

Wilmington, Delaware
September 3, 2020

#4856

Sponsor:

**Council
Member
Freel**

WHEREAS, on July 23, 2020, Council Member Ernest “Trippi” Congo II publicly stated that he was no longer a resident of the Second Councilmanic District because he had moved from such District approximately two weeks earlier; and

WHEREAS, City Charter Section 2-103 requires a Council Member to “remain a resident of the councilmanic district from which he was elected during his term of office”; and

WHEREAS, City Charter Section 2-103 provides that if a Council Member ceases to be a resident of the District from which he was elected, “his office shall immediately be forfeited and become vacant”; and

WHEREAS, City Charter Section 2-103 provides that a Council Member “charged with conduct constituting grounds for forfeiture of his office shall be entitled to a public hearing on demand”; and

WHEREAS, on August 24, 2020, Ernest “Trippi” Congo II demanded a public hearing; and

WHEREAS, pursuant to City Charter Section 2-400, Council has the “power by resolution to authorize inquiries and investigations to be conducted by the entire body or by any of its committees in aid of its legislative powers and functions”; and

WHEREAS, pursuant to City Charter Section 2-403, “[f]or the purpose of conducting inquiries and investigations, the council by resolution may employ . . . and fix the compensation of counsel, experts and employees and authorize such other expenditures as it deems necessary; but a limit of the total cost shall be stated which shall not be exceeded except by vote of the council authorizing additional amounts . . .”; and

WHEREAS, in order to provide for a fair and impartial public hearing regarding Ernest “Trippi” Congo II’s qualifications to serve as the Council Member for the Second Councilmanic District, Council deems it necessary and appropriate to authorize (i) an independent investigation in preparation for the public hearing; (ii) the employment of Morris James LLP to conduct the investigation; and (iii) the funding of the investigation.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF WILMINGTON that City Council hereby authorizes an independent investigation to be performed regarding Ernest “Trippi” Congo II’s qualifications to serve as the Council Member for the Second Councilmanic District prior to the public hearing on that matter.

BE IT FURTHER RESOLVED that City Council hereby authorizes the employment of the law firm of Morris James LLP to perform the investigation.

BE IT FURTHER RESOLVED that City Council hereby sets a limit of ten thousand dollars (\$10,000.00) for the total cost of the investigation.

Passed by City Council,

ATTEST: _____
City Clerk

SYNOPSIS: Pursuant to City Charter Sections 2-400 and 2-403, this Resolution authorizes an independent investigation, and the employment of Morris James LLP and funding in conjunction therewith, in preparation for a public hearing requested by Ernest “Trippi” Congo II regarding his qualifications to serve as the Council Member for the Second Councilmanic District.

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