

AN ORDINANCE TO AMEND CHAPTER 2 OF THE CITY CODE REGARDING THE REQUIREMENT OF BI-MONTHLY REPORTS FROM THE LAW DEPARTMENT.

#4385

Sponsor:

**Council
President
Shabazz**

WHEREAS, City Council has a fiduciary responsibility to the taxpayers of the City of Wilmington, demonstrated both through the legislative branch's role in the annual budget process as well as the year-round oversight of fiscal matters; and

WHEREAS, the legal and financial implication of cases filed both by and against the City are matters of importance to members of City Council as they strive to best represent the interests of their constituents and to make decisions that best serve the City; and

WHEREAS, City Council deems it necessary and appropriate to codify a reporting procedure whereby the City's Law Department will furnish on a bi-monthly basis a written report to City Council and certain other City officials that will provide an overview of certain pending litigation, as set forth herein.

THE COUNCIL OF THE CITY OF WILMINGTON HEREBY ORDAINS:

SECTION 1. Wilmington City Code is hereby amended by adding the following section in its entirety:

Sec. 2-35 – Law Department Reports to City Council and certain City officials

- a) Written report to be furnished. The City Law Department shall provide a written report to the President and Members of City Council, the City Clerk, the City Auditor, and the City Treasurer on a bi-monthly basis. This report shall be due by the 15th day of every other month, beginning on July 15, 2017.
- b) Contents of the written report, applicability. Each written report shall include an overview of the non-confidential, non-privileged nature and status of all pending litigation involving the City as a named party, in which the City could either be exposed to a judgment in excess of \$50,000 as a defendant, or obtain a judgment in excess of \$50,000 as a plaintiff.
- c) Public access. Each report shall be made available to the general public upon a

proper Delaware Freedom of Information Act (FOIA) request to the Law Department, provided that such release does not include any privileged or confidential information, or information that is otherwise exempt from public disclosure under the provisions of FOIA.

SECTION 2. This Ordinance shall become effective immediately upon its date of passage by the City Council and approval by the Mayor.

First Reading..... June 15, 2017
Second Reading.... June 15, 2017
Third Reading.....

Passed by City Council,

President of City Council

ATTEST: _____
City Clerk

Approved as to form this _____
day of June, 2017.

Assistant City Solicitor

Approved this _____ day of _____, 2017

Mayor

SYNOPSIS: This Ordinance amends Chapter 2 of the City Code to require bi-monthly reports to City Council, the City Clerk, the City Auditor, and the City Treasurer from the Law Department on the status of certain pending litigation.