

Senate Elections and Government Affairs Committee

Meeting

Official Minutes 151st General Assembly

Committee Meeting Wednesday, June 23rd, 2021 11:30 a.m. Virtual Meeting

Meeting Attendance

Committee Members:

Present:

Senator Kyle Evans Gay	Kyle.Gay@delaware.gov	(302) 744-4137
Senator Stephanie L. Hansen	Stephanie.Hansen@delaware.gov	(302) 744-4138
Senator Ernesto B. Lopez	Ernesto.Lopez@delaware.gov	(302) 744-4136
Senator Bryant L. Richardson	Bryant.Richardson@delaware.gov	(302) 744-4298

Absent:

Senator Darius J. Brown	Darius.Brown@delaware.gov	(302) 744-4286
Senator Nicole Poore	Nicole.Poore@delaware.gov	(302) 744-4164

Attendees:

Senator David Sokola
Senator Sarah McBride
Senator Spiros Mantzavinos
Senator Trey Paradee
Christella St. Juste
Mayor Ted Becker
Matt Revel
Mary Grace Colonna
Rebecca Goldsmith
Susan Love
Vernon Kirk
Mike Hoffman
Bailey Brooks
Rick Armitage
Meaghan Barna
Keri Rapa

Organization:

Delaware State Senate
City of Lewes
Delaware House of Representatives
Delaware State Senate
Delaware Department of Finance / State Lottery
DNREC
Delaware Lottery
Tarabicos, Grosso & Hoffman, LLP
Ruggiero Willson
Armitage DeChene & Associates

Delaware General Assembly

Javier Horstmann
Dayna Cobb
Nicole Rodi
Sara Poore
Lisa Goodman
Kathleen Rutherford
Hafsah Mansoori
Rebecca Kidner
Helene Keeley
Aimee String
Dustyn Thompson
Michael Petit de Mange
James Nutter
Valerie McCartan
Peggy Schultz
Brandon Williams
William Lescas
Sherri Evans-Stanton
Nicole Freedman
Anne Farley
Carrie Cole
Lincoln Willis
John Irwin
Jason Smith

Office of Governor John Carney
DNREC
DNREC
Delaware State Senate
Hamilton Goodman Partners

Delaware Division of Research

Delaware Lottery
DelDOT
Sierra Club DE
Kent County Levy Court
Parkowski, Guerke & Swayze, P.A.
Delaware State Senate
League of Women Voters

Delaware State Senate
Sierra Club Delaware Chapter

DE Chapter Sierra Club
Delaware General Assembly

Agenda:

HB 245 w/ HA 1, HA 4
HB 213
SB 187
Consideration of Previous Meeting Minutes (June 16th, 2021)
HB 201
HB 221
SB 191
SB 194

Senator Kyle Evans Gay, Chair, called the meeting of the Elections and Government Affairs Committee Meeting to order at 11:32 a.m. She discussed the details and procedures related to the virtual nature of the meeting, and she took attendance of the Committee members present. She noted that, in addition to herself, that Senators Richardson and Hansen were present. She stated that the meeting lacked a quorum. She invited Senator Sokola to present HB 245 w/ HA1, HA 4.

HB 245 w/ HA 1, HA 4: AN ACT TO AMEND TITLE 29 OF THE DELAWARE CODE RELATING TO REDISTRICTING AFTER FEDERAL DECENNIAL CENSUS.

Sponsor: Representative Schwartzkopf

***Synopsis:** This bill changes the deadline for the General Assembly to reapportion and redistrict the State after each federal decennial census to within 120 days following receipt of the federal decennial census data for redistricting pursuant to Public Law 94-171.*

Senator David Sokola stated that the Bill amends the June 30, 2021 reapportionment deadline stipulated in Title 29 of the Delaware Code. He explained that the amendment was necessary because of a delay in the receipt of 2020 national census data. He continued that Delaware typically has received census data by the end of March in the year following a national census, and that the timeline has enabled Delaware to complete its reapportionment before June 30th of the year. He stated that the census data had been delayed, and that there were many reasons for the delay. He explained that the Bill would change deadline to be 120 days following the State's receipt of the national census data from the U.S. Census Bureau. He detailed the timeline for the U.S. Census Bureau's proposed timeline for providing 2020 Census data, which he noted was after June 30th. He explained the provisions of Bill's amendments, stating that HA 1 provides technical corrections and HA 4 specifies the designated State entity to receive the census data from the U.S. Census Bureau. He stated that the entity designated to receive the data is the Delaware Division of Technology and Information. He welcomed any questions from the Committee.

