

**Delaware Coalition for Open Government
Virtual Board Meeting by Zoom
Tuesday, October 3, 2023**

CALL TO ORDER: John Kowalko III called the meeting to order at 6:46 p.m.

Pre-board reports:

1. Minutes of September 5, 2023
2. Bank Statements of September 30, 2023,
3. Treasurer's Report of September 30, 2023

PRESENT: Letty Diswood, John Flaherty, Al Jackson, John Kowalko III, Coralie Pryde, Anita Rush, Cynthia Smith,

Absent: David Breen, Nick Wasileski

DelCOG Members: Alan Henney, Sharon Kwiatkowski, Connie Merlet, Rep. John Kowalko, Kathrine Ward

ORDER OF BUSIENSS

1. **Introduction:** John Kowalko III welcomed board members, DelCOG members and guests.
2. **Meeting Minutes:** A motion to approve the Board meeting minutes of September 5, 2023, with one correction, was seconded, and approved unanimously. The corrected minutes will be sent to the board again. Flaherty thanked Diswood for her service as secretary for the last many years.
3. **Treasurer Report:** Anita Rush reported a donation of \$1000 was transferred into the savings account.
The current balances in the checking and savings accounts:
 WSFS checking account balance as of September 30, 2023, was \$3,453.27.
 WSFS savings account balance as of September 30, 2023, was \$5,784.04.
 Total account balance as of September 30, 2023, was \$9,237.31.

The Treasurer's report was accepted and filed.

COMMITTEE REPORTS:

1. **Inspector General Chapter Committee:** Nick Waseleski was on vacation therefore no report. Kowalko III noted that the committee will meet and plan strategy. The Committee may invite Rep. Sturgeon to the next meeting and find out the status of IG bill is.
2. **Inspector General Book Chapter Committee:** Nick Wasileski and Ward are at the end of the review checking out footnotes. Then the chapter will be sent to Kowalko III and then to Robin and the publisher. A huge thank you to Wasileski, Ward and Kowalko II from the Board.

3. **FOIA Committee:** John Kowalko, III reported that they were unable to meet this month and will meet in December. No update at this time.
4. **LLC Committee Updates:** Nick Wasileski absent. No report.
5. **Annual Meeting Planning:** Cynthis Smith is chairing this committee. The annual meeting will be held either Tuesday, December 5, or Wednesday, December 6. See detailed report at the end of these minutes. Nominations requests and forms will be emailed to all DelCOG members.
6. **Bylaws and Procedures Committee:** John Kowalko III reported that the committee was unable to meet. The committee will review the bylaws to clarify some inconsistencies in some sections of the bylaws.
7. **Website Committee:** John Kowalko III noted that this committee was unable to meet. The website is a high priority as it is not functioning at the moment. Once the new provider is determined it needs some basic updates. It was suggested to address this at the Homeland Security Agency at the Governor's Budget hearing in November so that legislators are informed about this issue. Provide a short one-two page testimony to Budget Hearing, as well as the JFC and all legislators.

UNFINISHED BUSINESS

1. **Lead Free Delaware Update:** Amy Roe absent no report.
2. **Police Radio Encryption – Alan Henney** reported that there has been no progress over the summer. All police agencies in Delaware and the DNREC use encrypted communications, such as if there is a fish kill. The public is not informed in a timely manner as new agencies are unable to access the information.
3. **Organizational Development:** Kowalko III will be sending a detailed email to the board on this topic. (See the detailed email at the end of these minutes.)
4. **New Castle County Property Maps – John Flaherty** followed up and sent a detailed email with a letter and response addressing this issue.
5. **NFOIC Summit:** This summit is taking place virtually this week and a number of board members have registered for the conference and have signed up for a variety of workshops.

NEW BUSINESS

1. **Delaware Legislative Issues report:** John Flaherty created a list of 236 bills that passed this legislative session and has sent it to the board today.

OPEN FORUM (There was no time left for this part of the meeting)

The next board meeting will be Tuesday, November 7, 2023 at 6:30 p.m. by zoom.

The meeting adjourned at 8:03 p.m..

Submitted by Letty Diswood, Secretary

A. DelCOG Annual Meeting Planning Committee Report

Cynthia Smith, Chair

Good morning Everyone,

If you would like to suggest a different take on the IG topic or want to suggest a different topic altogether that is of broad interest and importance, please send your ideas to me at cynthiasmi@msn.com as soon as possible. I would like to thank Katherine for getting us started and drafting recaps of Friday's committee meeting.

Thanks,

Cynthia

Here's a recap of Friday's Annual Meeting committee meeting:

- 1.Choosing Committee Head: Cynthia Smith, 302-382-8693, cynthiasmi@msn.com.
- 2.Date of Annual Meeting: Suggesting the meeting be held early in December. Possibly Tuesday, December 5, or Wednesday, December 6.

