

Joint Legislative Oversight & Sunset Committee

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JLOSC Meeting: March 1, 2023

Starting at 1:00 p.m.

SEE AGENDA FOR DETAILED INFO

**Today's Review Presentation:
- Delaware State Arts Council**

**Zoom Meeting Registration Required for
Public Comment on this presentation.**

Scan QR Code or enter
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and Register via Zoom



Join Zoom webinar to offer public comment.

During the public comment agenda item, staff will call on members of the public in the order of registration.

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

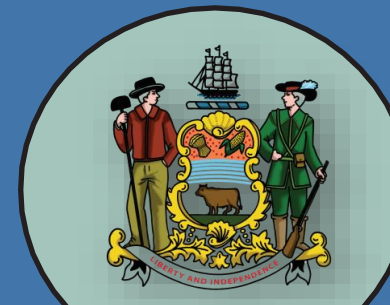
**Joint Legislative Oversight and Sunset Committee
Hybrid Meeting**
Tatnall Building Room 112 and General Assembly [Live Stream](#)
Wednesday, March 1, 2023
1:00 p.m.

Agenda

1. Welcome
2. Approve Minutes
3. Presentation: Delaware State Arts Council
4. Public Comment: Delaware State Arts Council review
5. Staff Findings and Recommendations: Delaware State Arts Council
6. Recommendations for Delaware State Arts Council
7. 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**. 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:
Delaware State Arts Council**

Zoom Registration:

<https://bit.ly/JLOSC31>

See posted agenda for full details.



Meeting Minutes – February 21, 2023

1 Chair Kyra L. Hoffner called the meeting to order at 12:34 p.m. Committee members present
2 included Vice-Chair Dorsey Walker; Senators Gay, Huxtable, Pettyjohn, and Richardson;
3 Representatives Collins, Johnson, and Spiegelman. Staff present included Mark Brainard, Jr. and
4 Amanda McAtee, Joint Legislative Oversight and Sunset Committee (“JLOSC”) Analysts; Carrie
5 Wanstall, Administrative Specialist; and Shubreet Kaur and Nicole Neri, Legislative Fellows. A
6 quorum was met.

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

9 Chair Hoffner moved to item 2 of the agenda, the approval of the February 15th meeting minutes.
10 Senator Gay motioned to approve the February 15th, 2023 meeting minutes as written, and
11 Representative Johnson seconded the motion. The motion carried 9-0-1, with Senators Hoffner,
12 Gay, Pettyjohn, Richardson, and Huxtable, and Representatives Dorsey Walker, Collins,
13 Johnson, and Spiegelman voting in favor, none opposed, Representative Parker Selby was not
14 present for the vote.

15 Chair Hoffner moved to item 3 of the agenda, a presentation for the Tourism Advisory Board.
16 Chair Hoffner introduced Jessica Welch, Director of Delaware Tourism Office to deliver the
17 presentation on behalf of the Tourism Advisory Board. After the presentation, questions and
18 comments were given by Senator Gay and Vice Chair Dorsey Walker. Director Jessica Welch
19 and Jaclyn Ott, Marketing Manager of Delaware Tourism Office, provided clarification.

20 After additional questions and comments by Committee members, Chair Hoffner moved to item
21 4 of the agenda, public comment regarding the Tourism Advisory Board. No members of the
22 public provided comment.

23 Chair Hoffner moved to item 5 of the agenda, a presentation of JLOSC staff findings and
24 recommendations for the Tourism Advisory Board. Amanda McAtee and Mark Brainard presented
25 the findings and recommendations from the staff report on the Tourism Advisory Board.

26 Chair Hoffner moved to item 6 of the agenda, recommendations for the Tourism Advisory Board.
27 Representative Spiegelman motioned to adopt Recommendation 1, option 2 as written for the
28 Tourism Advisory Board, and Representative Dorsey Walker seconded the motion. The motion
29 carried 8-0-2 with Senators Hoffner, Gay, Richardson, and Huxtable, and Representatives Dorsey
30 Walker, Collins, Johnson, and Spiegelman voting in favor, none opposed, Senator Pettyjohn and
31 Representative Parker Selby were not present for the vote.

