs) to take meaningful actions to overcome historic patterns of segregation, promote fair housing choice, and foster inclusive communities that are free from discrimination. The rule is designed to help program participants better understand what they are required to do to meet their AFFH duties and enables them to assess fair housing issues in their communities and then to make informed policy decisions.

**For purposes of the rule, affirmatively furthering fair housing** “means taking meaningful actions, in addition to combating discrimination, that overcome patterns of segregation and foster inclusive communities free from barriers that restrict access to opportunity based on protected characteristics. Specifically, affirmatively furthering fair housing means taking meaningful actions that, taken together, address significant disparities in housing needs and in access to opportunity, replacing segregated living patterns with truly integrated and balanced living patterns, transforming racially and ethnically concentrated areas of poverty into areas of opportunity, and fostering and maintaining compliance with civil rights and fair housing laws. The duty to affirmatively further fair housing extends to all of a program participant’s activities and programs relating to housing and urban development.”

**For purposes of the rule, meaningful actions** “means significant actions that are designed and can be reasonably expected to achieve a material positive change that affirmatively furthers fair housing by, for example, increasing fair housing choice or decreasing disparities in access to opportunity.”

### WHAT IS THE PROCESS PROGRAM PARTICIPANTS MUST FOLLOW?

Under the AFFH rule, an “Assessment of Fair Housing” (AFH) will replace the current “Analysis of Impediments” (AI) process. The AFH Assessment Tool, which includes instructions and data provided by HUD, consists of a series of questions designed to help program participants identify, among other things, fair housing issues pertaining to patterns of integration and segregation; racially and ethnically concentrated areas of poverty; disparities in access to opportunity; and disproportionate housing needs, as well as the contributing factors for those issues.

- The Assessment Tool is intended to help communities understand and identify local barriers to fair housing choice. The AFH provides an approach that will help program participants more effectively affirmatively further the purposes and policies of the Fair Housing Act.
- HUD will review the AFH within 60 calendar days after the date of submission. An AFH submission is deemed accepted 61 days after submission unless HUD provides notification on or before that it is not accepted. Non-acceptance notifications will explain the reasons for non-acceptance and how a program participant may remedy deficiencies.
- The AFFH rule establishes specific requirements for the incorporation of the AFH into subsequent Consolidated Plans and PHA Plans in a manner that connects housing and community development policy and investment planning with meaningful actions to AFFH.
- The AFFH rule links existing community participation and consultation requirements to the AFH process to ensure program participants give the public opportunities for involvement in the development of the AFH and in its incorporation into the Consolidated Plan and PHA Plan.





# INTERIM GUIDANCE FOR PROGRAM PARTICIPANTS ON STATUS OF ASSESSMENT TOOLS AND SUBMISSION OPTIONS

---

HUD is providing guidance for Program Participants to assist in carrying out certain responsibilities related to their obligation to affirmatively further fair housing (AFFH) pending issuance of the final Assessment of Fair Housing (AFH) Tool for States and Insular Areas. As interim guidance, this guidance will be updated based on the availability of Assessment Tools for States and Insular Areas and Public Housing Agencies (PHAs),<sup>1</sup> or by January 1, 2019, whichever is earlier.

## STATUS OF ASSESSMENT TOOLS

Program participants will not be required to begin conducting their assessments until the full array of online resources, including both the Data and Mapping Tool (AFFH-T) and the User Interface are complete and operational. The status of these Assessment Tools and related online resources are as follows:

- **Local Government and Joint/Regional:** Final and available ([OMB Control No. 2529-0054](#)).
- **PHA and PHA-only collaboration:** Final and available ([OMB Control No. 2529-0055](#)). OMB has approved the AFH Assessment Tool for PHAs. HUD will issue an additional Federal Register notice notifying PHA's of their new submission date at a later time once additional resources become available.
- **Qualified PHA (QPHA):** Currently unavailable—final version subject to full Paperwork Reduction Act (PRA) process.
- **State and Insular Area:** Currently going through PRA Process (see additional details below).

## GENERAL GUIDANCE FOR PROGRAM PARTICIPANTS

Pursuant to 24 C.F.R. § 5.160, AFH submission requirements depend on the type of program participant (or lead entity in the case of a collaboration) and the availability of applicable Assessment Tools and their related Data and Mapping Tool. The following tables are meant to assist program participants in identifying options for collaboration<sup>2</sup> and accompanying submission deadlines.

---

<sup>1</sup> HUD has announced its intention to release an Assessment Tool for Qualified PHAs (QPHAs). This will be subject to the Paperwork Reduction Act (PRA) process, and the public will have an opportunity to submit comment.

<sup>2</sup> Guidance on how program participants can collaborate on their AFH submissions can be found on [www.hudexchange.info/programs/affh](http://www.hudexchange.info/programs/affh).

<b>Local Governments, States, and Insular Areas</b>			
	<b>Option 1: Submit an AFH Alone</b>	<b>Option 2: Collaboration with one or more Local Governments or PHAs on an AFH</b>	<b>Option 3: Collaboration with State Lead Entity on an AFH</b>
<b>Local Government Program Participants with CDBG Grants in FY15 of \$500,000 or Less<sup>3</sup></b>	<u>Applicable Assessment Tool:</u> Local Government Assessment Tool	<u>Applicable Assessment Tool:</u> Local Government Assessment Tool with option to use \$500,000 or Less Local Government Insert if the Program Participant is eligible	<u>Applicable Assessment Tool:</u> Assessment Tool for States and Insular Areas with option to use \$500,000 or Less Local Government Insert if the Program Participant is eligible
	<u>Submission Deadline:</u> 270 days prior to the program year start date for the next 3-5-year consolidated planning cycle beginning on or after January 1, 2019.	<u>Submission Deadline:</u> Based on Lead Submitter's Submission Deadline	<u>Submission Deadline:</u> Based on Lead Submitter's Submission Deadline, which is triggered by approval and publication of a final State Assessment Tool
<b>Local Government Program Participants with CDBG Grants in FY15 that are Over \$500,000</b>	<u>Applicable Assessment Tool:</u> Local Government Assessment Tool	<u>Applicable Assessment Tool:</u> Local Government Assessment Tool	<u>Applicable Assessment Tool:</u> Assessment Tool for States and Insular Areas
	<u>Submission Deadline:</u> 270 days prior to the program year start date for the next 3-5-year consolidated planning cycle.	<u>Submission Deadline:</u> Based on Lead Submitter's Submission Deadline	<u>Submission Deadline:</u> Based on Lead Submitter's Submission Deadline, which is triggered by approval and publication of a final State Assessment Tool
<b>States and Insular Areas</b>	<u>Applicable Assessment Tool:</u> Assessment Tool for States and Insular Areas	<u>Applicable Assessment Tool:</u> Assessment Tool for States and Insular Areas	
	<u>Submission Deadline:</u> Triggered by approval and publication of a final Assessment Tool for State and Insular Areas	<u>Submission Deadline:</u> Triggered by approval and publication of a final Assessment Tool for State and Insular Areas	

<sup>3</sup> For any HOME consortium whose members do not receive CDBG funds or whose members collectively received \$500,000 or less in CDBG funds in FY2015, the consortium's first AFH is due 270 days prior to the program year for which a new 3-5-year Consolidated Plan is due starting on or after January 1, 2019. For any HOME consortium in which members received more than \$500,000 in CDBG funds in FY2015, the consortium's first AFH is due 270 days prior to the program year for which a new 3-5 Consolidated Plan is due starting on or after January 1, 2017. 81 Fed. Reg. 73129.



<b>Public Housing Agencies</b>				
	<b>Option 1: Submit an AFH Alone</b>	<b>Option 2: PHA-Only Collaboration on an AFH</b>	<b>Option 3: Collaboration with one or more Local Governments on an AFH</b>	<b>Option 4: Collaboration with State as Lead Entity on an AFH</b>
<b>QPHAs (Fewer than 550 Units)</b>	<u>Applicable Assessment Tool:</u> QPHA Assessment Tool	<u>Applicable Assessment Tool:</u> PHA Assessment Tool with option to use PHA Insert	<u>Applicable Assessment Tool:</u> Local Government Assessment Tool with option to use PHA Insert	<u>Applicable Assessment Tool:</u> Assessment Tool for States and Insular Areas with option to use PHA Insert
	<u>Submission Deadline:</u> 270 days prior to the program year start date for the next 5- year cycle.  Triggered by the announcement of the availability of all resources for completion of the Final QPHA Assessment Tool	<u>Submission Deadline:</u> 270 days prior to the program year start date for the next 5-year cycle of the Lead PHA.  Triggered by the announcement of the availability of all resources for completion of the Final PHA Assessment Tool	<u>Submission Deadline:</u> Based on Lead Submitter's Submission Deadline	<u>Submission Deadline:</u> Triggered by approval and publication of a final Assessment Tool for States and Insular Areas
<b>PHAs 1250 or fewer Units</b>	<u>Applicable Assessment Tool:</u> PHA Assessment Tool	<u>Applicable Assessment Tool:</u> PHA Assessment Tool with option to use 1,250 unit or fewer PHA Insert ("PHA Insert")	<u>Applicable Assessment Tool:</u> Local Government Assessment Tool with option to use the PHA Insert	<u>Applicable Assessment Tool:</u> Assessment Tool for States and Insular Areas with option to use PHA Insert <sup>4</sup>

<sup>4</sup> While not final, HUD announced its intention to make an insert available to PHAs with 1250 units or fewer in the case of collaboration using the State Assessment Tool, as it has in the Local Government and PHA Assessment Tools. See 82 Fed. Reg. 4388 (Jan. 13, 2017).

Public Housing Agencies				
	Option 1: Submit an AFH Alone	Option 2: PHA-Only Collaboration on an AFH	Option 3: Collaboration with one or more Local Governments on an AFH	Option 4: Collaboration with State as Lead Entity on an AFH
	<p><u>Submission Deadline:</u> 270 days prior to the program year start date for the next 5-year PHA Planning cycle.</p> <p>Triggered by the announcement of the availability of all resources for completion of the Final PHA Assessment Tool</p>	<p><u>Submission Deadline:</u> 270 days prior to the program year start date for the next 5-year PHA planning cycle of the Lead PHA.</p> <p>Triggered by the announcement of the availability of all resources for completion of the Final PHA Assessment Tool</p>	<p><u>Submission Deadline:</u> Based on Lead Submitter's Submission Deadline</p>	<p><u>Submission Deadline:</u> Triggered by approval and publication of a final Assessment Tool for States and Insular Areas</p>
PHAs with more than 1250 units	<p><u>Applicable Assessment Tool:</u> PHA Assessment Tool</p>	<p><u>Applicable Assessment Tool:</u> PHA Assessment Tool</p>	<p><u>Applicable Assessment Tool:</u> Local Government Assessment Tool</p>	<p><u>Applicable Assessment Tool:</u> Assessment Tool for States and Insular Areas</p>
	<p><u>Submission Deadline:</u> 270 days prior to the program year start date for the next 5-year PHA Planning cycle.</p> <p>Triggered by the announcement of the availability of all resources for completion of the Final PHA Assessment Tool</p>	<p><u>Submission Deadline:</u> 270 days prior to the program year start date for the next 5-year PHA Planning cycle.</p> <p>Triggered by the announcement of the availability of all resources for completion of the Final PHA Assessment Tool</p>	<p><u>Submission Deadline:</u> Based on Lead Submitter's Submission Deadline</p>	<p><u>Submission Deadline:</u> Triggered by approval and publication of a final Assessment Tool for States and Insular Areas</p>



# FEDERAL REGISTER

---

Vol. 80

Thursday,

No. 136

July 16, 2015

---

## Part III

### Department of Housing and Urban Development

---

24 CFR Parts 5, 91, 92, *et al.*

Affirmatively Furthering Fair Housing; Final Rule

# DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

24 CFR Parts 5, 91, 92, 570, 574, 576, and 903

[Docket No. FR-5173-F-04]

RIN 2501-AD33

## Affirmatively Furthering Fair Housing

AGENCY: Office of the Secretary, HUD.

ACTION: Final rule.

**SUMMARY:** Through this final rule, HUD provides HUD program participants with an approach to more effectively and efficiently incorporate into their planning processes the duty to affirmatively further the purposes and policies of the Fair Housing Act, which is title VIII of the Civil Rights Act of 1968. The Fair Housing Act not only prohibits discrimination but, in conjunction with other statutes, directs HUD's program participants to take significant actions to overcome historic patterns of segregation, achieve truly balanced and integrated living patterns, promote fair housing choice, and foster inclusive communities that are free from discrimination. The approach to affirmatively further fair housing carried out by HUD program participants prior to this rule, which involved an analysis of impediments to fair housing choice and a certification that the program participant will affirmatively further fair housing, has not been as effective as originally envisioned. This rule refines the prior approach by replacing the analysis of impediments with a fair housing assessment that should better inform program participants' planning processes with a view toward better aiding HUD program participants to fulfill this statutory obligation.

Through this rule, HUD commits to provide states, local governments, public housing agencies (PHAs), the communities they serve, and the general public, to the fullest extent possible, with local and regional data on integrated and segregated living patterns, racially or ethnically concentrated areas of poverty, the location of certain publicly supported housing, access to opportunity afforded by key community assets, and disproportionate housing needs based on classes protected by the Fair Housing Act. Through the availability of such data and available local data and knowledge, the approach provided by this rule is intended to make program participants better able to evaluate their present environment to assess fair housing issues such as segregation,

conditions that restrict fair housing choice, and disparities in access to housing and opportunity, identify the factors that primarily contribute to the creation or perpetuation of fair housing issues, and establish fair housing priorities and goals.

**DATES:** *Effective Date:* August 17, 2015.

### FOR FURTHER INFORMATION CONTACT:

George D. Williams, Sr., Deputy Assistant Secretary for Policy, Legislative Initiatives and Outreach, Office of Fair Housing and Equal Opportunity, Department of Housing and Urban Development, 451 7th Street SW., Room 5246, Washington, DC 20410; telephone number 866-234-2689 (toll-free) or 202-402-1432 (local). Individuals who are deaf or hard of hearing and individuals with speech impairments may access this number via TTY by calling the toll-free Federal Relay Service during working hours at 1-800-877-8339.

