

**SYNOPSIS OF AN ORDINANCE OF THE TOWN OF SOUTH BETHANY AMENDING
PARTICIPATION IN MEETINGS BY REMOTE ELECTRONIC ACCESS FOR
COUNCIL, COMMITTEE AND COMMISSION MEMBERS**

ORDINANCE 221-25 (SECOND READING)
(Sponsored by Mayor Dondero)

This ordinance amends Chapter 17 to amend guidelines for Council, committee and commission members to attend meetings by remote electronic access.

**ORDINANCE NO. 221-25****AN ORDINANCE TO AMEND THE TOWN OF SOUTH BETHANY CODE CHAPTER 17, ENTITLED PARTICIPATION IN MEETINGS BY REMOTE ELECTRONIC ACCESS FOR COUNCIL, COMMITTEE AND COMMISSION MEMBERS**

WHEREAS, the Town of South Bethany is vested with the authority to adopt ordinances, regulations, resolutions and rules relating to any subject within the powers and functions of the Town, or relating to the government of the Town; and

WHEREAS, the Delaware Code affords the authority, *inter alia*, for the Town Council to hold virtual meetings under specific numerated requirements; and

WHEREAS, the Town Charter affords the Town Council the authority, *inter alia*, to allow participation and voting in meetings by remote electronic access to the extent permitted by the Delaware Code; and

WHEREAS, the Town of South Bethany has adopted a Participation in Meetings by Remote Electronic Access Ordinance for the municipality, which has been codified in Chapter 17 of the Town Code;

WHEREAS, the Town Council may from time to time amend, supplement, or change the authority, requirements and restrictions established by the Ordinance; and

WHEREAS, the Town Council finds amending, revising and clarifying the Ordinance promotes the good order, efficiency and enhanced participation in the governance of the community;

NOW, BE IT HEREBY ENACTED by the Council of the Town of South Bethany, Sussex County, Delaware, a majority thereof concurring in Council duly met, that the following Ordinance be and hereby is amended as follows (with additions shown in bold and underlined, and deletions are shown in bold and strike-through):

§ 17-1. Authority.

This chapter is authorized by § C-7.11.7 of the Town Charter.

§ 17-2. Participation by remote electronic access.

Any member of the Town Council, ~~Planning Commission, and any other committee~~ may participate, up to three times ~~twice~~ annually, in any regular or special meeting, including the making or seconding of any motion and casting votes by remote electronic access (including, by way of example, a speaker telephone or video-conferencing equipment), ~~if unavoidable circumstances prevent that individual from being physically present at such meeting, subject to the remaining provision of this chapter.~~

Participation by remote electronic access for all committees shall be governed by the Delaware Code and the Town of South Bethany Committee Guidelines.

Participation by remote electronic access shall not be available to members of the Board of Adjustment or Planning Commission ~~when public hearings are being held before those bodies.~~

§ 17-3. Conditions necessary.

No member of the Town Council, ~~Planning Commission, or any other committee~~ shall be authorized to participate in a meeting by remote electronic access unless all the requirements set forth in Title 29, Section 10006 of the Delaware Code have been complied with.

- A. ~~There is physically present in the place where the meeting is being held a sufficient number of members of the Town Council, Planning Commission, or other committee to constitute a quorum.~~
- B. ~~The meeting is being presided over by a member of the Town Council, Planning Commission, or other committee, who is physically present at the place where the meeting is being held.~~
- C. ~~All persons present at the place of the meeting (including members of the public in attendance) can hear and speak to the person(s) participating by remote electronic access, and the person(s) participating through remote electronic access can hear and speak to all persons present at the place of the meeting, and to any other individual participating in the meeting by remote electronic access.~~
- D. ~~Not more than two members of the Town Council, Planning Commission, or other committee may participate by remote electronic access in any one meeting.~~
- E. ~~Notice of intent to participate by remote electronic access shall have been provided or waived in accordance with § 17-4.~~
- F. ~~The member(s) participating in the meeting by remote access are in continuous communication with those present at the meeting throughout the entire meeting, unless the loss of remote electronic access is due to technical difficulties beyond the control of the member(s). The member(s) will be recorded as having participated in the meeting for the time the member(s) was/were connected. Member(s) cannot participate by remote electronic access if the connection is not made prior to the start of the meeting.~~

~~G. During any meeting when a member participates by remote electronic access, all votes shall be taken by roll call.~~

~~H. A copy of all documents being reviewed, discussed, or adopted by the Town Council, Planning Commission, or other committee shall be available to the member(s) participating by remote electronic access.~~

§ 17-4. Notice of intent to participate by remote electronic access.

A. Any member of the Town Council desiring to participate at a Town Council meeting or Town Council workshop by remote electronic access shall notify the Mayor of such intent (including the reason for being unable to be physically present at the meeting) as soon as reasonably possible, but in no event less than twenty-four~~eight~~ hours prior to the time scheduled for the meeting. Circumstances justifying participation by remote electronic access are those stated in the most recently adopted Protocol Governing Absences from and Remote Access to Town Council Meetings Policy. The Mayor shall approve or disapprove the request based on the Protocol Governing Absences from and Remote Access to Town Council Meetings Policy.

~~B. Any member of the Planning Commission, or other committee desiring to participate in a meeting by remote electronic access shall notify the Chairperson of that committee of such intent (including the reason for being unable to be physically present at the meeting) as soon as reasonably possible, but in no event less than eight hours prior to the time scheduled for the meeting. The Chairperson shall approve or disapprove the request.~~

~~C.~~B. The Mayor or Chairperson will notify the Town Manager's office in order to allow the Town Manager to make the communications facilities and arrangements necessary to enable remote electronic participation. Any person failing to provide twenty-four~~eight~~ hours' prior notice shall not be authorized to participate in the meeting by remote electronic access. However, a majority vote of members physically present at the commencement of the meeting may waive such twenty-four~~eight~~-hour notice. **[Amended 11-17-2017 by Ord. No. 190-17]**

~~D.~~C. A member of the Town Council cannot exercise the option under this chapter for more than two consecutive Town Council meetings, and/or including Town Council workshops, and no more than three times per calendar year, ~~and not more than 20% of the scheduled meetings annually. In addition, members of any committee or the Planning Commission may not exercise the option more than 20% of the scheduled meetings annually.~~ **[Amended 11-17-2017 by Ord. No. 190-17]**

Effective date. This ordinance shall become effective upon the date of adoption.

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ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF SOUTH BETHANY, SUSSEX COUNTY,
DELAWARE, ON THE _____ OF _____ 2026.

SEAL:

Edith Dondero, Mayor

Christine Keefe, Council Secretary

ATTEST: _____

1st Reading: 12/12/25
2nd Reading: 1/9/26
EB: Ordinance 221-25

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