

RES18-015

Wilmington, Delaware  
March 1, 2018

#4471

Sponsor:

Council  
Member  
Guy

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>

**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,  
March 1, 2018

Attest:   
City Clerk

**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.