

Joint Legislative Oversight & Sunset Committee

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JLOSC Meeting: February 21, 2023

Starting at 12:30 p.m.
SEE AGENDA FOR DETAILED INFO

Today's Review Presentation:
Tourism Advisory Board

Zoom Meeting Registration Required for
Public Comment after this presentation.

Scan QR Code or enter
<https://bit.ly/JLOSC221>
and Register via Zoom



During the public comment agenda item, staff will call on members of the public who have joined the zoom webinar and used the "raise hand" feature.

Sen. Kyra L. Hoffner, Chair
Sen. Kyle Evans Gay
Sen. Russell Huxtable
Sen. Brian Pettyjohn
Sen. Bryant L. Richardson



Rep. Sherry Dorsey Walker, Vice Chair
Rep. Richard G. Collins
Rep. Kendra Johnson
Rep. Stell Parker Selby
Rep. Jeff N. Spiegelman

STATE OF DELAWARE
JOINT LEGISLATIVE OVERSIGHT AND SUNSET COMMITTEE

Joint Legislative Oversight and Sunset Committee
Hybrid Meeting

Tatnall Building Room 112 and General Assembly [Live Stream](#)

Tuesday, February 21, 2023

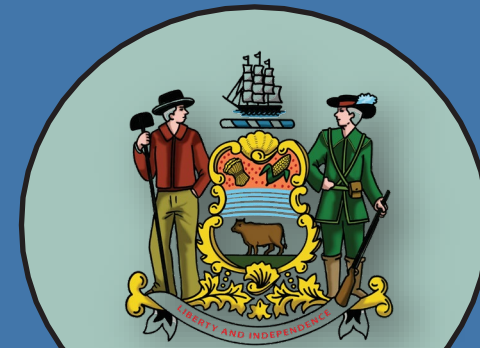
12:30 p.m.

Agenda

1. Welcome
2. Approve Minutes
3. Presentation: Tourism Advisory Board
4. Public Comment: Tourism Advisory Board
5. Staff Findings and Recommendations: Tourism Advisory Board
6. Recommendations for Tourism Advisory Board
7. Discussion and Selection of 2024 Entities for JLOSC Review
8. Adjournment

Note: The Committee's Chair will recognize members of the public to supply comments after an entity's presentation. **Zoom meeting [registration](#) is required for virtual participants.** Per JLOSC Rule 7, public comments must be on the subject at hand and are limited to 2 minutes per individual. Zoom registration is not required to simply watch the meeting's live stream.

Written public comments can be submitted to Sunset@Delaware.gov or by using the Committee's public comment [form](#). Self and Staff Reports about these reviews are available on the Committee's [website](#). Contact JLOSC staff with any questions.



Joint Legislative Oversight & Sunset Committee

2023 Review Presentation: Tourism Advisory Board

Zoom Registration:
<https://bit.ly/JLOSC221>

See posted agenda for full
details.

Meeting Minutes – February 15, 2023

1 Chair Kyra L. Hoffner called the meeting to order at 12:39 p.m. Committee members present
2 included Vice-Chair Dorsey Walker; Senators Gay, Huxtable, and Richardson; Representatives
3 Collins, Johnson, Parker Selby, and Spiegelman. Staff present included Mark Brainard, Jr. and
4 Amanda McAtee, Joint Legislative Oversight and Sunset Committee (“JLOSC”) Analysts; Holly
5 Vaughn Wagner, Legislative Attorney for JLOSC and Deputy Director of the Division of Research;
6 Carrie Wanstall, Administrative Specialist; and Shubreet Kaur, Legislative Fellow. A quorum was
7 met.

8 Chair Hoffner welcomed everyone to the meeting and called for Committee and staff
9 introductions.

10 Chair Hoffner moved to item 2 of the agenda, the approval of the January 26th meeting minutes.
11 Representative Spiegelman motioned to approve the January 26, 2023 meeting minutes as
12 written, and Senator Gay seconded the motion. The motion carried 8-1-1, with Senators Hoffner,
13 Gay, and Huxtable, and Representatives Dorsey Walker, Collins, Johnson, Parker Selby, and
14 Spiegelman voting in favor, none opposed, Senator Richardson abstained, and Senator Pettyjohn
15 was not present for the vote.

