

AMENDED
RESOLUTION NO. 139¹

A RESOLUTION OF THE COMMISSIONERS OF THE TOWN OF DEWEY BEACH,
DELAWARE, ESTABLISHING GUIDELINES FOR
COMMITTEES, WORKING GROUPS, AND TASK GROUPS AND
ESTABLISHING GUIDELINES FOR MEMBERSHIP.

WHEREAS, the Commissioners of the Town of Dewey Beach recognize the importance of clarity and guidance in the establishment and operation of Town committees, working groups, and task groups; and

WHEREAS, the Commissioners of the Town of Dewey Beach desire to define the roles and responsibilities of certain positions on a Town committee, working group, and task group.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COMMISSIONERS OF THE TOWN OF DEWEY BEACH, DELAWARE IN SESSION MET THIS 1st DAY OF OCTOBER, 2011, THAT:

SECTION 1. The "Guidelines for Committees and Committee Membership" attached as Exhibit A to this Resolution are hereby established and incorporated into this Resolution.

SECTION 2. To the extent the provisions of this Resolution are inconsistent with the provisions of any prior adopted Town Resolution, the inconsistent provision of the prior adopted Resolution shall be and is hereby repealed.

SECTION 3. If any provision of this Resolution shall be deemed or held to be invalid or unenforceable for any reason whatsoever, then such invalidity or unenforceability shall not affect any other provision of this Resolution which may be given effect without such invalid or unenforceable provision, and to this end, the provisions of this Resolution are hereby declared to be severable.

SECTION 4. This Resolution became effective upon its adoption by a majority of the Commissioners of the Town of Dewey Beach on December 12, 2009 and this Amended Resolution shall become effective immediately upon adoption by a majority of the Commissioners of the Town of Dewey Beach.

¹ This Resolution, originally adopted on December 12, ~~2009~~²⁰⁰⁹, was subsequently amended on October 1, 2011 and again on December 12, 2015.

Diane Hanson

DIANE HANSON

Mayor

Marc Appelbaum

Marc Appelbaum

Town Manager

EXHIBIT A

GUIDELINES FOR COMMITTEES AND COMMITTEE MEMBERSHIP

1. Definitions

- A. **Standing Committee.** A committee that carries on continuing Town work on a multi-year basis. Examples of existing standing committees include Audit and Investment. Ad hoc committees, working groups, boards and commissions are not standing committees. Standing committees report directly to the Town Council.
- B. **Ad Hoc Committee.** An ad hoc committee is one created by the Mayor and Town Commissioners to address a pressing issue, and will generally have a period of performance of less than one year. Ad hoc committees report directly to the Town Council.
- C. **Working Group.** A working group has a larger, wider ranging membership than required for a standing or ad hoc committee, including non-Dewey Beach participants such as Institute of Public Administration (University of Delaware) and Delaware Natural Resources and Environmental Conservation. A working group augments the efforts of a standing committee tasked by the Mayor and Town Commissioners for a specific purpose. A working group reports directly to the standing committee from which it is constituted.
- D. **Sub-Committee.** A sub-committee is a group of two or more members of a standing committee, possibly augmented by non-committee personnel, who are assigned by the standing committee, with ongoing responsibility for a sub-set of the committee's overall goals and objectives. An example might be a subcommittee of the Planning Commission. A sub-committee must operate within the constraints of Delaware's sunshine laws, and reports directly to the standing committee from which it was formed.
- E. **Task Group.** A task group is a small group of members from a standing committee, ad hoc committee, sub-committee or working group tasked by the parent committee or working group to rapidly collect and analyze data related to a specific issue or question before it. The number of members of any task group shall be lower than the number that represents a quorum for the parent committee or working group. Therefore the task group may hold virtual meetings and meetings outside Town limits without notice. Each task group reports directly to the standing committee, ad hoc committee, sub-committee or working group from which it was formed. The period of performance of a task group shall be less than 120 days, except that it may be extended another 30 days by approval by the parent committee or working group.
 - i. **Task groups are not empowered to make final decisions. Their purpose is to assemble the relevant data and provide the parent committee or working group with an initial assessment of pros and cons of possible alternatives. The parent committee or working group shall discuss and vote to act/not act on the data provided by its task group in a public meeting.**
- F. **Period of performance.** The period of time for which an ad hoc committee, sub-committee, task group or working group is constituted. The initial period of performance of an ad hoc committee or working group may be extended by majority

vote of the Mayor and Town Commissioners at a regular Town Meeting. The initial period of performance of a sub-committee or task group may be extended by majority vote of the members of the parent committee or working group.

