

**Delaware Coalition for Open Government
Virtual Board Meeting by Zoom
July 7, 2022**

CALL TO ORDER: Keith Steck called the board meeting to order at 6:32 p.m.

Pre-board reports:

1. Treasurer's Report of June 30, 2022.

PRESENT: Letty Diswood, John Flaherty, Al Jackson, John Kowalko III, John Morgan, Coralie Pryde, Anita Rush, Keith Steck, Nick Wasileski.

ABSENT: David Breen excused.

DelCOG members: Cynthia Smith, Katherine Ward.

GUESTS: Robin Kempf (joined at 7:40pm) and Claire Snyder-Hall (Common Cause of Delaware)

REGULAR BUSINESS

1. **Introductions:** Keith Steck welcomed guest speaker Claire Snyder-Hall (CC of Delaware) and called the meeting to order at 6:32 p.m.
2. **Meeting Minutes:** Draft #2 of the minutes of the June 2, 2022, meeting was approved with no further revisions.
3. **Treasurer Report:** Anita Rush reported that there was no activity in May. She gave the Treasurer's Report for June 30, 2022.
The current balances in the checking and savings accounts:
 WSFS checking account balance as of June 30, 2022, was \$3,711.55.
 WSFS savings account balance as of June 30, 2022, was \$2,776.91.
 Total account balance as of June 30, 2022, was \$6,488.46.
The Treasurer's report was adopted as read.

SPECIAL GUEST SPEAKER - Claire Snyder-Hall, Common Cause of Delaware. Topic: Common Cause considering prosing Delaware Voter Initiative Provision.

Nick introduced our guest speaker Claire Snyder-Hall, who is currently the Executive Director of Common Cause Delaware. Claire earned a PhD from Rutgers University in Political Science in 1997 and was an Associate Professor at George Mason University from 2004 to 2012. Nick reported that Claire made a convincing comment in support of the Inspector General bill (HB 405) at the House Administration Committee's hearing on June 15. Nick briefly discussed Claire's book about Delaware politics. The book is titled *Battling the Prince: A Woman Fights for Democracy* (SUNY Press, 2021). See <https://sunypress.edu/Books/B/Battling-the-Prince2>

Claire made a Power Point presentation about "Empowering Voters and Bringing Initiative and Referenda to Delaware." She explained the distinctions between initiatives for passing laws and even

constitutional amendments, and referenda which confirm laws which had been approved by a legislative body. Her presentation focused on citizen initiatives and the advantages if we had them in Delaware. It would strengthen our democracy and help strengthen civic engagement. She explained the distinction between direct initiatives, which involve a petition by citizens and don't require action by the legislature, and indirect initiatives, which require the legislature to approve putting the issue on the ballot, and advisory initiatives, and general policy initiatives, and she reviewed many of the subtle distinctions between different types of initiatives in the 24 states which allow them. She presented long lists of both the pros and cons of initiatives, mainly drawn from the website of the National Conference of State Legislatures (<https://www.ncsl.org/research/elections-and-campaigns/initiative-referendum-and-recall-overview.aspx>). As an example, she mentioned the approval of a \$15/hour minimum wage by 2026 in a referendum in Florida in 2020:

[https://ballotpedia.org/Florida_Amendment_2,_\\\$15_Minimum_Wage_Initiative_\(2020\)](https://ballotpedia.org/Florida_Amendment_2,_\$15_Minimum_Wage_Initiative_(2020))

She referred to a recent editorial in the Cape Gazette:

<https://www.capegazette.com/article/it%E2%80%99s-time-delaware-consider-referendums/240715>

Comments:

Keith Steck – It may be worth pondering even though it's unlikely to be approved by the General Assembly. He referred to a proposed "workforce housing" ordinance in Sussex County which would limit the ability of members of the public to raise concerns about new housing projects:

<https://sussexcountyde.gov/sites/default/files/packets/06-09-2022%20Old%20Business%20Workforce%20Housing%20Ordinance%20Paperless%20Packet.pdf>

See further https://www.wrde.com/news/affordable-housing-becomes-a-key-item-in-sussex-co-council-agenda/article_b912f638-f71f-11ec-bdea-276a701d802f.html and

<https://baytobaynews.com/delaware/delaware/stories/letter-to-the-editor-we-can-do-better-with-affordable-housing-in-sussex,82009>

Nick Wasileski – It may be worth pursuing, even though it seems unlikely to be passed. It also would raise awareness and the press would get involved. It also may have a positive effect on the legislators.

Al Jackson – It could help with passing public campaign financing.