### SUPPLEMENTARY INFORMATION:

#### I. Executive Summary

##### *Purpose of the Regulatory Action*

From its inception, the Fair Housing Act (and subsequent laws reaffirming its principles) has not only prohibited discrimination in housing related activities and transactions but has also provided, through the duty to affirmatively further fair housing (AFFH), for meaningful actions to be taken to overcome the legacy of segregation, unequal treatment, and historic lack of access to opportunity in housing. Prior to this rule, HUD directed participants in certain HUD programs to affirmatively further fair housing by undertaking an analysis of impediments (AI) that was generally not submitted to or reviewed by HUD. This approach required program participants, based on general guidance from HUD, to identify impediments to fair housing choice within their jurisdiction, plan, and take appropriate actions to overcome the effects of any impediments, and maintain records of such efforts. Informed by lessons learned in localities across the country, and with program participants, civil rights advocates, other stakeholders, and the U.S. Government Accountability Office all commenting to HUD that the AI approach was not as effective as originally envisioned, in 2013 HUD initiated the rulemaking process to propose a new and more effective approach for program participants to use in assessing the fair housing issues and factors in their jurisdictions and regions and for establishing fair housing priorities and goals to address them.

The approach proposed by HUD in 2013, and adopted in this final rule, with revisions made in response to public comments, strengthens the process for program participants' assessments of fair housing issues and contributing factors and for the establishment of fair housing goals and priorities by requiring use of an Assessment Tool, providing data to program participants related to certain key fair housing issues, and instituting a process in which HUD reviews program participants' assessments, prioritization, and goal setting. While the statutory duty to affirmatively further fair housing requires program participants to take actions to affirmatively further fair housing, this final rule (as was the case in the proposed rule) does not mandate specific outcomes for the planning process. Instead, recognizing the importance of local decisionmaking, the new approach establishes basic parameters to help guide public sector housing and community development planning and investment decisions in being better informed about fair housing concerns and consequently help program participants to be better positioned to fulfill their obligation to affirmatively further fair housing.

##### *Summary of Legal Authority*

The Fair Housing Act (title VIII of the Civil Rights Act of 1968, 42 U.S.C. 3601-3619) declares that it is "the policy of the United States to provide, within constitutional limitations, for fair housing throughout the United States." See 42 U.S.C. 3601. Accordingly, the Fair Housing Act prohibits, among other things, discrimination in the sale, rental, and financing of dwellings, and in other housing-related transactions because of "race, color, religion, sex, familial status,<sup>1</sup> national origin, or handicap."<sup>2</sup> See 42 U.S.C. 3604 and 3605. Section 808(d) of the Fair Housing Act requires all executive branch departments and agencies administering housing and urban development programs and activities to administer these programs in a manner that affirmatively furthers fair housing. See 42 U.S.C. 3608.

<sup>1</sup> The term "familial status" is defined in the Fair Housing Act at 42 U.S.C. 3602(k). It includes one or more children who are under the age of 18 years being domiciled with a parent or guardian.

<sup>2</sup> Although the Fair Housing Act was amended in 1988 to extend civil rights protections to persons with "handicaps," the term "disability" is more commonly used and accepted today to refer to an individual's physical or mental impairment that is protected under federal civil rights laws, the record of such an impairment, and being regarded as having such an impairment. For this reason, except where quoting from the Fair Housing Act, this preamble and final rule use the term "disability."

Section 808(e)(5) of the Fair Housing Act (42 U.S.C. 3608(e)(5)) requires that HUD programs and activities be administered in a manner affirmatively furthering the policies of the Fair Housing Act.

#### *Summary of the Major Provisions of the Rule*

The Affirmatively Furthering Fair Housing (AFFH) regulations promulgated by this final rule:

a. Replace the AI with a more effective and standardized Assessment of Fair Housing (AFH) through which program participants identify and evaluate fair housing issues, and factors contributing to fair housing issues (contributing factors);

b. Improve fair housing assessment, planning, and decisionmaking by HUD providing data that program participants must consider in their assessments of fair housing—designed to aid program participants in establishing fair housing goals to address these issues and contributing factors;

c. Incorporate, explicitly, fair housing planning into existing planning processes, the consolidated plan and PHA Plan, which, in turn, incorporate fair housing priorities and goals more effectively into housing, and community development decisionmaking;

d. Encourage and facilitate regional approaches to address fair housing issues, including collaboration across jurisdictions and PHAs; and

e. Provide an opportunity for the public, including individuals historically excluded because of characteristics protected by the Fair Housing Act, to provide input about fair housing issues, goals, priorities, and the most appropriate uses of HUD funds and other investments, through a requirement to conduct community participation as an integral part of the new assessment of fair housing process.

This new approach is designed to empower program participants and to foster the diversity and strength of communities by overcoming historic patterns of segregation, reducing racial or ethnic concentrations of poverty, and responding to identified disproportionate housing needs consistent with the policies and protections of the Fair Housing Act. The rule also seeks to assist program participants in reducing disparities in housing choice and access to housing and opportunity based on race, color, religion, sex, familial status, national origin, or disability, thereby expanding economic opportunity and enhancing the quality of life.

#### *Summary of Benefits and Costs*

HUD believes that the rule, through its improvements to the fair housing planning process, has the potential for substantial benefit not only for program participants but also for the communities they serve and the United States as a whole. The new approach put in place by this rule is designed to improve the fair housing planning process by providing better data and greater clarity to the steps that program participants must undertake to assess fair housing issues and contributing factors and establish fair housing priorities and goals to address them. The fair housing issues, contributing factors, goals, and priorities identified through this process will be available to help inform program participants' investments and other decisionmaking, including their use of HUD funds and other resources. These improvements should yield increased compliance with fair housing and civil rights laws and fewer instances of litigation pertaining to the failure to affirmatively further fair housing. Through this rule, HUD commits to provide states, local governments, PHAs, the communities they serve, and the general public, to the fullest extent possible, with local and regional data on patterns of integration and segregation, racially or ethnically concentrated areas of poverty, access to housing and key community assets that afford opportunity, and disproportionate housing needs based on characteristics protected by the Fair Housing Act. From these data, program participants should be better able to evaluate their present environment to assess fair housing issues, identify the significant contributing factors that account for those issues, set forth fair housing priorities and goals, and document these activities.

As detailed in the Regulatory Impact Analysis (found at [www.regulations.gov](http://www.regulations.gov) under the docket number 5173-F-03-RIA), HUD does not expect a large aggregate change in compliance costs for program participants as a result of the proposed rule. Currently, HUD program participants are required to conduct an AI to fair housing choice, take appropriate actions to overcome the effects of identified impediments, and maintain records relating to the duty to affirmatively further fair housing. An increased emphasis on affirmatively furthering fair housing within the planning process may increase compliance costs for some program participants, but this final rule, as provided in Section III of this preamble, has strived to mitigate the increase of such costs. The net change in burden for

specific local entities will depend on the extent to which they have been complying with the planning process already in place. The local entities that have been diligent in completing rigorous AIs may experience a net decrease in administrative burden as a result of the revised process. Program participants are currently required also to engage in outreach and collect data in order to meet the obligation to affirmatively further fair housing. As more fully addressed in the Regulatory Impact Analysis that accompanies this rule, HUD estimates compliance costs to program participants of \$25 million annually, as well as resource costs to HUD of \$9 million annually.

The rule covers program participants that are subject to a great diversity of local conditions and economic and social contexts, as well as differences in the demographics of populations, housing needs, and community investments. The rule provides for program participants to supplement data provided by HUD with available local data and knowledge and requires them to undertake the analysis of this information to identify barriers to fair housing. Also, the rule affords program participants considerable choice and flexibility in formulating goals and priorities to achieve fair housing outcomes and establishing the metrics that will be used to monitor and document progress. The precise outcomes of the proposed AFH planning process are uncertain, but the rule will enable each jurisdiction to plan meaningfully.

## **II. Background**

### *A. Legal Authority*

HUD's July 2013 proposed rule fully set out the legal basis for HUD's authority to issue regulations implementing the obligation to affirmatively further fair housing, but HUD believes it is important to restate such authority in this final rule.

The Fair Housing Act (title VIII of the Civil Rights Act of 1968, 42 U.S.C. 3601–3619), enacted into law on April 11, 1968, declares that it is “the policy of the United States to provide, within constitutional limitations, for fair housing throughout the United States.” See 42 U.S.C. 3601. Accordingly, the Fair Housing Act prohibits discrimination in the sale, rental, and financing of dwellings, and in other housing-related transactions because of race, color, religion, sex, familial status, national origin, or handicap. See 42 U.S.C. 3601 *et seq.* In addition to prohibiting discrimination, the Fair Housing Act (42 U.S.C. 3608(e)(5))



requires that HUD programs and activities be administered in a manner to affirmatively further the policies of the Fair Housing Act. Section 808(d) of the Fair Housing Act (42 U.S.C. 3608(d)) directs other Federal agencies "to administer their programs . . . relating to housing and urban development . . . in a manner affirmatively to further" the policies of the Fair Housing Act, and to "cooperate with the Secretary" in this effort.

The Fair Housing Act's provisions related to "affirmatively . . . further[ing]" fair housing, contained in sections 3608(d) and (e) include more than the Act's anti-discrimination mandates. *NAACP, Boston Chapter v. HUD*, 817 F.2d 149 (1st Cir. 1987); see, e.g., *Otero v. N.Y. City Hous. Auth.*, 484 F.2d 1122 (2d Cir. 1973); *Shannon v. HUD*, 436 F.2d 809 (3d Cir. 1970). When the Fair Housing Act was originally enacted in 1968 and amended in 1988, major portions of the statute involved the prohibition of discriminatory activities (whether undertaken with a discriminatory purpose or with a discriminatory impact) and how private litigants and the government could enforce these provisions.

In section 3608(d) of the Fair Housing Act, however, Congress went further by mandating that "programs and activities relating to housing and urban development" be administered "in a manner affirmatively to further the purposes of this subchapter." This is not only a mandate to refrain from discrimination but a mandate to take the type of actions that undo historic patterns of segregation and other types of discrimination and afford access to opportunity that has long been denied. Congress has repeatedly reinforced this mandate, requiring in the Housing and Community Development Act of 1974, the Cranston-Gonzalez National Affordable Housing Act, and the Quality Housing and Work Responsibility Act of 1998, that covered HUD program participants certify, as a condition of receiving Federal funds, that they will affirmatively further fair housing. See 42 U.S.C. 5304(b)(2), 5306(d)(7)(B), 12705(b)(15), 1437C-1(d)(16).<sup>3</sup>

<sup>3</sup> Section 104(b)(2) of the Housing and Community Development Act (HCD Act) (42 U.S.C. 5304(b)(2)) requires that, to receive a grant, the state or local government must certify that it will affirmatively further fair housing. Section 106(d)(7)(B) of the HCD Act (42 U.S.C. 5306(d)(7)(B)) requires a local government that receives a grant from a state to certify that it will affirmatively further fair housing. The Cranston-Gonzalez National Affordable Housing Act (NAHA) (42 U.S.C. 12704 *et seq.*) provides in section 105 (42 U.S.C. 12705) that states and local governments that receive certain grants from HUD must develop a comprehensive housing affordability strategy to

In examining the legislative history of the Fair Housing Act and related statutes, courts have found that the purpose of the affirmatively furthering fair housing mandate is to ensure that recipients of Federal housing and urban development funds and other Federal funds do more than simply not discriminate: Recipients also must take actions to address segregation and related barriers for groups with characteristics protected by the Act, as often reflected in racially or ethnically concentrated areas of poverty. The U.S. Supreme Court, in one of the first Fair Housing Act cases it decided, referenced the Act's cosponsor, Senator Walter F. Mondale, in noting that "the reach of the proposed law was to replace the ghettos 'by truly integrated and balanced living patterns.'" *Trafficante v. Metro. Life Ins. Co.*, 409 U.S. 205, 211 (1972).<sup>4</sup> The Act recognized that "where a family lives, where it is allowed to live, is inextricably bound up with better education, better jobs, economic motivation, and good living conditions." 114 Cong. Rec. 2276-2707 (1968). As the First Circuit has explained, section 3608(d) and the legislative history of the Act show that Congress intended that "HUD do more than simply not discriminate itself; it reflects the desire to have HUD use its grant programs to assist in ending discrimination and segregation, to the point where the supply of genuinely open housing increases." *NAACP, Boston Chapter v. HUD*, 817 F.2d at 154; See also *Otero* 484 F.2d at 1134 (section 3608(d) requires that "[a]ction must be taken to fulfill, as much as possible, the goal of open, integrated residential housing patterns and to prevent the increase of segregation, in ghettos, of racial groups whose lack of opportunity the Act was designed to combat").

identify their overall needs for affordable and supportive housing for the ensuing 5 years, including housing for homeless persons, and outline their strategy to address those needs. As part of this comprehensive planning process, section 105(b)(15) of NAHA (42 U.S.C. 12705(b)(15)) requires that these program participants certify that they will affirmatively further fair housing. The Quality Housing and Work Responsibility Act of 1998 (QHWRA), enacted into law on October 21, 1998, substantially modified the United States Housing Act of 1937 (42 U.S.C. 1437 *et seq.*) (1937 Act), and the 1937 Act was more recently amended by the Housing and Economic Recovery Act of 2008, Public Law 110-289 (HERA). QHWRA introduced formal planning processes for PHAs—a 5-Year Plan and an Annual Plan. The required contents of the Annual Plan included a certification by the PHA that the PHA will, among other things, affirmatively further fair housing.

<sup>4</sup> Reflecting the era in which it was enacted, the Fair Housing Act's legislative history and early court decisions refer to "ghettos" when discussing racially concentrated areas of poverty.