G. Term. The period for which a member of a committee or working group is appointed.

2. Authorization. All standing committees, ad hoc committees, sub-committees and working groups are Public Bodies as defined by Delaware Code Title 29, Chapter 100, and shall operate under the requirements therein.

3. Committee Formation and Review.

A. Standing Committee. At each September Organizational Town Meeting or within the first few months after the new council is installed, the Mayor and Town Commissioners shall review the operations of every standing committee and discuss and approve by majority vote the status of each standing committee, including possibilities for the continuation of the standing committee, the merging or reconfiguring of one or more standing committees and/or ad hoc committees, the disbanding of the standing committee, the conversion of an ad hoc committee or working group to the status of a standing committee, or the creation of a new standing committee.

i. As a part of the annual review of each standing committee, the Mayor and Town Commissioners shall review, discuss and approve the standing committee's goals and objectives.

ii. As a part of the annual review of each standing committee, the Mayor and Town Commissioners shall review, discuss and approve the membership of the standing committee.

B. Ad hoc committee. Ad hoc committees shall be formed as needed, following discussion and approval by majority vote of the Mayor and Town Commissioners at a regular Town Meeting.

i. At the time of adoption of this Resolution and at each September Organizational Town Meeting thereafter, the Mayor and Town Commissioners shall review the operations of every ad hoc committee and discuss and approve by majority vote the status of each ad hoc committee, including possibilities for the continuation of the ad hoc committee, the merging or reconfiguring of one or more ad hoc committees and/or standing committees, the disbanding of the ad hoc committee, and the conversion of an ad hoc committee to the status of a standing committee.

1. As a part of this review, the Mayor and Town Commissioners shall review, discuss and approve the ad hoc committee's goals and objectives.

2. As a part of this review, the Mayor and Town Commissioners shall review, discuss and approve the chairmanship and membership of the ad hoc committee.

ii. The Mayor or any Town Commissioner may propose the formation of an ad hoc committee or working group at any Town Meeting. If the Mayor and Town Commissioners vote in the affirmative to form an ad hoc committee,

they shall then also, at the same Town Meeting as part of the ad hoc committee formation process:

1. discuss and approve by majority vote the goals and objectives of this ad hoc committee.
 2. discuss and approve by majority vote a chair for this ad hoc committee.
 3. discuss and approve by majority vote the period of performance for this ad hoc committee. Any such period of performance shall not exceed twelve months.
- iii. An ad hoc committee shall disband when it has achieved its goals and objectives and its final report to the Town Council has been presented to and approved by the Mayor and Town Commissioners at a Town Meeting.
 - iv. By majority vote at a regular Town Meeting the Mayor and Town Commissioners may disband an ad hoc committee if in the Town Council's opinion the ad hoc committee has accomplished its goals and objectives or is not operating in a manner that is in the best interests of the Town of Dewey Beach or for any other reason.
 1. If an ad hoc committee is terminated by majority vote of the Mayor and Town Commissioners, no new ad hoc committee with substantially similar goals and objectives may be formed within one year.
- C. Working Group. Working groups may be formed as needed following discussion and approval by majority vote of the Mayor and Town Commissioners at a regular Town Meeting. The formation of a working group may be proposed by the Mayor, any Town Commissioner, or the standing committee.
- i. If the Mayor and Town Commissioners vote in the affirmative to form a working group, they shall then also, at the same Town Meeting as part of the working group formation process:
 1. discuss and approve by majority vote the goals and objectives of this working group.
 2. discuss and approve by majority vote a chair for this working group.
 3. discuss and approve by majority vote the period of performance for this working group.
 - a. The period of operation of a working group is likely to be defined by the scope and scale of the task being undertaken. However, it is conceivable that deadlines for delivering its objectives may define the appropriate period of performance. To the extent practical, a period of operation should be defined when establishing a working group.
 - ii. At the time of adoption of this Resolution and at each September Organizational Town Meeting thereafter, the Mayor and Town Commissioners shall review the operations of every working group.
 1. As a part of this review, the Mayor and Town Commissioners shall review, discuss and approve any amendment or change to

the working group's goals and objectives or period of performance.

2. As a part of this review, the Mayor and Town Commissioners shall review, discuss and approve any change in the chairmanship of the working group.
- iii. The period of performance of a working group shall end when it has achieved its goals and objectives and its final report to the Town Council has been presented to and approved by the Mayor and Town Commissioners at a Town Meeting.

