



City of Wilmington

Wilmington City Council

Louis L. Redding City/County Building
800 N. French Street
Wilmington, Delaware 19801-3537

phone (302) 576-2140
fax (302) 571-4071
www.WilmingtonDE.gov

➤ **REVISED NOTICE**

Committee of the Whole Meeting

Wednesday, January 30, 2019

6:00 PM

Council Chambers

Agenda

- **Sub. 1 to Ord. 19-001** Amend Chapter 2 of the City Code Regarding Procedures to Fill City Council Vacancies
- Discuss a Resolution to Fill the Vacancy in the First City Council District

Posted Rev. 1 (01.29.19)

Any members of the public who wish to speak during the committee meeting will be limited to three minutes per agenda item. If the public's permission to comment is abused, the Chair may exercise greater discretion in limiting public comment.

SUBSTITUTE NO. 1 TO ORDINANCE NO. 19-001

**AN ORDINANCE TO AMEND CHAPTER 2 OF THE CITY CODE REGARDING
PROCEDURES TO FILL CITY COUNCIL VACANCIES**

#4614

Sponsor:

**Council
Member
Harlee**

WHEREAS, the City Council deems it necessary and proper to amend the provisions of Section 2-34 of the City Code regarding the procedures to fill City Council vacancies; and

WHEREAS, Section 2-101 of the City Charter states that if a vacancy occurs in the period less than thirty (30) days before the date of a primary election or pending the election of a councilman to fill a vacancy, the City Council, by a majority vote of all its remaining members, shall appoint a person to fill the vacancy until a person is elected by the voters for the unexpired term; and

WHEREAS, the City Charter does not clearly provide procedures for how Council appoints a person to fill the vacancy, and Section 2-34 of the City Code provides for such procedures; and

WHEREAS, City Council wishes to change the procedures by which Council appoints a person to fill the vacancy by increasing the ability for all members of Council to be involved in recommending an individual to Council to fill the vacancy.

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

SECTION 1. Chapter 2 of the City Code is hereby amended by amending Section 2-34 thereof by deleting the stricken language and adding the underlined language to read as follows:

§ 2-34. - Procedures to fill city council vacancies.

The city council hereby establishes the following procedures by which a person is appointed by resolution to fill a city council vacancy:

~~The president of city council shall appoint members of a special committee consisting of five members of city council; one member shall be the president who shall serve as its chair. The special committee~~ The committee of the whole of city council, chaired by the president of city council, shall be charged with selecting a candidate to fill the vacancy in accordance with the requirements outlined in the City Charter section 2-101.

(1) ~~The special committee~~ of the whole shall:

- a. Accept recommendations from members of council in accordance with the requirements of subsection (1)b of this section;
- b. Accept resumes and letters of intent, during a specified time period, from persons who are qualified pursuant to the City Charter;
- c. Interview each qualified person in executive session;
 - i. Each member of the committee of the whole shall identify up to three candidates to fill the vacancy. The candidates shall be identified using an identifier, other than the candidate's name, which will be assigned to each candidate during executive session.
- d. ~~b.~~ Recommend a person by majority vote of the members of the special committee of the whole; and
- e. ~~e.~~ Follow the requirements for appointment of a person to fill a council vacancy, pursuant to the City Charter.

(2) The vacancy shall be certified by resolution.

(3) ~~The special committee~~ of the whole shall propose by resolution its recommendation of a person to fill the vacancy for vote by the full of city council. The resolution must be approved by a majority vote of all the members of city council.

(4) If the resolution fails to be approved, the committee of the whole shall reconvene and propose by resolution another recommendation of a person who it previously interviewed to fill the vacancy for a vote by the full of city council. The resolution must be approved by a majority vote of all members of city council. The committee of the whole shall repeat this procedure until the vacancy is filled.

(5) While the procedures set forth in this section are taking place, if the city council vacancy is for a councilmanic district, the at-large council member

living in or closest to the district in which there is a vacancy will respond to and assist residents in that district until the vacancy is filled.

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

First Reading.....January 10, 2019
Second Reading.....January 10, 2019
Third Reading.....

Passed by City Council,

President of City Council

ATTEST: _____
City Clerk

Approved this ____ day of _____ 2019.

Mayor

SYNOPSIS: This Ordinance amends Section 2-34 of the City Code, which sets forth procedures to fill City Council vacancy, by allowing all members of Council to be part of the committee that recommends to Council an individual to fill a Council vacancy.

POLICY STATEMENT: This Ordinance is intended to change the procedures by which Council appoints a person to fill a vacancy on the legislative body, in an effort to clarify procedures and make the process more inclusive of all members of City Council. This Ordinance also lays out the various stages of the process for filling a Council vacancy with the intent of clarifying this process, as well as ensuring it flows smoothly and each candidate receives equal treatment and consideration – with steps taken to ensure confidentiality, the same questions being asked of each candidate, and a clear, codified process for expressing interest and being considered to fill a vacancy on City Council.

Wilmington, Delaware
_____, 2019

#4613

Sponsor:

**Council
Member
Guy**

Co-Sponsors:

**Council
Members
Turner
Dixon
Congo**

WHEREAS, the Council Member elected from the First Councilmanic District, Nnamdi O. Chukwuocha was elected on November 6, 2018 to the Delaware House of Representatives during the General Election; and

WHEREAS, pursuant to the Delaware Constitution, Schedule Section 4, his term of office as Representative began November 6, 2018, which also prohibits his from holding an incompatible office during his term of office as a Representative; and

WHEREAS, Council Member Nnamdi O. Chukwuocha has decided that she should resign his office as the First Councilmanic District's Council Member in order to take office as a State Representative; and

WHEREAS, Council Member Chukwuocha submitted a letter of resignation from the Wilmington City Council to Council President Shabazz who accepted it with sincere regret; and

WHEREAS, Council Member Chukwuocha's resignation was effective on November 6, 2010; and

WHEREAS, pursuant to the Wilmington City Charter, Chapter 2, Wilm. C. (Charter) §2-101, when such vacancy occurs between General Elections, it is the duty of City Council to fill said vacancy with a member of the same political party residing in the same council district in which such vacancy occurs for the un-expired term of the resigning Council Member; and

WHEREAS, pursuant to Wilm. C. (Charter) §2-103, the City Council is empowered to be the "sole judge of the qualifications. . . of its members" and an Ad hoc Committee of City Council has unsuccessfully recommended a replacement to fill the vacancy in the First City Council District seat.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF WILMINGTON, that the Council hereby certifies that the First District City Council seat is vacant due to the resignation of Council Member Nnamdi O. Chukwuocha on November 6, 2018 due to his election to the Delaware House of Representatives.

BE IT FURTHER RESOLVED, that the City Council hereby appoints Subira Ibrahim, a duly registered member of the Democratic Party residing in the First Councilmanic District of the City of Wilmington, to fill the vacancy created by the aforesaid resignation of Council Member Nnamdi O. Chukwuocha, for the remainder of Council Member Chukwuocha's term.

Passed by City Council,

Attest: _____
City Clerk