

**Delaware Coalition for Open Government  
Virtual Board Meeting by Zoom  
Tuesday, June 6, 2023**

**CALL TO ORDER:** John Kowalko III called the meeting to order at 6:35 p.m.

**Pre-board reports:**

1. Minutes of May 2, 2023, not available
2. Bank Statements of May 31, 2023
3. Treasurer's Report of May 31, 2023

**PRESENT:** David Breen, Letty Diswood, John Flaherty, Anita Rush, Cynthia Smith, John Kowalko III, Nick Wasileski

Absent: Al Jackson, Coralie Pryde

**DelCOG members:** Sarah Basic, Bill Herron, Sharon Kwiatkowski, Connie Merlet, Nancy Willing

**REGULAR BUSINESS**

1. **Introduction:** Kowalko II welcomed board members, DelCOG members and guests.
2. **Meeting Minutes:** There were no meeting minutes of May 2, 2023, available as of this typing.
3. **Treasurer Report:** Anita Rush noted that there was no activity in May and gave the following Treasurer's Reports.

The current balances in the checking and savings accounts:

WSFS checking account balance as of May 31, 2023, was \$3,853.27.

WSFS savings account balance as of May 31, 2023, was \$4,780.74.

Total account balance as of May 31, 2023, was \$8,634.01.

**The Treasurer's report was adopted and filed for audit review.**

**A motion to was seconded to reimburse \$400 to John Kowalko, III for DelCOG sponsorship of the Common Cause Reception. Motion approved unanimously.**

**COMMITTEE REPORTS:**

1. **Inspector General Chapter Committee:** Nick Wasileski reported that he along with Katherine Ward, John Kowalko III and John Flaherty attended in person, an inspector general colloquium sponsored by the Villanova Law School where DelCOG made a presentation. There were many inspector generals from all over the US.

**Suggested next steps to move inspector general bill forward in Delaware Legislature:**

- a. Lean on Sen. Laura Sturgeon to introduce the bill in the senate.
- b. Write a letter to the sponsors and find out what their concerns are.
- c. Request to file it now rather than wait for January 2024.

- d. May need to change strategy. Approach Rep. Michael Smith to introduce in the House of Representatives first but speak to Rep. Michael Ramone first. John Flaherty or John Kowalko?? Will report back to DelCOG.
  - e. Discuss with Sen. Sturgeon that the public is not against it.
  - f. Reach out to the public to contact their legislators to urge sponsors to introduce in the legislature.
  - g. Ask Sen. Sarah McBride to run with the bill once we hear back from Sturgeon.
4. **LLC Committee Updates:** Wasileski reported that the Port of Wilmington has a new management corporation – Enstructure.
5. **FOIA Committee:** Kowalko, III – no report

## UNFINISHED BUSINESS

1. **Lead Free Delaware Update:** Amy Roe - no new updates.
2. **Seaford Elections HB 121:** Amy Roe reported this bill will allow LLCs who own property to have a vote in local election. A substitute bill requires certification of ownership. A motion, seconded to oppose the bill and write letter to editor was approved unanimously. It is on the ready list. Action: DelCOG agreed to make a public statement that we oppose HB 121.
3. **HB 104 Land Use Application Exemption:** John Kowalko III explained that PLUS is required in New Castle County, it is not required in Kent and Sussex counties at this time. The bill has been voted out of committee and passed in the senate. Call Gov. to veto, but consensus that is would be a waste of time.
4. **National Police FOIA Project:** Flaherty – no update.
5. **HB 39 Police Fund:** Kowalko, III - The bill is in the House Appropriations Committee. It has a \$20 million fiscal note with 10 years to spend it. DelCOG opposes the bill because there is no oversight on how the money will be spent. There is no movement on this bill right now to get it passed.
6. **HB 96 School Board Elections:** DelCOG supports this bill which has been tabled.

## NEW BUSINESS

1. **Common Cause Award:** A motion to formalize the Gold Sponsorship of the Common Cause reception (\$400) was seconded and approved unanimously. It was a very worth while tribute to John Kowalko, Jr. of his 16 years serving in the legislature.
2. **Website Committee:** Kowalko III reported the committee will be starting this project. A new host will be found and possible add-ons such as possibly Word Press. More details and discussion at the next board meeting.
3. **LEOBOR Reform Support Request:** Kowalko III Two bills HB 204 and 205 have been introduced and first read is a disappointment and watered down. Some justice advocacy groups

are opposing the bill. Please read Misty Seaman’s 5-part series about why the need for reform. REAL REFORM (pdf). No decision to oppose or support was made. There will be an email voter taken by DelCOG board members.

4. **POLICE FACIAL RECOGNITION TECHNOLOGY:** Kowalko III noted that there was a good article on My 21, 2023 in Delaware Public Media. DelCOG has not taken a stance on this issue.

“The Delaware Coalition for Open Government (DelCOG) has not taken an official stance on the use of facial recognition technology by Delaware law enforcement agencies. However, any use of facial recognition technology has significant civil rights implications that require robust independent regulatory oversight to ensure those rights are respected and upheld. Any technologies that rely on proprietary algorithms, search queries, or artificial intelligence to identify individuals or otherwise aid law enforcement activities have inherent limitations to public scrutiny and therefore require an even greater degree of oversight and accountability, especially in their procurement and use. The public has a right to know how these technologies are developed, how they are intended to be used, and how they are actually used in practice, including any disparate impacts in their use, especially racial disparities.”

“Here is Paul's article in DPM where I am quoted based on a discussion with him on the phone: <https://www.delawarepublic.org/politics-government/2023-05-21/delaware-state-police-purchase-of-facial-recognition-software-prompts-some-calls-for-oversight>”

## OPEN FORUM

1. Kowalko made a comment that I did not get in my note on.
2. Kowalko – Re. Danny Short needs support on the Delaware retire issue.
3. There will be a Rise Rally June 13, 2023, from 1-1:30 pm at Legislative Hall.
4. Cynthia Smith spoke about the Whistle Blower Protection Project.
5. John Flaherty had forwarded an email to the board that came to him from a concerned citizen. The person has some concerns regarding Explore New Castle County website with the map of our county and parcels within.
6. Bill Herron volunteered to get involved with legislation and may want to join DelCOG’s legislative committee.
7. Someone mentioned that the Delaware AG Office – Division of Civil Rights and Public Trust has not done anything on the Innocent Project.

**The next DelCOG Board meeting will be Tuesday, July 11, 2023, at 6:30 p.m. by Zoom.**

**Note, change of date! (Edit- decision to cancel and rescheduled for August 1, 2023 made later by email.)**

Adjourned: 8:22 p.m.

Submitted by Letty Diswood, Secretary