



City of Wilmington
Wilmington City Council

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NOTICE

Committee of the Whole Meeting

Tuesday January 16, 2018
5:00 PM

1st Floor Council Committee Room

Agenda

- A Resolution Requesting a Legal Opinion from Law Department Regarding Council Salaries
- A Resolution to Amend the Rules of Council of the City of Wilmington Regarding the Order of Business (Boards and Commissions).

Wilmington, Delaware
January 18, 2018

WHEREAS, in Charter Sec. 2-100. - Number, terms and salaries of council members it reads: “Council shall consist of twelve (12) members, of whom eight (8) shall be elected from councilmanic districts and four (4) from the city at large, and the president of the council, who shall be elected by the people from the city at large. The terms of council members shall be four (4) years, or until their successors have been elected and take office, commencing on the first Tuesday in the month of January following the year in which they were elected, except that a council member elected to fill a vacancy shall serve only the balance of the unexpired term. Each council member shall receive a salary at the rate of eight thousand dollars (\$8,000.00) per annum, or such other sum as the council shall from time to time ordain, but the annual salary shall not be increased during the current term of council members enacting such ordinance. No change shall be made in the compensation of members of the city council during the final six (6) months of the terms of the members of the city council. The president of the council shall receive, in addition to the sum paid the council members, the sum of one thousand dollars (\$1,000.00) per annum. The president of the council shall preside over meetings of the city council and shall have the same rights and duties including the right to vote and speak therein as other members.”; and

WHEREAS, the following table summarizes salary issues reflected below:

<u>City Council Positions</u>	<u>Charter Section 2-100</u>	<u>Ordinance No. 16-022</u>	<u>Difference</u>
<u>President of Council</u>	\$29,205.00	\$35,650.00	-\$6,445.00
<u>Finance Committee Chair</u>	\$28,205.00	\$33,150.00	-\$4,945.00
<u>President Pro Tempore</u>	\$28,205.00	\$32,030.00	-\$3,825.00
<u>Council Members</u>	\$28,205.00	\$28,205.00	\$0.00
			<u>-\$15,215.00</u>

#XXXX

Sponsor:

Council
Member
Guy

WHEREAS, if the salary relationship outlined in the charter between council members and the president of the city council controls (Sec. 2-100. - Number, terms and salaries of council members. "The president of the council shall receive, in addition to the sum paid the council members, the sum of one thousand dollars (\$1,000.00) per annum.") then the salary of councilmembers would be as reflected in the second column above; and

WHEREAS, if the salary in the city code for council members, president, president pro tempore, and finance chair controls (Ordinance No. 16-022) then the salaries would be as reflected in the third column above with the total annual difference of **\$-15,215.00** reflected in the fourth column for a grand total over four (4) years being **\$-60,860.00**; and

WHEREAS, through the charter, code, and some other provision of law, if there is some justification or explanation for the inconsistencies reflected in the paragraphs above, it would be helpful for the City Solicitor/Law Department to provided City Council with a legal opinion regarding the above; and

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF WILMINGTON, requests that the City Solicitor/Law Department provide all members of City Council with a Legal Opinion that includes analysis of the Charter, City Code and any other relevant law, and that allows the City Solicitor/Law Department to provide a Legal Opinion on the lawfulness of the amount of the present salary actually being paid for the following four positions: Council Member, President of the Council, President Pro Tempore, and Finance Committee Chair.

Passed by City Council,

Attest: _____
City Clerk

Approved as to form this _____
day of January, 2018.

Senior Assistant City Solicitor

SYNOPSIS: This Resolution requests for the City Solicitor/Law Department to provide all City Council Members with a legal opinion regarding the legality of the present salaries for the following four positions: Council Member, President of the Council, President Pro Tempore, and Finance Committee Chair.

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Wilmington, Delaware
January 18, 2018

WHEREAS, openness, transparency, and accountability are some of the important policies reflected through “Sec. 2-11. - Database of City of Wilmington Boards and Commissions (“COWBAC”)” that reads as follows:

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Sponsor:

Council
Member
Guy

“(a) The mayor or his designee shall compile and maintain a computerized database of all city boards, commissions, task forces, committees, and similar entities, herein collectively referred to as the “City of Wilmington Boards and Commissions” (“COWBAC”). On or before January 1, 1998, the mayor or his designee shall provide a copy of such information to the president and each member of city council. The database items included shall be those used in the Delaware Governor’s Database maintained in Dover. The COWBAC shall be updated not less than quarterly and copies of each update shall be provided to the president and each member of city council.

(b) Not later than the day of each city council meeting, the mayor, or his designee, shall file with the city clerk and provide to the president and each member of city council, written correspondence identifying any changes by way of resignation, removal from office, appointment, or creation of new organizations, that have occurred since the date of the last city council meeting as to any changes in membership of any of the organizations that are required to be listed in the COWBAC. The city clerk shall immediately notify the mayor, or his designee, of any changes occasioned by action of the city council regarding any organization required to be listed in the COWBAC. (Ord. No. 97-104, § 1, 12-18-97)”; and

WHEREAS, the 107th Session of Wilmington City Council has not received quarterly nor bimonthly updates from the Mayor; and

WHEREAS, it is not the intent of Wilmington City Council to allow such actions to continue; and

WHEREAS, including receipt of quarterly and bimonthly COWBAC Reports on the Agenda will ensure accurate information regarding the composition of City of Wilmington Boards and Commissions will be available to the public and media; and

WHEREAS, Council deems it appropriate to amend its Rules.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF WILMINGTON, that Rule 2-ORDER OF BUSINESS of the Rules of the Council of the City of Wilmington, as adopted January 3, 2017 by Resolution 17-001 (subsequently amended), the phrase “F) Committee Reports: Reports from standing committees shall be signed by a majority of committee members, read by the Clerk, and filed, on motion and voice vote. The reading of the minutes shall include a statement as to committee members that were present, absent with leave and absent without leave. Non committee members present need not be mentioned..” be amended by deleting said phrase and inserting the following phrase in its place, “F) Committee Reports: Reports from standing committees shall be signed by a majority of committee members, read by the Clerk, and filed, on motion and voice vote. The reading of the minutes shall include a statement as to committee members that were present, absent with leave and absent without leave. Non committee members present need not be mentioned. City of Wilmington Boards and Commissions (“COWBAC”) Quarterly Reports and Bimonthly Reports from the Mayor, read by the Clerk, and filed, on motion and voice vote.”

Passed by City Council,

Attest: _____
City Clerk

Approved as to form this _____
day of January, 2018.

Senior Assistant City Solicitor

SYNOPSIS: This Resolution amends City Council Rule 2 (F) to include the following provision: "City of Wilmington Boards and Commission ("COWBAC") Quarterly Reports and Bimonthly Reports from the Mayor shall be read by the Clerk, and filed, on motion and voice vote."

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