The Act itself does not define the precise scope of the affirmatively furthering fair housing obligation for HUD's program participants. Over the years, courts have provided some guidance for this task. In the first appellate decision interpreting section 3608, for example, the U.S. Court of Appeals for the Third Circuit emphasized the importance of racial and socioeconomic data to ensure that "the agency's judgment was an informed one" based on an institutionalized method to assess site selection and related issues. *Shannon*, 436 F.2d at 821-22. In multiple other decisions, courts have set forth how the section applies to specific policies and practices of HUD program participants. See, e.g., *Otero*, 484 F.2d at 1132-37; *Langlois v. Abington Hous. Auth.*, 207 F.3d 43 (1st Cir. 2000); *U.S. ex rel. Anti-Discrimination Ctr. v. Westchester Cnty.*, 2009 WL 455269 (S.D.N.Y. Feb. 24, 2009).

In addition to the statutes and court cases emphasizing the requirement of recipients of Federal housing and urban development funds and other Federal funds to affirmatively further fair housing, executive orders have also addressed the importance of complying with this requirement.<sup>5</sup>

#### B. HUD's July 19, 2013, Proposed Rule

On July 19, 2013, at 78 FR 43710, HUD published its proposed rule that described the new assessment of fair housing (AFH) process that would replace the AI. As stated in the July 19, 2013, rule, HUD proposed a process that should aid program participants to more effectively carry out the obligation to affirmatively further fair housing by more directly linking the identification of fair housing issues, prioritization, and goal setting to housing and community development planning processes currently undertaken by program participants and that is required as a condition of their receipt of HUD funds.

At the jurisdictional planning level, HUD requires program participants

<sup>5</sup> Executive Order 12892, entitled "Leadership and Coordination of Fair Housing in Federal Programs: Affirmatively Furthering Fair Housing," issued January 17, 1994, vests primary authority in the Secretary of HUD for all federal executive departments and agencies to administer their programs and activities relating to housing and urban development in a manner that furthers the purposes of the Fair Housing Act. Executive Order 12898, entitled "Executive Actions to Address Environmental Justice in Minority Populations and Low-Income Populations," issued on February 11, 1994, declares that Federal agencies shall make it part of their mission to achieve environmental justice "by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minority populations and low-income populations."

receiving Community Development Block Grant (CDBG), HOME Investment Partnerships (HOME), Emergency Solutions Grants (ESG), and Housing Opportunities for Persons With AIDS (HOPWA) formula funding to undertake an analysis to identify impediments to fair housing choice within the jurisdiction and take appropriate actions to overcome the effects of any impediments, and keep records on such efforts. See §§ 91.225(a)(1), 91.325(a)(1).<sup>6</sup> Similarly, PHAs must commit, as part of their planning process for PHA Plans and any plans incorporated therein, to examine their programs or proposed programs, identify any impediments to fair housing choice within those programs, address those impediments in a reasonable fashion in view of the resources available, work with jurisdictions to implement any of the jurisdiction's initiatives to affirmatively further fair housing that require PHA involvement, maintain records reflecting those analyses and actions, and operate programs in a manner that is consistent with the applicable jurisdiction's consolidated plan. See §§ 903.7(o), 903.15.

Over the past several years, HUD reviewed the efficacy of these mechanisms to fulfill the affirmatively furthering fair housing mandate and concluded that the AI process could be improved to make it a more meaningful tool to integrate fair housing into program participants' planning efforts. HUD issued its Fair Housing Planning Guide (Planning Guide) in 1996 to provide extensive guidance on how to affirmatively further fair housing. However, HUD has not, in a systematic manner, offered to its program participants the data in HUD's possession that may better help them frame their fair housing analysis, and HUD generally did not require AIs to be submitted to HUD for review.

These observations are reinforced by a recent report by the U.S. Government Accountability Office (GAO) entitled "HUD Needs to Enhance Its Requirements and Oversight of Jurisdictions' Fair Housing Plans," GAO-10-905, Sept. 14, 2010. See <http://www.gao.gov/new.items/d10905.pdf> (GAO Report). In this report, the GAO found that there has been uneven attention paid to the AI by local communities in part because sufficient

guidance and clarity were viewed as lacking. Specifically, GAO stated that it found that "HUD's limited regulatory requirements and oversight" contributed to many HUD program participants placing a "low priority on ensuring that their AIs serve as effective planning tools."<sup>7</sup> In its recommendations, GAO emphasized that HUD could assist program participants by providing more effective guidance and technical assistance and the data necessary to prepare fair housing plans.

Stemming from substantial interaction with program participants and advocates, and in light of the GAO Report, HUD concluded that the current AI process was not well integrated into the planning efforts for expenditure of funds made by HUD program participants. HUD recognized that many program participants actively grapple with how issues involving race, national origin, disability, and other fair housing issues do and should influence grant decisions as part of housing and community development planning. HUD found that program participants often turned to outside consultants to collect data and conduct the analysis, but that program participants had little incentive or awareness to use this analysis as part of the investments and other decisions they made as part of the consolidated plan or PHA Plan processes. HUD further concluded that, in a time of limited resources, HUD could do more to support program participants in the process, especially through the provision of data, meaningful technical assistance, and additional guidance. All these findings led HUD to the decision to offer a new approach of linking fair housing issue identification, prioritization, and goal setting with program participants' traditional planning processes related to housing and community development.

To more effectively carry out its affirmatively furthering fair housing obligation, in the July 19, 2013, rule, HUD proposed a new AFH process to replace the AI process. As provided in the proposed rule, the new AFH process involved the following key features: (1) A new fair housing assessment tool; (2) the provision of nationally uniform data that would be the predicate for and would help frame program participants' assessment activities; (3) meaningful and focused direction regarding the purpose of the AFH and the standards by which it would be evaluated; (4) a

more direct link between the AFH and subsequent program participant planning documents—the consolidated plan and the PHA Plan—that would tie fair housing planning into the priority setting, commitment of resources, and specification of activities to be undertaken; and (5) a new HUD review procedure based on clear standards that would facilitate the provision of technical assistance and reinforce the value and importance of fair housing planning activities.

As provided in the proposed rule, the new AFH process would be established in regulations in 24 CFR part 5, subpart A, with conforming amendments provided in the following regulations: 24 CFR part 91 (Consolidated Submission for Community Planning and Development Programs); 24 CFR part 92 (HOME Investment Partnerships Program); 24 CFR part 570 (Community Development Block Grants); 24 CFR part 574 (Housing Opportunities for Persons With AIDS); 24 CFR part 576 (Emergency Solutions Grants Program); and 24 CFR part 903 (Public Housing Agency Plans).

A more detailed discussion of HUD's July 19, 2013, proposed rule, including the specific AFH regulations and conforming amendments proposed, can be found at 79 FR 43716 through 43723. HUD refers interested parties to the preamble to the proposed rule for a detailed discussion of the proposed AFH process and the reasons for HUD's proposal of the features and elements of the new AFH process.

### C. Proposed Assessment Tool

On September 26, 2014, at 79 FR 57949, HUD published in the **Federal Register**, the proposed "Assessment Tool" to be used by program participants to evaluate fair housing choice in their jurisdictions, to identify barriers to fair housing choice at the local and regional levels, and to set fair housing goals to overcome such barriers and advance fair housing choice. HUD published the proposed Assessment Tool for a period of 60 days in accordance with HUD's July 19, 2013, proposed rule, and in accordance with the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.*

HUD appreciates the comments submitted on the proposed Assessment Tool, and will follow the September 2014 notice with a second notice soliciting comment for another 30-day period, as required by the Paperwork Reduction Act, and advise of changes made to the proposed Assessment Tool in response to the initial 60-day solicitation of comment.

<sup>6</sup> For these programs, the consolidated plan is intended as the program participant's comprehensive mechanism to gather relevant housing data, detail housing, homelessness, and community development strategies, and commit to specific actions. These are then updated through annual action plans.

<sup>7</sup> The GAO noted that close to 30 percent of the grantees from whom GAO sought documentation had outdated AIs and that almost 5 percent of the grantees were unable to provide AIs when requested.

In addition, it is important to note that the burden imposed by the Assessment Tool and additional Assessment Tools issued by HUD must, in accordance with the Paperwork Reduction Act, be renewed for approval by the Office of Management and Budget (OMB) every 3 years, at which point, the opportunity is also presented to assess whether the Assessment Tool is aiding fair housing planning as intended by this rule.

#### *D. Solicitation of Comment on Proposed Staggered Submission of AFH*

On January 15, 2015, at 80 FR 2062, HUD published in the **Federal Register** a document reopening the public comment period on the issue of providing a later submission deadline for certain entities. In this document, HUD advised that it was considering providing certain HUD program participants—States, Insular Areas, qualified PHAs, jurisdictions receiving a small CDBG grant—with the option of submitting their first AFH at a date later than would otherwise be required for program participants that are neither States, Insular Areas, qualified PHAs, nor grantees receiving a small CDBG grant, as proposed to be defined by the January 15, 2015, document.

For PHAs, section 2702 of title II of the Housing and Economic Recovery Act (HERA)<sup>8</sup> introduced a definition of “qualified PHAs” to exempt such PHAs, that is, PHAs that have a combined total of 550 or fewer public housing units and section 8 vouchers, are not designated as troubled under section 6(j)(2) of the 1937 Act, and do not have a failing score under the Section Eight Management Assessment Program (SEMAP) during the prior 12 months, from the burden of preparing and submitting an annual PHA Plan. Given that Congress has determined that qualified PHAs should have reduced administrative burdens, HUD proposed that it is appropriate to provide these agencies with more time to submit their first AFH.

With respect to small CDBG grants, there is no statutory definition on which HUD can rely as is the case for qualified PHAs. However, as noted in the January 15, 2015, document, in HUD’s Congressional Justifications issued in support of HUD’s Fiscal Years (FYs) 2013 and 2014 budget requests, HUD proposed to establish a minimum grant threshold of approximately \$350,000, based on a percentage of the CDBG formula appropriation. Therefore, HUD proposed, similar to qualified PHAs, to

delay the submission date of the first AFH for entitlement jurisdictions receiving a grant of 0.0125 percent of the CDBG formula appropriation or less.

With respect to States and Insular Areas, HUD advised that it decided to design a separate Assessment Tool for States and Insular Areas. HUD agreed with commenters responding to the Assessment Tool, published on September 26, 2014, that a separate Assessment Tool for States and Insular Areas would address commenters’ concerns about the AFH approach being better suited for entitlement jurisdictions. HUD also advised that the separate Assessment Tool will not be provided for public comment as part of the second statutorily required public comment period on the Assessment Tool published on September 26, 2014. Rather, HUD will have the Assessment Tool for States and Insular Areas separately undergo the full notice and comment process (a 60-day notice and a 30-day notice) under the Paperwork Reduction Act, and this decision automatically means a later first AFH submission deadline for States and Insular areas.

Although not part of the January 15, 2015, document, in the preamble to the Assessment Tool published on September 26, 2014, HUD advised that the draft Assessment Tool for which public comment was sought is the Assessment Tool designed for use by entitlement jurisdictions and for joint submissions by entitlement jurisdictions and for PHAs where the entitlement jurisdiction is chosen as the lead entity. HUD clarified that the Assessment Tool is not the tool that will be used by regionally collaborating entitlement jurisdictions or PHAs that will not be making a joint submission, nor will it be used by States and Insular Areas. In brief, HUD committed to provide a separate Assessment Tool for PHAs. HUD also advised of its intention to develop program-specific participant Assessment Tools to be available for public comment at the time that HUD publishes the first Assessment Tool for its additional 30 days of public comment. HUD since decided to have the State and PHA Assessment Tools undergo the full notice and comment process under the Paperwork Reduction Act (a 60-day notice and a 30-day notice).

In response to the January 15, 2015, document HUD received 21 public comments. The majority of public commenters were supportive of a delayed submission of the first AFH for States, Insular Areas, qualified PHAs, and jurisdictions receiving small CDBG grants. Commenters, however, differed

on where to draw the threshold for a small CDBG. Commenters suggested that the threshold should be drawn at \$1 million. A commenter, commenting on the percentage that HUD proposed, suggested a percentage cutoff of 0.018 percent rather than HUD’s suggested percentage of 0.0125. The commenter explained that this threshold would bring the cutoff to approximately \$500,000, and at that level, administrative funds can be up to \$100,000, an increase from \$70,000, which is the amount that would be available to entitlement jurisdictions receiving \$348,875—the amount under the HUD-proposed threshold. The public comments received in response to the January 15, 2015, document can be found at the following Web site: <http://www.regulations.gov/#!docketDetail;D=HUD-2015-0009>.

After consideration of the comments on the CDBG threshold, HUD has decided to set the threshold for a small CDBG grant at a FY 2015 grant of \$500,000 or less. HUD believes that this dollar threshold is appropriate for providing a delayed first AFH submission for certain CDBG grantees. Therefore, as a result of HUD’s January 15, 2015, proposal and in consideration of comments responding to that proposal, States, Insular Areas, qualified PHAs, and CDBG grantees receiving an FY 2015 CDBG grant of \$500,000 or less will have a delayed first-AFH submission deadline, as will all PHAs, even those that are not qualified PHAs. For PHAs, the first AFH submission deadline will be based on when the PHA Assessment Tool has been approved by OMB—following HUD undertaking the notice and comment process required by the Paperwork Reduction Act—and announced by HUD as available for use.

### **III. Overview of Final Rule—Key Changes Made at Final Rule Stage**

In the proposed rule, HUD solicited public comment on the new AFH process and included 19 issues for which HUD specifically solicited comment. In Section IV of this preamble, HUD provides a summary of the significant comments raised by the public comments and provides HUD’s response to these issues. HUD received more than 1,000 public comments on the July 19, 2013, proposed rule. HUD appreciates all the questions raised, and suggestions and recommendations made by the public commenters. After review and consideration of the public comments and upon further consideration of issues by HUD, the following highlights key clarifications

<sup>8</sup> Public Law 110–289, 122 Stat. 2654, approved July 30, 2008, see 122 Stat. 2863.



and changes made by HUD in this final rule.

