

AN ORDINANCE TO AMEND CHAPTER 2 OF THE CITY CODE TO REQUIRE ANNUAL ETHICS TRAINING AND TO REVISE THE PROCEDURE TO AMEND THE CITY ETHICS REQUIREMENTS

#0090

Sponsor:

Council
Member
Spadola

Co-Sponsor:

Council
Member
Johnson

WHEREAS, pursuant to City Code Section 2-344, the Wilmington Ethics Commission (the "Ethics Commission") is empowered to make recommendations to the Mayor and City Council regarding rules of ethics for city employees, elected officials, appointed officials and honorary officials (the "Ethics Requirements"); and

WHEREAS, at its July 13, 2021 meeting, the Ethics Commission discussed and unanimously approved several recommendations for changes to the Ethics Requirements, which are incorporated in this Ordinance; and

WHEREAS, City Council would like to foster public confidence in its operations and ethics training helps to build such confidence; and

WHEREAS, in 2021, the Ethics Commission provided ethics training for all Elected Officials, as that term is defined in City Code Section 2-337, and the Mayor's senior appointees; and

WHEREAS, City Council desires to require Elected Officials, Appointed Officials, and City Employees, as those terms are defined in City Code Section 2-337, to attend ethics training annually; and

WHEREAS, City Council would like for the Ethics Commission to have an opportunity to review and make recommendations regarding proposed legislation impacting the Ethics Requirements; and

WHEREAS, in light of the foregoing and in continuation of previous efforts to update and clarify the Ethics Requirements, City Council deems it necessary and appropriate to amend Chapter 2 of the City Code to require annual ethics training of all Elected Officials, Appointed Officials, and City Employees and to provide the Ethics Commission with an

opportunity to review and make recommendations regarding proposed legislation impacting the Ethics Requirements.

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

SECTION 1. Section 2-339 of the City Code is hereby amended to add a new subsection (k) to read as follows:

Sec. 2-339. - Legislative findings and statement of policy.

(k) Amendments. No amendment to this division shall be passed unless the amendment has been proposed by the ethics commission or the proposed amendment has been submitted to the ethics commission for its review and recommendations. With respect to any proposed amendment, the ethics commission shall hold at least one open meeting, notice of which shall be provided in accordance with the Delaware Freedom of Information Act. The ethics commission shall have 90 days after receiving a proposed amendment to submit a report containing its recommendations to city council through the mayor. If the ethics commission fails to submit a report to city council within 90 days, city council shall be free to proceed with the adoption of the amendment without further awaiting the receipt of the report of the ethics commission.

SECTION 2. Section 2-345 of the City Code is hereby amended by deleting the stricken language and adding the underlined language to read as follows:

Sec. 2-345. – Same - Complaints; hearings; dispositions.

(a) Upon the sworn complaint of any person or on its own initiative, the commission may refer to the city solicitor for investigation any alleged violations of ~~the conflict of interest provisions and of the code of conduct provisions in sections 2-339, 2-340 and 2-341, respectively.~~ Except as provided in section 2-343(f) regarding investigations of complaints about the mayor, the city solicitor or his or her designee shall be the prosecuting attorney in all disciplinary proceedings before the commission. In any such investigation or proceeding, a defendant shall be given an opportunity to be heard after notice, to be advised and assisted by legal counsel, to produce witnesses and offer evidence, and to cross-examine

witnesses. A transcript of any such proceeding shall be made and retained, subject to the confidentiality requirements of this division. The commission shall adopt rules of procedure and guidelines deemed necessary, subject to the approval of the administrative board.

SECTION 3. Chapter 2 of the City Code is hereby amended by adding a new Section 2-345.2 to read as follows:

Sec. 2-345.2 - Required ethics training for elected officials, appointed officials, and city employees.

(a) Required ethics training. On an annual basis, all elected officials, appointed officials, and city employees shall either attend an ethics training presentation approved by the ethics commission or view a recorded ethics training presentation approved by the ethics commission.

(b) Certification of ethics training. Each person identified in subsection (a) shall, on an annual basis, certify that he or she has completed the required ethics training specified in subsection (a). The certification shall:

(i) be submitted to the department of human resources by May 1st of each year certifying that the person identified in subsection (a) has attended the required ethics training within the past 12 months; and

(ii) be made on a form provided by the department of human resources and submitted in accordance with the process designated by the department of human resources.

(c) Form of certification and process for submission thereof. The department of human resources shall provide a form for the certification required by subsection (b) and designate the process for submission thereof. The process shall provide for the option to submit the certification electronically.

(d) Certification transparency. The ethics commission shall provide on its city webpage a list of those elected officials who have not complied with the ethics training requirement.

SECTION 4. This Ordinance shall become effective upon its passage by City Council and approval by the Mayor. The certification of ethics training required by new

City Code Section 2-345.2 shall be due for the first time on May 1, 2022. Ethics training provided during the time period from January 1, 2021 through April 30, 2022 will qualify to satisfy the training requirement for the first certification.

First Reading.....August 26, 2021
Second Reading.....August 26, 2021
Third Reading.....

Passed by City Council,

President of City Council

ATTEST: _____
City Clerk

Approved this ____ day of _____, 2021.

Mayor

SYNOPSIS: This Ordinance amends Chapter 2 of the City Code to require all Elected Officials, Appointed Officials, and City Employees to attend an ethics training presentation approved by the Wilmington Ethics Commission or view a recorded ethics training presentation approved by the Wilmington Ethics Commission on an annual basis. In addition, this Ordinance creates a new procedure for amending the City’s ethics rules to provide an opportunity for the Wilmington Ethics Commission to review and make recommendations on such proposed amendments. Finally, as a housekeeping matter, this Ordinance deletes some language from and adds some language to City Code Section 2-345(a) to clarify the jurisdiction of the Wilmington Ethics Commission as established by City Code Section 2-343.

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

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