Senator Bryant Richardson thanked Senator Gay. He stated that, if the reapportionment process were to continue beyond November, legislators may face challenges with the State's district residency requirement for legislators. He asked if the potential issue with the residency requirement had been taken into consideration.

Senator Sokola stated that it had been taken into consideration, but that it had not been addressed in the Bill. He continued that courts have tended to be lenient on residency requirements, particularly after a census. He stressed that circumstances would be considered if there was an issue regarding the residency requirement that went to court, but that the Bill did not specify any changes or exemptions to the residency requirement.

Senator Richardson asked if Senator Sokola felt an amendment be necessary to codify the process if there was a census-related issue with the residency requirement.

Senator Sokola expressed his uncertainty if an amendment was needed, but he stated that he would check with the prime sponsor and the legislative attorney who drafted the Bill. He stated that addressing the residency requirement may necessitate a separate piece of legislation. He stated that the practical expectation for the redistricting process for the 2020 census data will be less than 120 days, as the process would occur outside of the session. He also stated that the 120 days would not pose any issue to the residency requirement if census data were received at the typical time. He confirmed that the residency requirement is in the Delaware Constitution, and that the Bill could not have addressed the residency requirement. He stressed that courts tend to be lenient on residency requirement.

Senator Richardson stated that this could benefit either party. He emphasized that it is not a partisan issue, and he stated that both parties should be concerned. He voiced his trust in Senator Sokola.

Senator Gay welcomed any public comment.

There was public no comment.

Senator Gay thanked Senator Sokola for his presentation.

HB 245 w/ HA 1, HA 4 – Reported out of the Committee – Favorable = 1, On its Merits = 3, Unfavorable = 0

Senator Gay invited Senator Mantzavinos to present HB 213.

HB 213: AN ACT TO AMEND THE CHARTER OF THE TOWN OF ELSMERE AND TITLE 21 OF THE DELAWARE CODE RELATING TO A VOLUNTARY ASSESSMENT CENTER.

Sponsor: Representative Mitchell

***Synopsis:** This Act amends the Charter of the Town of Elsmere and Title 21 of the Delaware Code to create a Voluntary Assessment Center and establish procedures governing the creation and operation of the Center.*

Senator Spiros Mantzavinos thanked Senator Gay. He explained that the Bill came at the request of the town of Elsmere. He explained that a previous piece of proposed legislation had sought to create an alderman's court in the town of Elsmere, but that the courts did not support the move. He continued that the Bill establishes a voluntary assessment center. He described the Bill as a compromise between the courts and the Town of Elsmere. He stated that the Town of Elsmere has the resources to administer and process voluntary assessments, and that the Town would prefer that the process occur at the local level. He detailed the sections of the Bill. He explained that section 1 of the Bills amends the charter of the Town of Elsmere, and that section 2 amends the Delaware Code to allow for the creation of the voluntary assessment center. He reiterated that the Bill was at the request of the Town of Elsmere, and he noted that the Bill had passed unanimously in the House. He welcomed questions, and he thanked the Committee.

Senator Gay asked if there were any additional changes beyond the creation of the voluntary assessment center included in the Bill.

Senator Mantzavinos confirmed that the only change was to the establishment of the voluntary assessment center.

Senator Gay noted that Senator Lopez was present, and she asked if there were any questions from the Committee.

There were questions from the Committee.

Senator Gay welcomed any public comment.

There was no public comment.