16 Chair Hoffner moved to item 3 of the agenda, the discussion of draft legislation. Holly Vaughn
17 Wagner presented several draft bills for review. The first draft bill, relating to the 2022 JLOSC
18 review of the Council on Libraries, made technical corrections, updated membership on the
19 council, defined quorum, and added standard provisions that help the entity run smoothly. Senator
20 Gay motioned to release the bill and Representative Dorsey Walker seconded the motion. The
21 motion carried 9-0-1, with Senators Hoffner, Gay, Huxtable, and Richardson and Representatives
22 Dorsey Walker, Collins, Johnson, Parker Selby, and Spiegelman voting in favor. Senator
23 Pettyjohn was not present for the vote.

24 Holly Vaughn Wagner introduced the next draft bill, which repealed the outdated Public Library
25 Technology Act. Representative Collins motioned to release the bill and Senator Huxtable
26 seconded the motion. The motion carried 9-0-1, with Senators Hoffner, Gay, Huxtable, and
27 Richardson and Representatives Dorsey Walker, Collins, Johnson, Parker Selby, and
28 Spiegelman voting in favor. Senator Pettyjohn was not present for the vote.

29 Holly Vaughn Wagner introduced a draft bill regarding the 2022 JLOSC review of the Governor’s
30 Commission on Community and Volunteer Service. This bill codifies federal requirements to be
31 on the commission and federal requirements for their duties, clarified quorum, and made technical
32 corrections. Senator Gay motioned to release the bill and Representative Spiegelman seconded
33 the motion. The motion carried 9-0-1, with Senators Hoffner, Gay, Huxtable, and Richardson and
34 Representatives Dorsey Walker, Collins, Johnson, Parker Selby, and Spiegelman voting in favor.
35 Senator Pettyjohn was not present for the vote.

36 Holly Vaughn Wagner introduced the next bill regarding the 2022 JLOSC review of the Pedestrian
37 Council. This draft renamed and codified the council, originally created by executive order.
38 Senator Gay motioned to release the bill and Representative Spiegelman seconded the motion.
39 The motion carried 9-0-1, with Senators Hoffner, Gay, Huxtable, and Richardson and
40 Representatives Dorsey Walker, Collins, Johnson, Parker Selby, and Spiegelman voting in favor.
41 Senator Pettyjohn was not present for the vote.

42 Holly Vaughn Wagner introduced draft legislation for review and discussion that revised the
43 Delaware Legislative Oversight and Sunset Act. The legislation updates the Committee’s
44 governing statute and incorporates updates to the review processes. Questions regarding quorum
45 and evening meetings were discussed. The draft will be included on a future agenda for
46 consideration.

47 Chair Hoffner moved to item 4 of the agenda, the review, discussion, and selection of entities for
48 JLOSC review in 2024. Amanda McAtee and Mark Brainard Jr. presented a staff prepared list of
49 boards and commissions for JLOSC to consider for review in 2024.

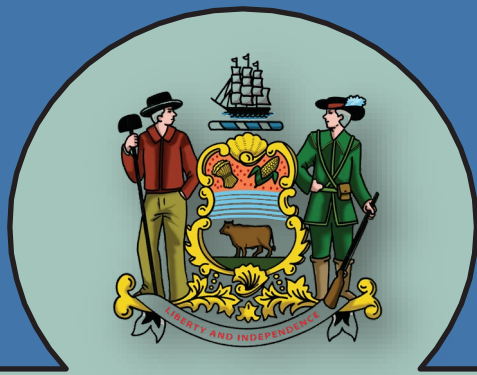
50 After Amanda McAtee and Mark Brainard Jr. reviewed the possible entities for the 2024 JLOSC
51 review, the committee moved to discussing the selections. Mark Brainard Jr. and Amanda McAtee
52 provided answers and clarification. The 2024 review selection will be included on the
53 March 2, 2023 agenda for further consideration and selection.

