

**AN ORDINANCE TO AMEND CHAPTER 39 OF THE CITY CODE TO
ALLOW RETIRED POLICE OFFICERS TO SERVE ON THE POLICE
PENSION BOARD**

#0125

Sponsor:

Council
Member
McCoy

WHEREAS, City Code Section 39-146 *et seq.* established the City of Wilmington Police Pension Fund (the “Old Plan”); and

WHEREAS, City Code Section 39-206 *et seq.* established the City of Wilmington Police Pension Act of 1984 (the “New Plan”); and

WHEREAS, City Code Sections 39-152 and 39-216 provide for a board of trustees (the “Board”) to administer the Old Plan and the New Plan; and

WHEREAS, pursuant to City Code Sections 39-152(a) and 39-216(a), the Board includes five active members of the Wilmington Police Department who are enrolled in either the Old Plan or the New Plan; and

WHEREAS, collectively only eight (8) active police officers are enrolled in the Old Plan or the New Plan, and all eight (8) are currently eligible for retirement; and

WHEREAS, City Council deems it is necessary and appropriate to allow retired police officers who are enrolled in the Old Plan or the New Plan to run for the vacant police officer positions on the Board in order to ensure that the Board will be fully constituted in the future.

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

SECTION 1. Chapter 39 of the City Code is hereby amended by amending Section 39-152(a) thereof by deleting the stricken language and adding the underlined language to read as follows:

Sec. 39-152. - Board of trustees generally.

- (a) The board of trustees of the police pension plan shall consist of the chief of police, the city treasurer, the director of finance, the ~~personnel~~ human resources director,

the chairman of the finance committee of the city council, the chairman of the public safety committee of the city council and five active or retired members of the police department of the city who are enrolled in the police pension plan, such five members to be elected every four years by vote of the active and retired members of the police department of the city who are enrolled in the police pension plan. Any active or retired member of the police department of the city who is enrolled in the police pension plan and who would like to serve on the board of trustees shall submit his or her name in writing to the chief of police during a timeframe designated by the chief prior to the elections in order to be placed on the ballot. Any seat on the board of trustees up for election will first be filled by an active member enrolled in the police pension plan seeking a seat in accordance with the number of votes received. If an insufficient number of active members enrolled in the police pension plan seek a seat, the remaining seat(s) will then be filled by a retired member enrolled in the police pension plan in accordance with the number of votes received. Those members of the board of trustees elected as of January 1, 1994 shall serve until December 31, 1998. The first general election shall occur in January 1998 and every four years thereafter.

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SECTION 2. Chapter 39 of the City Code is hereby amended by amending Section 39-216(a) thereof by deleting the stricken language and adding the underlined language to read as follows:

Sec. 39-216. - Board of trustees generally; contributions to plan.

- (a) The board of trustees of the police pension plan shall consist of the chief of police, the city treasurer, the director of finance, the ~~personnel~~ human resources director, the chairman of the finance committee of the city council, the chairman of the public safety committee of the city council, and five active or retired members of the police department of the city who are enrolled in the police pension plan, such five members to be elected every four years by vote of the active and retired members of the police department of the city who are enrolled in the police pension plan. Any active or retired member of the police department of the city who is enrolled in the police pension plan and who would like to serve on the board of trustees shall submit his or her name in writing to the chief of police during a timeframe designated by the chief prior to the elections in order to be placed on the ballot. Any seat on the board of trustees up for election will first be filled by an active member enrolled in the police pension plan seeking a seat in accordance with the number of votes received. If an insufficient number of active members enrolled in the police pension plan seek a seat, the remaining seat(s) will then be filled by a retired member enrolled in the police pension plan in accordance with the number of votes received. Those members of the board of trustees elected as of January 1,

~~1994 shall serve until December 31, 1998. The first general election shall occur in January 1998 and every four years thereafter.~~

The chief of police shall be the president of the board of trustees of the police pension plan. The board of trustees of the police pension plan shall appoint a secretary from among their own number. The secretary shall execute a bond for the faithful performance of his duties with respect to the police pension plan in such sum and form and with such surety as will be satisfactory to the board of trustees. The cost of such bond shall be defrayed from the proceeds of the plan.

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SECTION 3. This Ordinance shall be effective upon its passage by City Council and approval by the Mayor.

First Reading.....October 16, 2025
Second Reading October 16, 2025
Third Reading

Passed by City Council,

President of City Council

ATTEST: _____
City Clerk

Approved this ____ day of _____, 2025.

Mayor

SYNOPSIS: This Ordinance amends Sections 39-152(a) and 39-216(a) of the City Code to permit both active and retired members of the Wilmington Police Department enrolled in either the Police Pension Fund (the “Old Plan”) or the City of Wilmington Police Pension Act of 1984 (the “New Plan”) to run for the five police officer positions on the board of trustees (the “Board”) that administers the Old Plan and the New Plan. It also provides a procedure for an active or retired police officer enrolled in the Old Plan or the New Plan to place his or her name on the ballot, allows active and retired police officers enrolled in the Old Plan or the New Plan

to vote for the elected seats on the Board, and gives priority for the Board's elected seats to be filled by active members enrolled in the Old Plan or the New Plan. Finally, as a housekeeping matter, the term "personnel director" has been replaced with "human resources director".

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