The final rule:

- Clarifies that HUD supports a balanced approach to affirmatively furthering fair housing by revising the “Purpose” section of the rule and the definition of “affirmatively furthering fair housing.” Also, HUD has created a new provision listing goals and priorities a program participant may take to affirmatively further fair housing, which may include, but are not limited to, place-based solutions and options to increase mobility for protected classes. (See §§ 5.150, 5.152, and 5.154.)
- Replaces the term “proactive steps” in the definition of “affirmatively furthering fair housing” with the term “meaningful actions” and defines “meaningful actions.” (See § 5.152.)
- Revises the definition of “Assessment Tool” to advise that the tool is not solely a single form or template, but refers to any form or template issued by HUD as an Assessment Tool for the AFH and includes instructions. The definition makes clear that HUD may issue different Assessment Tools for different types of program participants.
- Clarifies, through the addition of a new § 5.151, that implementation of the new AFH process commences for a program participant when the Assessment Tool designated for use by the program participant has been approved by OMB, and the availability for use of such Assessment Tool is published in the **Federal Register**.
- Adds a definition of “data” to collectively refer to “HUD-provided data” and “local data,” both of which terms are also defined. (See § 5.152.)
- Replaces the term “determinant” with a more plain language term—“fair housing contributing factor” or simply “contributing factor.” (See § 5.152.)
- Adds a definition of “disability.” (See § 5.152.)
- Clarifies when disproportionate housing needs exist by revising the definition of “disproportionate housing needs.” (See § 5.152.)
- Revises the definitions of “fair housing choice” and “fair housing issue” by removing outdated terminology (*i.e.*, “handicap”) and making certain additional clarifying changes. (See § 5.152.)
- Adds a definition of “geographic area” which refers to the area of analysis of a program participant that may be a jurisdiction, region, state, Core-Based Statistical Area (CBSA), or another applicable area, depending on the area served by the program participant. (See § 5.152.)

- Adds a definition of “housing programs serving specified populations” to clarify that participation in HUD and Federal housing programs serving specified populations does not present a fair housing issue of segregation, provided that such programs comply with the program regulations and applicable Federal civil rights statutes and regulations. (See § 5.152.)
- Revises the definition of “integration” to provide greater clarity as to the meaning of this term. (See § 5.152.)
- Adds a definition of “local knowledge” based on and consistent with the description of such term in the Assessment Tool. (See § 5.152.)
- Revises the definition of “segregation” to provide greater clarity. (See § 5.152.)
- Adds a definition of “qualified PHA.” (See § 5.152.)
- Revises and clarifies how the analysis of data and the identification of fair housing priorities and goals should be undertaken, including emphasizing that the program participant is responsible for establishing appropriate priorities and goals. (See § 5.154(d).)
- Clarifies that although regionally collaborating program participants need not be contiguous and may cross state boundaries, regionally collaborating program participants should be located within the same CBSA, as defined by OMB at the time of submission of the regional AFH, but HUD allows for exceptions. (See § 5.156.)
- Emphasizes that “acceptance” of an AFH means only that, for purposes of administering HUD program funding, HUD has determined that the program participant has provided an AFH that meets the required elements. Acceptance does not mean that the program participant has complied with its obligation to affirmatively further fair housing under the Fair Housing Act; has complied with other provisions of the Fair Housing Act; or has complied with other civil rights laws and regulations. (See § 5.162.)
- Provides a staggered submission deadline for AFHs; that is, the rule specifies the order of submission by which program participants will submit their first AFH. The rule provides that entitlement jurisdictions receiving an FY 2015 CDBG grant of \$500,000 or less, States, Insular Areas, and PHAs will submit their first AFH in the second stage of submission, or at such time as the Assessment Tool specifically applicable to one of these program participants has been approved by OMB and announced by HUD as available for use. The Assessment Tool specifically applicable to a program participant will

specify the first-AFH submission deadline, and will ensure the same level of transition as provided for entitlement jurisdictions, which will be the first program participants to submit an AFH. (See § 5.160(a).)

- Allows PHAs, whether submitting an AFH as part of participation with their consolidated plan program participants, other PHAs, or on their own, to submit an AFH every 5 years, imposing on PHAs similar requirements to those placed on jurisdictions subject to the consolidated plan requirements. (See §§ 5.160 and 903.15.)
  - Provides that a program participant that undertook a Regional AI in connection with a grant awarded under HUD’s FY 2010 or 2011 Sustainable Communities Competition is not required to undertake an AFH for the first AFH submission stage. (See § 5.160(a).)
  - Clarifies the conditions under which HUD may not accept an AFH, and provides examples of an AFH that is substantially incomplete with respect to the fair housing assessment, and examples of an AFH that is inconsistent with fair housing and civil rights requirements; and emphasizes that HUD will work with program participants to achieve an AFH that is accepted. (See § 5.162.)
  - Provides greater flexibility to program participants in determining when a program participant must revise an AFH, and specifies conditions when HUD may intervene and require a program participant to revise an AFH, but also provides program participants with the opportunity to disagree with HUD’s determination. HUD also expands the time frame in which to revise an AFH. (See § 5.164.)
  - Revises for PHAs the three options provided in the proposed rule by which a PHA may conduct and submit an AFH. (See § 903.15.)
  - Adds a new “certification” provision, which clarifies that program participants must certify that they will affirmatively further fair housing when required by statutes and regulations governing their programs, and provides that challenges to the certifications will follow the procedures for consolidated plan program participants in 24 CFR part 91 and for PHA Plan program participants in 24 CFR part 903, as revised in this final rule. (See § 5.166.)
  - Moves fair housing-related material from § 903.2(d) to § 903.15(d).
- In addition to these changes, HUD also corrected editorial and technical errors identified by the commenters. HUD believes that these changes, more fully discussed below, respond to commenters’ requests that they be given

## **DELAWARE STATEWIDE ANALYSIS OF IMPEDIMENTS TO FAIR HOUSING CHOICE**

**OBSERVATION:** Minimum wage and single-income households cannot afford a housing unit renting for the HUD Fair Market Rent in Dover. This situation forces these individuals and households to double-up with others, or lease inexpensive, substandard units from unscrupulous landlords. Minorities and female-headed households will be disproportionately impacted because of their lower incomes.

**OBSERVATION:** Persons receiving a monthly SSI check of \$674 as their sole source of income, including persons with disabilities, cannot afford a one-bedroom unit renting at the Fair Market Rent of \$757.

**OBSERVATION:** Overall, the housing market in the City of Dover is moderately unaffordable, as only 30.9% of the housing units sold in 2009 were considered to be affordable to households earning the median household income of \$44,490. When median household income by race is considered, Black households would have a more difficult time purchasing a home than Whites.

**OBSERVATION:** Overall, the housing market in the City of Dover is moderately unaffordable, as only 30.9% of the housing units sold in 2009 were considered to be affordable to households earning the median household income of \$44,490. When median household income by race is considered, Black households would have a more difficult time purchasing a home than Whites.

**OBSERVATION:** Black households are disproportionately represented among Section 8 voucher holders. Of the 182 households in Dover using vouchers, 80.2% are Black. In addition, Black households are also disproportionately represented among applicants on the Section 8 waiting list. Of the 641 households waiting for a Section 8 voucher, 81.6% are Black.

**OBSERVATION:** The extensive waiting lists for public housing (614 applicants) and Section 8 (641 applicants) demonstrate a high demand for affordable housing in Dover. Demand is high due to consumer desires to be close to amenities and transit options.

**OBSERVATION:** Analysis of the City's Annual Plan and CAPER documents reveal a balanced investment of CDBG funds in both impacted and non-impacted areas. The City should continue its efforts to affirmatively further fair housing by expanding the availability of affordable housing in non-impacted areas. The City should allocate funds for new family housing developments (both sales and rental) on sites outside of impacted areas.

**OBSERVATION:** The City's Planned Neighborhood Design program could be improved from a fair housing perspective by adding incentives for the production of affordable units. The City could provide financial and other incentives to developers in exchange for the provision of a percentage of housing units to be set-aside for households with incomes at or below a certain percentage of the area median income.

**OBSERVATION:** The City should simplify its definition of "family" by focusing on whether a household functions as a cohesive unit rather than distinguishing between related and unrelated persons. A restrictive definition that limits the number or type of relationship between persons living together as a household unit in a single-family dwelling unit is incompatible with many modern living situations and potentially discriminates against persons with disabilities.

**OBSERVATION:** The City's Planned Neighborhood Design program could be improved from a fair housing perspective by adding incentives for the production of affordable units. The City could provide financial and other incentives to developers in exchange for the provision of a percentage of housing units to be set-aside for households with incomes at or below a certain percentage of the area median income.

**OBSERVATION:** The City of Dover has no provision in its zoning ordinance to allow more than five unrelated persons with disabilities to live together as a group home. This circumstance limits fair housing choice, particularly for persons with disabilities. The City should amend its ordinance to remove obstacles to the creation of group homes.

#### **e. Definition of Family**

Restrictive definitions of family may impede unrelated individuals from sharing a dwelling unit. Defining family broadly advances nontraditional families and supports the blending of families who may be living together for economic purposes. Restrictions in the definition of family typically cap the number of unrelated individuals that can live together. These restrictions can impede the development of group homes, effectively impeding housing choice for the disabled. However, in some cases, caps on unrelated individuals residing together may be warranted to avoid the health and safety problems created by overcrowding. The City of Dover defines a family as one or more persons occupying a dwelling unit as a single nonprofit housekeeping unit. More than five persons, exclusive of domestic servants, or not more than one boarder or roomer, not related by blood, marriage or adoption, shall not be considered to constitute one family. The City limits the number of unrelated individuals to five persons. Because the ordinance does not have an exception for group homes for persons with disabilities, this cap unduly restricts the number of persons who can live together in such an arrangement. However, in some cases, restrictions on the number of unrelated individuals residing together may be warranted for health and overcrowding issues and to comply with Building and Fire codes adopted at the state and Municipal levels.

#### **f. Regulations for Group Homes for Persons with Disabilities**

Group homes are residential uses that do not adversely impact a community. Efforts should be made to ensure group homes can be easily accommodated throughout the community under the same standards as any other residential use. Of particular concern are those that serve members of the protected classes such as the disabled. Because a group home for the disabled serves to provide a non-institutional experience for its occupants, imposing conditions are contrary to the purpose of a group home. More importantly, the restrictions, unless executed against all residential uses in the zoning district, are an impediment to the siting of group homes and are in violation of the Fair Housing Act. Two primary purposes of a group home residence are normalization and community integration. By allowing group residences throughout the community in agreement with the same standards as applied to all other residential uses occupied by a family, the purposes of the use are not hindered and housing choice for the disabled is not impeded. Towards this end, municipalities may not impose distancing requirements on group homes for persons with disabilities.

*In Horizon House*

*Development Services, Inc. v. Township of Upper Southampton, PA*, the court found a 1,000-foot spacing requirement to be in violation of the Fair Housing Act. The court also found the Township's requirement for an applicant to seek and receive a variance from the ordinance to establish a group home within the 1,000-foot distance also to be a violation. The City of Dover has no definition encompassing the "group home" use. Presumably, a group home could be established as a single-family dwelling unit in any residential district as a result. However, the City's definition of "family" does not allow for more than five unrelated persons to share a family household, which would also not allow more than five unrelated persons to live together in a group home.

**Impediment #1:** The City's increasingly diverse minority population may require language accommodations to ensure that all residents can access programs and services.

**Impediment #2:** Minority households have greater difficulty becoming home owners in Dover because of lower incomes.

**Impediment #3:** The City's supply of housing that is affordable to households up to 80% of median household income is inadequate

**Impediment #4:** The City's supply of affordable and accessible housing units is inadequate to meet demand.

**Impediment #5:** The City's process for allocating and reporting CDBG funds could be improved from a fair housing perspective.

**Impediment #6:** Policy documents utilized by the Dover Housing Authority could be improved from a fair housing perspective.

**Impediment #7:** The 2008 Comprehensive Plan does not recognize the City's responsibility to affirmatively further fair housing.

**Impediment #8:** The City of Dover's zoning ordinance limits fair housing choice for certain families and persons living in group homes.

**Impediment #9:** Members of the protected classes could be more fully represented on City boards and commissions dealing with housing issues.

**Impediment #10:** Mortgage loan denials and high-cost lending disproportionately affect minority applicants.

**K. Signature Page for the City of Dover**

By my signature I certify that the Analysis of Impediments to Fair Housing Choice for the City of Dover is in compliance with the intent and directives of the regulations of the Community Development Block Grant Program regulations.

---

(Signature of Authorizing Official)

---

Date

In the AI report The Delaware Code "Definition of Family" reads:

One or more persons occupying a dwelling unit as a single nonprofit housekeeping unit. Does not include more than five persons not related by blood, marriage or adoption.

The comments: **No explicit exception for group homes for persons with disabilities.**

In the report The Delaware Treatment of Group Homes reads: "No definition". Could presumably exist as single family unless it exceeds five residents.

The comments: Cap on unrelated residents sharing house prevents any group home from having more than five residents. **That is inconsistent with the Fair Housing Act.**

At a Sept 12, 2011 Dover City council meeting a review of the Analysis of Impediments to Fair Housing Choice was discussed. As a federal entitlement community that receives CDBG funds from HUD the city is required to certify that funds will be carried out and administered according to the fair housing act. It was noted that HUD defines an impediment to fair housing choice as any actions, omissions, or decisions that restrict, or have the effect of restricting, the availability of housing choices based on race, religion, sex, disability, familial status, or national origin. Ann Marie Townshend reported that the city had contracted a consulting firm to conduct the Analysis of Impediment which reviews entitlement community's laws, regulations, and administrative policies and procedures affecting accessibility of housing. This analysis outlines the impediments for Dover and provides recommendations and strategies in order for the city to meet fair housing goals. Approval and implementation of the Fair Housing Action Plan will preserve the City's eligibility for funding from HUD and protect the City in the event of litigation relating to fair housing.

Responding to a question from Mr. Anderson, Mrs. Townshend stated that the current definition of family, in this context, is "not more than five (5) unrelated people functioning as a household, not including a butler." She explained that the difficulty is determining whether or not people are functioning as a household. Mrs. Townshend indicated that staff plans to conduct research on this topic and will submit an ordinance to redefine "family." Mr. Anderson felt that there should not be any amendment that would hinder college students who are residing together from obtaining affordable housing, noting this is a very important industry for the City.