54 The meeting concluded at 1:54 p.m.

55 Respectfully prepared by:

56 Shubreet Kaur, Legislative Fellow, Joint Legislative Oversight and Sunset Committee.

57 *Access to the complete video recording of this proceeding is available [here](#).*



**Joint Legislative Oversight
& Sunset Committee**

**Public Comment:
Tourism Advisory Board
Zoom Registration Required
See posted agenda for full details.**



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Use “raise hand feature” to be recognized for public comment.

**Email written comments to
Sunset@Delaware.gov.**

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Staff Report

Brief Overview of Contents

Each Staff Report contains 6 sections:

- First section provides background on JLOSC and its review process.
- Objectives, scope, and methodology describes how staff completed research for this review.
- Staff findings section highlights the main findings and conclusions based on staff research.
- Staff recommendations are based on research and findings. Recommendations are not final until review and affirmative vote by 7 JLOSC members.
- Each entity under review is provided an opportunity to review and comment on the Staff Report prior to publication.
- Appendices typically include relevant statutes and bylaws.

OBJECTIVE, SCOPE, AND METHODOLOGY

Objective

A performance evaluation conducted as required under JLOSC statute and based on the following criteria:

1. If the agency is a licensing agency, the extent to which the agency has permitted qualified applicants to be licensed.
2. The extent to which the agency has served the public interests.
3. The extent to which the agency has recommended statutory changes, and whether those changes directly benefit the public or whether those changes primarily benefit the agency or other entities and are of only indirect benefit to the public.
4. Review the implementation of recommendations contained in the final reports presented to the General Assembly and the Governor during previous legislative sessions.

Scope

This review covers a 5-year performance period except where noted.

Staff Report: Tourism Advisory Board

Objective, Scope, Methodology

- This is the first JLOSC review of the Board.
- Performance evaluation conducted based on JLOSC review criteria, only objective #2 is relevant to this review.
- Fieldwork highlights, JLOSC staff reviewed:
 - All documents supplied by Tourism Office, including self-report and past 26 years of meeting minutes.
 - All available public information such as annual reports, news articles, and websites.
 - Board's FOIA compliance.
 - Current statute and any applicable regulations.
 - Board's overall performance related to current statute.
 - Board member size and composition, quorum trends, and meeting frequency.



Staff Report: Tourism Advisory Board

Staff Findings

5 total staff findings, highlights include:

- Board is not performing statutory duties:
 - Not providing advice to Tourism Office.
 - Does not conduct research or undertake projects.
- Delaware Tourism Office runs a successful program without Board support.
- Board does not meet frequently.
 - Hasn't met more than twice a year since 2012.
 - Held only 4 meetings since 2018.
 - Zero meetings in 2020 and 2021.
- Each county has a Conventions & Visitors Bureau in regular communication with the Tourism Office, duplicating efforts of the Tourism Advisory Board.
- FOIA compliance issues with posting of minutes on Public Meeting Calendar.

STAFF RECOMMENDATIONS

Recommendation #1, Option 2 – Sunset the Tourism Advisory Board

Review and analysis by JLOSC staff conclude the Delaware Tourism Office oversees a functioning and award-winning tourism program without support from the Tourism Advisory Board. Since January 1, 2018, the Tourism Advisory Board held only 4 meetings and did not meet at all during 2020 and 2021. The Board has not conducted independent research, been involved with any ongoing projects, or offered advice to the Delaware Tourism Office in at least a decade.

JLOSC staff recommends Option 2: Sunset the Tourism Advisory Board with JLOSC sponsoring legislation to implement this recommendation.

Continue or Terminate (standard JLOSC recommendation).

Option 1: The Tourism Advisory Board shall continue, subject to any further recommendations that JLOSC adopts.

- OR -

Option 2: The Tourism Advisory Board is terminated, and the Committee will sponsor legislation to implement this recommendation.

Recommendation #2 – Release from Review.

Release the Tourism Advisory Board from review upon enactment of sunset legislation.

Staff Report: Tourism Advisory Board

Staff Recommendations

2 total:

- JLOSC staff recommends sunsetting the Tourism Advisory Board.
 - Tourism Office and Board Chair in agreement.
- Release from review.

JLOSC members may modify staff recommendations or create their own.

Adopting a recommendation requires affirmative vote of 7 JLOSC members.