Senator Gay thanked Senator Mantzavinos for his presentation.

HB 213 – Reported out of the Committee – Favorable = 0, On its Merits = 4, Unfavorable = 0

Senator Gay invited Senator McBride to present SB 187.

SB 187: AN ACT TO AMEND TITLE 22 OF THE DELAWARE CODE RELATING TO RESIDENTIAL ELECTRIC VEHICLE CHARGING INFRASTRUCTURE REQUIREMENTS.

Sponsor: Senator McBride

***Synopsis:** Electric vehicles (EVs) are becoming more and more popular. Between 2012 and 2016, EV sales grew at an annual rate 32%. In 2017, growth in sales reached 45%. Batteries for EVs have become much cheaper in the last 10 years, enabling EVs to compete with traditional, fossil-fueled vehicles. In addition, major vehicle manufacturers are pledging to go all electric. Some researchers are predicting that EV sales will outnumber those of traditional, combustion engine vehicles by 2040. However, only minimal electrical charging infrastructure is available today. This Act will make it easier and more convenient to own an electric vehicle in this State in the years to come, resulting in increased purchases of electric vehicles, promoting cleaner air and water, and resulting in improved health outcomes for Delawareans and a reduction of greenhouse gases to curtail global warming. Specifically, this Act achieves these ends by requiring municipalities with a population over 30,000 to develop a procedure to obtain permission for the installation of an electric vehicle charging station on real property zoned for residential use that abuts a residential street. This Act requires a greater than majority vote for passage because § 1 of Article IX of the Delaware Constitution requires the affirmative vote of two-thirds of the members elected to each house of the General Assembly to amend a municipal charter, whether directly, by amendment to a specific municipality's charter, or, as in this Act, indirectly, by a general law.*

Senator Sarah McBride thanked Senator Gay. She explained that the Bill is a proactive way to prepare for the growing usage of electric vehicles (EVs). She thanked Senator Hansen for her leadership on the issue and her collaboration on the Bill. She stressed that the market has indicated that EVs will be the future of vehicles. She cited recent pledges by major automotive firms to phase of gas-combustion vehicles in the coming years. She stated the need for preparing infrastructure for the shift to EVs, but also that the General Assembly consider the equity implications for EV adoption. She explained that at-home charging is not only convenient but also often necessary for widespread EV adoption. She noted that many of her constituents do not have access to at-home charging and she detailed the disparities of EV charging stations. She explained that the Bill creates a permitting process for creating residential EV charging stations. She detailed the specifics of the Bill, including that a permitting process would be required for municipalities with a population of greater than 30,000 residents, the requirements of a municipality's permitting process, and that affected municipalities would need to have a permitting process developed by January 1st, 2023. She stated that the legislation had been

drafted with close consultation with the municipalities impacted, and she also noted that a substitute was likely forthcoming with technical changes and an addition requested by DelDOT. She noted that Susan Love from DNREC was present, and she welcomed questions from the Committee.

Senator Gay thanked Senator McBride and noted her experiences as an EV owner. She noted the impact that available EV infrastructure on EV owners, and she underscored that the importance of addressing this issue. She echoed Senator McBride's assessment that the adoption of EVs will yield a market shift. She praised the Bill for taking proactive steps to bolster EV infrastructure.

Senator Ernesto Lopez thanked Senators Gay and McBride. He asked if there had been any consideration of how the Bill would be perceived by HOAs, civic associations, and other hyper-localized forms of government.

Senator McBride stated that the goal of the legislation was not to be overly prescriptive, and instead to provide local municipalities flexibility to create policies to meet the needs of their residents. She stated that the Bill does not supersede any local entities or requirements. She continued that the Bill allows municipalities to determine the specifics of the permitting process, including how that process would engage with HOAs or other hyper-local entity.

Senator Lopez thanked Senator McBride.