Responding to Dr. Jones, Mrs. Harvey advised members that 2012 timelines were provided for some of the Strategies to Address Impediments since the consultants felt that these measures could be implemented within one (1) year; however, others were assigned a later date for completion since the Comprehensive Plan will not be released until 2014. She noted that the consultants suggested a five (5) year timeframe for implementation of many of the strategies. Mrs. Townshend explained that she and Mrs. Harvey plan to set annual goals for achievement of the objectives listed.

To this day the definition in the City of Dover Code is:

***Family: One or more persons occupying a dwelling unit as a single nonprofit housekeeping unit. More than five persons, exclusive of domestic servants, or not more than one boarder or roomer, not related by blood, marriage or adoption, shall not be considered to constitute one family.***



*Interesting to note that the Feb 2006 council minutes report that Mrs. Tracey Harvey advised members that the Analysis of Impediments study completed by the Center for Community Research U of D completed in Sept of 2003 and the addendum of Jan 2004 identified the following impediments and the need for corrective actions to remedy the; Lack of Affordable Housing General and for Persons with Disabilities; lack of Fair Housing Education and Outreach and Segregated Housing and Fair Housing Programs and Activities for the City of Dover.*

According to The Federal Office of Housing and Urban Development definitions of what constitutes a family are very clearly defined. The Equal Access Rule defines family as follows:

Family includes, but is not limited to, regardless of marital status, actual or perceived sexual orientation, or gender identity, the following:

1. A single person, who may be an elderly person, displaced person, disabled person, near-elderly person, or any other single person; or,
2. A group of persons residing together, and such group includes, but is not limited to:
  - a. A family with or without children (a child who is temporarily away from the home because of placement in foster care is considered a member of the family);
  - b. An elderly family;
  - c. A near-elderly family;
  - d. A disabled family;
  - e. A displaced family; and,
  - f. The remaining member of a tenant family.

Family includes, but is not limited to, regardless of marital status, actual or perceived sexual orientation, or gender identity, any group of persons presenting for assistance together with or without children and irrespective of age, relationship, or whether or not a member of the household has a disability. A child who is temporarily away from the home because of placement in foster care is considered a member of the family.

What this means is that any group of people that present together for assistance and identify themselves as a family, regardless of age or relationship or other factors, are considered to be a family and must be served together as such. Further, a recipient or subrecipient receiving funds under the ESG or CoC Programs cannot discriminate against a group of people presenting as a family based on the composition of the family (e.g., adults and children or just adults), the age of any member's family, the disability status of any members of the family, marital status, actual or perceived sexual orientation, or gender identity.

Here are two examples of how this might apply:

- o **An emergency shelter, transitional housing project, or permanent housing project that serves households with children.** While it is acceptable for a shelter or housing program to limit assistance to households with children, it may not limit assistance to only women with children. Such a shelter must also serve the following family types, should they present, in order to be in compliance with the Equal Access rule:
    - o Single male head of household with minor child(ren); and
    - o Any household made up of two or more adults, regardless of sexual orientation, marital status, or gender identity, presenting with minor child(ren).
- In this example, the emergency shelter or housing program would not be required to serve families composed of only adult members and could deny access to these types of families provided that all adult-only families are treated equally, regardless of sexual orientation, marital status, or gender identity.

- A permanent supportive housing project under the CoC Program rule that serves chronically homeless families. A permanent supportive housing program that serves families must serve all types of families and cannot discriminate against any family based on marital status, actual or perceived sexual orientation of the family members, or gender identities of the family members. Therefore, if two adults present together as a family, the recipient or subrecipient must serve the two adults as a family and may not require proof of marriage and may not limit assistance to couples in a heterosexual relationship.

Group House of Port Washington v. Board of Zoning and Appeals of the Town of North Hempstead, 45 N.Y. 2d 266, at 272 (1978). The Town had defined family as

- "[o]ne (1) or more persons related by blood, marriage or legal adoption residing or cooking or warming food as a single housekeeping unit; with whom there may not be more than two (2) boarders, roomers or lodgers who must live together in a common household."
- In a 4-3 decision, Court of Appeals held that the definition of "family" improperly excluded from its scope group homes. The Court explained that in zoning for stable neighborhoods in a single family district, local governments must include the functional and factual equivalents of natural families, as well as traditional families.

#### I. Guidelines to Drafting a Definition of Family

In light of the numerous state and federal court decisions on the subject of defining "family," some guidelines may be gleaned as to constitutionally permissible standards.

1. Preservation of the character of single-family areas remains a legitimate purpose of zoning.
2. Zoning may not exclude a group which "in every way but a biological sense is a single family" (White Plains, *supra*); or a household "which poses no threat to the goal of preserving the character of the traditional single-family neighborhood" (McMinn *supra*).
3. Court decisions have indicated that the "factual and functional equivalent" of a traditional family of unrelated persons may be evidenced by the following:
  1. single housekeeping unit;
  2. more or less permanent living arrangement;
  3. stable, rather than transient living arrangements (except where the handicapped are affected);
  4. a group headed by a householder caring for a reasonable number of children as one would be likely find in a biologically unitary family (White Plains 34 N.Y.2d at 306).

The Supremacy Clause of the US Constitution gives federal laws, such as the Fair Housing Act, precedence over conflicting state and local laws. Consequently, the Fair Housing Act prohibits state and local land use and zoning laws, policies, and practices that discriminate based on a characteristic protected under the Fair Housing Act. As defined in the Fair Housing Act, prohibited practices include making unavailable or denying housing (including vacant land that may be developed into residences) because of a protected characteristic.

In a joint statement between HUD and DOJ practices that may violate the FHAA are:

- Prohibiting or restricting the development of housing based on the belief that the residents have a particular protected characteristic, such as race, disability, or family status
- Imposing restrictions on housing because of alleged public safety concerns based on stereotypes about the residents or anticipated residents who have protected characteristics.
- Refusing to provide reasonable accommodations to land use or zoning policies when such accommodations may be necessary to allow persons with disabilities to have an equal opportunity to use and enjoy housing.

A Land use or zoning practice can result in an unjustified discriminatory effect if it caused or predictably will cause a disparate impact on a group of persons, or if it creates, increases, reinforces, or perpetuates segregated housing patterns because of protected characteristics.

When enacting or applying zoning or land use laws, state and local governments may not act because of the fears, prejudices, stereotypes, or unsubstantiated assumptions that community members may have about current or prospective residents because of the residents protected characteristics.

**A local government may not block a group home or deny a requested reasonable accommodation in response to neighbors' stereotyping fears or prejudices about persons with disabilities or a particular type of disability.**

#### **DEFINITION OF DISABILITY / HANDICAP**

The Fair Housing Act uses the term "handicap" instead of "disability." Under the Act, "handicap" means, with respect to a person, or mental impairment which substantially limits one or more major life activities; a record of such an impairment; or being regarded as having such an impairment. This term does not include current, illegal use of or addiction to a controlled substance. "Physical or mental impairment" includes:

1. any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: neurological; musculoskeletal; special sense organs; respiratory, including speech organs; cardiovascular; reproductive; digestive; genito-urinary; hemic and lymphatic, skin; and endocrine; or
2. any mental or psychological disorder, such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities.<sup>99</sup>

The term "physical or mental impairment" includes, but is not limited to, such diseases and conditions as orthopedic, visual, speech and hearing impairments, cerebral palsy, autism, epilepsy, muscular dystrophy, multiple sclerosis, cancer, heart disease, diabetes, Human Immunodeficiency Virus (HIV) infection, mental retardation, emotional illness, drug addiction (other than addiction caused by current, illegal use of a controlled substance) and alcoholism.<sup>100</sup>

"Major life activities" means functions such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working.<sup>101</sup>



In July of 2015 HUD announced the "Final Rule". Meaningful actions to address significant disparities in housing needs and in access to opportunity, replacing segregated living patterns with truly integrated and balanced living patterns, transforming racially and ethnically concentrated areas of poverty into areas of opportunity, and fostering and maintain compliance with the civil rights and fair housing laws. The AFFH Final rules applies to States and local governments that received CPD formula grants (CDBG, HOME, ESG, or HOPWA) as well as public housing agencies. Those agencies that were previously required to complete the AI will now be required to complete will now conduct a new Assessment of Fair Housing (AFH).

**The rights of recovering alcoholics and drug addicts to live in Oxford Houses located in good neighborhoods are well established. A memorandum summarizing cases involving Oxford House precedents under the federal Fair Housing Act entitled Legal Memo Zoning can be downloaded.**

# **City of Dover, Delaware**

---

## **Governing Policy**

**For**

## **Energy Commodity Risk Management**

---

**Effective: August 28, 2017**

**Approved by: City of Dover Council**

*(Last Revision August 10, 2015)*

## TABLE OF CONTENTS

PURPOSE OF THE RISK MANAGEMENT POLICY.....	4
A.    Introduction.....	4
B.    Scope of Policy .....	4
C.    Objectives and Risk Philosophy .....	5
D.    Policy Administration.....	5
MANAGEMENT AND CONTROLS.....	6
A.    Utility Committee of The City Council .....	6
B.    Executive Risk Management Committee.....	6
1.    City Manager .....	8
2.    Director of the Utility.....	8
3.    Controller.....	8
4.    TEA Client Services Manager.....	9
DISCUSSION OF RISKS .....	9
MARKETING AND TRADING PRACTICES .....	10
A.    Standards of Conduct .....	10
B.    Products, Activities and Limitations .....	11
C.    Contract Documentation and Confirmations.....	11
D.    Training.....	12
E.    New Product Protocol .....	12
RISK LIMITS AND RISK MEASUREMENTS.....	12
A.    Limits.....	12
1.    Delegation Authority .....	12
2.    Volume Limits .....	13
3.    Locational Limits .....	13
B.    Stress Testing and Back Testing .....	13
C.    Instances of Exceeding Risk Limits.....	13
CREDIT POLICY.....	13
A.    Measuring Credit Risk.....	14
B.    Analysis and Extension of Credit Limits .....	14
C.    Instances of Exceeding Credit Limits .....	15
REPORTING .....	15
A.    Risk Reporting .....	15
B.    Credit Reporting.....	16
C.    Hedge Effectiveness Reporting .....	17
INFORMATION TECHNOLOGY SYSTEMS .....	17

POLICY DISTRIBUTION AND COUNSEL .....	17
A. Distribution Outside The City .....	17
B. Designated Counsel .....	17
APPENDIX A – Approved Products .....	18
APPENDIX B – Approved Counterparties and Threshold Tables .....	19
APPENDIX C – Business Risks .....	24
APPENDIX D – Glossary .....	25
APPENDIX E – Swap Transaction Representative .....	27

---

## PURPOSE OF THE RISK MANAGEMENT POLICY

---

### A. Introduction

The City of Dover (“**City**”) and its customers are routinely exposed to energy price risk, volume variability risk, basis risk and credit risk – herein referred to collectively as energy commodity risk - in the normal conduct of serving its electric load requirements. Volatility of energy commodity prices and volumetric uncertainty (either supply/generation or load obligations) impose a substantial and direct risk to the City’s financial and operating performance.

By authority of its charter, the City has responsibility for overseeing the City’s electricity operations, including the management of its cost of serving Dover’s customers. By agreement dated May 6, 2011 and approved by the City (the “**EMA**”), the City has engaged The Energy Authority, Inc. (“**TEA**”) to assist the City with Asset Management and Strategic Planning Services, Risk Management Services, and Energy Management Services.

This Policy for Energy Commodity Risk Management (“**Policy**”) is established the explicit understanding that the City has retained and delegated responsibilities to TEA to provide Risk Management Services.

Additionally, the City has issued this Policy for dealing with the philosophy, framework and delegation of responsibilities necessary to govern activities related to Dover’s energy commodity risk management. As set forth herein, the City has established an organizational structure, delegated responsibility and established internal controls and procedures to ensure that all transactional and oversight activities are conducted in compliance with this Policy and in accordance with the City’s normal reporting, legal, financing and regulatory requirements relating to energy assets and transactions.

### B. Scope of Policy

This Policy covers all transactions entered into the by the City of Dover designed to meet the City’s electric load requirement and the management of risk related to these transactions.

In the event of conflict between this Policy and the EMA, the Policy shall control. This Policy is separate and distinct from enterprise risk management policies and procedures addressing the City’s safe operation of its generating stations and energy infrastructure, insurance requirements, permit compliance, employee matters regulatory compliance with laws and regulations of the State of Delaware and Federal

Agencies such as EPA, FERC, NERC and CFTC or other potential risks to the City beyond the purchase and sale of fuel and electric power and its ancillary products.

### **C. Objectives and Risk Philosophy**

The objectives of the Policy are to identify energy commodity price and credit risk exposures and give the City a framework for the quantification and management of these exposures. The Policy will identify the reports needed to convey how the identified risk exposures can potentially impact the City's overall cost of providing electricity service to its customers and report on the risk management of the transactions associated with City's electric load requirements.

Under the Policy, risk management activities will be conducted consistent with the City's overall objective of appropriate risk mitigation. There are several objectives of the Policy which, when taken and executed together, serve to manage the City's energy commodity price exposures. Specifically, the Policy:

- Establishes framework for developing credit limits for counterparties and quantifies and manages the credit exposures related to potential counterparty abrogation
- Quantifies the impact of the above exposures on City's financial results
- Manages the impact of the above exposures in line with the City's identified level of risk tolerance
- Provides clear delineation of responsibilities and authority, outline a separation of duties, and ensure reporting of risk is timely and accurate.
- Ensures that the impact of any action affecting the City's position is consistently quantified, monitored and authorized.

*The City's risk management activities will be conducted consistent with its overall objective of appropriate risk mitigation and never for purposes of speculation.*

### **D. Policy Administration**

This Policy has been approved by the Executive Risk Management Committee and The Utility Committee of the Dover City Council. The Utility Committee must approve modifications to the Policy with the exception of the appendix information which can be modified with the approval of the Executive Risk Management Committee.

