

Introduced by: Mr. Weiner
Date of introduction: September 11, 2018

ORDINANCE NO. 18-095

**TO AMEND *NEW CASTLE COUNTY CODE* CHAPTER 2 (“ADMINISTRATION”),
ARTICLE 4 (“BOARDS, COMMITTEES AND COMMISSIONS”), DIVISION 2.04.000.
 (“GENERALLY”) TO REQUIRE CERTAIN NEW CASTLE COUNTY BOARDS
TO PROVIDE PUBLIC ACCESS TO PUBLIC MEETINGS
BY WAY OF CERTAIN AUDIO AND VIDEO SYSTEMS**

WHEREAS, increasing demands on the lives and schedules of our constituency coupled with constant technology advancements on the Internet and on social media understandably have heightened constituents’ expectations of more convenient and improved access to and visibility of their government leaders in action; and

WHEREAS, according to a 2016 Nielsen Report, the average American spends over 10 hours a day online; additionally, largely gone are the days when a constituent would personally travel to city hall to be heard. They are more likely to voice their concerns in an email or a tweet. And when a constituent wants to inform themselves about an upcoming community meeting or event, they are more likely to look online. Consequently, providing constituents a convenient means of access to meetings allows government leaders a meaningful opportunity to meet their constituents where they are; and

WHEREAS, while constituents may want to attend every meeting, the reality is they cannot always be physically present; providing constituents the option to listen to or watch a live stream or on demand audio or video at a time that suits them, from the comforts of their home, allows the constituent to get more out of it and ultimately will lead to constituents tuning in and engaging more often; and

WHEREAS, on demand and live streaming technology are valuable tools for governments to increase inclusiveness and civic engagement, to more effectively communicate its message to the community, to provide accurate information to citizens quickly and efficiently, and to demonstrate transparency and accountability; and

WHEREAS, a 2016 Nielsen Report determined that the combined number of users of apps on smart phones and the Internet on a personal computer is nearly double the number of users of AM/FM radio broadcasts; and

WHEREAS, because of the relative ease with which the technology can be used, governmental bodies have increasingly taken advantage of on demand and live streaming technology to improve communications with their constituents and to make it easier for their constituents to “attend” public meetings; this provides constituents with an increased opportunity to observe their government leaders in action, especially when the constituent is unable to personally attend a meeting; and

WHEREAS, because of the significant benefits it provides, use of on demand and live streaming audio and video technology by governmental bodies has become commonplace across the United States; among the many governmental bodies who have taken advantage of on demand and live streaming technology are: the United States Congress, Kent County Council, Sussex County Council, Wilmington City Council, Newark (DE) City Council, Philadelphia City Council, and Council for New York City, to name a few; and

WHEREAS, certain governmental bodies, including Council for New York City, require their agencies, committees and commissions to publically provide on-demand recordings and live streaming of public meetings; and

WHEREAS, technology advancements have been such that it has become economically feasible to provide on demand and live streaming transmissions of public meetings of certain New Castle County boards; and

WHEREAS, the Board of Assessment Review, the Planning Board, the Board of Adjustment, and the Historic Review Board (collectively, the “Boards”) regularly address matters of high importance that have the potential to substantially impact New Castle County and our constituents’ lives; thus, providing on-demand and live streaming transmissions of public meetings of the Boards will enable a greater number of the citizens of our County to monitor and better understand the deliberations and decision making of the Boards on important public matters. This will lead to a better understanding and appreciation by constituents of the many complex issues that the Boards regularly address and resolve.

NOW, THEREFORE, THE COUNTY OF NEW CASTLE HEREBY ORDAINS:

Section 1. *New Castle County Code* Chapter 2 (“Administration”), Article 4 (“Boards, Committees and Commissions”), Division 2.04.000 (“Generally”) is hereby amended by adding the language that is underscored and deleting the language that is stricken, as follows.

Chapter 2 – ADMINISTRATION...

ARTICLE 4. – BOARDS, COMMITTEES AND COMMISSIONS...

Sec. 2.04.004. – Certain boards; public access to meetings.

A. The Board of Assessment Review, the Planning Board, and the Historic Review Board, in addition to allowing the public to personally appear at public meetings, shall provide public access to public meetings by the following means (unless otherwise prohibited by the Delaware Freedom of Information Act):

1. On demand audio within five business days after the meeting (to be implemented by March 1, 2019);
2. Live streaming audio (to be implemented by March 1, 2019);

3. On demand video within five business days after the meeting (to be implemented by September 1, 2019); and
 4. Live streaming video (to be implemented by December 1, 2019).
- B. The Board of Adjustment, in addition to allowing the public to personally appear at public meetings, shall provide public access to public meetings by the following means (unless otherwise prohibited by the Delaware Freedom of Information Act):
1. On demand audio within five business days after the meeting (to be implemented by March 1, 2019);
 2. Live streaming audio (to be implemented by March 1, 2019);
- C. Consistent with all obligations under Delaware law and all County policies that conform thereto, each of the above-referenced boards shall safeguard and archive all recordings of board meetings to ensure the integrity thereof.

Section 2. The provisions of this Ordinance are severable. Therefore, if any part of this Ordinance is declared invalid or unconstitutional, the remainder of this Ordinance shall not be affected.

Section 3. This Ordinance shall become effective upon its adoption by County Council and approval by the County Executive, or as otherwise provided by 9 *Del. C.* Sec. 1156.

Adopted by County Council of
New Castle County on:

President of County Council
of New Castle County

Approved on:

County Executive

SYNOPSIS: Increasing demands on the lives and schedules of our constituency coupled with constant technology advancements on the Internet and on social media understandably have heightened citizens' expectations of more convenient and improved access to and visibility of their government leaders in action. Use of on demand and live streaming technology in relation to government meetings has become commonplace across the United States.

This Ordinance would provide constituents with greater access to public meetings of the Board of Assessment Review, the Planning Board, and the Historic Review Board by allowing constituents to access meetings of the boards by way of on demand and live streaming technology (while the Board of Adjustment would provide access by way of on demand and live streaming audio technology). Increased access by the public to meetings of these boards is especially important since these boards regularly address matters of high importance that have

the potential to substantially impact the County and our constituents' lives. Thus, providing on demand and live streaming access to public meetings of these boards will enable a greater number of the citizens of our County to monitor and better understand the deliberations and decision making of these boards on important public matters.

Finally, this Ordinance establishes a timeline for implementation of on demand and live streaming access to the Boards' meetings, as follows:

- On demand audio within five business days after the meeting (to be implemented by March 1, 2019);
- Live streaming audio (to be implemented by March 1, 2019);
- On demand video within five business days after the meeting (to be implemented by September 1, 2019) [This does not apply to the Board of Adjustment]; and
- Live streaming video (to be implemented by December 1, 2019) [This does not apply to the Board of Adjustment].

FISCAL IMPACT: The Board of Assessment Review, the Planning Board, the Board of Adjustment, and the Historic Review Board may contract with a third party in order to implement the requirements of the Ordinance (if the requirements cannot be satisfied in-house). The final cost to implement the requirements of the Ordinance will be based on any RFI that may be necessary. Based on a preliminary assessment, the cost to implement on demand audio technology is estimated to be approximately \$2,500. The cost to implement the other on demand and streaming audio and video technologies is to be determined.