

AN ORDINANCE TO AMEND CHAPTER 2 OF THE CITY CODE TO PROHIBIT CITY COUNCIL FROM HIRING CLOSE RELATIVES OF CURRENTLY SITTING CITY COUNCIL MEMBERS

#0273
Sponsor: **WHEREAS**, as expressed in *Wilm. C.* § 2-338, the purpose of the City Ethics Requirements is to ensure the respect and confidence of City residents by avoiding conduct which is in violation of their public trust or which creates a justifiable impression among the public that such trust is being violated; and

Council Member Spadola
Co-Sponsor: **WHEREAS**, City Council seeks to establish and encourage standards of ethical conduct in City government; and

Council Member Mills
WHEREAS, *Wilm. C.* § 2-340 outlines restrictions on contracting with the City; and

WHEREAS, City Council intends to improve government transparency and avoid the appearance of nepotism by prohibiting City Council from hiring close relatives of currently sitting City Council members; and

WHEREAS, *Wilm. C.* § 2-337 defines “close relative” as “a person’s domestic partner or parents, spouse, children, siblings by blood (whole or half), adoption or marriage”; and

WHEREAS, this legislation shall not prevent the rehiring of a close relative City Council staffer who was hired prior to and continuously employed by City Council since September 1st one year before the election in which the close relative’s related City Council member was elected; and

WHEREAS, City Council deems it necessary and proper to amend Chapter 2 of the City Code to prohibit City Council from hiring close relatives of currently sitting City Council members.

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

SECTION 1. Chapter 2 (“Administration”), Article V (“Departments and Agencies Created by Ordinance”), Division 6 (“City Ethics Requirements”) of the City Code is hereby amended by removing the stricken language and adding the underlined language as follows:

Sec. 2-340. - Prohibitions relating to conflicts of interest and political activities.

[. . .]

(c) *Restrictions on contracting with the city.*

(1) No elected official, appointed official or city employee shall benefit from or be interested in any contract with the city, nor solicit any contract and shall not enter into any contract with the city (other than an employment contract).

(2) City Council shall not knowingly hire close relatives of currently sitting City Council members, unless the employee was hired prior to and continuously employed by City Council since September 1st one year before the election in which the close relative’s related City Council member was elected.

~~(2)~~(3) No private enterprise in which an elected official, appointed official or city employee has a legal or equitable ownership of more than 20 percent (more than one percent in the case of a corporation whose stock is regularly traded on an established securities market) shall enter into any contract with the city, other than an employment contract.

[. . .]

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

First Reading.....January 19, 2023
Second Reading.....January 19, 2023
Third Reading.....

Passed by City Council,

President of City Council

ATTEST: _____
City Clerk

Approved this ____ day of _____, 2023.

Mayor

SYNOPSIS: This Ordinance seeks to improve government transparency by amending Chapter 2 of the City Code to prohibit City Council from hiring close relatives of currently sitting City Council members. This Ordinance does not include a close relative City Council staffer who was hired prior to and continuously employed by City Council since September 1st one year before the election in which the close relative's related City Council member was elected. For example, a City Council staffer who is a close relative to a City Council member elected in 2024 may be hired again if the staffer was hired by September 1, 2023 and remained employed by City Council since September 1, 2023.