---

## MANAGEMENT AND CONTROLS

---

This Policy articulates the management and organization of the City and TEA to serve as a control framework outlining delegation of duties and responsibilities.

### **A. Utility Committee of The City Council**

The Utility Committee of The City Council (The Committee) has a responsibility to provide approval of this Policy. With this approval, The Committee also assumes additional duties. They will understand the risks the City is and could be exposed to due to their energy commodity risk management activities. In this role, the Committee will have a responsibility to also understand the City's policies and procedures, internal controls and systems which are used to help manage the City's energy commodity risks.

The Committee will approve any amendments to the Policy or limits within. The Executive Risk Management Committee will update the Committee periodically regarding the Policy and its functions. It will be the Committee's responsibility to:

- Discuss guidelines and strategic policies that govern the process by which the Energy Risk Management Committee assesses and manages risks
- Review and approve the risk policy at least annually
- Approve new members of the Executive Risk Management Committee
- Acknowledge the risk inherent in transactions covered under this Policy

### **B. Executive Risk Management Committee**

An Executive Risk Management Committee ("ERMC") has been formed to provide executive management oversight for the City's energy commodity risk management activities. The ERMC is charged with the creation, amendment and administration of this Policy, including acquiring any approvals required by the Utility Committee, and will ensure that all energy commodity risk management activities of the City are performed consistent with this Policy. The ERMC will meet at least monthly to review compliance and conduct its business as described in this Policy.

The ERMC shall be comprised of the following voting members: The City Manager, The Director of Utility, The City's Controller and TEA's Client Service Manager.

The City's ERMC will make decisions following the process outlined in this Policy. TEA's Client Services Manager may include representatives from other areas within TEA in the monthly ERMC meetings who will attend in person or by conference call as non-voting advisors. Other City employees and TEA staff may also be asked to attend

meetings from time-to-time, as the ERM C deems necessary. The responsibilities of the ERM C shall include:

- Establish scope and frequency for management reporting to the Utility Committee.
- No less than annually, review the City's Energy Commodity Policies and Procedures for correctness and completeness.
- Review and approve any new risk report or change to an existing risk report provided by TEA to monitor risks outlined in this Policy.
- Understand and approve any models, methodologies, and assumptions used for measuring risks such as volume risk, process risk, counterparty risk and commodity risk.
- Monitor the City's risks and ensure they are within the limits and are being managed according to what is indicated within the City's Policy and associated procedures
- Understand the City's risk management objectives and risk tolerances.
- Review and approve the risk management and trading strategy programs and associated risk. Each program should be reviewed to ensure alignment with Policy objectives and compliance with risk limits within this Policy.
- Periodically review any risk management program approved in light of recent market changes, and ensure continued compliance with its established guidelines
- Review and approve new products, markets, trading counterparties and credit limits
- Review all violations and exceptions to this Policy and report such to the Committee.
- Approve the individuals or companies that engage in the City's commodity transactions and are subject to the limits within this Policy.
- Ensure that the individuals or companies authorized to transact on behalf of the City as well as manage its risks, are appropriately trained and qualified.
- Ensure independence and segregation of duties between front, middle and back office at TEA.
- Recommend changes to this Policy to the City's Utility Committee for approval and ensure the Utility Committee understands the City's overall compliance with this Policy and associated procedures.
- The ERM C will meet at least monthly to review risks identified and reported on by the Policy, this meeting shall be chaired by The City Manager. Minutes of each meeting of the ERM C shall be recorded and reflect any decisions and follow-up action items to be performed. These minutes will be reviewed and approved by the members of the ERM C in a timely manner.



Each member of the ERM C has a unique role as defined below:

### **1. City Manager**

The City Manager is independent of all commercial functions and carries the responsibility of establishment and maintenance of risk management for the City. The City Manager will be a voting member of the ERM C and act as a chair of the ERM C. Other responsibilities include:

- Ensure this Policy is maintained.
- Oversee reviews of the City's energy commodity risks, limits, risk measurement methodologies and models, and programs and recommend changes to the ERM C.
- Ensure potential transactions and their impacts on the City's risks and limits defined within this Policy.
- Develop and monitor the implementation of the Policy, and oversee other risk management processes and procedures established by this Policy or otherwise by the ERM C.

### **2. Director of the Utility**

The Director of the Utility has oversight for all trading, hedging, pricing, structuring, and market and operational risk management activities associated with the City. The Director of the Utility will be a voting member of the ERM C. Other responsibilities include:

- Review the effectiveness of transaction processing systems and procedures relating to risk measurement.
- Recommend operational risk and business risk assessment guidelines.

### **3. Controller**

The Controller is independent of all commercial functions and carries the oversight responsibilities associated with the City's accounting practices. The Controller will be a voting member on the ERM C. Other responsibilities include:

- Perform financial accounting including accounting for hedging and derivatives activities.
- Comply with tax rules and make appropriate tax elections.
- Record realized and unrealized gains and losses.
- Reconcile general ledger, cash transactions and margin accounts.
- Implement tax-hedge accounting policies and other regulatory tax requirements.

- Develop and maintain documentation outlining standard procedures for conducting business.
- Invoice counterparties and resolve billing disputes.
- Perform daily/weekly/monthly transaction checkout with counterparties.
- Develop and maintain documentation outlining standard procedures for conducting business.

#### **4. TEA Client Services Manager**

The TEA Client Service Manager roles and responsibilities are defined exhibit B of the EMA between the City and TEA. The TEA Client Service Manager will be a voting member on the ERM. Other responsibilities include:

- Monitor risk reports between ERM meetings.
- Report to the Committee and the ERM on the City's adherence to all limits and functions within this policy.
- Engage the ERM in discussions regarding events or developments that could expose the company to potential losses.
- Recommend to the ERM specific risk limits consistent with the City's risk management objectives, risk tolerance, and risk management policy.
- Coordinate and distribute independent market fundamental analysis.
- Provide advisory support and recommendations as specified in Article 5 of the EMA.
- Update ERM on training of TEA employees.

---

## **DISCUSSION OF RISKS**

---

This Policy covers the management of all material energy market risks faced by the City. A comprehensive list of risks that are or could be relevant to City is shown in Appendix C of the Policy. Among the most critical of these risks are commodity risk, counterparty risk, process risk, volume risk, and budget risk. These risks are measured by the limit structure and controls outlined in the Policy.

Commodity risk represents the potential adverse impacts to the value of the City's portfolio due to changes in the market. Commodity risk encompasses volatility risk, forward price risk, basis risk, correlation risk and liquidity risk.

Counterparty risk represents the potential losses the City could incur due to delivery risk and receivable risk. Delivery risk stems from a supplier or trading counterparty that is unable or unwilling to perform on its commitments including but not limited to delivery or receipt of commodities. Receivable Risk includes the City's risk associated with a counterparty's timeliness of payment for services rendered.

Process risk represents the risks associated with process problems including, but not limited to, inaccurate data capture, untimely trade execution or settlement problems. Controls over process risks are embedded in the organizational structure of TEA through the design processes and operating procedures.

Volume Risk represents the potential for unforeseen changes from projections of excess or shortfall of capacity or energy from the actual needs. When variances are large coupled with large costs to transact and adverse moves in market prices this risk could be realized. In management of this risk, the City must be aware of the fact that unexpected variations in volume are often highly correlated with price movements.

Budget Risk represents the potential to deviate outside of tolerable bounds of the City's budget. Deviations from budget can be caused by forecast error or unforeseeable adverse changes in market prices.

Regulatory Risk arises from participation in regulated markets. With the Independent System Operator (ISO) implementation of Federal Energy Regulatory Commission (FERC) Order 741, the City faces increasing regulatory risk when participating in wholesale energy markets. The TEA Compliance department works in conjunction with the TEA Risk Control department to help the City manage regulatory risk.

Regulatory risk is managed by:

- Annual Compliance Training for all employees participating in regulated markets;
- Integration of the appropriate compliance culture within the Trading department through ongoing interaction between Compliance and Trading;
- An independent monitoring and exposure measurement on transactions that could trigger an increase in regulatory risk.

---

## **MARKETING AND TRADING PRACTICES**

---

### **A. Standards of Conduct**

Individuals authorized to transact for the City shall not misrepresent, conceal or withhold information regarding energy commodity trading and risk management transactions to any person responsible for the accurate recording and/or reporting of such transactions; participate in any such transaction or similar activity for the benefit of any party other than the City; or hold or be a beneficiary of any financial interest in any entity with which the employee is engaged in trading or other business activity (other than ownership of an interest in a mutual fund managed by another party). Further, no employee authorized to place or execute such transactions may engage in trading power or energy commodities derivative instruments for his or her personal account.

## **B. Products, Activities and Limitations**

Pursuant to achieving the City's core objectives for the purpose of energy commodity risk management, the following limitations shall apply.

- Permissible instruments will be restricted to the products and instruments specified in Appendix A – Approved Products of the Policy;
  - All physical forward transactions shall be governed by the Edison Electrical Institute (EEI), North American Energy Standards Board (NAESB), or similar agreements with counterparties approved by the City.
  - The City reserves the right to enter into financial hedge transactions to effectuate Policy objectives, but does not authorize TEA to enter into financial hedge transactions on its behalf. Any such financial transactions that the City may enter into shall be governed by ISDA agreements with counterparties as approved by the City.
- The maturity for each permissible instrument will be restricted to the maturity limits specified in the risk limits section of the Policy.
- Transaction volumes for each risk management transaction will be restricted to the amounts specified in the Risk Limits section of the Policy.
- Risk management transactions will be outlined in the *City of Dover Hedge Program* which will be approved by the ERMC. Risk management transactions may include the following:
  - Hedging the forward price of purchased power for delivery to the City as needed to meet its electric load requirements.
  - Hedging the forward price of natural gas and fuels as needed to generate power to meet the City's electric load requirements.
  - Unwinding of hedges to accommodate changes in expected load requirements, or for economic reasons subject to explicit constraints set by the ERMC.

## **C. Contract Documentation and Confirmations**

No over-the-counter transaction may be executed until an EEI, NAESB, or similar agreement has been authorized by the City, approved by the ERMC and fully executed by the parties.

Written confirmations will be required from counterparties, as defined in the Master Service Agreement between the City and counterparty, within one business day or such longer time as required by the contract in question for all risk management transactions. Contemporaneous with any commitments and prior to receipt of written confirmations, verbal commitments shall be memorialized internally as to instrument structure, quantity, relevant time horizon, price and any other relevant terms; such internal

documentation shall be time stamped and correlated to the ultimate written confirmation to or from the counterparty. Both the internal documentation as well as the written confirmation from the counterparty shall be provided to TEA's Risk Control Group immediately upon receipt for verification.

In the event that there is a material failure to provide timely documentation or confirmations, then at the City Manager's sole discretion, the offending individual's authorization may be suspended. Similarly, if the failure to provide timely documentation or confirmations is due to the failure of counterparty, then at the discretion of the City Manager, a moratorium may be imposed on transactions with that counterparty. In such cases, the City Manager shall notify the ERMCM of the issues leading to the suspension or moratorium shall.

Nothing herein shall inhibit the City Manager from bringing control issues to the TEA's Client Services Manager prior to a decision on materiality or the imposition of a suspension of trading privileges or counterparty moratorium.

#### **D. Training**

The ERMCM will ensure that all City employees and/or TEA Staff that will execute transactions on behalf of the City will have appropriate training in the markets in which the transactions occur.

#### **E. New Product Protocol**

As required to manage the City's energy commodity risk the ERMCM shall approve new products provided the requirements of the *New Product Approval Procedure* are met.

---

### **RISK LIMITS AND RISK MEASUREMENTS**

---

#### **A. Limits**

The limit structure is designed to quantify the types of risk in the City's energy commodity portfolio. The City will manage and report on its energy commodity market risk using Delegation of Authority Limit, a Volume Limit and a Locational Limit.

##### **1. Delegation Authority**

The Utility Committee delegates the following approval authority limits to the Dover ERMCM. The ERMCM may not delegate these authorities to individuals authorized to commit Dover to financial obligations.

Position	Maturity Limit	Term Limit	Notional Value Limit
Dover ERM	5 years	5 years	20,000,000
TEA	1 month	1 month	1,000,000

This limit structure is not intended for use when transacting day-ahead and real time in the PJM market.

## 2. Volume Limits

For no reason should a transaction be executed that exceeds the City's electric load requirements. If there is an adjustment to the City's electric load requirements and the existing transactions greater than 100% of the adjusted electric load requirements the ERM will review and approve the offsetting strategy deployed in sufficient proportion to mitigate the encroachment.

## 3. Locational Limits

Non-Commodity Transactions must support the requirement of one of the City's generation units, native load or transaction locations.

## B. Stress Testing and Back Testing

The City's positions shall be periodically stress tested and models shall be back tested. The processes around these tests are outlined in the *Stress Testing and Back Testing Procedure*.

## C. Instances of Exceeding Risk Limits

Should the City or TEA enter into a transaction that causes the portfolio to exceed any above mentioned limits the Director of the Utility shall, in addition to notifying the ERM, also notify the Chair of The Committee as soon as practicable and shall provide periodic reports to the Chair on the status the transactions for as long as the City is exceeding its limits. The ERM will review and determine whether any liquidation or offsetting of transactions is warranted. The incident will be documented as a Policy Exception by the Director of the Utility.

---

## CREDIT POLICY

---

Credit Risk is the risk due to the uncertainty in a counterparty's ability to meet its contractual obligations. The primary objective of this credit policy is to mitigate, to the

extent commercially reasonable, the credit risks associated with transactions covered in this Policy while still allowing the City to achieve its objectives.

## **A. Measuring Credit Risk**

The status of credit risk will be measured and reported through reports provided by TEA.

The current credit exposure will be reported at the agreement level via a Counterparty Credit Report provided by TEA. This information will be made available in real time to TEA trading personnel so that it can be checked prior to executing transactions for the City. Those responsible for risk oversight at the City and TEA will have access to this information no less frequently than once per day. The ERMCM will monitor overall credit utilization and any credit exceptions at least monthly. When measuring the current credit risk, netting will be applied to the exposure if the City's contract with a counterparty includes provisions for netting.

