

Statement by Mayor Diane Hanson
August 8, 2012

I have been a Dewey Beach commissioner for five years and the Town's mayor for almost two years. In that time I have attended and or chaired dozens of town meetings. We have also had numerous executive sessions during the past year while we were hiring three town attorneys, an alderman, three interim town managers and a full-time town manager and we have mitigated threats of at least three lawsuits in those executive sessions. The sensitive nature of litigation and personnel matters require executive session meetings and are specifically exempted from the public meeting requirements of FOIA.

At present the office of the Attorney General has called into question long-term practices of this town concerning the manner in which it notices its meetings, particularly its executive sessions. While the attorney who authored the opinion has closely examined the wording of our agendas, he does not claim that Dewey Beach violated FOIA by making public policy during closed-door meetings. He does not contend that the Dewey Beach Council acted in bad faith with the intention of depriving the public of its right to participate in the governing process during the meetings covered in the complaint. He does not even suggest that we met in executive session for any unlawful purpose.

Instead, the Attorney General's office finds fault with practices that are in many cases widely observed in other municipalities and have been employed here for many years by many different Dewey Beach Councils. As a matter of course meeting agendas are prepared by a combination of staff and volunteer public officials and reviewed by attorneys. Although the cited requirements of FOIA are by their very nature subjective, I pledge that all future meeting agendas will be prepared and posted with a more thorough description of the item under consideration.

In further deference to the AG and FOIA laws, I make the following recommendation to my fellow commissioners and to our town:

For every executive session that occurred in Dewey Beach, beginning January 15th 2011 through the present, the agenda and all minutes are to be made available to the attorney general and to the public. I am committed to putting the public's interest first and assure the AG that we respect and will comply with FOIA. The people's interest will be first when making decisions that affect our town.