

**AN ORDINANCE TO AMEND CHAPTER 2 OF THE CITY CODE REGARDING  
OVERSIGHT, TRANSPARENCY, AND ACCOUNTABILITY OF THE  
WILMINGTON NEIGHBORHOOD CONSERVATORY LAND BANK  
CORPORATION AND APPOINTMENT OF A DIRECTOR**

#0086

**SPONSOR:**

**Council  
Member  
Darby**

**WHEREAS**, the Wilmington Neighborhood Conservancy Land Bank Corporation (the “Land Bank”) was established in 2015 by Substitute No. 1 to Ordinance No. 15-040 to acquire, manage, and dispose of vacant, abandoned, and tax-delinquent properties, and to support equitable development, affordable housing, and community revitalization;

**WHEREAS**, in 2016, by Ordinance No. 16-059, the City and the Land Bank entered into a Memorandum of Understanding and an Annual Funding Agreement to ensure the success of the Land Bank’s mission to help the City fight against crime and blight caused by the high number of vacant and abandoned properties in the City; and

**WHEREAS**, by Substitute No. 1 to Ordinance No. 21-061, Council codified the continued existence of the Land Bank by adding a new Division 19, entitled “Wilmington Neighborhood Conservancy Land Bank Corporation”, under Article III of Chapter 2 of the City Code; and

**WHEREAS**, this Council seeks to increase oversight over the Land Bank through appointment of a Land Bank Director and legislative, financial, and operational controls to ensure transparency, promote responsible land use, and increase accountability for meeting community development and affordable housing goals; and

**WHEREAS**, Council deems it necessary and appropriate to make certain amendments to the City Code to increase oversight, transparency and accountability of the Land Bank, including the establishing stringent criteria for hiring an Executive Directorp.

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

**SECTION 1.** Chapter 2 (“Administration”), Article III (“Boards, Commissions and Similar Entities”), Division 19 (“Wilmington Neighborhood Conservancy Land Bank Corporation”) of the Wilmington City Code is hereby amended by deleting the stricken language and adding the underlined language as follows:

**ARTICLE III. – BOARDS, COMMISSIONS AND SIMILAR ENTITIES**

**DIVISION 19. – WILMINGTON NEIGHBORHOOD CONSERVANCY LAND BANK CORPORATION**

**Sec. 2-150.88. - Authorization; formation; purpose.**

- (a) *Authorization.* There is hereby authorized a Delaware non-profit corporation to be known as the “Wilmington Land Bank Conservancy Corporation” (the “Land Bank”).
- (b) *Formation.* The mayor and all appropriate officers of the city are hereby authorized to take all such actions as are necessary to cause the formation of the Land Bank and to maintain the existence of the Land Bank in accordance with the City Code.
- (c) *Purpose.* The Land Bank shall serve as the sole and exclusive land bank for the City of Wilmington with all such powers and duties as provided in Chapter 47 of Title 31 of the Delaware Code.

**Sec. 2-150.89 – Director of Land Bank Hiring Criteria.**

- (a) The Land Bank Board of Directors shall be responsible for conducting and overseeing a comprehensive recruitment process for the position of Land Bank Director.
- (b) The recruitment process must include posting the position on a minimum of ten (10) diverse and publicly available platforms, including at least:
  - i. One local government or municipal job board;
  - ii. One national public service recruitment site;
  - iii. One community development or land-use focused job board;
  - iv. One or more diversity and inclusion-focused job board(s);
  - v. One local community-based organization and publication.

- (c) The Board shall also engage in targeted outreach to local and regional stakeholders to ensure broad awareness of the vacancy.
- (d) A summary report of recruitment efforts, including platforms used, outreach conducted, and demographic data shall be submitted to City Council prior to final selection.

**Sec. ~~2-150.89~~ 2.150.90. – Board of directors.**

- (a) *Duties and Membership.* The management of the Land Bank shall be vested in a board of directors (the “Land Bank Board”), ~~which shall consist of the following fifteen (15) members (or the designees of such members as authorized below).~~ The Land Bank Board shall be responsible for reviewing Land Bank decisions and overseeing compliance with policies. No member of the Land Bank Board may be a partner in any organization which directly receives properties. The Land Bank Board shall consist of the following eleven (11) members (or the designees of such members as authorized below):
  - (1) The director of the department of planning and development for the City of Wilmington;
  - (2) The director of the office of economic development for the City of Wilmington;
  - (3) The director of the department of real estate and housing for the City of Wilmington;
  - (4) ~~The director of the office of economic development for the City of Wilmington~~ One (1) financial expert with real estate or land banking experience, to be appointed by resolution of council;
  - (5) ~~The director of the department of real estate and housing for the City of Wilmington~~ One (1) legal advisor specializing in land use and fair housing laws, to be appointed by resolution of council;
  - (6) ~~The president of Wilmington City Council~~ Two (2) community representatives from local civic organizations, to be appointed by resolution of council;
  - (7) ~~The finance committee chairperson for Wilmington City Council~~ One (1) individual designated by the Governor for the State of Delaware;
  - (8) ~~The community development and urban planning committee chairperson for Wilmington City Council~~ One (1) individual designated by the President Pro Tempore for the Delaware Senate;
  - (9) ~~Four representatives from the local community or community groups in the City of Wilmington designed by the board of directors~~ One individual designated by the Speaker for the Delaware House of Representatives; and
  - (10) One (1) individual designated appointed by the Wilmington Neighborhood Planning Council Leadership Committee.
  - (14) ~~One individual designated by the Governor of the State of Delaware;~~