Senator Stephanie Hansen thanked Senator Gay. She noted potential similarities between the Bill and other legislation regarding solar energy that she was currently working on. She explained that transmission and distribution had been challenges in solar energy legislation, and she stated that it became controversial for other entities to access the public right of way because of safety considerations raised by utility companies. She explained that accessing public right of ways was now being addressed in a working group. She noted that DelDOT didn't seem to have a problem with right of ways, but electric providers, particularly Delmarva Power, were concerned. She continued that close grouping of infrastructure could present safety issues. She asked has Delmarva Power weighed in on the legislation.

Senator McBride stated that the draft was shared with Delmarva Power early on, and that company did not raise any concerns. She stated that language added in the forthcoming Substitute for the Bill was language related to with right of ways that was requested by DelDOT. She reiterated that the Bill does not seek to be overly prescriptive, and that local municipalities have the right and ability to regulate the infrastructure. She concluded that Delmarva Power had not raised any concerns, and that DelDOT provided language relating to right of ways.

Senator Hansen thanked Senator McBride

Senator Gay welcomed any public comment.

Mary Grace Colonna provided information on the procedures for the public to provide comment.

Sherri Evans-Stanton thanked the Committee, and she introduced herself as the Chapter Director of the Sierra Club Delaware. She thanked Senator McBride and the other co-sponsors for introducing the Bill. She noted that Delaware residents have been increasingly switching to EVs, and she stressed that there are presently limitations to the availability of EV charging stations. She continued that the purpose of the Bill is to increase charging infrastructure in Delaware's largest cities. She discussed the challenges of owning an EV in Delaware cities due to a lack of EV charging stations. She explained the technical details of the Bill particularly with respect to private property. She emphasized that the Bill would ensure ease of use and increased purchase of EVs, and she listed the range of improved environmental and health outcomes resulting from increased adoption of EVs. She stressed that the Bill creates a pathway to EV ownership and that the Sierra Club supports the Bill.

Dustyn Thompson thanked the Committee. He introduced himself as a staff member of the Sierra Club Delaware. He echoed the comments of Ms. Evans-Stanton, and he stressed the Bill's potential to increase EV access for those living in cities that only have street parking. He cited his own experience as an EV owner relying on street parking, and that the ability to charge EVs was a major consideration. He described the elaborate means by which he charges his EV, and he explained that this was necessary as there was no process available to have a charger on the sidewalk. He emphasized that the bill would make for safer EV charging, and expediate the proliferation of EVs in an equitable means. He thanked the sponsors and all who have worked on the issue.

Peggy Schultz introduced herself as a representative of the League of Women Voters of Delaware. She voiced her organization's support for the Bill. She thanked the Bill's sponsors, and she urged the Committee to support the Bill. She discussed the provisions of the Bill, and she emphasized that many Delawareans lack the means to charge EVs and that the Bill would help to surmount these challenges. She stressed her organization's support for the adoption of EVs, and she noted the lessened environmental impacts of EVs. She noted that the Bill will currently only apply to three municipalities, but she voiced hope that the Bill can spur further infrastructure development to promote EV adoption. She urged the Committee to support the Bill.

Senator Gay thanked Senator McBride for her presentation.

SB 187 – Reported out of the Committee – Favorable = 1, On its Merits = 2, Unfavorable = 1

Senator Gay asked if there was a motion to approve the minutes from the previous Committee meeting from June 16th, 2021.

Senator Lopez motioned to approve the minutes; **Senator Hansen** seconded the motion. There were no objections.

The minutes were adopted.

Senator Gay invited Deputy Secretary of Finance Rebecca Goldsmith and Vernon Kirk from the Delaware State Lottery to present HB 201.

HB 201: AN ACT TO AMEND TITLE 29 OF THE DELAWARE CODE RELATING TO THE STATE LOTTERY.

