

State of Delaware Virtual Meeting Policy

Recent enactment of Senate Bill 94 amending the Freedom of Information Act (FOIA) provisions of Title 29 permits virtual meetings of public bodies under certain conditions. The amendments provide that:

A public body may hold a virtual meeting if all of the following occur:

- (1) The meeting notice includes information regarding how the public can monitor or participate in the meeting.
- (2) The meeting has an anchor location.
- (3) The identity of a member or witness is verified, and the actions of a member are authenticated, in a manner satisfactory to the presiding officer or chair.
- (4) All participating members and witnesses can simultaneously do 1 of the following regarding each member or witness who is recognized by the presiding officer or chair:
 - a) Hear the comments of each member or witness.
 - b) Hear the comments of and view each member or witness.
- (5) A document used during the meeting by a member or witness, and that is accepted by the presiding officer or chair, is immediately provided to each member or witness participating in the meeting and made available to the public.
- (6) Except during an executive session, the public is able to do all of the following through an electronic means of communication:
 - a) Monitor the meeting.
 - b) Provide public comment, if the public body is required to accept, or provides an opportunity for meaningful public comment.
- (7) Minutes of the virtual meeting are maintained.

In the event of a State of Emergency or Public Health Emergency order, the Governor may issue an executive order permitting meetings to be held full virtual without an anchor location. This order would supersede any town meeting policy requirements.

Town of Dewey Beach Virtual Meeting Policy

If all of the state requirements can be satisfied, meetings of the Town Council or any commission, board, or committee established by the Town Charter or Code, including Planning and Zoning, Board of Adjustment, and Audit Committee may include virtual participation under the following conditions:

- For meetings of the Town Council or the Board of Adjustment, a quorum of the Commissioners or members must be present at the anchor location where members of the public can attend and electronic means of communication are available.
- For meetings of the Planning and Zoning Commission or the Audit Committee, a majority of the number of members constituting a quorum must be present at the anchor location where members of the public can attend and electronic means of communication are available.

Virtual meetings of all other Town committees or groups subject to FOIA requirements are permitted under the following conditions:

- At least two members must be present at the anchor location where members of the public can attend and electronic means of communication are available.

Proposed Changes:

Maintain current standards for Town Council, Board of Adjustment, and Planning & Zoning Commission. All other committees may adhere only to state guidelines.

Delaware Code Title 29. State Government § 10002. Definitions

"Anchor Location" - the physical location within the geographic jurisdiction of the public body that is open to the public and at which 1 or more members of a public body attend a virtual meeting.