## **B. Analysis and Extension of Credit Limits**

Physical and financial commodity transactions will be executed with counterparties approved by the ERMCM with credit available to support the transactions. The creditworthiness of a counterparty will be determined by both qualitative and quantitative factors. Factors shall include, but not limited to:

- A company's debt credit ratings provided by the rating agencies.
- Financial data such as an analysis of the income statement, balance sheet, and cash flow, as well as liquidity and capital structure.
- Subjective factors such as company's fuel diversity, overall size, risk management policy and internal controls, geographic diversity, and market intelligence.

A credit limit is the amount of unsecured credit granted to a counterparty. Unsecured credit exposure includes amounts owed by the counterparty, whether billed or not, and the mark-to-market differences in value of any collateral which the counterparty has provided the City. Any net exposure above the collateral threshold will require the posting of collateral by a counterparty. Further information on the City's procedure for establishing credit is contained in the *Counterparty & Credit Review Process*.

Collateral thresholds, term limitations and credit exposure limits will be subject to the maximums indicated in Appendix B, based upon the lower of the S&P and Moody's credit ratings.

**At no time will the City incur a credit exposure with any counterparty greater than \$60,000,000.**

## C. Instances of Exceeding Credit Limits

The City and TEA are restricted by the credit limits approved by the ERM. The ERM can suspend trading with a counterparty, if that counterparty's credit limit has been reached or exceeded. **The City or TEA traders shall not exceed the Counterparty Credit Limit by executing transactions with any counterparty without approval of the ERM.**

The ERM will determine when it's appropriate to require additional collateral if a counterparty's credit exposure exceeds its credit limit. Collateral includes standing letter of credit, cash, and prepayments.

All credit exceptions will be documented and reported to the ERM and the Committee as Policy Exceptions.

---

## REPORTING

---

### A. Risk Reporting

Preparation of timely reports is critical to monitoring risk. TEA will furnish the required reports on a regular frequency for the City in a format acceptable to the ERM. In addition, the ERM and its designees will be provided access to the City's risk reports as updated daily via TEA's secure Web Portal.

Reports required on a monthly basis and for periodic meetings of the ERM include the following:

- **Profit and Loss Report**

The Profit and Loss (P&L) Report shows the daily realization of transactions at either the transaction price or the market price as transaction roll from unrealized to realized. This report should show volumes, transaction prices and market prices of realized physical and financial power and fuel transactions.

- **Mark to Market Report**

The Mark to Market ("MTM") Report conveys the potential transaction exposure, of all existing forward transactions executed, if the energy commodity portfolio was liquidated at the most recent market settlement prices. This report should show volumes, transaction prices and market prices of unrealized physical and financial power and fuel transactions.



- **Daily Activity Report**

The Activity Report presents a summary of the day's trades executed in the bilateral energy market.

- **Cost of Service Report**

The City's exposure to energy price risk shall be monitored and reported on a Cost-of-Service basis. All calculations are at the wholesale level. The Cost-of-Service recognizes all prior (expired) months within the Power Year on the basis of actual (incurred) costs, and recognizes all forward (pending) months within the Power Year on the basis of expected forward power and fuel prices and expected forward load-following risks. As defined below, the Cost-of-Service is an aggregation of Forward Energy Commodity Portfolio Cost, the Load Following Cost Expectation and the City's Budget Target for Purchase Power Expense.

- The Net Purchased Power Cost shows the net cost of all physical and financial transactions related to the City's anticipated commodity requirements for power and fuel and is based on the price of all hedge transactions plus the forward market price of all unhedged transactions valued at current forward prices for energy commodities, customer-level cost per MWH of all physical and financial transactions related to Dover's actual plus anticipated energy.
- The expected fixed costs defined as load-serving entity (LSE) capacity costs, transmission costs and TEA management fees.
- The Expected Load-Following Cost for a specified power year is defined as the expected cost (or revenue) associated with intra-month load variations due to weather or other events affecting demand. As an interim measure due to lack of necessary market information and the rapid evolution of the PJM RTO market, the ERMCI has specified \$2.50 per MWH as an estimate of the Load Following Cost to be used for estimating the City's Forward Cost-of-Service Report. The ERMCI will update the Expected Load Following estimate while lack of necessary market information persists no less than annually.
- The Budget Target for Purchase Power Expense represents the City's view of expected purchase power expense.

## **B. Credit Reporting**

- **Counterparty Credit Report**

The Counterparty Credit Report conveys the exposure to all counterparties with which the City has credit exposure resulting from its energy commodity risk management activities.

- **CFTC Reporting**

The City understands that transacting over the counter (OTC) swaps carries an additional Commodity Futures Trading Commission (CFTC) reporting function. Once

required by the CFTC, the City will report on how the City generally meets its financial obligations associated with entering into non-cleared swaps in a manner acceptable to the CFTC.

### **C. Hedge Effectiveness Reporting**

If the City's transactions require a hedge effectiveness test, those testing results will be reported to the ERMCM no later than one month after the end of the financial reporting period. The report will include a summary of testing methodology, assumptions of the testing and the outcome of results with a pass or fail by transaction.

---

## **INFORMATION TECHNOLOGY SYSTEMS**

---

Since information systems play a vital role in The City's trading abilities, the City shall ensure that the information systems and technology used to store all transaction information is maintained and secure. The City's transactions will be stored in TEA's enterprise trading and risk management system. TEA uses the TriplePoint Commodity XL (CXL) system, integrated with Commodity XL for Credit Risk (Credit Risk). TEA has assigned a Database Administrator (DBA) that is charged with the database security and maintenance for the transaction database, CXL.

The following safeguards for data security and backup will be installed:

- Transaction data stored in the system of record will be replicated daily to ensure data redundancy;
- The CXL database will be backed up at least daily after the close of business.

---

## **POLICY DISTRIBUTION AND COUNSEL**

---

### **A. Distribution Outside The City**

The City's Policy is restricted to the use of the City and TEA organizations. It shall not be distributed outside these organizations without the consent the ERMCM.

### **B. Designated Counsel**

Questions about the interpretation of any matters of this Policy should be referred to ERMCM. The ERMCM will provide clarification and explanation on any updates to this Policy.

All legal matters stemming from this Policy will be referred to the City's Legal Counsel.

---

## **APPENDIX A – Approved Products**

---

The following shall constitute a list of approved products to be utilized by TEA to manage the City’s energy commodity portfolio:

- Physical Power
- Physical Natural Gas
- Physical Residual Fuel Oil (#2)
- Capacity
- Financial Power
- Financial Options
- PJM Demand Bids and Generation Offers
- PJM InSchedules
- PJM Transmission Products
  - Financial Transmission Rights
  - Annual Auction Revenue Rights
- PJM Tier 2 Synchronized Reserves

The above instruments can be executed by TEA on behalf of the City of Dover for the current and next two successive Power Years (July to June).

## APPENDIX B – Approved Counterparties and Threshold Tables

This Appendix establishes approved counterparties and their Collateral thresholds. Collateral thresholds, term limitations and credit exposure limits that are subject to the following maximums based upon the lower of the S&P and Moody's credit ratings:

### Credit Thresholds from Dover Extended to the Counterparty

#### Exelon Generation Company, LLC

Threshold	S&P	Moody's
\$ 60,000,000	AAA	Aaa
\$ 50,000,000	A- to AA+	A3 to Aa1
\$ 40,000,000	BBB+	Baa1
\$ 30,000,000	BBB	Baa2
\$ 20,000,000	BBB-	Baa3
\$ -	Below BBB-	Below Baa3

#### AEP Energy Partners, Inc.

Threshold	S&P	Moody's
\$ 10,000,000	BBB- and Above	Baa3 and Above
\$ -	Below BBB-	Below Baa3

#### BP Energy Company

Threshold	S&P	Moody's
\$ 60,000,000	AA- to AAA	Aa3 to Aaa
\$ 45,000,000	A+	A1
\$ 30,000,000	A	A2
\$ 15,000,000	BBB to A-	Baa2 to A3
\$ -	Below BBB	Below Baa2

#### Calpine Energy Services, L.P.

Threshold	S&P	Moody's
\$ 25,000,000	AAA	Aaa
\$ 15,000,000	AA- to AA+	Aa3 to Aa1
\$ 10,000,000	A- to A+	A3 to A1
\$ 5,000,000	BBB+	Baa1
\$ 3,000,000	BBB- to BBB	Baa3 to Baa2
\$ -	Below BBB-	Below Baa3

**EDF Trading North America, LLC**

Threshold	S&P	Moody's
\$ 18,000,000	Fixed	Fixed

**PSEG Energy Resources & Trade, LLC**

Threshold	S&P	Moody's
\$ 20,000,000	BBB- and Above	Baa3 and Above
\$ -	Below BBB-	Below Baa3

**Sequent Energy Management, L.P.**

Threshold	S&P	Moody's
\$ 5,000,000	Fixed	Fixed

**Conectiv**

Threshold	S&P	Moody's
Unspecified *	Above BBB+	Above Baa3
\$ -	Below BBB-	Below Baa3

**\* Conectiv does not have a defined credit threshold, so for planning purposes, a \$10,000,000 threshold is imposed as a conservative limit**

**Macquarie Energy, LLC**

Threshold	S&P	Moody's
\$ 25,000,000	AAA	Aaa
\$ 20,000,000	AA- to AA+	Aa3 to Aa1
\$ 15,000,000	A- to A+	A3 to A1
\$ 10,000,000	BBB+	Baa1
\$ 5,000,000	BBB	Baa2
\$ -	BBB- or below	Baa3 or below

**Morgan Stanley Capital Group**

Threshold	S&P	Moody's
\$ 25,000,000	AAA	Aaa
\$ 20,000,000	AA- to AA+	Aa3 to Aa1
\$ 15,000,000	A- to A+	A3 to A1
\$ 10,000,000	BBB+	Baa1
\$ 5,000,000	BBB	Baa2
\$ -	BBB- or below	Baa3 or below

**NextEra Energy Marketing, LLC**

Threshold	S&P	Moody's
\$ 30,000,000	AAA	Aaa
\$ 25,000,000	AA- to AA+	Aa3 to Aa1
\$ 20,000,000	A- to A+	A3 to A1
\$ 15,000,000	BBB+	Baa1
\$ 10,000,000	BBB	Baa2
\$ -	BBB- or below	Baa3 or below

**Deutsche Bank**

Threshold	S&P	Moody's
\$ 25,000,000	AAA	Aaa
\$ 20,000,000	AA- to AA+	Aa3 to Aa1
\$ 15,000,000	A- to A+	A3 to A1
\$ 10,000,000	BBB+	Baa1
\$ 5,000,000	BBB	Baa2
\$ -	BBB- or below	Baa3 or below

**Barclays Bank**

Threshold	S&P	Moody's
\$ 25,000,000	AAA	Aaa
\$ 20,000,000	AA- to AA+	Aa3 to Aa1
\$ 15,000,000	A- to A+	A3 to A1
\$ 10,000,000	BBB+	Baa1
\$ 5,000,000	BBB	Baa2
\$ -	BBB- or below	Baa3 or below

**Credit Thresholds from the Counterparty Extended to Dover****AEP Energy Partners, Inc.**

Threshold	S&P	Moody's
\$ 10,000,000	BBB- and Above	Baa3 and Above
\$ -	Below BBB-	Below Baa3

**BP Energy Company**

Threshold	S&P	Moody's
\$ 30,000,000	AA to AAA	Aa2 to Aaa
\$ 25,000,000	AA-	Aa3
\$ 20,000,000	A+	A1
\$ 15,000,000	A	A2
\$ 5,000,000	BBB to A-	Baa2 to A3
\$ -	Below BBB-	Below Baa3

**Calpine Energy Services, L.P.**

Threshold	S&P	Moody's
\$ 10,000,000	AA- to AAA	Aa3 to Aaa
\$ 7,500,000	A- to A+	A3 to A1
\$ 5,000,000	BBB+	Baa1
\$ 3,000,000	BBB- to BBB	Baa3 to Baa2
\$ -	Below BBB-	Below Baa3

**Exelon Generation Company, LLC**

Threshold	Fitch	Moody's
\$ 60,000,000	AAA	Aaa
\$ 50,000,000	A- to AA+	A3 to Aa1
\$ 40,000,000	BBB+	Baa1
\$ 30,000,000	BBB	Baa2
\$ 20,000,000	BBB-	Baa3
\$ -	Below BBB-	Below Baa3

**Conectiv**

Threshold	Fitch	Moody's
Unspecified *	Above BBB+	Above Baa3
\$ -	Below BBB-	Below Baa3

**\*Conectiv does not have a defined credit threshold, so for planning purposes, a \$10,000,000 threshold is imposed as a conservative limit**

**PSEG Energy Resources & Trade, LLC**

Threshold	S&P	Moody's
\$ 12,000,000 *	Fixed	Fixed

**\*Threshold is \$12,000,000 as long as Dover maintains a Debt Service Coverage greater than 1.25% and Total Net Assets of at least \$50,000,000 and Total Net Assets do not decline by more than 25% on a fiscal year end basis.**

**Morgan Stanley Capital Group**

Threshold	S&P	Moody's
\$ 25,000,000	AAA	Aaa
\$ 20,000,000	AA- to AA+	Aa3 to Aa1
\$ 15,000,000	A- to A+	A3 to A1
\$ 10,000,000	BBB+	Baa1
\$ 5,000,000	BBB	Baa2
\$ -	BBB- or below	Baa3 or below

**Macquarie Energy, LLC**

Threshold	Fitch	Moody's
\$ 25,000,000	AAA	Aaa
\$ 20,000,000	AA- to AA+	AA3 to Aa1
\$ 15,000,000	A- to A+	A3 to A1
\$ 10,000,000	BBB+	Baa1
\$ 5,000,000	BBB	Baa2
\$ -	BBB- or below	Baa3 or below