4. Committee Chair.

A. Election and Term. The Chair of any standing committee, ad hoc committee or working group may be nominated by the Mayor or any Town Commissioner. Appointment of the Chair shall be discussed and approved by majority vote of the Mayor and Town Commissioners at a Town Meeting.

- i. Chairs of standing committees shall serve a term of one year, from October Town Meeting to October Town Meeting.
- ii. Chairs of ad hoc committees and working groups shall have terms lasting through to the end of the period of performance of the respective ad hoc committee or working group.
- iii. If the chair of any standing or ad hoc committee or working group resigns or is otherwise unable to fulfill his/her duties as chair, a new chair shall be appointed by majority vote of Mayor and Town Commissioners at the next Town Meeting at which such appointment can be properly noticed for discussion and a vote.
- iv. The Mayor or any Town Commissioner recommending anyone for the position of chair of any standing committee, ad hoc committee or working group shall provide a brief biographical sketch of the candidate to each Town Commissioner for review five calendar days prior to the Town Meeting at which such appointment will be proposed.

B. Responsibilities of the Chair.

- i. Standing Committee Chair. The responsibilities of the Chair of any standing committee shall include, but are not limited to:
 1. Nomination of a slate of Committee Members to be presented to the Mayor and Town Commissioners for approval at each regular October Town Meeting.
 - a. Nomination of a Secretary and/or Vice Chair, as appropriate, for approval by a majority vote of the committee members.
 - b. For ongoing standing committees the Chair may recommend the appointment of new committee members to fill vacant membership positions to the Mayor and Town Commissioners, for discussion and possible approval by the Mayor and Town Commissioners at any Town Meeting.
 - c. For ongoing standing committees the Chair may recommend the removal of a sitting committee member to the Mayor and

Town Commissioners, for discussion and possible approval by the Mayor and Town Commissioners at a Town Meeting.

- 1) While poor meeting attendance may be a reason for removal, the lack of critical and constructive input to moving the committee forward in achieving its goals and objectives is pertinent in the consideration of any such mid-term nomination or removal.
2. Tracking of progress toward the committee's goals and objectives.
 - a. While initial goals and objectives are set by the Mayor and Town Commissioners, the Chair shall work with the Mayor and Town Commissioners to refine and update these goals and objectives on a year-by-year basis; more frequently if necessitated by changing situations.
 - b. All committee goals and objectives should appropriately consider input from the Mayor, Town Commissioners, Town Manager and employees, Town Citizens and the public.
3. Oral and written reports on committee progress and pending issues to the Mayor and Town Commissioners at regularly scheduled Town Meetings.
 - a. Written monthly reports of committee activities shall be provided to the Mayor, Town Commissioners and Town Manager at least 7 calendar days prior to each monthly Town Meeting.
4. Point person for interactions with the Town Manager, Town Attorney, and Town Council to insure:
 - a. Proper scheduling, noticing, and follow up for all meetings.
 - b. Town Manager and/or Town Clerk should not be receiving internal emails between and among committee members that discuss among other things schedules, availabilities, draft agendas etc.
 - c. Prior to establishing the date and time of the meeting, the committee chair will confirm that the Life Saving Station is available. If there is a desire to have the meeting scheduled in the "summer months" between the hours of 9 a.m. and 6 p.m. the committee chair will need to make sure the Dewey Beach Patrol Captain is ok with the committee using this space. If the meeting is to be scheduled elsewhere, the committee chair will make the necessary arrangements.
 - d. At a minimum of 8 business days prior to the proposed meeting the Chair shall provide Town Manager and Town Clerk the request/notice for the meeting to be sent via email. The request should include the agenda and all supporting documents that are to be posted. The Chair and Town Manager shall be jointly responsible for Meeting Notice content;