Rationale:

a) We will be having elections this fall and given the time it takes to send the nomination forms to the membership and get them back, allow time for the nominating committee to prepare the ballot, send it and get it back, we will be into November. That will give the newly elected president to decide who should be offered the appointed board positions, get the approval of the new officers, and be ready to announce the results at the December meeting.

b) There will be adequate time to get the Annual Meeting set up with compelling PR, a good list of invitees, clinching the speaker and speaking with others who will be invited to participate informally, allowing, of course, for Q & A with the audience.

3. Speaker/topic for Annual Meeting: The committee has focused on a potential speaker and topic (see below), but we also welcome other ideas from the board for our consideration.

The committee's proposal: Topic: Delaware's Need for an Inspector General. Because we were close to achieving this important goal we worked toward in 2022, rather than letting this subject die away, we would like to refocus on the topic and get back on track with the establishment of a state Office of the Inspector General.

We propose Common Cause Executive Director Claire Snyder-Hall – writer, speaker, activist, and advocate – as a knowledgeable, inspiring speaker. She has taught courses in American political thought, democratic theory and more at a number of universities, including George Mason, Illinois State, Rutgers, and Princeton. She is experienced in community building and has worked as a lobbyist for democracy reform in the state legislature. Some of her most recent research focused on ways to strengthen the

connection between state-level elected officials and public life. Claire holds a B.A. cum laude from Smith College and a Ph.D. in political science from Rutgers University. Fairly recently she wrote a paper on why Delaware needs an Inspector General.

We also propose creating a list of incidents that strongly make the case for needing an OIG in Delaware. We would like to ask individuals from various parts of the community who are connected to those issues to be on hand at the meeting to be able, in about two minutes, to "tell the story" That makes the case.

4. Regarding Elections (see attachments):

- a) Call for nominations from our membership.
- b) Chart for nominating committee to use when preparing the ballot.
- c) The ballot.

5. Mailing Lists: Katherine will look through our database for the current membership for election purposes. She will dig up lists of members & friends of DeICOG plus members of other organizations we've invited to our past events.

B. JOHN KOWALKO III EMAIL REPORT TO THE DELCOG BOARD MEMBERS.

ORGANIZATIONAL DEVELOPMENT

From: John Kowalko III

Sent: Monday, October 23, 2023 4:49 PM

To: Albert Al Jackson <stanjax171@gmail.com>; Coralie Pryde <coraliepryde@gmail.com>; cynthia smith <cynthiasmi@msn.com>; DE Coalition for Open Gov't <delCOGdata@aol.com>; Bill Cortes <billcortessd7df1@yahoo.com>; Anita Rush <anita.rush@comcast.net>; John Kowalko III <johnkowalko@gmail.com>; Letty Diswood <letty.diswood@verizon.net>; Katherine Ward <DelawarePress@aol.com>; David Breen <nextlevel.db@gmail.com>; John Flaherty <jdf0000@aol.com>; Nick Wasileski <heelttoetoe@gmail.com>

Subject: DelCOG Important Documents Request

Hi DelCOG board members,

I apologize for this long email, but this is very important, and so please read it all and get back to me with the needed information. If you do not have any of the information discussed below, then it would be helpful if you could still respond so that we can confirm who does and does not have any documents. Please also let any former members know if they may have any of this information. We want to make sure everything is in place for any new officers or board members. In particular, we need to account for our organizational documents and update our website.

Organizational documents

We need to know what DelCOG documents anyone has in their homes or on their computers.

If you have any official DelCOG documents on your computer, please send them to me by our next meeting date (November 7). If you have any other documents you think would be useful for DelCOG to have (such as copies of previous op-eds or sign-on letters), please send those along, too. I will organize all these documents, upload them to Google Drive, and share them with the rest of the board once we get our Google Workspace accounts activated.

Letty, please also send me the final approved versions of all the meeting minutes since January 2023.

If anyone has a high-resolution version of our DelCOG logo with a transparent background, please send it to me.

If anyone has any official DelCOG documents at your house, please let me know. We need to figure out who has what, how we want to store/archive that information, what we can get rid of, etc. If anyone has a lot of documents and needs help going through them, please feel free to reach out to me so we can schedule something in the next few months.

We need to find our IRS and other tax/incorporation documents. If anyone has any documents from the IRS or knows of any past members who may have them, please let me know right away.

We need our original IRS determination letter (as opposed to an electronic copy) and any physical versions of subsequent communications we have received from the IRS.

- I have copies of Form 990-EZ for 2019, 2020, and 2022, and I have our Form 8453-TE from 2022. If you have our 2021 Form 990 or any other IRS documents from 2020-2022, please send them to me.
- Form 5768 was filed in September 2006, but I do not have a copy of it.
- EIN confirmation letter would have been received probably in 2006 as well.

We don't want to risk losing our nonprofit status and having to apply for reinstatement again, and so I want to make sure these are stored in a way that everyone on the board can have access to.

