



**STATE OF DELAWARE
LEGISLATIVE COUNCIL**

**Meeting Minutes
Tuesday, September 24, 2019**

Members Present: Senator David B. McBride, Chair; Representative Peter C. Schwartzkopf, Vice Chair; Senators Gerald Hocker and Catherine Cloutier; Representatives Daniel Short and Timothy Dukes

Absent: Senators Nicole Poore and Brian Townsend; Representatives Valerie Longhurst and J. Larry Mitchell

In attendance: Mark Cutrona, Director, Division of Research/Legislative Council; Holly Vaughn Wagner, Sara Zimmerman, Amanda McAtee, Donald Sellers, and Colinda Marker, Division of Research/Legislative Council; Michael Morton, Controller General; Dawn Hill, Controller General Office; Janet Roberson, Director, Legislative Information Systems (LIS); David Deputy, House Minority Chief of Staff; Sean Finnigan, House Majority Chief of Staff; Richard Puffer, Chief Clerk of the House; Joy Bower, Secretary of the Senate; Ray Lewis; Valerie McCartan; Lt. Scott Simpson, Capitol Police; Michael Svaby, Director Facilities Management; Don Gerardi, Deputy Director Facilities Management; Amy Bonner, Deputy Director OMB; Bert Scoglietti, OMB; Scott Goss; Deanna Killen; Mary Grace Colonna; Sarah Wootten; James DeChene; Rick Armitage

AGENDA

1. Welcome – Sen. McBride, Chair
2. Approval of June 30, 2019, Meeting Minutes
3. Legislative Council Report – Mark Cutrona, Director of the Division of Research
4. Controller General Report – Michael Morton, Controller General
5. New Business
 - a. 2020 Legislative Calendar – Michael Morton, Controller General
 - b. Print Shop Equipment Lease – Donald Sellers, Division of Research
 - c. Legislative Hall Projects Update – Mike Svaby, Director of Facilities Management
 - d. ADA Policy Update – Dawn Hill, Controller General’s Office
 - e. Legislative Council meeting schedule – Mark Cutrona, Director
 - f. Executive Session*
6. Old Business
7. Next Meeting – Thursday, November 7, 2019
8. Public Comments
9. Adjournment

Legislative Council Meeting
September 24, 2019

1. **Welcome**

Sen. McBride called the meeting of Legislative Council to order at 12:02 p.m. in the Joint Finance Hearing Room. Sen. McBride congratulated Mark Cutrona, Director, Division of Research, for receiving a Legislative Staff Achievement Award at the 2019 NCSL RELACS Professional Development Seminar. Mr. Cutrona noted the Division also won a Notable Document Award for the Delaware Legislative Drafting Manual.

2. **Approval of June 30, 2019, Meeting Minutes**

A motion was made by Rep. Short and seconded by Sen. Hocker to approve the June 30, 2019, Legislative Council meeting minutes. Motion carried. Vote: 6 yes. Senators McBride, Cloutier, and Hocker; Representatives Schwartzkopf, Short, and Dukes

Absent: Senators Poore and Townsend; Representatives Longhurst and Mitchell

3. **Legislative Council Director's Report** – Mark Cutrona advised the Department of Human Resources confirmed last week the reclassification of the Assistant Registrar of Regulations position has been approved. The next steps in the process are approval by Mike Jackson, OMB and then Michael Morton, Controller General Office. Pending final approvals, the Assistant Registrar position will be posted for the next 7 days; submitted applications will be evaluated on the closing date to determine if sufficient candidates have applied or if the posting needs to be extended. Sen. McBride requested Mr. Cutrona provide a brief overview of the work done by the Registrar's Office. Mr. Cutrona advised they are the editing and publishing group for the General Assembly consisting of three employees, Yvette Smallwood, Registrar of Regulations; Vicki Schultes, Administrative Specialist III; and the vacant Assistant Registrar of Regulations. The Registrar's Office reviews the regulations written by agencies for style, formatting, and legal compliance. The Office also produces the Administrative Code online, creates Session Laws signed by the Governor, and posts Delaware Code provided by LexisNexis online.