- (12) ~~One individual designated by the President Pro Tempore for the Delaware Senate;~~
- (13) ~~One individual designated by the Speaker for the Delaware House of Representatives; and~~
- (14) ~~One individual designated by the WNCLB Technical Board (as defined in section 2-150.90 of this division) that is also a participating member of the WNCLB Technical Board.~~

(b) *Terms of Service; designation; requirement to live or work in the city.*

- (1) *Ex officio board members.* The members of the board of directors designated in clauses (1) through (3) of subsection (a) of this section (the “ex officio board members”) shall remain as members of the board of directors for so long as they hold their respective designated position. An ex officio board member may designate another individual to serve on the board of directors on behalf of such ex officio board member (an “ex officio designee”) by providing advance written notice to the other members of the board of directors of such designation. Any ex officio designee shall be required to live or work in the City of Wilmington during their time as an ex officio designee.
- (2) *Appointed board members.* The members of the board of directors designated in clauses ~~(1)~~ (4) through ~~(12)~~ (10) of subsection (a) of this section (the “appointed board members”) shall each be appointed to serve as a board member for a four-year term. Each appointed board member must either or live in the City of Wilmington during their term as a board member. Appointed board members shall not be authorized to select a designee to serve on the board of directors on their behalf.

(c) *Vacancies.*

- (1) *Ex officio board members and ex officio designees.* If an ex officio board member is terminated or resigns from the underlying position that qualified them to be an ex officio board member on the board of directors, then such ex officio board member position shall be filled by the individual who subsequently assumes the applicable position on an interim or permanent basis. All ex officio designees shall serve at the pleasure of their respective ex officio board member and may be replaced at any time without cause upon the delivery of written notice to the other board members. An ex officio designee shall be deemed to be terminated and removed from the board of directors upon the forfeiture or resignation of the individual that selected such ex officio designee from the underlying position that qualified such ex officio board member to be a board member.
- (2) *Appointed board members.* Any appointed board member vacancy may be filled by ~~a majority vote of the remaining members of the board of directors~~ resolution of council for the remainder of the vacated appointed board member’s term.

- (d) *Actions of the board of directors.* All actions of the board of directors of the Land Bank shall be approved by an affirmative vote of a majority of members in attendance at a meeting duly held at which a quorum is present, except for the actions set forth in subsections (1) and (2) below or actions that require a greater percentage of votes for approval by Chapter 1 of Title 8 of the Delaware Code. ~~Eight~~ Six members of the board of directors shall constitute a quorum.
- (1) *Actions requiring an affirmative vote of at least ~~eight~~ six members.* The following actions require an affirmative vote of at least ~~eight~~ six members of the board of directors:
- (i) Adoption of bylaws;
  - (ii) Hiring or firing of an employee or contractor of the Land Bank;
  - (iii) Adoption or amendment of annual budget;
  - (iv) Sale, lease, encumbrance, or alienation of real property, improvements, or personal property with a value of more than \$50,000.00; and
  - (v) Dissolution.
- (2) *Actions requiring an affirmative vote of at least ~~ten~~ eight members.* The following actions require an affirmative vote of at least ~~ten~~ eight members of the board of directors:
- (i) Hiring or firing of the executive director of the WNCLB Corporation; and
  - (ii) Causing the Land Bank to incur debt.

**Sec. ~~2-150.90.~~ 2.150.91 – Technical Board.**

- (a) *Establishment; membership.* The Land Bank Board shall be advised by a technical board (the “Land Bank Technical Board”) selected by the board of directors.
- (b) *Chairperson.* The meetings of the Land Bank Technical Board shall be chaired by an individual duly elected by the representatives comprising the Land Bank Technical Board. The Land Bank Technical Board chairperson shall compile the recommendations of the Land Bank Technical Board and shall report on such recommendations to the board of directors.