- e. The Town Manager shall have primary responsibility for posting required meeting notices and agendas at Town Hall, the Town Life Saving Station, and in the local newspapers as required, and alerting Town Employees of the meeting;
 - f. Any special requests to include the need for an attorney to attend and or the meeting to be broadcast and or taped will be made when the meeting is scheduled.
 - g. Either the chair or town manager may post the meeting materials on line, but the chair has ultimate responsibility to ensure they are so posted seven (7) calendar days prior to the meeting.
 - h. As a means of cross checking, 7 business days prior to the meeting the committee chair will check the town's calendar in order to confirm that the meeting (including date, time, location, supporting documents if any and agenda) has been properly noticed on the website. If the agenda (to include relating documents) are not properly noticed, an email to Town Manager and Town Clerk will be sent that same day.
 - i. The Chair shall be responsible to timely notify Committee Members and the Mayor and Town Commissioners of upcoming meetings and meeting agendas (seven days prior to the meeting), and to ensure draft meeting minutes, action items and meeting materials are promptly distributed to all committee members and Mayor and Town Commissioners (three days prior to the meeting).
 - j. Copies of any documents/packets to be distributed to committee members or the public should be requested of town hall (through the town manager) at least 48 hours in advance of the meeting.
 - k. The committee chair is responsible for obtaining and returning a key or obtaining the code for entrance to the Lifesaving Station or other venue where the meeting is to be held.
 - l. After the meeting, the sign in sheet and draft minutes should be forwarded to the town clerk for proper filing/posting
5. Obtain an understanding of the requirements of the Freedom of Information Act and Delaware "sunshine laws" and how they apply to the operations of a public body.
 - a. Effective communication of these requirements to all committee officers and members.
 - b. Adherence to these requirements in the operations of the committee and distribution of committee materials.
 6. Proper preparation of the committee for each meeting, including distribution of a comprehensive agenda and appropriate meeting materials to committee members at least three calendar days prior to each scheduled meeting. Redundant?

7. Ensuring that the meeting agenda and discussion materials are properly posted on the Town web site for review by the public.
 - a. The chair is responsible for the content and format of all committee materials posted on the Town web site.
 8. Draft minutes (clearly marked as “draft”) must be reviewed and approved by the committee chair and also be posted on the town's website within 30 days per the Freedom of Information Act (FOIA) regulations.
 9. Ensure that meeting minutes, when they are officially approved, are properly posted on the Town web site replacing the draft copy and are distributed to committee members, the Mayor and Town Commissioners, and Town Manager.
 10. Ensure that timely action is taken on outstanding committee action items.
 11. Appointment of chair and members to any sub-committee formed out of a standing committee, and selection of candidates for any task group formed out of the standing committee.
 12. Recommend appointment of replacement members of the chair's standing committee, or any sub-committee or task group out of that committee when a member resigns or otherwise becomes incapable of performing his/her duties.
 13.
 - ii. Ad hoc committee chair. The responsibilities of the chair of an ad hoc committee shall include all responsibilities of a standing committee chair (listed above in B.i.). In addition, the chair of an ad hoc committee is responsible for:
 1. the timely preparation of a draft report to the Mayor and Town Commissioners detailing the accomplishment of the ad hoc committee's goals and objectives, and
 2. the preparation of a final report and presentation to the Mayor and Town Commissioners for their consideration and approval at a Town Meeting.
 - iii. Working group chair. The responsibilities of the chair of a working group shall be the same as those of an ad hoc committee chair, with the exception that the chair of a working group reports directly to the underlying standing committee and not the Mayor and Town Commissioners.
5. Responsibilities of the Vice Chair and Secretary.
- A. The vice chair of any committee or working group shall subsume the role and responsibilities of chair at those times the chair is unable to execute any such duty in a timely manner, including but not limited to running a meeting and reporting to the parent standing committee or Mayor and Town Commissioners.
 - B. The secretary shall be responsible for the preparation of accurate and timely minutes and action items, and other such administrative tasks as delegated by the chair.

6. Committee Membership

- A. Committee and working group members can be selected from any of the following Dewey Beach stakeholder group: residents, residential or commercial property owners, in-town business owners, and town employees.
- B. Term.
 - i. Standing committee and sub-committee members shall serve a term of approximately one-year, from October Town Meeting to October Town Meeting.
 - 1. If appointed in the middle of the year a standing or sub-committee member shall serve a term lasting until the subsequent October Town Meeting.
 - ii. Members of ad hoc committees shall serve a term from appointment until the end of the ad hoc committee's period of performance.
 - iii. Members of a working group shall serve a term from appointment through the duration of the working group's period of performance.
- C. Numbers. Standing committees and ad hoc committees shall have not fewer than 5 members and not more than 9 members. To the extent practical, the number of committee members excluding ex officio members should be an odd number.
 - i. Working group membership is anticipated to include a broad range of stakeholders, and therefore is expected to include as many members as necessary.
- D. Town employees. Town employees and contract workers may be members of a committee or working group to the extent that such membership is determined by the employee's supervisor not to be in conflict with or potentially impair the employee's work for the Town.
 - i. At the time of appointment of a Town employee or contract worker to a committee or working group, it shall be made clear to the employee and his/her supervisor that such membership either is or is not a part of the employee's work responsibility.
- E. If a member of a committee or working group resigns or otherwise becomes incapable of performing his or her duties in the middle of the year, the chair may at his/her sole discretion leave that position vacant or recommend a replacement for commissioner approval to serve out the leaving member's term.
- F. Committee chair will see to it that committee members names and contact information as posted on our website is correct. When a change is required, information will be sent to Town Clerk in order to be updated

