



1993•2001•2017

CITY OF DELRAY BEACH

City Attorney's Office



200 NW 1ST AVENUE, DELRAY BEACH, FLORIDA 33444 • (561) 243-7090

Sent Via Email and US Mail

November 20, 2025

Danille R. Carroll
Director of Civil Rights
Office of the Attorney General
PL 01, The Capitol
Tallahassee, FL 32399-1050

Re: Correspondence dated November 13, 2025

Dear Director Carroll:

This letter serves to confirm the City of Delray Beach's (the "City") receipt of your correspondence dated November 13, 2025, relaying concerns with the City's appointment process for the Police Advisory Board. The City appreciates your feedback and has undertaken a revision of the specific provision of the Code of Ordinance for which the Attorney General's Office has taken issue. I have included a draft copy of the Ordinance for your review and anticipate consideration of same by the City Commission at its January 13, 2026, meeting as a first reading of the Ordinance.

By way of background, the Police Advisory Board (the "Board") was constituted in 2005 following recommendations made by the Mayor's Advisory Committee on R.A.C.E. relations (the "Committee"). While I was not employed by the City in 2005, it is my understanding that the Committee was established following the shooting death of a 16-year-old young man by a City of Delray Beach police officer working a security detail at a school dance. The probationary officer was terminated by the City and the race-relations committee was formed thereafter to address the outcry in the community over this terrible incident. One of the recommendations made by the Committee was the creation of a police advisory board to help ease the community's relations with law enforcement. Over the years, the Board has made a strong impact on the community. Board members interact regularly with Police Chief Darrell Hunter and his staff, attend City-sponsored community events like National Night Out, and serve in an advisory capacity to the City Commission, City Manager, as well as Chief Hunter.


Of note, despite the objectionable language concerning the Board's composition and the potential to "dissuade non-minority residents from applying for appointment," appointed members of the Board have consistently represented a cross-section of the community, including non-minorities. Nevertheless, to address your concerns and to maintain the City's compliance with existing law, as previously stated, the City has undertaken a revision of Section 32.64, "Qualification of Members," that will be considered by the City Commission in the new year. Until then, staff has been instructed not to enforce this portion of the Code to avoid further issues.

Please do not hesitate to contact me if you have any questions or concerns.

Sincerely,

OFFICE OF THE CITY ATTORNEY
CITY OF DELRAY BEACH, FLORIDA

By:



Lynn Gelin, Esq.
City Attorney

Enclosure: Ordinance 03-26 (draft)

cc: Terrence Moore, City Manager, ICMA-CM
Darrell Hunter, Chief of Police

ORDINANCE NO. 03-26

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, AMENDING CHAPTER 32, "DEPARTMENTS, BOARDS AND COMMISSIONS", SECTION 32.64, "QUALIFICATIONS", TO CLARIFY THE CRITERIA FOR APPOINTMENT OF BOARD MEMBERS; PROVIDING A CONFLICTS CLAUSE, A SEVERABILITY CLAUSE, AND AUTHORITY TO CODIFY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, in 2005, the City Commission created the Police Advisory Board based on the recommendations of the Mayor's Advisory Committee on R.A.C.E. relations; and

WHEREAS, since its creation, the Police Advisory Board has served as an advisory body to the Chief of Police, the City Manager, and the City Commission on policy and resource issues; and

WHEREAS, the Police Advisory Board serves as a conduit for the community to address their issues through a cooperative effort by reviewing community needs, concerns, and expectations relative to police services and community policing; and

WHEREAS, on November 13, 2025, the City received correspondence from the Director of Civil Rights of the Office of the Attorney General advising the City that a complaint had been brought forward regarding "potential equal protection concerns related to the City of Delray Beach's appointment process for the Police Advisory Board"; and

WHEREAS, specifically, the Office of the Attorney General received a complaint about an advertisement on the City's Facebook page stating "the City Commission shall endeavor to include as many racial and ethnic minority members as possible [for appointment to the Police Advisory Board]"; and

WHEREAS, while the Ordinance, in its current state, seeks membership that represents a diverse cross-section of the community, the Office of the Attorney General has advised that the language contained in subsection C "appears to suggest a racial or ethnic preference and that individuals who are not members of racial or ethnic minorities may be disadvantaged in the appointment process, regardless of their qualifications, experience, or commitment to serving their community"; and

WHEREAS, the City Commission desires to amend the Code of Ordinances as referenced herein.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, AS FOLLOWS:

Section 1. The recitations set forth above are incorporated herein.

Section 2. Chapter 32, "Departments, Boards and Commissions," Section 32.64, "Qualification of Members" is hereby amended as follows:

Sec. 32.64. QUALIFICATION OF MEMBERS.

- (A) The Police Advisory Board membership shall include a diverse cross-section of the community representing a variety of perspectives and experiences across all demographic groups.
- (B) The membership shall include business owners, religious and faith-based organizations, youth, school officials and local organizations, where feasible.
- ~~(C) The City Commission shall endeavor to include as many racial and ethnic minority members as possible.~~

Section 3. All ordinances or parts of ordinances in conflict be and the same are hereby repealed.

Section 4. Should any section or provision of this Ordinance or any portion thereof, any paragraph, sentence, or word be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remainder of this Ordinance.

Section 5. This Ordinance shall become effective immediately upon adoption.

PASSED AND ADOPTED in regular session on second and final reading on this the ____ day of _____, 2026.

ATTEST:

Alexis Givings, City Clerk

Thomas F. Carney, Jr., Mayor

First Reading _____

Second Reading _____

Approved as to form and legal sufficiency:

Lynn Gelin, City Attorney