**Sec. 2.150.92 – Financial oversight and reporting.**

- (a) Quarterly financial and operational reports. The Land Bank Director shall submit detailed quarterly financial and operational reports to council which shall include the following:
- (1) A breakdown of property acquisitions, sales, expenditures, and funding sources.
  - (2) Status updates on redevelopment projects and community partnerships.

- (b) Annual independent audits. The Land Bank shall undergo an independent financial and performance audit at least once per year. Audit findings shall be presented to council and made publicly available on the city's website.

**Sec. 2.150.93. – Increase transparency and public accountability.**

- (a) Public access to meetings and documents. All Land Bank meetings shall comply with open meeting laws, including the Delaware Freedom of Information Act, 29 Del. C. § 10001 *et seq.*
- (b) Documentation and Reporting. Recordings and minutes of meetings, including executive sessions, shall be published on the land bank's website within seven (7) days of each meeting, with a copy delivered to Council's Community Development & Urban Planning Committee.
- (c) Public disclosure of leadership and selection criteria. The Land Bank's leadership, board members, and advisory committees shall be listed on the city's website, including their respective terms. The selection criteria for board and committee members shall be publicly available to ensure transparency.
- (d) Publication of programs, policies, and procedures. The Land Bank's current programs, policies and procedures, including for acquisition and disposition, shall be published on the city's website.
- (e) Publication of inventory. The Land Bank inventory shall be published on the city's website, consistent with state law.

**Sec. 2.150.94. – Publication of Policies and Programs**

- (a) The Land Bank shall publish and maintain public access to its operational programs, policies, and procedures, including:
- (1) Acquisition and disposition guidelines
  - (2) Community partnership criteria
  - (3) Evaluation rubrics for redevelopment proposals
- (b) The Land Bank shall publish and regularly update its full property inventory on the City's website, including:
- (1) Parcel ID;
  - (2) Location;
  - (3) Current status;
  - (4) Intended Use;
  - (5) Acquisition Date; and
  - (6) Funding source (if applicable)

**Sec. 2.150.97 – Land Bank Subcommittee**

- (a) City Council shall establish a Land Bank Oversight Subcommittee under the Community Development & Urban Planning Committee of City Council.

(b) Purpose. The subcommittee's purpose is to:

- (1) Review the performance, transparency, and operations of the Land Bank;
- (2) Investigate public complaints, reporting violations, and accusations of noncompliance with this Chapter; and
- (3) Ensure community concerns are addressed and policy goals are being met.

(c) Composition. The Subcommittee shall consist of:

- (1) Three (3) City Council members, appointed by the Chair of the Community Development & Urban Planning Committee;
- (2) Two (2) community representatives, selected by the President of City Council and confirmed by Resolution of City Council, from nominations submitted by civic associations, community development organizations, and neighborhood coalitions; and
- (3) One (1) housing or legal expert, confirmed by Resolution of City Council.

All members shall serve two-year terms. Community representatives must reside within the City of Wilmington.

(d) Powers and Responsibilities. The Oversight Subcommittee shall have the authority to:

- (1) Receive and review complaint submitted by residents, organizations, and stakeholders regarding Land Bank actions or inactions;
- (2) Call hearings and request documentation from the Land Bank staff or Board to examine concerns;
- (3) Issue written findings and recommendations to Council, including an annual oversight report summarizing findings and community complaints.

(e) Public Access

- (1) All subcommittee meetings shall be open to the public and comply with open meeting laws, including the Delaware Freedom of Information Act, 29 Del. C. § 10001 et seq.
- (2) The subcommittee shall hold at least one public listening session per year to gather feedback and concerns from residents.
- (3) Council shall create a formal complaint form, publish it on Council's website, and keep hard copies in Council's office.
- (4) The subcommittee shall review all complaints received at the next scheduled subcommittee meeting.

**Sec. 2.150.98. – Biannual review.**

City Council shall conduct a formal review of Land Bank operations every two (2) years to assess compliance with this division and overall performance and effectiveness.

**SECTION 2.** This Ordinance shall become effective immediately upon its date of passage by the City Council and approval by the Mayor, with full implementation required within six (6) months of the date of passage of this Ordinance.

First Reading.....July 10, 2025  
Second Reading.....July 10, 2025  
Third Reading.....

Passed by City Council,

\_\_\_\_\_  
President of City Council

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

Approved this \_\_\_\_\_ day of \_\_\_\_\_ , 2025

\_\_\_\_\_  
Mayor



**SYNOPSIS:** This Ordinance amends Chapter 2, Article III, Division 19 of the City Code by creating standards for hiring an Executive Director of the Land Bank, amending the composition of the Land Bank's Board of Directors, and adding requirements regarding the oversight, transparency and accountability of the Land Bank.

**FISCAL IMPACT STATEMENT:** [TBD]