

STATE OF DELAWARE



EXECUTIVE DEPARTMENT DOVER

EXECUTIVE ORDER
NUMBER Fifty Nine

TO: HEADS OF REGULATORY BOARDS AND COMMISSIONS ESTABLISHED
PURSUANT TO TITLE 24, DELAWARE CODE

RE: CONDUCT OF MEETINGS, HEARINGS AND OTHER FUNCTIONS

WHEREAS, the numerous Boards and Commissions established pursuant to Title 24 of the Delaware Code now in existence in the State of Delaware are charged with wide-ranging and important duties; and

WHEREAS, in order to insure that all meetings, hearings and other functions of those various Boards and Commissions are to be conducted in a manner most likely to increase participation and involvement of the citizens of the State of Delaware; and

WHEREAS, the General Assembly of the State of Delaware passed House Bill 662 As Amended by House Amendment No. 1, to eliminate potential hinderances to public involvement which is so vital to these Boards and Commissions; and

WHEREAS, the bill, as passed, embodies favorable points advanced by the members of the General Assembly to increase the involvement of the general public; and

WHEREAS, the bill also contains a requirement that no Board or Commission be permitted to hold an executive or closed session for any purpose whatsoever; and

WHEREAS, numerous Boards and Commissions perform functions which require a degree of confidentiality in their deliberations and decision-making processes; and

WHEREAS, in order to perform those investigative, fact-finding and other functions without fear of inadvertent or untimely public disclosures of extremely sensitive matters it is necessary for the various Boards and Commissions to be permitted to hold Executive Sessions for a limited number of purposes; and

WHEREAS, these Boards and Commissions from time to time require the assistance of their attorneys to provide legal advice during the course of their meetings and those discussions are protected under the doctrine of the attorney-client privilege; and

WHEREAS, House Bill 662, As Amended, embodies numerous favorable recommendations which should govern the exercise of the important functions vested in the various Boards and Commissions of the State;

NOW, THEREFORE, I, Michael N. Castle, by the authority vested in me as Governor of the State of Delaware, do hereby declare and order as follows:

1. In the conduct of each meeting, session or function, the various Regulatory Boards and Commissions of the State of Delaware established pursuant to Title 24 of the Delaware Code shall:

- a. Conduct its business, duties and functions in accordance with the provisions of the Administrative Procedures Act;
- b. Not serve meals or alcoholic beverages during any meeting of the Board or Commission to any Board or Commission member or person testifying before the Board or Commission;
- c. Publicize the time, date and place of each meeting not less than one week prior to such meeting, and not more than two weeks prior to such meeting;
- d. Provide at least ten agendas for the meeting to be available at each meeting for distribution to members of the public who attend.

2. Notwithstanding any other Act to the contrary, the Board or Commission may call for an executive session closed to the public for any of the following purposes:

- a. Discussions which would be allowed to take place in executive session pursuant to the provisions of the Delaware Freedom of Information Act;
- b. To undertake discussions in which information or opinions protected by the attorney-client privilege which will be disclosed; and
- c. Discussions relating to individuals which are of such a sensitive nature that it is in the best interest of the Board and the individual to conduct that aspect of their meeting in a private forum.

It is the intent of this Order that the scope of the foregoing exceptions to the holding of executive sessions shall be construed narrowly in order to effectuate the intent of this Order.

APPROVED THIS 20th DAY OF
JULY, 1988.

Michael R. Castle
Governor

[Signature]
Secretary of State

