

Wilmington, Delaware  
June 1, 2017

#4371

Sponsor:

Council  
Member  
Williams

**WHEREAS**, the Wilmington Fire Department and its valiant firefighters ensure the safety of the citizenry and businesses of the City of Wilmington on a daily basis as they regularly place themselves in harm's way; and

**WHEREAS**, it is incumbent upon the City of Wilmington to limit the risk encountered by the members of the Fire Department to the greatest degree possible by ensuring sufficient manpower to adequately fight any fire or other emergency in the City; and

**WHEREAS**, to this end, City of Wilmington Code Section 2-233 *Uniformed strength of fire department* ("Section 2-233") mandates that the City of Wilmington maintain a level of manpower of no fewer than 172 firefighters – the number set forth in the position allocation list attached to the annual operating budget ordinance for FY2017; and

**WHEREAS**, Section 2-233 further provides that if the number of firefighters falls below 95% of the minimum number of 172 – *i.e.*, falls to 163 firefighters – then the fire chief must draft a Resolution calling for the commencement of a firefighter academy class, and present such Resolution to City Council for Council's Review, after which the City of Wilmington must immediately commence the hiring process and hire sufficient additional firefighters to bring the number of firefighters up to the level of 172 firefighters; and

**WHEREAS**, the Wilmington Fire Department currently has 149 firefighters; and

**WHEREAS**, nothing in the City Code prohibits this legislative body from bringing forth legislation to ensure compliance with a law, thereby compelling City Council's review as would otherwise occur if the fire chief had initiated the process; indeed, bringing forth such legislation is properly within the purview of this legislative body and, moreover, when it is brought to this body's attention that a law is not being complied with, it is the fiduciary obligation of Council to ensure the mandates of the law are adhered to,

especially when the failure to do so, as here, creates risk to the citizenry of and businesses in the City that Council has an obligation to protect.

**NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF WILMINGTON**, that Council resolves that this Resolution satisfies the provisions set forth in City of Wilmington Code Sections 2-233, and Council further resolves that the Fire Department of the City of Wilmington shall immediately commence the hiring process and hire sufficient additional firefighters to bring manpower up to the minimum level of 172 firefighters, and thereby ensure the welfare and safety of our City's citizenry and businesses.

Passed by City Council,

Attest: \_\_\_\_\_  
City Clerk

Approved as to form this \_\_\_\_\_  
day of May, 2017.

\_\_\_\_\_  
Assistant City Solicitor