

MEETING NOTES

COMMUNITY INVOLVEMENT ADVISORY COUNCIL

February 24, 2015

William State Service Center
805 River Rd., Dover, DE

Members Present: Jay Julis, Joseph Farrell, Pamela Meitner, William Pelham, Marvin Thomas Robert Frederick, LaVaida Owens-White

Members Absent: Harold Truxon

DNREC: James Brunswick, Patrick Emory, Nicole Bixby, Christina Wirtz

I. Meeting Called to Order

Mr. Pelham called the meeting to order at 9:48 a.m.

II. Meeting Protocol Review

Each Member read a point of the Council's protocol.

III. Review/Approval of Meeting Notes

MOTION was made by Ms. Owens-White to approve the December 2, 2014 meeting notes and a second was made by Mr. Julis. All in favor and the motion carried.

IV. Introduction of New Members

Mr. Brunswick announced the two new members to CIAC. They are Jason Atkins and Gary Emory. These members were unable to attend the meeting.

V. Professional Services Contract

DAG William Kassab was in attendance to discuss the professional services contract requirements. The two items that were in question were the requirement of a business license in Section 18 and the insurance requirements in Section 21. Mr. Kassab advised that a business license is required by Chapter 30. There is an exemption in Chapter 23 for non-profit organizations being exempt from federal income tax and fees. According to the Division of Revenue non-profit organizations are exempt from the requirement to have a business license. Mr. Brunswick advised that there were two projects that were approved in 2014 (Greenbank Mills and Delaware Center for Hordiculture) that have submitted their insurance certificates in to Deb Lawhead at the Insurance Office and are awaiting determination. Mr. Brunswick advised that these project submitters were unaware of the requirements when they sent in the

proposal because the old contract didn't require these items. Ms. Meitner inquired as to who changed the policy and why it applies. Mr. Brunswick advised that it applies to the entire department and stated that it was the decision of the Comptroller of DNREC and Chief Financial Officer. The new professional services contract was to be used to standardize every professional contract so there were not different versions. Ms. Meitner advised there is no professional service agreement and thinks that the Board needs to challenge the situation and contract when these projects are entitled to the monies. Mr. Kassab advised there are certain items in the contract like the insurance policy limits and business license requirement that can be modified. Mr. Farrell inquired what Grants in Aids utilizes through Legislative Hall. Mr. Kassab advised he can look into what contract they use to see if it is more applicable. He has reviewed Delaware Economic Development Office's contracts and they are not the same. Mr. Pelham stated that he understood the intent to protect the citizens' tax money and uniformity, but doesn't like the naming of the professional services contract. Mr. Thomas inquired in order for them to comply to the requirements, would they increase their funding request to absorb the cost? Mr. Thomas stated that in doing so that increases the costs not going directly to the project. Mr. Frederick stated that the Board's role is to get the money back into the community through the penalty funds. Mr. Farrell stated that he agrees with Mr. Frederick. He would be more comfortable in giving them the freedom without the contract. Ms. Owens-White agrees also. Mr. Emory asked if the Board wanted to set up a special meeting with the Delaware Attorney General's office, the Comptroller's Office and the Chief Financial Officer. *Mr. Pelham advised he wants to see the Board has reviewed the contract and requires a meeting with comptroller's office and Chief Financial Officer. Ms. Meitner makes a motion and Mr. Frederick seconds. All in favor and motion carries.* Mr. Kassab advised he will follow up with other DAG's to see how they are dealing with the insurance requirements. Mr. Kassab advised he has already started redrafting a contract to better fit these needs. Mr. Emory advised that Mr. Brian Leahy from DNREC was on his way to address questions from the Council. Mr. Pelham advised for Mr. Brunswick to continue on to the other agenda items and would continue the discussion once Mr. Leahy arrived. Mr. Leahy arrived at 11:16 a.m. Mr. Pelham led introduction of the Council and explained the issues with the Professional Services Contract. Mr. Leahy advised he is being told by department policy that anything over \$5,000 needs a contract. The template came from the Department of Justice (DOJ) and when Mr. Leahy contacted the contract expert (MaryPage Bailey) she advised that if the terms don't apply you don't use those conditions. Mr. Leahy advised when he met with the Deb Lawhead from the Insurance Office, she stated that whether it's a non-profit or not you still need to have the standard insurance for all instances. Ms. Meitner advised that normally when organizations give money to non-profits, there is no professional service agreement. Mr. Leahy advised it is a cooperative agreement and not a professional services agreement with conditions that they have to meet. Mr. Leahy advised those cooperative agreements still require the terms in the professional service agreement.

