

Wilmington, Delaware
April 3, 2025

#0025

Sponsor:

**Council
Member
Owens**

Co-Sponsors:

**Council
President
Congo**

**Council
Members
Oliver
Harlee
Field
Bracy
Hackett
Darby
McCoy
Johnson
Willauer**

WHEREAS, the thirteen members of Wilmington City Council take an oath of office to faithfully fulfill their positions, which calls upon them to formulate policy and legislation, vote on legislation, adopt an annual operating budget, and provide oversight of City departments; and

WHEREAS, a fundamental aspect of the legislative process is a Councilmember's ability to understand the other Councilmembers' positions on a piece of legislation; and

WHEREAS, the legislative and policy-making functions of City Council are furthered by the informal, direct flow and sharing of information, research and ideas between and among Councilmembers; and

WHEREAS, a caucus whip, a traditional position in legislative bodies, plays a particularly important role in facilitating communication and information gathering concerning legislators' positions on legislation, as do individual legislators who sponsor the legislation; and

WHEREAS, meetings of City Council are subject to the Delaware Freedom of Information Act ("FOIA"), which requires meetings of any public body to be open to the public and noticed at least seven (7) days in advance of each meeting; and

WHEREAS, FOIA provides an exemption for meetings of any caucus of the Delaware Senate or Delaware House of Representatives, but it does not provide for a similar exemption for any caucus of City Council; and

WHEREAS, due to the large membership of City Council, the high volume and broad scope of the legislation it considers, and the limited duration of its legislation

sessions, an exemption for meetings of any caucus of City Council would substantially benefit the legislative process, while not sacrificing FOIA's general policy of open access to the deliberation of public business, as all legislation considered and voted on by City Council still takes place in open meetings in committees and at regularly scheduled meetings of City Council.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF WILMINGTON, the Wilmington City Council urges the General Assembly to enact legislation creating an exemption from FOIA for meetings of any caucus of the Wilmington City Council.

BE IT FURTHER RESOLVED, that the Wilmington City Council specifically requests that the members of the General Assembly amend Title 29, Section 10002 of the Delaware Code with the addition of the underlined language to read as follows:

§ 10002. Definitions.

(a) – (b) ---

(c) “Caucus” means members of the House of Representatives or Senate or members of the legislative body of the City of Wilmington, of the same political party, who assemble to discuss matters of public business.

(d) – (j) ---

(k) “Public body” means, unless specifically excluded, any regulatory, administrative, advisory, executive, appointive or legislative body of the State, or of any political subdivision of the State, including, but not limited to, any board, bureau, commission, department, agency, committee, ad hoc committee, special committee, temporary committee, advisory board and

committee, subcommittee, legislative committee, association, group, panel, council or any other entity or body established by an act of the General Assembly of the State, or established by any body established by the General Assembly of the State, or appointed by any body or public official of the State or otherwise empowered by any state governmental entity, which:

- (1) Is supported in whole or in part by any public funds; or
- (2) Expends or disburses any public funds, including grants, gifts or other similar disbursements and distributions; or
- (3) Is impliedly or specifically charged by any other public official, body, or agency to advise or to make reports, investigations or recommendations.

“Public body” shall not include any caucus of the House of Representatives or Senate of the State or any caucus of the legislative body of the City of Wilmington. “Public body” shall include any authority created under Chapter 14 of Title 16.

(l) – (r) ---

Passed by City Council,

ATTEST: _____
City Clerk

SYNOPSIS: This Resolution urges the Delaware General Assembly to enact legislation amending Title 29, Section 10002 of the Delaware Code by adding the “legislative body of the City of Wilmington” to the definitions of “caucus” and “public body”. With these proposed amendments, meetings of any caucus of the Wilmington City Council would be exempt from the open meeting requirements of the Delaware Freedom of Information Act.