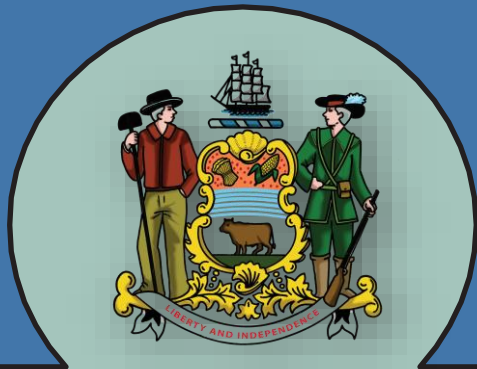
32 Representative Spiegelman motioned to adopt Recommendation 2 as written for the Tourism
33 Advisory Board, and Senator Gay seconded the motion. The motion carried 8-0-2 with Senators
34 Hoffner, Gay, Richardson, and Huxtable, and Representatives Dorsey Walker, Collins, Johnson,
35 and Spiegelman voting in favor, none opposed, and Senator Pettyjohn and Representative Parker
36 Selby voting absent.

37 Chair Hoffner moved to item 7 of the agenda, discussion, and selection of 2024 entities for JLOSC
38 review. Representative Collins mentioned utility bill fees that are connected to the Regional
39 Greenhouse Gas Initiative. He suggested a focused review of the initiative and the allocation of
40 these funds. Senator Richardson spoke about highway beautification and litter-cleaning
41 programs. Additional discussion of review entities was scheduled for March 2, 2023.

42 The meeting concluded at 1:11 p.m.

43 Respectfully prepared by:
44 Shubreet Kaur, Legislative Fellow, Joint Legislative Oversight and Sunset Committee.

45 *Access to the complete video recording of this proceeding is available on the General Assembly [website](#).*



**Joint Legislative Oversight
& Sunset Committee**

Public Comment: Delaware State Arts Council Registration Required See posted agenda for full details.



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**Answer required questions and join
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**Staff will call on members of the public
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**Email written comments to
Sunset@Delaware.gov.**

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: Delaware State Arts Council Objective, Scope, Methodology

- This is the first standalone review of the Board.
 - JLOSC reviewed the Division which included the Council in 2008, recommendations were implemented.
- Performance evaluation conducted based on JLOSC review criteria, all 4 objectives relevant to review.
- Fieldwork highlights, JLOSC staff reviewed:
 - All documents supplied by Division, including self-report, past 3 years of meeting minutes, and past 5 years of Council membership.
 - All available public information such as annual reports, grant panel reviews, grant recipient updates, websites, and available news articles.
 - Council'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: Delaware State Arts Council

Staff Findings

7 total staff findings, highlights include:

- Council is a high performer, engaged in promoting the arts in Delaware, performing its statutory duties, and service the public interest.
- Effectively reviews and approves grant applications through the Division's processes.
- Council has access to training opportunities and is engaged with arts organizations across the country.
- Minor FOIA compliance issues with posting of minutes on Public Meeting Calendar.
- Currently no vacancies, indicating a successful rotation of members on and off the Council.
- Members have a high attendance rate (74% or higher), and chronic quorum issues were not observed.
- Council is actively working with Division to address challenges such as diversity among Council members and ensuring equity in the distribution of funding.

Recommendation #1, Option 1 – Continue the Delaware State Arts Council

After review and analysis, JLOSC staff recommends option 1, continue the Delaware State Arts Council, subject to any further recommendations that JLOSC adopts.

Continue or Terminate (standard JLOSC recommendation).

Option 1: The Delaware State Arts Council shall continue, subject to any further recommendations that JLOSC adopts.

- OR -

Option 2: The Delaware State Arts Council is terminated, and the Committee will sponsor legislation to implement this recommendation.

Recommendation #2 – Statute Revisions

JLOSC should consider sponsoring a bill to apply technical corrections to the governing statute of the Delaware State Arts Council, Chapter 87, Title 29, and using this review as a guide, applying revisions to sections covering topics such as:

- Update Council composition.⁴
 - Define quorum.
- Update and define subcommittee and grant panel processes.

JLOSC and Delaware State Arts Council administrative staff will work together to develop statutory revisions. JLOSC staff will engage stakeholders as necessary.

Recommendation #3 – Release from Review.

Release the Delaware State Arts Council from review upon enactment of legislation applying technical corrections and changing board composition listed under Recommendations 2.

Staff Report: Delaware State Arts Council **Staff Recommendations**

3 total:

- JLOSC staff recommends continuing the Council.
- Sponsoring legislation to update Council composition, define quorum, update the subcommittee and grant panel processes, apply technical corrections.
- Release from review with enactment of legislation.

JLOSC members may modify staff recommendations or create their own.

Adopting a recommendation requires affirmative vote of 7 JLOSC members.