Sponsor: Representative Bennett

***Synopsis:** This legislation updates the licensing requirements for gaming employees and vendors. In addition, it updates references in certain sections of the laws to reflect which law enforcement agencies are responsible for the duties as described in the Delaware Code. It also ensures that administrative and vendor costs necessary to run the Internet video lottery are deducted only once from the net proceeds derived from the Internet video lottery. Finally, this Act clarifies that the prohibition on selling a lottery ticket for a price greater than that fixed by the Director includes sports lottery tickets in addition to drawing lottery tickets and instant lottery tickets.*

Rebecca Goldsmith introduced herself as the Deputy Secretary of Finance. She explained that the Bill is a lottery clean-up Bill with eight sections. She summarized the focus of each section stating that:

- Section 1 provides language that ensures that lottery revenues are consistent throughout the Lottery Section of the Delaware Code, and provides technical corrections that the Lottery Commission has the jurisdiction to resolve casino employee licensing appeals;
- Sections 2, 4, and 5 update the Delaware Code to reflect division of gaming enforcement responsibilities that were previously the responsibility of the State Police, State Bureau of Investigations, and the Lottery Office;
- Section 3 confirms the prohibition on selling lottery tickets for a price greater than the price fixed by the Lottery Director, including sports lottery tickets;
- Section 4 provides calculations that ensure that the administrative and vendor costs necessary to run the internet video lottery are only deducted once during the net proceed calculations;
- Sections 6 and 7 respond to Video Lottery Advisory Council recommendations by providing greater regulatory flexibility for the Lottery Director to set longer term lengths for various gaming licenses; and
- Section 8 clarifies that the fine for employing an unlicensed individual or service company is imposed by the Lottery Director and not the Office of the Lottery.

Senator Gay thanked Ms. Goldsmith for her presentation. She asked if there were any questions from the Committee.

There were no questions.

Senator Gay welcomed any public comment.

There was no public comment.

Senator Gay thanked Ms. Goldsmith and Mr. Kirk.

HB 201 – Reported out of the Committee – Favorable = 1, On its Merits = 3, Unfavorable = 0

Senator Gay invited Senator Paradee to present HB 221.

HB 221: AN ACT TO AMEND TITLE 9 OF THE DELAWARE CODE RELATING TO THE ADMINISTRATION OF KENT COUNTY GOVERNMENT.

Sponsor: Representative Bush

***Synopsis:** This Act codifies procedure for the appointment of a County Administrator by the Kent County Levy Court and specifies the powers and duties of that position. Section 2 of the Act strikes Section 5001 of Title 9 relating to Kent County because it is a duplicate of existing Section 4117 of Title 9. Section 3 strikes 4112 relating to employment of county officers, as authority over hiring is now vested in the County Administrator pursuant to new Section 4108(d)(1). Section 4 updates the provision relating to the Kent County Engineer so that position is hired by the County Administrator rather than the Levy Court.*

Senator Trey Paradee thanked the Committee. He stated that the Bill came from the Kent County Levy Court, and that the Levy Court passed a resolution unanimously endorsing the Bill. He explained that the Bill redefines the role of County Administrator. He continued that a major feature of the Bill is the Levy Court ceding some of its power to the County Administrator regarding hiring key staff. He noted that the Bill also amends the selection process and term length of the County Administrator's term. He welcomed questions from the Committee.

Senator Gay asked if the County Administrator was analogous to town manager.

Senator Paradee stated that the positions were similar, and he described the role of the County Administrator as a director of operations. He explained that all departments report to the County Administrator on topics related to finance and other operations.

Senator Hansen stated that the Kent County Administrator is analogous to the New Castle County Executive.

Senator Gay thanked both Senators Paradee and Hansen for the clarification. She asked if there were any questions from the Committee.

There were no questions.

Senator Gay welcomed any public comment.

There was no public comment.

Senator Gay thanked Senator Paradee for his presentation.

Senator Paradee thanked Senator Gay for getting the Bill on the meeting's agenda.

HB 221 – Reported out of the Committee – Favorable = 0, On its Merits = 4, Unfavorable = 0

Senator Gay invited Senator Lopez to present SB 191

SB 191: AN ACT TO AMEND THE CHARTER OF THE CITY OF LEWES RELATING TO THE MANNER AND METHOD OF CONDUCTING ANNUAL MUNICIPAL ELECTIONS AND FISHING ALONG THE DELAWARE BAY SHORE.

