

**AN ORDINANCE TO AMEND CHAPTER 2 OF THE CITY CODE TO
CODIFY THE ABILITY TO SCHEDULE A REFERENDUM TO AMEND
THE CITY’S CHARTER**

#0068

Sponsor:

**Council
Member
Darby**

WHEREAS, the City’s Charter grants complete legislative and administrative power over municipal functions to the City of Wilmington, including the power to enact ordinance necessary and proper for executive any of the City’s express or implied powers; and

WHEREAS, the Charter’s purpose is to enable the City to exercise the powers of the sovereign except as limited by either the State Constitution or State Statute; and

WHEREAS, 22 *Del. C.* § 802 states that “every municipal corporation in this State ... may, subject to the conditions and limitations ... amend its Charter[.]”;

WHEREAS, 22 *Del. C.* § 811 allows municipalities to create “charter commissions” to consider amendments to the municipality’s charter; and

WHEREAS, 22 *Del. C.* § 811 further allows a municipality’s legislative body to enact by Ordinance “that procedure which it deems necessary to conduct the election of a charter commission and for enabling the charter commission to exercise its ... functions.”; and

WHEREAS, City Council desires to codify a clear, accessible process for initiating, considering, and voting on amendments to the City Charter, whether through Council action or public petition.

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

SECTION 1. Chapter 2 of the City Code is hereby amended by creating new Article VIII and new Sections therein by adding in the following underlined language to read as follows:

ARTICLE VIII – CHARTER AMENDMENTS.

Sec. 2-686. – Referendum to Amend the Charter; Formation.

The City may propose amendments to its Charter and hold a referendum in two ways:

- (a) **By City Council Resolution.** City Council may adopt a Resolution proposing Charter amendments by an affirmative vote of at least three-fourths (3/4) of all elected members.
- (b) **By Public Petition for Charter Commission.** A Charter Commission shall be elected when a petition bearing the signatures of at least ten percent (10%) of the qualified voters of the City is filed with the City Clerk. Upon certification of sufficient signatures, City Council shall adopt a Resolution setting the date, time, and place for the election of the Charter Commission.

Sec. 2-687. – Election of a charter commission.

- (a) **Petition Requirements.** The petition must be signed by ten percent (10%) of the qualified voters registered in the City of Wilmington as determined by the most recent voter registration records provided by the State Election Commissioner.
- (b) **Signature Verification.** The City Clerk shall verify petition signatures within thirty (30) days of filing, following standards set by the Clerk's office.
- (c) **Charter Commission Election.** After the City Clerk verifies petition signatures, City council shall, by resolution, set the date, time, and place of the election of a charter commission. The election shall occur no sooner than sixty (60) days and no later than one-hundred twenty (120) days after the petition is verified unless a municipal election is scheduled to occur within six

(6) months, in which case the charter commission election may be held concurrently.

(d) **Nomination Process.** Nominations for the charter commission shall follow the procedures to fill city council vacancies set forth in Section 2-34 of the City Code.

(e) **Composition.** The seven (7) candidates receiving the highest number of votes shall constitute the Charter Commission.

Sec. 2-688. – Function of the charter commission.

(a) **Duties.** The commission shall have authority to:

(1) Propose amendments to the City Charter;

(2) Hold public hearings thereon; and

(3) Arrange for putting the proposed amendments on the ballot or voting machines to be used at the next referendum election.

(b) **Chairperson; vacancy.** Once elected, the charter commission shall choose a chairperson from their members who shall be responsible for convening meetings of the commission. Any vacancy on the commission shall be filled by a majority vote of the remaining members.

(c) **Public Meetings.** Meetings of the commission shall be open to the public in accordance with the Freedom of Information Act and shall be conducted in accordance with all applicable state laws and municipal ordinances.

(d) **Sunset.** The charter commission shall dissolve thirty (30) days following the referendum on the proposed amendments or two (2) years after its election, whichever occurs first.

Sec. 2-689. – Referendum Procedure

Upon final approval of a Charter amendment proposal, whether by Resolution or Charter Commission, a referendum shall be scheduled no fewer than ninety (90) days and no more than one-hundred eighty (180) days thereafter, unless a municipal general election occurs within six (6) months, in which case the referendum may be scheduled concurrently. The procedure for holding the referendum shall be in accordance with 22 Del. C. §§ 813–815.

Sec. 2-690. – Public Information and Education.

The City Clerk shall create and maintain a publicly accessible webpage that provides:

- (1) An overview of the Charter amendment process;
- (2) Petition forms and signature-gathering guidelines;
- (3) Candidate nomination instructions for the Charter Commission;
- (4) Referendum dates and procedures.

The City shall also produce educational materials, including informational videos and FAQs, and shall disseminate information via its website, social media platforms, and other standard communication channels.

Sec. 2-691. – Publication of proposed charter, charter amendment, or repeal proposition and resolution.

At least thirty (30) days prior to a referendum election, the City Clerk shall publish notice of the proposed Charter amendment(s) in a newspaper of general circulation within the City and on the City’s official website and social media platforms. Additionally, the City Clerk shall provide copies the proposed amendment(s) to any qualified voter or taxpayer of the City upon request.

Sec. 2-692. – Prohibition.

No Charter amendment shall be permitted that 22 Del. C. §§ 801, et seq. prohibits.

SECTION 2. This Ordinance shall become effective thirty (30) days after its passage by City Council and approval by the Mayor.

First Reading.....June 5, 2025
Second Reading.....June 5, 2025
Third Reading.....

Passed by City Council,

President of City Council

ATTEST:_____
City Clerk

Approved this ____ day of _____, 2025.

Mayor

SYNOPSIS: This Ordinance codifies the City’s ability to initiate Charter amendments either through City Council action or by voter petition for a Charter Commission, and establishes clear procedures for elections, public education, and referendum scheduling.

FISCAL IMPACT: The fiscal impact of this Ordinance is currently unknown, but may involve administrative costs associated with public education, petition verification, and conducting referendum elections.