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Office of the Attorney General of the State of Delaware

Attorney General Opinion No. 26-IB29

June 8, 2026

Via Email

Torie Seagraves
Coast TV News
tseagraves@wride.com

RE: FOIA Petition Regarding the City of Lewes

Dear Ms. Seagraves:

We write in response to your correspondence, alleging that the City of Lewes violated Delaware's Freedom of Information Act, 29 *Del. C.* §§ 10001-10008 ("FOIA"). This Petition alleges that the City held a Historic Preservation Architectural Review Commission ("HPARC") meeting on May 7, 2026. You assert that the City regularly streams and records its public meetings, and this meeting recording has been posted online but was briefly removed prior to a municipal election that would take place two days later. You argue that removing this video violated FOIA.

The City must "maintain minutes of all meetings, including executive sessions, . . . and shall make such minutes available for public inspection and copying as a public record."¹ However, FOIA does not require the City's HPARC to record its public meetings and post video recordings online.² As the City is not obliged to post or maintain this video on its website, we find that the City did not violate FOIA by removing the video.

¹ 29 *Del. C.* § 10004(f).

² See 29 *Del. C.* § 10004. The May 7, 2026 meeting agenda has a virtual option for the public to attend, but that does not impact the analysis. Section 10006A's requirement that a meeting recording be made available for public review within a reasonable time after the meeting concludes does not apply here; it is limited to fully virtual meetings held by an elected public body during a state of emergency.

Very truly yours,

/s/ Dorey L. Cole

Dorey L. Cole
Deputy Attorney General

Approved:

/s/ Patricia A. Davis

Patricia A. Davis
State Solicitor

cc: Alexander C. Burns, City Solicitor