Mr. Leahy advised DNREC has gone with a standard contract in order to not review the legal terms. Ms. Owens-White inquired as to why DNREC is putting up obstacles for community organizations by requiring them to have insurance and business licenses? Mr. Leahy stated that they don't have a problem with another contract being used as long as it was approved by the DOJ. Mr. Leahy advised you still have to have the insurance requirements, but the limits can be reviewed on a case to case basis through the insurance coverage office. Mr. Kassab inquired as to what other terms the Council had issues with besides the insurance coverage and business license requirements. Ms. Meitner stated that Item 7 dealing with the confidential information and a couple of other items. Mr. Pelham advised he would like to call a meeting a month from now for CIAC to review the professional services contract with other parties involved. *Mr. Frederick moves a motion that we meet the third Tuesday of March at 10 a.m. (March 17, 2015) with this being the only agenda item. Ms. Meitner seconds. All in favor. Motion carries.* In the meantime, Mr. Kassab will flow information through to the Council.

VI. 2014 Community Environmental Project Fund 2014 Review

Mr. Brunswick advised there were three small penalties around \$7000-\$8000 coming in to the fund. The \$139,000 is the most we may have for a while. Mr. Farrell asked if all of the money is obligated. Mr. Julis asked about the refund from the Delaware City Air Monitoring project. Mr. Brunswick advised that the deadlines are not being met and discussed turning the rest of the money over to the Division of Air Quality to do the monitoring using the mobile unit. Ms. Meitner stated she doesn't believe that you can give grant money to the state for these projects; they are to go into community projects not back to state agencies. Mr. Brunswick inquired if the Board wants to go through with the funding cycle with only having \$139,000. Mr. Pelham inquired if there was still a carry over. Mr. Brunswick advised there was \$239,000 with \$100,000 in reserve. Mr. Julis stated he would like to make it available and limit the grant amounts to \$10,000. *Mr. Julis makes a motion to give recommendation to the Secretary that Main Street Delaware City air monitoring produces documents in the next 30 days or remaining funds will be withdrawn. Ms. Owens-White seconds. All in favor. Motion carries.*

Mr. Brunswick proposed that the press release is sent out the week of March 2 and announce a deadline of May 18. That would allow the workshops the week of April 6 in all of the counties. Mr. Thomas asked if this will be as long as the contract issues are resolved. Mr. Brunswick advised yes.

VII. Annual Report

Mr. Brunswick advised the report is due next month to the Secretary's office for presentation to the Legislators. Ms. Meitner stated that under the statute it says the

department shall submit quarterly reports on the project with CEPF to the JFC. All shall be reported annually to update them on the projects due. Mr. Brunswick advised he will send out the report.

Mr. Brunswick advised that he was asked by the Secretary if the Board would consider granting money to Tri-State Bird Rescue and wanted to know if the Council would like to tour the new facility. The Council expressed interest and Mr. Brunswick stated he would set up a date once the weather breaks.

**Mr. Julis had to leave the meeting at 11:15 a.m.

- X. *MOTION to adjourn at 12:07 p.m. was made by Mr. Frederick and second by Mr. Thomas. All in favor and the motion carried.***

Respectfully submitted,

Nicole Bixby
Administrative Specialist II, DNREC, State of Delaware

The notes of this meeting are not intended to be a verbatim record of the topics that were presented or discussed. They are for the use of the Community Involvement Advisory Council members and the public in supplementing their personal notes and recall of presentations.