John Morgan – Urges caution, because popular initiatives and referendums are a two-edged sword, and getting provisions for initiatives and referendums approved will require amending the Delaware Constitution, which is neither easy nor quick, since it requires approval by 2/3 majorities of each chamber in two consecutive legislative sessions (Article XVI, Section 1). In 2016 a poll by the U. of Delaware indicated that a majority of Delawareans support legalization of marijuana and keeping the death penalty: https://www.wdel.com/news/poll-delawareans-support-legalization-of-marijuana-keeping-death-penalty/article_13dd339d-e9f9-555c-957b-c29977530720.html. Hence allowing both initiatives and referenda in Delaware could result in reinstating the death penalty. In November 2016 a majority of voters in California, a very liberal state in which Hillary Clinton received over 4 million more votes than Donald Trump, voted in a referendum to retain the death penalty and to limit to 5 years the time for appeals by convicts sentenced to death, even if exculpatory evidence subsequently comes to light

([https://ballotpedia.org/California_Proposition_66,_Death_Penalty_Procedures_\(2016\)](https://ballotpedia.org/California_Proposition_66,_Death_Penalty_Procedures_(2016))). (The reason why nobody has been recently executed in California is that Gov. Gavin Newsom has refused to sign any death warrants.) Morgan said he shares the enormous frustration many of us feel when the Speaker of the House single-handedly prevents a bill from being voted on by the House, but he thinks the best way to address this concern is urging the 40 other elected representatives to revise the rules of the House at their organizational meetings so that a majority or supermajority of the representatives can vote to put a bill on an agenda, rather than trying to revise the Delaware Constitution to allow initiatives.

John Kowalko III – It will be important to review specific language and processes for creating citizen initiatives. Citizens may become better informed about issues if they can vote directly in referendums.

Claire Snyder-Hall – Said the proposal to have initiatives in Delaware has not yet been considered by the board of Common Cause, and DelCOG is the first outside group she has approached.

Keith Steck - Would help with raising awareness and starting dialogues.

Coralie Pryde - Could help with county issues.

Letty Diswood – We should seek out which states have the best processes for initiatives and referendums.

John Morgan – To have an initiative + referendum process would definitely require revising the Delaware Constitution, which is a very high barrier. It might not require amending the Delaware Constitution to have an advisory referendum if that can be done by a simple majority vote in both chambers. There's likely to be less opposition by legislators if they can control the process for drafting advisory referendums and then considering legislation to implement the advice of a majority of citizens.

COMMITTEE REPORTS:

1. **Inspector General Bill (HB 405):** Wasileski discussed the House Administration Committee's hearing on June 15, in which DelCOG gave 4 presentations in support of the bill to create an Office of the Inspector General. Keith Steck, Al Jackson, Katherine Ward, and Nick Wasileski each give 2-minute presentations. Nick read into the record the organizations that were in support of the IG bill. In addition to DelCOG, Claire Snyder-Hall, representing Common Cause of Delaware, spoke in support of the IG bill, and also Jack Young, representing the League of Women Voters of Delaware, Inc., spoke in support. There was no public comment against the bill. The bill was released from the House Administration Committee with 4 votes "on its merits" (Reps. Longhurst, Schwartzkopf, Mitchell, and Short), and one absentee (Rep. Dukes). However, on June 16 the bill was assigned to the House Appropriations Committee, which never held a hearing for it, and it was not placed on the House's agenda when the rules were suspended on June 30, so the bill died in committee without ever getting a vote by the House. See <https://legis.delaware.gov/BillDetail?LegislationId=109401>
2. **Public Comment at Open Meetings (HB 293):** Wasileski reported that this bill requiring a reasonable opportunity for public comment in all public meetings of public bodies, excluding the General Assembly, was passed by the House (38-0) on May 17 and by the Senate unanimously (21-0) on June 23. Governor Carney had not signed the bill as of DelCOG's July board meeting. See <https://legis.delaware.gov/BillDetail?LegislationId=79179>
3. **FOIA Committee:** John Kowalko III reported that the committee will figure out DelCOG's role and priorities for FOIA bills and awareness, starting in fall.

UNFINISHED/ONGOING BUSINESS:

1. **Issues Up and Down Delaware:** Steck noted about his concern regarding a proposal to include work force housing in the zoning and planning process in Sussex County and the need for better comment periods and ability to see the documents in a timely manner.
2. **Reforming the fines and fees system in Delaware Courts (HB 244):** Wasileski reported that HB 244, a bill to address the fines and fees problems that adversely affect the poor, was passed by the House (31-9) on May 3 and by the Senate (15-6) on June 30. In the 2021 legislative session, the bill did not get out of committee. The Campaign to End Debtors' Prisons (CEDP), which is part of Network Delaware, has been in support of HB 244. For the past 3 years Nick has been attending the CEDP's meetings as DelCOG's representative. The bill had not been signed by Gov.

