

Wilmington, Delaware
October 5, 2023

#0353

Sponsor:

**Council
Member
Darby**

WHEREAS, as legislative representatives elected by the citizens of Wilmington, members of City Council have a duty to ensure constituents and colleagues are kept up to date on all City Council business; and

WHEREAS, Delaware’s Freedom of Information Act (29 *Del. C.* §§ 10001, *et seq.*) requires agendas for public meetings to be posted at least seven days prior to the meeting; and

WHEREAS, the agenda requires a synopsis of pending public meeting business; and

WHEREAS, to keep the public and colleagues as informed as possible, legislation should be ready for introduction prior to being placed on the agenda; and

WHEREAS, two ways to have legislation ready for introduction are: (1) in draft form, whereby the public will have an idea of the proposed legislation; and (2) approved as to form by the Law Department, meaning the Law Department has reviewed the legislation and agrees that it is ready for introduction.

WHEREAS, this Council has determined that it is in the best interest of this legislative body, as the legislative representative of the City of Wilmington, to have draft legislation ready prior to the agenda’s posting.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF WILMINGTON that Rule 2 of the City Council Rules is hereby amended by adding the underlined language and deleting the stricken language to read as follows.

RULE 2 - ORDER OF BUSINESS

M) Adjournment.

The above order of business may be changed at any time by the Council President, or on motion duly seconded and passed by a majority of Council.

Pursuant to FOIA, an agenda as determined by the Chief of Staff of City Council shall be prepared for each meeting in a sufficient number of copies for distribution to members of the public. The Chief of Staff shall include on the agenda every piece of legislation requested by the legislation's sponsor that is in draft form or approved as to form by the Law Department. ~~provided~~ The sponsor shall give at least fourteen (14) business day' notice prior to the Council meeting. ~~is given by the sponsor~~ The agenda and may include emergency and other legislation upon less notice. Exceptions shall be made for emergencies, including: budget, pressing financial concerns, and public emergencies affecting life, health, property, or the public peace. The legislation's sponsor must state why an emergency exists.

NOW, THEREFORE, BE IT FURTHER RESOLVED BY THE COUNCIL OF THE CITY OF WILMINGTON that Rule 11 of the City Council Rules is hereby amended by adding the underlined language and deleting the stricken language to read as follows:

RULE 11 – COMMITTEE RULES AND POWERS

Each committee shall make public announcement of the date, place, and subject matter of any meeting to be conducted by the committee on any measure or matter at least seven days before the commencement of that meeting. Further, draft legislation, presentations, reports, and updates to be considered at each Committee meeting shall be in draft form or approved as to form by the Law Department at the time of the agenda's posting. Exceptions shall be made for emergencies, including: budget,

pressing financial concerns, and public emergencies affecting life, health, property, or the public peace. If such an emergency exists, each Committee chair must state so on the record.

Passed by City Council,

ATTEST: _____
City Clerk

SYNOPSIS: This Resolution amends City Council Rule 2 to require legislation be in draft form or approved as to form by the Law Department prior to its being placed on the Agenda. Further, this Resolution amends City Council Rule 11 to require any items to be considered at a Committee meeting be in draft form or approved as to form by the Law Department prior to its being placed on the Committee's agenda. This Resolution makes exceptions for true emergencies, but requires the legislation's sponsor and/or the Committee Chair to explain the emergency.