Mr. Cutrona advised he is also in the process of filling the Deputy Director position for the Division. He is working with the Department of Human Resource to finalize the posting and have the position advertised this week. Mr. Cutrona has reached out to the Whips, who will be assisting with the first round of interviews, to select an interview date.

Mr. Cutrona shared that Sara Zimmerman, Legislative Librarian, has accepted another position and will be leaving the Division. He complimented Ms. Zimmerman on her achievements in bringing the library into the 21st Century and being a great resource for legislative drafters. Mr. Cutrona is working with the Department of Human Resource to fill this position as well.

Mr. Cutrona noted this is a busy time for the Registrar's Office with Administrative Code updates, monthly regulation updates, Delaware Code and Laws of Delaware. The Division is continuing in legal research and bill draft requests for legislators, staffing task forces for the JLOSC Committee, and working on initiatives in the Print Shop. Mr. Cutrona is also working with Capitol Police to update the General Assembly Safety Plan and policy on the use of Legislative Hall facilities.

4. **Controller General's Report** – Michael Morton shared that DEFAC held a meeting on September 16. Reports reflect we are up \$49 million dollars over two years, \$47 million in the current fiscal year 2020. A summary was sent to all legislators last week, Mr. Morton is happy to answer any questions regarding this information.

The Controller General Office staff will be meeting with building staff to review the budget cycle and how the process works, including requests for the Budget Bill, Bond Bill, and Grant In Aid. They will be meeting the Senate Republicans on September 25 and the Senate Democrats next week.

Sen. McBride complimented and thanked Mr. Morton and his staff on their work with the Budget and Capital Improvements Program legislation. Mr. Morton commented all the credit goes to his staff for their hard work.

5. **New Business**

- a. 2020 Legislative Calendar – Michael Morton, Controller General, presented the proposed 2020 Legislative Calendar.

A motion was made by Rep. Schwartzkopf and seconded by Sen. Hocker to approve the 2020 Legislative Calendar. Motion carried. Vote: 6 yes. Senators McBride, Cloutier, and Hocker; Representatives Schwartzkopf, Short, and Dukes

Absent: Senators Poore and Townsend; Representatives Longhurst and Mitchell

- b. Print Shop Equipment Lease – Donald Sellers, Division of Research Print Shop Manager, shared that the current Xerox contract for high production printers will be expiring November 2019. Mr. Sellers has been working with Dustin Yerkes, Copier Resource Program Manager at OMB, regarding replacement equipment. Mr. Yerkes connected Mr. Sellers with Canon, who currently holds the copier contract for the State. After a site evaluation was completed, a proposal has been received for three replacement machines at approximately half the cost of the current Xerox contract. Mr. Sellers advised the equipment transition should be seamless with no interruptions to the current services they provide. However, the current process of printing letterhead may need to change. Due to the change of machinery, letterhead can still be printed in-house, but jobs may need to be completed in one pass to avoid smearing of letterhead. Letterhead only paper can be obtained from Prison Industries at a cost between 3.8 - 9 cents per sheet depending on quantity, in-house printing costs for single pass letterhead documents is 5 cents per sheet. Mr. Sellers is still awaiting a proposal from Xerox.
- c. Legislative Hall Projects Update – Mike Svaby, Director of Facilities Management, gave an overview of four future projects on the schedule for Legislative Hall. Replacement of the steps and HVAC will be out for bid November 2019, with construction planned for after July 2020. Replacement of the roof and foundation will be out for bid in FY21, with construction planned for FY22. Sen. McBride asked for clarification on what should be expected with the HVAC work being done. Mr. Svaby advised that the expectation is the building will be better ventilated, heated, and cooled. He deferred to Don Gerardi, Deputy Director of Facilities Management, regarding specifics of the HVAC work. Mr. Gerardi advised the main challenge in the building is humidity. The project that is planned will involve removing existing reheats in the ceiling and installing new VAVs in the core of the building. This will allow better control of temperature. Rep. Schwartzkopf inquired about the leaks in the roof that affect the chambers. Mr. Gerardi advised they have been fixing the roof as it leaks. He noted one leak was caused by a condensation issue in an AC unit in the attic. Emergency shutdowns and alarms have been installed to prevent this issue from reoccurring. Rep. Schwartzkopf also inquired about the steps and foundation work being done at separate times. Mr. Gerardi advised the timing depends on the scope of the work. They have discussed potentially doing both projects at the same time but cannot guarantee this will occur. Mark Cutrona noted that he and Michael Morton would continue to be in contact with Facilities Management, as staff will need to be shifted in the building at some point when work commences.
- d. ADA Policy Update – Dawn Hill, Controller General’s Office, reviewed the draft ADA Policy created in consultation with John McNeal, State ADA Coordinator. This policy outlines ADA services available at Legislative Hall and provides contact information for coordinators. Michael Morton played a demo video for Evacu-trac Lift Chairs; this product would provide a solution for the evacuation of handicapped individuals in the event elevators are disabled in the building. These units are used in other State facilities and are ADA compliant. The cost for units and installation, as well as ramps outside of the building, is approximately \$55,000. The Controller General’s Office has money available from prior year carryover to cover the cost. Ms. Hill advised she would coordinate training for the equipment. Sen. McBride inquired about who would be trained. Ms. Hill and Mr. Morton advised there are floor captains assigned on each floor of the building responsible for ensuring everyone exits the building and meets in a designated area in the event of an emergency. Rep. Short

