

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

#4337

Sponsor:

**Council
Member
Guy**

WHEREAS, pursuant to Article IV (Executive and Administrative Branch—Powers and Duties (The Mayor; Administrative Board; Law Department; Department of Commerce; and Independent Boards and Commissions), Section 4-300 of the City Charter, the Law Department shall have the power and its duty shall be to perform the following functions:

(a) Legal advice. It shall furnish legal advice to the mayor, to the council and to all officers, departments, boards and commissioners concerning any matter or thing arising in connection with the exercise of their official powers or performance of their official duties and except as otherwise expressly provided, shall supervise, direct and control all of the law work of the city.

(b) Litigation. The department shall collect by suit or otherwise all debts, taxes and accounts due the city which shall be placed with it for collection by any officer, department, board or commission; and it shall represent the city and every officer, department, board or commission in all litigation. It shall keep a proper docket, or dockets, duly indexed, in which it shall make and preserve memoranda of all such claims, showing whether they are in litigation and their nature and status.

(c) Contracts and bonds. The department shall prepare or approve all contracts, bonds and other instruments in writing in which the city is concerned, and shall approve all surety bonds required to be given for the protection of the city. It shall keep a proper registry of all such contracts, bonds and instruments.

(d) Investigation and law enforcement. The department shall investigate any violation or alleged violation within the city of statutes of the State of Delaware or the ordinances of the city which may come to its notice, and shall take such steps and adopt such means as may be reasonably necessary to enforce within the city such statutes and ordinances and shall prosecute such violation to the municipal court of the City of Wilmington.

(e) Drafting and codification of ordinances and codification of Charter. Upon request of the council or of any councilman, or of the mayor, the department shall prepare or assist in preparing any ordinance for introduction into the council. The department shall serve as code reviser for the ongoing codification of the Charter and all general ordinances of the city, but shall not alter the sense, meaning or effect of any Charter or ordinance provisions; and

WHEREAS, it is in the interests of the taxpayers of the City of Wilmington that the Law Department provide to the City Council a monthly report of all pending lawsuits, status of the lawsuits, counsel representing the City in the lawsuits, legal fees expended, as well as a list of all legal settlements made during the month.

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.

The Law Department, managed by the City Solicitor, shall perform the following functions:

1. Provide to the President and Members of City Council, the Office of the Auditor, the Clerk of Council and the Treasurer a monthly written report containing the following:
 - a. A list of all lawsuits, claims, or administrative cases pending against the City, a synopsis of the basis of each lawsuit, a report on procedural status of the lawsuit, specification of whether in-house or outside counsel is representing the City in the litigation, the name of the counsel representing the City, and a running tabulation of the total legal fees, court costs and other expenditures made by the City in defense of the litigation through the date of the report.

- b. A list of all lawsuits, claims, or administrative cases filed by the City, a synopsis of the basis of each lawsuit, a report on procedural status of the lawsuit, specification of whether in-house or outside counsel is representing the City in the litigation, the name of the counsel representing the City, and a running tabulation of the total legal fees, court costs and other expenditures made by the City in pursuit of the litigation through the date of the report.
- c. A list of all legal consultants hired by the City during the month of the report or continuing consulting services for the City during the month of the report, the nature of the consulting work, the name of the legal consultant, and a running tabulation of the costs paid for legal consulting through the date of the report.
- d. A list of all legal settlements made by the City, the nature of the settlement, the cost of the settlement, and whether in-house or outside counsel represented the City in the settlement.
- e. A copy of any notice of claim filed with the City.
- f. This monthly written report shall be made available to the public by the Law Department and the Clerk of Council.

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

First Reading..... March 2, 2017
Second Reading.... March 2, 2017
Third Reading.....

Passed by City Council,

President of City Council

ATTEST: _____
City Clerk

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

Assistant City Solicitor

Approved this ____ day of _____, 2017

Mayor

SYNOPSIS: This Ordinance amends Chapter 2 of the City Code to require monthly reports to City Council from the Law Department.