RES 17-041

**#4372**

**Sponsor:**

**Council Member Guy**

**WHEREAS,** there are age requirements in the Wilmington Charter that may pose a problem if a 25-29 year old President of Wilmington City Council is required to fill a vacancy in the office of the Mayor, an office that requires the holder of the office to be 30 years old; and

**WHEREAS,** Council deems it appropriate to amend the Wilmington City Charter to allow twenty five (25) year old residents of Wilmington to serve as the Mayor; and

**WHEREAS,** Sec. 2-103. - Qualifications of councilmen. "A councilman shall be a citizen of the United States, shall be a qualified elector of the city and shall have been such for at least one year prior to his election. No councilman shall hold any other city office or employment during the term for which he was elected to the city council. A councilman shall not be less than twenty-five (25) years of age when elected to office. He shall remain a resident of the councilmanic district from which he was elected during his term of office. If a councilman shall cease to possess any of these qualifications, including in the case of a councilman elected from a councilmanic district, residence in the district from which he was elected, or if he shall violate any expressed prohibition of this Charter, or if he be convicted of a crime involving moral turpitude, his office shall immediately be forfeited and become vacant. A councilman shall be deemed to have been convicted of a crime involving moral turpitude upon his conviction in superior court of the State of Delaware, or by an inferior court if its decision is not appealed to the superior court. A member charged with conduct constituting grounds for forfeiture of his office shall be entitled to a public hearing on demand. The council shall be the sole judge of the qualifications and election of its members and for this purpose shall have power to subpoena witnesses and require the production of records."; and

**WHEREAS,** Sec. 3-300. - Mayor. "The mayor shall have been a resident of the city for at least two (2) years preceding election, shall be at least thirty (30) years of age at the time of his election and shall remain a resident during the term of office."; and

**WHEREAS,** Sec. 3-500. - Mayor. "In the case of the mayor's temporary disability or temporary absence, the president of the council shall act as mayor; and if the president of the council should resign or be unable to act, then the chairman of the finance

committee of the council shall act as mayor; if the chairman of the finance committee should resign or be unable to act, then a mayor shall be appointed by a majority vote of the remaining councilmen from among the members of the council. Whenever a vacancy occurs in the office of mayor by reason of death, resignation, removal from office or other cause, the president of the city council shall serve as mayor for the balance of the unexpired term and his office as president of council shall become vacant. A vacancy in the office of president of council shall be filled as provided in section 2-101."; and

WHEREAS, Sec. 2-51. - How amendments may be initiated. "The amendment of a charter shall be proposed by a resolution of the legislative body of a municipal corporation, three-quarters of all members elected thereto concurring ...".

**NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF WILMINGTON,** that City Council proposes the following amendment to the Wilmington City Charter: [Brackets] indicate language deleted. Italics indicate new language added. Introduction. Sec. 3-300. - Mayor.

"The mayor shall have been a resident of the city for at least two (2) years preceding election, shall be at least [thirty (30)] *twenty five (25)* years of age at the time of his election and shall remain a resident during the term of office."

Passed by City Council,

Attest: _____
City Clerk

Approved as to form this 31ˢᵗ
day of May, 2017.

_____
Assistant City Solicitor

2