

**REHOBOTH BEACH COMMISSIONERS MEETING  
CITY OF REHOBOTH BEACH**

**July 30, 2014**

The Special Meeting of the Commissioners of the City of Rehoboth Beach was called to order at 3:05 p.m. by City Solicitor Glenn Mandalas on Wednesday, July 30, 2014 in the Commissioners Room in City Hall, 229 Rehoboth Avenue, Rehoboth Beach, DE.

**ROLL CALL**

Present:	Commissioner	Toni Sharp
	Commissioner	Patrick Gossett
	Commissioner	Bill Sargent
	Mayor	Samuel R. Cooper
	Commissioner	Stan Mills
Absent:	Commissioner	Lorraine Zellers
	Commissioner	Mark Hunker
Also in attendance was:	City Manager	Sharon Lynn
	City Solicitor	Glenn Mandalas

The purpose of this Special Meeting was to receive and discuss a presentation by the Delaware Department of Justice regarding the Delaware Freedom of Information Act 29 *Del.C. §10001 et seq.*) and related topics:

Mr. Edward Black, Deputy Attorney General and Mr. Jason Staib, former Deputy Attorney General were in attendance at the meeting. Mr. Staib provided an overview of public records and open meetings rights and obligations. Delaware's Freedom of Information Act has open records provisions with regard to what documents must be made available for public inspection and open meeting provisions regarding what meetings and discussions must be open to the public. Effective July 1, 2015, the Attorney General will publish biennially a FOIA coordinator manual, hold an annual training seminar and publish all FOIA opinions and summaries on a website. The FOIA policy declaration provides the public with important rights to observe the performance of public officials and monitor the decisions made in formulating and executing public policy. FOIA is to be interpreted to further the accountability of government to the citizens of the State. A public body is any legislative or executive branch agency, board, committee, subcommittee or group established by an act of the General Assembly or a body established by the General Assembly, appointed by a state body or public official or otherwise empowered by a state entity that is supported in whole or in part by public funds, expends or disburses grants/gifts and impliedly or specifically charged to advise of make reports or recommendations. Public bodies having only one member such as the governor, mayor, town manager, etc. and a body of one are exempt from open meetings. A body of one can appoint committees and hold staff meetings. With regard to public records, a policy must be implemented for addressing FOIA requests. A web portal must be developed for receiving FOIA requests. With regard to House Bill No. 322, a mailing address must be provided for receiving FOIA requests through the U.S. mail, and a FOIA Coordinator must be designated and identified on the website. Reasonable assistance must be provided to the public in identifying and locating records. Noncustodial emails and other records must be promptly requested. A diligent search must be conducted for records. A consultation with or referral to the originating body must be done. A response must be provided within 15 business days. Records must be made available for inspection and copying. A public record is defined as any information of any kind, owned, made, used, retained, received, produced, composed, drafted or otherwise compiled or collected by any public body relating in any way to public business or in any way of public interest or in any way related to public purposes, regardless of the physical form or characteristic by which such information is stored, recorded or reproduced. Statutory exceptions are the disclosure of personnel, medical and pupil files of which would constitute an invasion of personal privacy; trade secrets/commercial or financial information obtained from a person which is of a privileged or confidential nature, investigatory files compiled for civil or criminal law enforcement, criminal files and criminal records, records exempted by statute or common law and records pertaining to pending or potential litigation which are not records of any court. Meeting subject to FOIA are the formal or informal gathering of a quorum of members of any public body for the purpose of discussing or taking action on public business either in person or by video-conferencing. Public meeting requirements are publication, meeting notices, agendas and minutes. With regard to publication, the notice for Regular Meetings and intent to hold Executive Session must be posted seven days in advance of the meeting. An agenda must be posted with notice or added at least six hours in advance of the meeting. With regard to special or rescheduled meetings, at least 24 hours' notice is required. These meetings require a showing of an exigent

circumstance or compelling need to meet on shortened notice. Emergency meetings are exempt from notice requirements if they are necessary for the immediate preservation of public peace, health or safety or to the General Assembly. Publication of the notice and agenda must include a conspicuous post of the notice, and a reasonable number of notices must be made available. Included in the notice are the date, time and place of the meeting, video conferencing, and agenda if determined at the time. Included in the agenda is a general statement of the major issues expected to be discussed at a public meeting, a statement of intent to hold an executive session and the specific grounds. A public body may discuss certain matters in private during an executive session such as an individual's qualifications to hold a job, strategy sessions including those involving legal advice or opinion and personnel matters in which the names, competency and abilities of the individual employees or students are discussed. Meeting minutes must be prepared even when a meeting is taped and should be approved and posted at the next meeting. Minimal requirements for minutes are an attendance records and an accounting of each vote taken or action agreed upon. Executive session minutes may be withheld for as long as the matters discussed remain confidential/privileged. The Attorney General will publish biennially a manual for FOIA Coordinators laying out duties and responsibilities, FOIA timeframes, power of the public body to charge fees, an explanation of the reasons for calling an executive session and a summary of Delaware judicial opinions, Attorney General opinions and other legal opinions issued in the preceding two years. The Attorney General will hold an annual FOIA Coordinators training session which will be open to the public and noticed in accordance with FOIA. The Attorney General will maintain a website containing Attorney General opinions and a summary of the holding of each opinion.

A question and answer period was available for the audience to address Mr. Staib and Mr. Black.

There being no further business, City Solicitor Mandalas adjourned the meeting at 4:57 p.m.

**Respectfully submitted,**

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**(Ann M. Womack, Assistant Secretary)**