We also need our state incorporation documents, including our Articles of Incorporation. I have a photo of the first page that was sent by Nick, but we need the rest of the pages.

I believe these documents are supposed to be on file with the DelCOG Secretary, and so Letty if you could please check to see if you have these important documents. If anyone else has these, please let me know right away.

Supporter email lists

I will be working with Katherine to make sure we are able to reach out to everyone who has shown an interest DelCOG or open government issues, especially those who have attended our recent events so that we can connect with them and keep them involved before they lose interest. Katherine should have the contacts we have collected electronically, but if anyone else has physical sign-in sheets or similar from the past 2 years, please let me know.

Website upgrade

We need to get our website up and running again with current information. Our website committee includes Cynthia, Dave, Katherine, and me. I have sent an email to them today so that we can get the ball rolling on that.

DelCOG has been approved by TechSoup, Canva, Microsoft for Nonprofits, and Google for Nonprofits, which gives us some discounts and free services. I can share Canva and Microsoft 365 account access with those who may be interested in using them for DelCOG purposes. Once we update our website DNS records, we will have free access to Google Workspace, which will allow us to send emails through the "@delcog.org" domain. This will also make it easier to store and share files and documents.

We will also look into mail marketing platforms, such as MailChimp or Constant Contact to help with communicating with our membership.

Accounts access

Finally, we need to take steps to make sure that all DelCOG accounts are accessible by at least two board members at all times. We don't want to lose access to anything if just one person loses a password or becomes unable to access an account. In particular, we need to share account access for:

- Bank accounts
- Website and domain hosts
- Social media accounts
- Email accounts
- Membership organizations (DANA, NFOIC)
- Zoom subscription.

We can follow up at our November 7 meeting to discuss who currently has access to these and who else should have it.

Finally, thank you to everyone for your patience and understanding the past few months that I have been dealing with symptoms of Lyme disease. I have completed my treatment and have started to feel a lot better, and I am hopeful for a full recovery. I look forward to all the great things we can accomplish at DelCOG moving forward.

Thank you so much to everyone, John John Kowalko III, President, Delaware Coalition for Open Government, johnkowalko@gmail.com | c: (302) 528-9464, www.delcog.org

C. JOHN FLAHERTY

NEW CASTLE COUNTY PROPERTY MAP ISSUE.

Below is the response received from Karen V. Sullivan, New Castle County Solicitor, regarding the recent inquiry as to property information that New Castle County maintains in its records available through Parcel Search.

I want to thank Rick Savin for bringing this issue to the attention of the Delaware Coalition for Open Government.

I also want to thank the House Republican leader, State Representative Mike Ramone, for adding his name to the letter sent to New Castle County Officials.

New Castle County Council President Karen Hartly-Nagle and New Castle County Councilperson, Janet Kilpatrick were also very helpful in making sure that the concerns expressed in the letter were responded to in a timely fashion.

Thank You,

John Flaherty, Board of Directors, Delaware Coalition for Open Government

A question has arisen regarding New Castle County's records available through Parcel Search that indicate the "Sale Amount" for a given transfer of property is \$10.

New Castle County updates its property records based on deeds that are recorded with the New Castle County Recorder of Deeds and based on records that are transmitted by the New Castle County Register of Wills when a property transfers through a Will Record after the property owner has died.

The "Deed" column reflects either the book and page number or instrument number of the deed recorded with the Recorder of Deeds or the Will Record number for the New Castle County Register of Wills.

The "Sale Date" column reflects the date of transfer by deed or by Will Record.

The "Sale Amount" column reflects \$0 for properties transferred by Will Record and reflects the amount of consideration stated in the deed for properties transferred by deed.

Thus, when a deed states consideration in the amount of \$10, that is the amount that is recorded in the "Sale Amount" column.

The parties to the transaction determine the amount of consideration to be stated in a deed.

Deeds that reflect \$10 in consideration are nominal consideration deeds that allow the parties a degree of privacy for the transaction.

Nominal consideration deeds are a common law practice used in Delaware since it became a state.

Although the Delaware Code addresses deeds, there is no provision requiring that a deed state the actual consideration. *See 25 Del. C. chs. 1 & 3; 9 Del. C. ch. 96.*

And the realty transfer tax provisions in the Delaware Code recognize that the amount of consideration stated in the deed may not be the actual consideration for the transaction. *See 30 Del. C. ch. 54.*

Section 5401(4) defines “value” to mean “the amount of the actual consideration” (except in situations where that amount is less than the highest appraised value), and the value, rather than the amount of consideration stated in the deed, is the amount on which the realty transfer tax is calculated. *30 Del. C. § 5402.*

I hope this explanation clarifies the property information that New Castle County maintains in its records available through Parcel Search.

Sincerely,

Karen

Karen V. Sullivan

County Solicitor

New Castle County

87 Reads Way

New Castle, DE 19720

(302) 395-5132

=====