thanked staff for presenting a solution to the problem and agreed that the Evacu-trac system is a good solution.

A motion was made by Rep. Short and seconded by Sen. Cloutier to approve the expenditure of funds in the amount of \$55,000 for ADA equipment. Motion carried. Vote: 6 yes. Senators McBride, Cloutier, and Hocker; Representatives Schwartzkopf, Short, and Dukes

Absent: Senators Poore and Townsend; Representatives Longhurst and Mitchell

- e. Legislative Council meeting schedule – Mark Cutrona, Director, Division of Research, presented a list of proposed Council meeting dates. This list includes a meeting in November, as well as four meeting dates during session, January, March, April, and June. The November meeting coordinates with a Special Session for the Senate. Mr. Cutrona indicated this meeting would be helpful to hold a vote on filling the Deputy Director position prior to Session restarting.

A motion was made by Rep. Short and seconded by Rep. Schwartzkopf to approve the proposed Legislative Council meeting dates. Motion carried. Vote: 6 yes. Senators McBride, Cloutier, and Hocker; Representatives Schwartzkopf, Short, and Dukes

Absent: Senators Poore and Townsend; Representatives Longhurst and Mitchell

- f. Executive Session*

A motion was made by Rep. Schwartzkopf and seconded by Sen. Hocker to resolve into executive session to discuss personnel. Motion carried. Vote: 6 yes. Senators McBride, Cloutier, and Hocker; Representatives Schwartzkopf, Short, and Dukes.

Absent: Senators Poore and Townsend; Reprs. Longhurst and Mitchell.

Sen. McBride called the meeting back to order at 1:38 p.m. on the conclusion of executive session discussions and yielded to the Speaker.

A motion was made by Rep. Schwartzkopf and seconded by Sen. Hocker to set the salary of the Director of the Division of Research at \$130,000 based on an analysis of comparable positions. Motion carried. Vote: 6 yes. Senators McBride, Cloutier, and Hocker; Representatives Schwartzkopf, Short, and Dukes

Absent: Senators Poore and Townsend; Representatives Longhurst and Mitchell

6. Old Business – None

7. Next Meeting - Thursday, November 7, 2019

8. Public Comments – None

9. Adjournment- Sen. McBride adjourned the meeting at 1:40 p.m.

Respectfully submitted,
Mark Cutrona
Director
Division of Research/Legislative Council