**NextEra Energy Marketing, LLC**

Threshold	Fitch	Moody's
\$ 23,000,000	AAA	Aaa
\$ 18,000,000	AA- to AA+	AA3 to Aa1
\$ 13,000,000	A- to A+	A3 to A1
\$ 8,000,000	BBB+	Baa1
\$ 3,000,000	BBB	Baa2
\$ -	BBB- or below	Baa3 or below

**EDF Trading North America, LLC**

Threshold	S&P	Moody's
\$ 18,000,000	Fixed	Fixed

**Deutsche Bank**

Threshold	Fitch	Moody's
\$ 25,000,000	AAA	Aaa
\$ 20,000,000	AA- to AA+	AA3 to Aa1
\$ 15,000,000	A- to A+	A3 to A1
\$ 10,000,000	BBB+	Baa1
\$ 5,000,000	BBB	Baa2
\$ -	BBB- or below	Baa3 or below

**Barclays Bank**

Threshold	Fitch	Moody's
\$ 25,000,000	AAA	Aaa
\$ 20,000,000	AA- to AA+	AA3 to Aa1
\$ 15,000,000	A- to A+	A3 to A1
\$ 10,000,000	BBB+	Baa1
\$ 5,000,000	BBB	Baa2
\$ -	BBB- or below	Baa3 or below

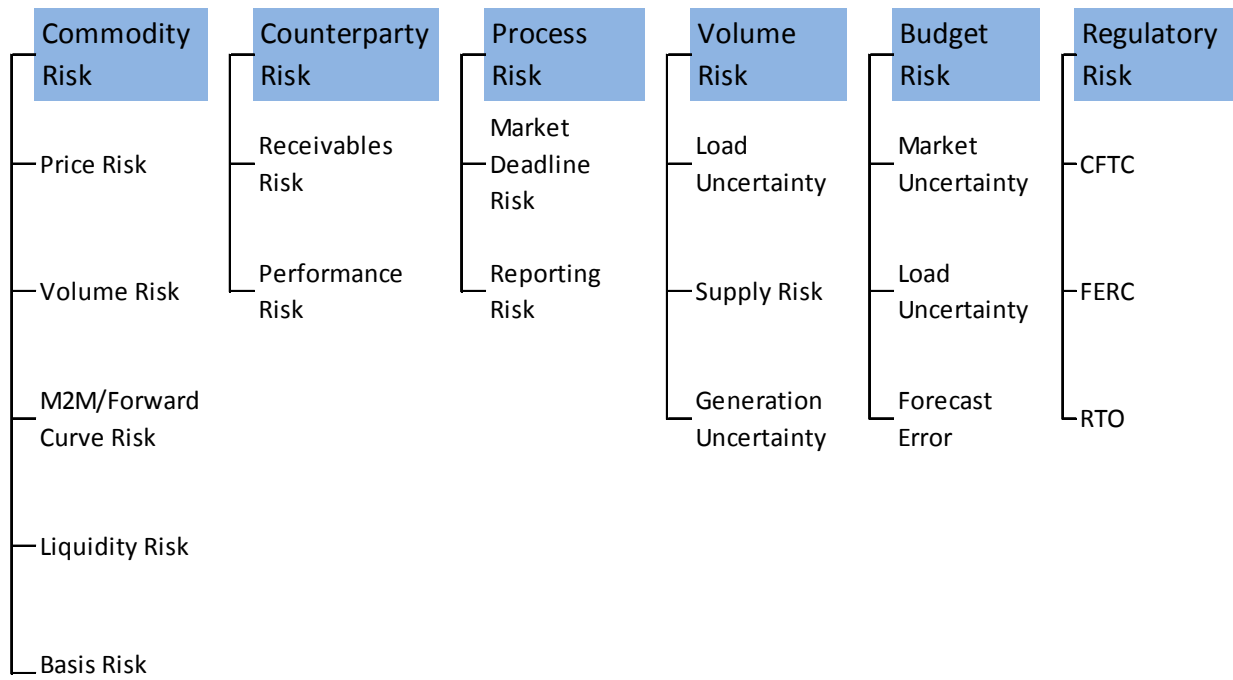


---

## APPENDIX C - Business Risks

---

### Business Risks Topology



---

## APPENDIX D – Glossary

---

**Back Office** – That part of a trading organization which handles transaction accounting, confirmations, management reporting, and working capital management.

**Bilateral Transaction** - Any physical or financial transaction between two counterparties, neither of whom is an Exchange or market entity (e.g. MISO).

**Capacity** – The real power output rating of a generator or system, typically in megawatts, measured on an instantaneous basis.

**Commodity** - A basic good used in commerce that is interchangeable with other commodities of the same type. Commodities are most often used as inputs in the production of other goods or services. The quality of a given commodity may differ slightly, but it is essentially uniform across producers. When they are traded on an exchange, commodities must also meet specified minimum standards, also known as a basis grade.

**Financial Bilateral Transaction** – A Bilateral Transaction that is non-physical and is defined by a Source Point, Sink Point, and Delivery Point that may be any CP Nodes as specified by the Midwest ISO.

**Financial Forward** – An agreement regarding a position in a specified commodity, a specified price, and a specified future settlement date, that does not result in physical delivery of the commodity. Rather one party in the agreement makes a payment to the other party on the basis of the commodity price at the future date.

**Front Office** – That part of a trading organization which solicits customer business, services existing customers, executes trades and ensures the physical delivery of commodities.

**Hedging Transaction** - A transaction designed to reduce the exposure of a specific outstanding position or portfolio; “fully hedged” equates to complete elimination of the targeted risk and “partially hedged” implies a risk reduction of less than 100%.

**Mark-to-Market Value** – A measure of the current value of unrealized positions; includes both Open Positions and Closed Positions.

**Middle Office** – That part of a trading organization that measures and reports on market risks, develops risk management policies and monitors compliance with those policies, manages contract administration and credit, and keeps management and the Board informed on risk management issues.

**Policy** – Dover’s Governing Policy for Energy Commodity Risk, as amended and approved by The Utility Committee.

**Portfolio** – A collection of transactions.

**Realized Gains/(Losses)** – The amount earned (or lost) from a transaction, considered to be **realized** once the time for performance has lapsed (e.g. delivery of power in the case of physical transactions or expiration of an option in the case of financial transactions).

**Term** – The total duration of a contract, defined as the number of days between the beginning flow date and ending flow date, inclusive.

**Unrealized Gains/ (Losses)** – The amount expected to earn (lose) on a specific transaction(s); however, the time for performance has not lapsed. The total value of Unrealized Gains/ (Losses) is the Mark-to-Market value.

---

## APPENDIX E – Swap Transaction Representative

---

### **Purpose:**

To ensure that the City of Dover, a Special Entity under the Dodd-Frank Financial Reform Act, selects a qualified representative (“Representative”) to provide advice and guidance when entering into swap transactions with Swap Dealers or Major Swap Participants.

### **Definitions:**

**Special Entity:** As defined in 7 U.S.C. 6s(h)(2)(C) and further interpreted in 17 C.F.R. 23.401(c). The City of Dover is a Special Entity as defined by 17 C.F.R. 23.401(c)(2).

**Swap Dealer:** As defined in 7 U.S.C. 1a(49) and further interpreted in 17 C.F.R. 1.3(ggg)

**Major Swap Participant:** As defined in 7 U.S.C. 1a(33) and further interpreted in 17 C.F.R. 1.3(hhh)

**Representative:** As defined in this policy and 17 C.F.R. 23.450

### **Policy:**

**Selection:** The City of Dover shall endeavor to seek and employ an individual or entity that will voluntarily act as a Representative for all energy commodity swap transactions between XXXX and any Swap Dealer or Major Swap Participant. The Representative must meet the following qualifications identified in 17 C.F.R. 23.450(b):

- (i) Has sufficient knowledge to evaluate the transaction and risks;
- (ii) Is not subject to a statutory disqualification;
- (iii) Is independent of the swap dealer or major swap participant;
- (iv) Undertakes a duty to act in the best interests of the Special Entity it represents;
- (v) Makes appropriate and timely disclosures to the Special Entity;
- (vi) Evaluates, consistent with any guidelines provided by the Special Entity, fair pricing and the appropriateness of the swap; and
- (vii) In the case of a Special Entity as defined in § 23.401(c)(2) or (4), is subject to restrictions on certain political contributions imposed by the Commission, the Securities and Exchange Commission, or a self-regulatory organization subject to the jurisdiction of the Commission or the Securities and Exchange Commission; provided however, that this paragraph (b)(1)(vii) of this section shall not apply if the representative is an employee of the Special Entity.

The Representative and the City of Dover shall enter into a legal agreement that binds the Representative to comply with items (i) through (vii) in this policy.

At no longer than any 12 month interval, the City of Dover shall review the performance of the Representative to ensure compliance with items (i) through (vii) in this policy.

**McDowell, Traci**

---

**From:** David Anderson <davidlevianderson@gmail.com>  
**Sent:** Monday, August 28, 2017 5:05 PM  
**To:** Sudler, Roy; Lewis, Brian E.  
**Cc:** Anderson, David; City Clerks Office  
**Subject:** Re: Fwd: Councilman Lewis would like for you to read this Statement of Absence from Meetings at tonight's Council Meeting

Will do.

On Aug 28, 2017 4:51 PM, "Roy Sudler Jr" <[Roysudlerjr@comcast.net](mailto:Roysudlerjr@comcast.net)> wrote:

Sent from my iPhone

Begin forwarded message:

**From:** Brian Lewis <[belewis1966@hotmail.com](mailto:belewis1966@hotmail.com)>  
**Date:** August 28, 2017 at 12:49:23 PM EDT  
**To:** "[davidlevianderson@gmail.com](mailto:davidlevianderson@gmail.com)" <[davidlevianderson@gmail.com](mailto:davidlevianderson@gmail.com)>  
**Cc:** "[roysudlerjr@comcast.net](mailto:roysudlerjr@comcast.net)" <[roysudlerjr@comcast.net](mailto:roysudlerjr@comcast.net)>  
**Subject:** RE: Statement of Absence from Meetings

I believe it is important that the following statement be read into the record since I am not in attendance at this evenings council meeting and would like for the people that I represent to be aware of the reason for my recent absence.

Last week my mom passed away to meet her creator and today I am finishing the final arraignments of her journey home. The last couple of weeks have been very sad and difficult for my family and I. I had to leave the State of Delaware and travel to Florida where my mom resided. She became ill and was placed on a ventilator then hospice care? I would hope that everyone understands family comes first and again this is a very sad time for me.

So everyone is aware, on Thursday, August 10th, I notified Council President Slavin and copied City Solicitor Rodriguez of my mothers illness. I asked Council President Slavin if I could be Excused from the 8/14/17, Council Meeting and this evenings Regular Council Meeting for I knew I would be out of town and didn't want any problems for missing the meetings. Council President Slavin responded in an email with "No Problem" and said my family and I would be in his thoughts and prayers, which I sincerely appreciated.

While I was down in Florida caring for my Mom at her bedside. I had my Cell Phone on me at all times and randomly checked my e-mails and texts messages on my phone. I received emails from Councilman Slavin inquiring how I was doing and received text messages from Councilman Sudler and Anderson asking the same.

During my absence from Delaware I received no communication from Mayor Christiansen or Mr. Lindell pertaining to this evenings agenda item "Proposed Amendment to Committees, Commissions and Boards Appointment Process. In a Delaware State News Article forwarded to me by Council President Slavin on 8/16/17, while in Florida. Mayor Christiansen stated in the article "he doesn't seem to be anywhere to get ahold of" referring to me. (See Newspaper Article) In a email to Mr. Polce and copied to me by Mr. Lindell on 8/18/17, Mr. Lindell states,

"Brian is a hard man to find in order to have a conversation"(See Attached Email). In addition to this statement , Mr. Lindell wrote extended comments in his email that I believe were unnecessary or relevant to the matter. In fact, I felt the comments expressed bitterness and animosity towards me. Something, I don't think we need with all Rhetoric of Hate that is going on in this Country today. It is abundantly clear that Mr. Lindell does not believe in Transparency for he criticizes me for talking to the press on city matters as he eluded to when he indicated "he's looking into getting press credentials because Brian seems to have no problem having conversation or being available to those who posses one." I would have certainly responded to a text or email from Mr. Lindell or the Mayor if they reached out to me like in the past.

After carefully reviewing my phone records, emails and even junk emails I have found no record of the Mayor or Mr. Lindell ever attempting to contact me in regard to Agenda Item "Proposed Amendment to Committees, Commissions and Boards Appointment Process" to discuss other then the copied email I received from Mr. Lindell on 8/18/17, to Mr Polce. (See Attached Email) In fact the last direct email I received from Mr. Lindell was on 7/5/17, requesting that a traffic matter near Fox Hall be placed on the Safety Advisory and Transportation Committee Agenda in which he knew how to contact me then (See Attached). So, I believe Mr. Lindell has my email if he needed to reach me within the last 3 weeks. The last text message I received from Mayor Christiansen was 5/30/17. So, I believe the Mayor has my cell phone number and email if he needed to reach me within the last 3 weeks. As far as Mr. Lindells's comment regarding Facebook it is my right to block who I want.

As far as the Agenda Item "Proposed Amendment to Committees, Commissions and Boards Appointment Process" At the Council Committee of the Whole - Legislative, Finance, and Administration Committee meeting of August 23, 2016, members asked Councilman Anderson and I to come up with recommendations for advancing a more effective recruitment process for city commissions committees and boards which included having current members reapply with an updated application. We introduced recommendations and ideas, that were solidified and then subsequently voted upon by both the Council Committee of a Whole and the Full City Council by unanimous vote.

I personally believe that the current process that was previously voted upon by a unanimous vote be left in place. I believe this issue has been politicized by the Mayor and have not seen any documented complaints since the process was implemented back on October, 2016. The only comment that I have heard, was from the Mayor who indicated one of his 4th of July Committee Appointees declined to fill out an updated application for whatever reason. On another note, to my recollection when this process was put in place a year ago there where no objection by the Mayor or anyone else. Why now?

Thank you  
Councilman Lewis

Get [Outlook for Android](#)