

**AN ORDINANCE TO AMEND CHAPTER 39 OF THE CITY CODE TO ALLOW  
RETIRED FIREFIGHTERS TO SERVE ON THE FIRE PENSION BOARD**

**#4449**

**WHEREAS**, City Code Section 39-176 *et seq.* established the City of Wilmington

**Sponsor:**

Firefighters' Pension Fund (the "Old Plan"); and

**Council  
Member  
Williams**

**WHEREAS**, City Code Section 39-241 *et seq.* established the City of Wilmington

Firefighters' Pension Act of 1984 (the "New Plan"); and

**WHEREAS**, City Code Sections 39-182 and 39-251 provide for a board of trustees (the "Board") to administer the Old Plan and the New Plan; and

**WHEREAS**, pursuant to City Code Sections 39-182(a) and 39-251(a), the Board includes five active members of the Wilmington Fire Department who are enrolled in either the Old Plan or the New Plan; and

**WHEREAS**, only nine active firefighters are enrolled in the Old Plan, only sixteen active firefighters are enrolled in the New Plan, and all twenty-five firefighters are currently eligible for retirement; and

**WHEREAS**, it is necessary to allow retired firefighters who are enrolled in the Old Plan or the New Plan to run for the vacant firefighter positions on the Board in order to ensure that the Board will be fully constituted in the future.

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

**SECTION 1.** Chapter 39 of the City Code is hereby amended by amending Section 39-182(a) thereof by deleting the stricken language and adding the underlined language to read as follows:

**Sec. 39-182. - Board of trustees generally.**

- (a) The board of trustees of the firefighters' pension plan shall consist of the chief of fire, the city treasurer, the director of finance, the ~~personnel~~ human resources director, the chairman of the finance committee of the city council, the chairman of the public safety committee of the city council, and five active or retired members of the fire department of the city who are enrolled in the firefighters' pension plan, such five members to be elected every four years by vote of the active and retired members of the fire department of the city who are enrolled in the firefighters' pension plan. Any active or retired member of the fire department of the city who is enrolled in the firefighters' pension plan and who would like to serve on the board of trustees shall submit his or her name in writing to the chief of fire during a timeframe designated by the chief prior to the elections in order to be placed on the ballot. Any seat on the board of trustees up for election will first be filled by an active member enrolled in the firefighters' pension plan seeking a seat in accordance with the number of votes received. If an insufficient number of active members enrolled in the firefighters' pension plan seek a seat, the remaining seat(s) will then be filled by a retired member enrolled in the firefighters' pension plan in accordance with the number of votes received. Those members of the board of trustees elected as of January 1, 2002, shall serve until December 31, 2006. The first general election shall occur in January 2006 and every four years thereafter.

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**SECTION 2.** Chapter 39 of the City Code is hereby amended by amending Section 39-251(a) thereof by deleting the stricken language and adding the underlined language to read as follows:

**§ 39-251. Board of trustees generally; contributions to the plan.**

- (a) The board of trustees of the firefighters' pension plan shall consist of the chief of fire, the city treasurer, the director of finance, the ~~personnel~~ human resources director, the chairman of the finance committee of the city council, the chairman of the public safety committee of the city council, and five active or retired members of the fire department of the city who are enrolled in the firefighters' pension plan, such five members to be elected every four years by vote of the active and retired members of the fire department of the city who are enrolled in the firefighters' pension plan. Any active or retired member of the fire department of the city who is enrolled in the firefighters' pension plan and who would like to serve on the board of trustees shall submit his or her name in writing to the chief of fire during a timeframe designated by the chief prior to the elections in order to be placed on the ballot. Any seat on the board of trustees up for election will first be filled by an active member enrolled in the firefighters' pension plan seeking a seat in accordance with the number of votes received. If an insufficient number of active members enrolled in the firefighters' pension plan seek a seat, the remaining seat(s) will then be filled by a retired member enrolled in the firefighters' pension plan in accordance

with the number of votes received. Those members of the board of trustees elected as of January 1, 2002, shall serve until December 31, 2006. The first general election shall occur in January 2006 and every four years thereafter.

The chief of fire shall be the president of the board of trustees of the firefighters' pension plan. The board of trustees of the firefighters' pension plan shall appoint a secretary from among their own number. The secretary shall execute a bond for the faithful performance of his duties with respect to the firefighters' pension plan in such sum and form with such surety as will be satisfactory to the board of trustees. The cost of such bond shall be defrayed from the proceeds of the plan.

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**SECTION 3.** This Ordinance shall become effective upon its passage by City Council and approval by the Mayor.

First Reading.....December 7, 2017  
Second Reading.....December 7, 2017  
Third Reading.....

Passed by City Council,

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

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

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

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

Approved this \_\_\_\_ day of \_\_\_\_\_, 2017.

\_\_\_\_\_  
Mayor

**SYNOPSIS:** This Ordinance amends Sections 39-182(a) and 39-251(a) of the City Code to permit both active and retired members of the Wilmington Fire Department enrolled in either the Firefighters' Pension Fund (the "Old Plan") or the Wilmington Firefighters' Pension Act of 1984 (the "New Plan") to run for the five firefighter positions on the board of trustees (the "Board") that administers the Old Plan and the New Plan. It also provides a procedure for an active or retired firefighter enrolled in the Old Plan or the New Plan to place his or her name on the ballot, allows active and retired firefighters enrolled in the Old Plan or the New Plan to vote for the elected seats on the Board, and gives priority for the Board's elected seats to be filled by active members enrolled in the Old Plan or the New Plan. Finally, as a housekeeping matter, the term "personnel director" has been replaced with "human resources director".

**FISCAL IMPACT STATEMENT:** This Ordinance has no anticipated fiscal impact.