Sponsor: Senator Lopez

***Synopsis:** This Act amends the Charter for the City of Lewes by doing all of the following: - Permitting the City of Lewes to utilize the State's Voter Registration System in connection with municipal elections, as authorized by Subchapters IV and V of Chapter 75 of Title 15 of the Delaware Code. - Updating and clarifying the appointment process for an incumbent Councilperson or the Mayor in the event there is no challenger at the time of the Lewes municipal elections. - Deleting provisions that are redundant or in conflict with provisions of State law relating to municipal elections, specifically Chapter 75 of Title 15. - Providing that, if a vacancy occurs in the Office of Mayor or City Councilperson, the person chosen to fill the vacancy is deemed to have been elected. - Permitting the City Council to restrict fishing on the Delaware Bay shore, northwest of the Ferry terminal. - Conforming existing law to the standards of the Delaware Legislative Drafting Manual, including using gender-neutral language and using singular tense to include the plural, as provided in § 304, Title 1 of the Delaware Code.*

Senator Lopez thanked Senator Gay. He stated that the Bill was brought forward by the City of Lewes. He requested Ted Becker, the Mayor of Lewes, provide comment on the Bill.

Senator Gay welcomed Mayor Becker.

Mayor Ted Becker thanked Senators Gay and Lopez. He stated that the Bill is an attempt to clean up voter registration and, if the City of Lewes chooses to do so, enable the City of Lewes to use the State registration. He continued that the Bill also better defines the succession process in cases of both elections and officials stepping down from office. He noted that the other piece of the Bill would enable the City to restrict fishing along the Delaware Bay shore. He explained that the restrictions were motivated by safety considerations, and the restrictions relate to the hours that fishing could occur and where it could occur. He stated that the restrictions were in place in practice, but that the restrictions had not previously been codified.

Senator Gay asked if there were any questions from the Committee.

There were no questions.

Senator Gay welcomed any public comment.

There was no public comment.

Senator Gay thanked Senator Lopez and Mayor Becker.

Senator Lopez thanked Senator Gay and Mayor Becker.

SB 191 – Reported out of the Committee – Favorable = 2, On its Merits = 2, Unfavorable = 0

Senator Gay invited Senator Lopez to present SB 194.

SB 194: AN ACT TO AMEND THE CHARTER OF THE BOARD OF PUBLIC WORKS OF THE CITY OF LEWES RELATING TO UTILITY SERVICE EXTENSION AND THE POWER TO SUE AND BE SUED.

Sponsor: Senator Lopez

***Synopsis:** The Delaware General Assembly incorporated the Board of Public Works of the City of Lewes (the “BPW”) in 1901 when it, separate from the Charter adopted for the City of Lewes, enacted the Charter of the BPW and empowered it to establish, control, and regulate the utility system for the City of Lewes. The BPW is a public body under the Delaware Freedom of Information Act and is subject to the obligations and requirements of a public body under Delaware’s Sunshine Laws. The BPW reviews and approves budgets, contracts, and utility policies, including concerning rates, in meetings that are open to the public. The BPW Directors are directly accountable to the ratepayers who elect them to handle matters concerning utility policy. This Act seeks to address the City’s concern that it have a codified role in the extension of the Lewes utility system to property located outside of the City of Lewes municipal limits by amending the Charter of the BPW to specifically require going forward the Mayor and City Council’s prior consent for the BPW to expand utility service to any territory outside of the City of Lewes municipal limits. Through this change, the Mayor and City Council will have an important role in any future expansion of the utility system, while still preserving, consistent with the Charter of the BPW, the BPW Directors’ responsibility over utility policy concerning said utility system for the benefit of the ratepayers. This Act also resolves uncertainty created by a recent Delaware Superior Court decision concluding that the BPW may only sue and be sued where specifically noted within the Charter of the BPW. The Superior Court’s recent decision, for example, creates a cloud of uncertainty over whether the BPW can sue and be sued under contracts it lawfully executes in its own corporate name. This Act removes this uncertainty by expressly giving the BPW the general power to sue and be sued. To promote collaboration and dialogue between the BPW Board of Directors and the City of Lewes Mayor and City Council, this Act also prohibits each incorporated entity from suing the other entity for a period of five years.*

