

**AN ORDINANCE TO AMEND CHAPTER 8 OF THE CITY CODE  
REGARDING ECONOMIC OPPORTUNITY PLANS**

---

**WHEREAS**, the Council of the City of Wilmington (the “Council”) has enacted the provisions of Sections 8-1 through 8-4 of the City Code providing, among other things, that whenever a developer presents a plan for the development of a specific parcel of land within the City, certain enumerated standards shall be used by to evaluate those plans; and

**WHEREAS**, Council recognizes the vital need to provide economic opportunities to disadvantaged businesses, disadvantaged individuals, and City residents; and

**WHEREAS**, by maximizing participation of disadvantaged businesses, disadvantaged individuals, and City residents in City-financed or City-subsidized development projects, City officials and leaders can facilitate employment and provide job opportunities to such groups; and

**WHEREAS**, various City departments have historically negotiated with developers to maximize participation of disadvantaged businesses, disadvantaged individuals, and local residents in City projects; and

**WHEREAS**, City Council deems it necessary and proper to amend Chapter 8 of the City Code, as set forth herein, to codify and expand upon such historical practices.

**NOW, THEREFORE, THE COUNCIL OF THE CITY OF  
WILMINGTON HEREBY ORDAINS:**

**SECTION 1.** Chapter 8 of the City Code is amended by creating a new section currently reserved as Section 8-5 to read as follows:

Section 8-5. - Economic Opportunity Plans

Notwithstanding the requirements set forth in sections 8-1 to 8-4, any developer receiving financing, a subsidy, a grant, or an in-kind contribution with a value that exceeds \$200,000 from any City department shall submit an economic opportunity plan designed to maximize participation in the project by disadvantaged businesses, disadvantaged individuals, and city residents, as set forth herein:

- (1) *Applicability:* this section shall be applicable to any developer receiving any amount of financing, subsidy, or grant from any City department, or any developer receiving an in-kind contribution from any City department with a value that exceeds \$200,000. This section shall not apply to developers who are awarded contracts through the competitive bidding process, or where the source of the funding exclusively derives from the federal or state government.
- (2) *Economic Opportunity Plan Requirements:* In order to demonstrate compliance with this section, developers shall submit to the department providing the assistance a written plan detailing the efforts to be made to maximize participation in the project by city residents, disadvantaged businesses and disadvantaged individuals, both as defined in city code section 35-132. The plan may include, but shall not be limited to, the following information: (i) whether a job fair will be held regarding employment opportunities associated with the project, (ii) the efforts that will be made to notify disadvantaged businesses, disadvantaged individuals, and city residents regarding potential contracting or employment opportunities associated with the project, and (iii) whether the developer will provide training, scholarships and/or other community benefits either informally or through a community benefits agreement.
- (3) *Enforcement:* This section shall be enforced by the city department providing the financing, subsidy, grant, or in-kind contribution. Failure to comply with this section may result in revocation of city assistance in the immediate project and/or subsequent projects.

**SECTION 2.** This Ordinance shall become effective upon passage by City Council and approval by the Mayor.

First Reading . . . . June 2, 2016  
Second Reading . . . June 2, 2016  
Third Reading . . . . .

Passed by City Council,

\_\_\_\_\_  
President of City Council

ATTEST: \_\_\_\_\_  
City Clerk

Approved as to form this \_\_\_\_\_  
day of \_\_\_\_\_, 2016

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

Approved this \_\_\_\_\_ day of  
\_\_\_\_\_, 2016

\_\_\_\_\_  
Mayor

**SYNOPSIS AND FISCAL IMPACT:** This Ordinance amends Chapter 8 of the City Code by creating a new section that requires any developer receiving any financing, subsidy, grant, or in-kind contribution with a value that exceeds \$200,000 to submit an economic opportunity plan designed to maximize participation in the project by disadvantaged businesses, disadvantaged individuals, and city residents. The economic opportunity plan may include, but shall not be limited to, the following information: (i) whether a job fair will be held regarding employment opportunities associated with the project, (ii) the efforts that will be made to notify disadvantaged businesses, disadvantaged individuals, and city residents regarding potential contracting or employment opportunities associated with the project, and (iii) whether the developer will provide training, scholarships, and/or other community benefits either informally or through a community benefits agreement. This proposed section will be enforced by the city department providing the financing, subsidy, grant, or in-kind contribution. There is no negative fiscal impact associated with this Ordinance.