

RES 23-001 As Amended\*  
See Floor Amendment Page Attached

Wilmington, Delaware  
~~January 5, 2023~~  
February 23, 2023

Rev. 1  
#0259

Sponsor:

Council  
Member  
Darby

**WHEREAS**, Wilm. Ch. (Charter) § 1-101 grants the City broad powers of local self-government under home rule authority, which includes the authority to enforce its legislation “by the imposition of fines, forfeitures, penalties and imprisonment”; and

**WHEREAS**, Wilm. Ch. § 1-102 vests the legislative power of the City in City Council; and

**WHEREAS**, Wilm. Ch. § 2-300 states that it is “the duty of the council, at least thirty (30) days before the end of the fiscal year, to adopt the annual operating budget ordinance for the next fiscal year”; and

**WHEREAS**, Wilm. Ch. § 2-302 requires that “[n]ot later than the passage of the annual operating budget ordinance, the council shall ordain such revenue measures as will, in the opinion of the mayor, yield sufficient revenue to balance the budget”; and

**WHEREAS**, nevertheless, City Council recognizes the fundamental role of examining fees, fines, and administrative sanctions imposed by the City’s various departments because of the potential impact on residents, visitors, and businesses in the City; and

**WHEREAS**, this includes, but is not limited to, the City’s Department of Finance in the department’s pursuit of fairly and equitably enforcing parking requirements and restrictions in the City, the City’s Department of Licenses & Inspections’ granting of business licenses and collecting inspection fees in the department’s pursuit of ensuring proper business operations and preventing housing code violations, as well as those fines and fees imposed by the City’s Fire Marshal’s Office; and

**WHEREAS**, in consultation with the National Association for the Advancement of Colored People (“NAACP”), the Delaware Center for Justice (“DCJ”), Network Delaware and

its Campaign to End Debtors' Prison, the Latin American Community Center ("LACC"), the nonprofit, public interest law firm Institute for Justice ("IJ"), and the American Automobile Association ("AAA"), City Council has questions and concerns about the implementation and oversight of parking enforcement in the City, including towing and booting fees and fines; and

**WHEREAS**, City Council deems it prudent to create a taskforce to review fees, fines, and administrative sanctions administered by the City in order to ensure fairness in the administrative process. \*

**NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF WILMINGTON**, that this Legislative body names the following individuals to serve on the taskforce of City Council to review fees, fines, and administrative sanctions in the City: District 2 Council Member, Shané N. Darby; Finance & Economic Development Committee Chair, Christofer C. Johnson; Council Member At-Large, Maria D. Cabrera; Shyanne Miller of Network Delaware; Coby Owens of the National Association for the Advancement of Colored People; Kailyn Richards of Delaware Center for Justice; Haneef Saleem of South Bridge Civic Association; Jennifer Thompkins of Wilmington Urban League; Christian Willauer of the Fifth District Neighborhood Planning Council; David Ross, 4th District Neighborhood Planning Council; and Andre Harris, 3<sup>rd</sup> District Civic Association.

**BE IT FURTHER RESOLVED**, the Chair shall convene the first meeting of the Taskforce sixty (60) days following the effective date of this Resolution. A quorum of the Taskforce is a majority of the members and is necessary for the Taskforce to conduct business at the meeting. Following its first meeting, the Taskforce shall meet at least once every February. If necessary, the Chair may convene additional meetings with an agreement of a majority of the Taskforce.

**BE IT FURTHER RESOLVED**, the purpose of the Taskforce is to review fees, fines, and administrative sanctions administered by the City, make findings, and, if the Taskforce determines that changes are necessary, submit recommendations to City Council. The recommendation must be written and provide the required data points for any recommended changes, such as the fiscal impact and how any deficiency in the budget resulting from the lowering of fees will be covered. The Taskforce will begin its review process by developing an inventory of all fees, fines, and administrative sanctions imposed by any City department, division, or agency as well as determine when such measures were last reviewed and whether the measures are consistent with the department's stated goals. When requested, the relevant City department will make a good faith effort to provide data and information to the Taskforce.

**BE IT FURTHER RESOLVED**, the Taskforce shall make its first findings and recommendations, if any, to the City Council within one-hundred and eighty (180) days of its appointment.

Passed by City Council,

ATTEST: \_\_\_\_\_  
City Clerk

**SYNOPSIS:** This Resolution names appointments to a taskforce of City Council to be known as the *Fines & Fees Taskforce* that will be responsible for reviewing fees, fines, and administrative sanctions administered by the City, making findings, and, if the taskforce determines that changes are necessary, submitting recommendations to City Council.

**FLOOR AMENDMENT to AGENDA# 0259**

- Motion:
  - Mr. President I like to make a motion for a floor amendment at this time as such:
  
- Page # 2, the first whereas clause, add the following sentence:
  - Any data provided to the taskforce is limited to non-confidential information that is permissible by request for freedom of information (FOIA).

**The new whereas clause now reads as follows:**

WHEREAS, City Council deems it prudent to create a taskforce to review fees, fines,  
and administrative sanctions administered by the City in order to ensure fairness in the  
administrative process. Any data provided to the taskforce is limited to non-confidential information  
that is permissible by request for freedom of information (FOIA).