7. Meeting Notices and Minutes.

- A. Noticing. Proper noticing of a meeting of any standing committee, ad hoc committee, sub-committee or working group shall include posting of appropriate notice and agenda
 - i. at Town Hall and in front of the Meeting Venue (e.g., Life Saving Station) at least seven (7) calendar days prior to the meeting; and
 - ii. on the Town web site at least seven (7) calendar days prior to the meeting.
- B. Meeting materials. Public documents that will serve as the basis of discussion and/or action at any meeting of a committee or working group should be distributed to the

committee/working group members and posted on the Town's web site at least three (3) calendar days prior to the meeting.

- i. An exception to this requirement may be made when any materials are not available at that time and delay in acting on them are counter to the efficient operation of the committee or working group. However, in any such situation, these late-coming materials shall be posted on the Town web site within three calendar days of the meeting.
 - ii. Meeting materials posted on the Town web site shall remain on the site for a period of at least six months, or until no longer pertinent to the operations of the committee or working group.
- C. Each Committee is responsible for preparing a written record of its meeting objectives, deliberations and results in the form of meeting minutes.
- i. Draft minutes (clearly marked as "draft") must be reviewed and approved by the committee chair and also be posted on the town's website within 30 days per the Freedom of Information Act (FOIA) regulations. Approved Meeting Minutes shall be posted on the Town web site as soon as possible after approval but no later than five (5) calendar days after the approval date, and should clearly indicate the approval date.

8. Recommendations to Commissioners or Town Manager

Prior to any committee making a formal recommendation to the Town Manager and or Commissioners, the committee will:

- a. Make sure that their recommendation was subject to a properly noticed meeting
- b. Make sure that the minute memorializing their vote have been properly ratified to include the wording of the motion
- c. That the commissioners have a ratified and approved set of minutes that confirms their vote well in advance of the commissioner meeting when their recommendation is to be discussed

9. Meeting locale.

- A. All meetings of standing committees, ad hoc committees, sub-committees and working groups shall be convened within the limits of the Town of Dewey Beach except:
 - i. When convening any such meeting in Dewey Beach is prohibited by extraordinary conditions (e.g., severe weather, power outage or emergency) and the holding of this meeting is critical for the health, safety and welfare of the Town and its citizens, the meeting location may be moved by direction of the committee chair and/or mayor to the nearest reasonable meeting venue.
- B. Members of any standing committee, sub-committee or working group may participate in a meeting by tele-conferencing or video-conferencing provided there is a quorum present at the actual meeting venue and all participants and attendees are able to clearly hear and understand each other.
- C. Meetings and meeting formats for task groups may take place outside of Dewey Beach or as virtual meetings as appropriate for the information being collected and analyzed.

10. Ex Officio Membership and Voting Requirements.

- A. The Mayor shall be an ex officio member of all standing committees, ad hoc committees and working groups.
- B. Other individuals with special knowledge or expertise may be appointed by the chair of any standing committee, sub-committee, or working group as an ex officio member to help deal with specific issues or achieve specific goals or objectives.
- C. Ex officio members are not counted in the determination of a quorum.
- D. No member of any committee or working group shall vote on any item of business before the committee or working group unless he or she has as a minimum
 - i. attended all meetings at which the topic being decided was discussed, or
 - ii. listened to all relevant meeting recordings, read all relevant meeting minutes/draft meeting minutes and meeting materials (e.g., charts and graphs, pictures, and other documents) for any such meeting(s) missed.
- E. Any member with voting rights in a committee or working group, may discuss and vote on committee/working group business via tele-conferencing or video-conferencing provide There is a quorum present at the actual meeting venue.
- F. Ex officio members do not have voting rights except that the Town Mayor shall have voting rights in all standing committees, ad hoc committees, and working groups in which he/she participates regularly.
- G. Ex officio members other than the Town Mayor have no standing in any executive session called by a standing committee, sub-committee or working group. The Town Mayor has the same rights in any executive session as he/she has in all standing committees, ad hoc committees, and working groups in which he/she participates regularly.