Carney as of DelCOG's July board meeting. **As of today (July 21), it still hasn't been signed.** See <https://legis.delaware.gov/BillDetail?LegislationId=78879>

- 3. Elected Officials Reception 2022:** Ward gave the following report and noted to consider doing something new such as a book signing as part of the reception at the Ed Oliver Golf Club. John Riley has recently published a book about Ed Oliver with the title *How He Played the Game* (see <https://www.amazon.com/How-He-Played-Game-Generation/dp/0578322501>).

Ward has updated all the items needed to go to the elected officials and the public, and potential cosponsors and suggested to plan and discuss at next meeting.

Report: WHAT and WHY: The Elected Officials Reception (EOR) is held at the beginning of December in those years when elections take place as an opportunity for the public to meet their elected officials – those newly elected as well as those who have been in office for some time.

WHERE and WHEN: The EOR event traditionally has been held at the Ed Oliver Golf Club, 800 N. DuPont Road, Wilmington, on the first Monday of December, from 5:30 to 8:30 p.m.

The event takes place in the Dover Room (the larger room), and sometimes also the Wilmington Room.

WHO: Each year in which the EOR is held, there usually are 3 main sponsors (DelCOG, Delaware Press Association, League of Women Voters). A number of other organizations, businesses, and individuals are invited to be co-sponsors for a contribution of \$25. Our list of co-sponsors from past years (in an Excel file) numbers more than 100. We welcome suggestions for others we can invite to participate. All those who are co-sponsors are thanked publicly. They are listed in a PowerPoint slide show that features information about the main sponsors and plays repeatedly throughout the evening. When recognized on arrival, they are announced over the PA system. They also are named when the program part of the evening takes place.

HOW:

Planning Committee: A small committee (1-3 people) plan for the event. They prepare a To-Do List for those responsible for all aspects of the event (see sample below).

Contact potential co-sponsors in August or September.

Make arrangements in August or September with the catering/event sales manager at the Ed Oliver Golf Club for room(s) – Dover Room and possibly also the Wilmington Room, etc.

Greeting and sometimes brief talk by DelCOG president or other board members).

Awards presented to elected officials, journalists, etc. for meritorious service to the public.

Make framed award certificate(s) if any are to be given.

Publicity Committee: Prepare and execute on publicity (done in October and November).

Email invitations to all state, county, and municipal officials; organizations and their members; and reminders throughout November. To reach the public at large and send media advisory to news outlets around the state.

Reception Committee: Reception/Greeting: Two or three people at the registration table to register all who attend. Collect the nominal entry fee of \$3. That money plus the co-sponsorship contributions help to defray the cost of the room, the bartenders, and the food for the event, there usually are two cash bars, and those who want alcoholic drinks buy them from the bars set up on each side of the room.

Use and guard the cash box.

NEW BUSINESS

1. **Invitation to Write Chapter for Inspector General Book** – Ward and Wasileski.

For more than a year, Wasileski has been in contact with Dr. Robin Kempf at the University of Colorado, about DelCOG's efforts to raise awareness about the need for a Delaware Inspector General. Robin is the author of a book about inspectors general, titled *The Power of Accountability* (University Press of Kansas, 2020) (<https://kansaspress.ku.edu/978-0-7006-2897-1.html>), which Nick has read. Robin is preparing a 2-volume work on inspectors general and has asked DelCOG to write a chapter describing its journey to address the need, public outreach, and support for a Delaware IG.

Ward has produced a detailed plan for writing a chapter for the IG book to be produced by Robin Kempf. She cautioned to keep this item among DelCOG board members. A decision to go ahead with this request has to be made by August. Please notify Ward if you are interested to work on this project.

A motion was made and seconded, to appoint a committee to plan for writing a chapter for this project and appoint Katherine Ward as chair. Motion approved unanimously.

Ward will send email tomorrow regarding details for producing the chapter.

2. **Wilmington Traffic Cameras:** Postponed to the next meeting.
3. **HB 355 (Fort DuPont Redevelopment Corporation) Update:** Postponed to the next board meeting because Flaherty was absent.

OPEN FORUM

1. **Wasileski - In reference to the Childhood Lead Poisoning Advisory Committee minutes,** Nick's daughter, Amy Roe, has not been able to get the minutes for April and May. Amy has submitted a FOIA request for the minutes and will keep DelCOG informed in the future.
2. Jackson: has changed his schedule, and will be off on Mondays and Tuesdays from now on.
3. **The next DelCOG Board meeting will be on Tuesday, August 9, 2022, at 6:30 p.m. by Zoom.**

Adjourned: 8:43 p.m.

Submitted by Letty Diswood, Secretary