Senator Lopez thanked the Committee. He explained that the Bill was voted and agreed upon by the members of Lewes Board of Public Works (BPW) and members of Lewes City Council. He stated that the legislation has taken significant time and he was pleased to see the Bill brought forward. He welcomed questions, and he stated that Mike Hoffman, the attorney representing Lewes BPW, was present to speak on the Bill.

Mike Hoffman thanked the Committee. He introduced himself as a member Tarabicos, Grosso & Hoffman, the counsel for the Lewes BPW. He stated that the Bill was a compromise Bill that

is part of a broader memorandum of understanding between the City of Lewes and the Lewes BPW aimed at resolving an existing dispute. He noted that the Bill has unanimous support of both the BPW Board of Directors and the Lewes Mayor and City Council. He detailed the background of the Bill, specifically the role of BPW in managing utility services and the process by which BPW Board members are elected to their positions. He stated that this separation of public utilities from the government dates to 1901. He explained that there has been tension between the BPW and the City of Lewes regarding the extension of utility services to areas outside of the municipal city limits. He discussed the features of the Bill, specifically that the Bill would amend the BPW charter to require the Mayor and City Council to consent to any extension of utility services or utility systems outside of the city limits. He stressed that BPW would retain full control of managing public utilities. He stated that the Bill also addresses the ability for the BPW to sue and be sued. He explained that a recent Delaware Superior Court decision had concluded that the Lewes BPW could only sue or be sued where expressly identified in the BPW charter. He described the ruling as problematic, and he cited that the ruling limits the ability for the BPW to enforce and defend contracts. He reiterated that the Bill is a compromise Bill, and neither entity can sue the other for five years. He welcomed questions.

Senator Gay noted that Mayor Becker was present. She noted that Mr. Hoffman had described the Bill as a compromise, so she invited Mayor Becker to speak on behalf of the City of Lewes.

Mayor Becker thanked Senator Gay. He echoed Mr. Hoffman's comments on the Bill. He explained that the Bill is a resolution to a long-standing dispute between the City and the BPW, and he thanked the sponsors of the Bill. He stated that the Bill clarifies two issues, and he stated that the Bill provides a means for the City and the BPW to work together and look to the future in the provision of utility services beyond the municipal limits. He stressed that it was supported unanimously by members of the City Council. He stated that the Bill and associated memorandum presents a good compromise between the City and the BPW. He thanked all who worked on the Bill.

Senator Lopez thanked Senator Gay. He praised Mayor Becker for his participation on a working group for the Lewes City Council and BPW and for his willingness to discuss with members of the BPW. He expressed his gladness to see the issue come to a resolution, and he stressed that the Bill is a true compromise. He thanked Senator Gay for allowing the Bill to come forward, and he also thanked Mary Grace Colonna for her technical role in managing the technical aspects of the virtual meeting. He underscored that the Bill would have a major and lasting impact on the City of Lewes.

Senator Gay thanked Senator Lopez for his kind words, and she stressed the importance of the General Assembly to support the needs of the people of Delaware. She welcomed any public comment.

There was no public comment.

Senator Gay thanked Mr. Hoffman and Mayor Becker for their explanations of the Bill.

SB 194 – Reported out of the Committee – Favorable = 2, On its Merits = 2, Unfavorable = 0

Senator Gay thanked the attendees and Committee members. She stated that the Bills will circulate via email, and she urged the Committee to respond as soon as possible with their votes on the Bills discussed in the meeting. She thanked the Committee members and the staff for their efforts throughout the session to work in a bipartisan fashion. She voiced her enthusiasm for continuing the work of the Committee. She adjourned the meeting at 12:18 p.m.