

AN ORDINANCE TO AMEND CHAPTER 2 OF THE CITY CODE TO CREATE A CHARTER ADVISORY BOARD

#0239

Sponsor:

Council
Member
Hackett

WHEREAS, the City of Wilmington is a Home Rule Municipality, governed by a City Charter; and

WHEREAS, the laws of the State of Delaware supersede the Charter; and

WHEREAS, the City is legally allowed to amend its Charter as long as the proposed amendments do not violate state or federal law;

WHEREAS, currently there are three ways to amend the Charter: (i) a referendum initiated by the voters of the City of Wilmington; (ii) a proposed Charter change initiated by a supermajority of City Council; or (iii) initiated by the Delaware General Assembly;

WHEREAS, City Council believes establishing a Charter Advisory Board to scrutinize the current Charter, meet with key stakeholders, and formulate potential Charter changes for the public, the Administration, City Council, or the Delaware General Assembly to consider will benefit the public; and

WHEREAS, the Charter Advisory Board shall not be a substitute or replacement for the currently available ways to amend the Charter; and

WHEREAS, City Council deems it necessary and appropriate to adopt a permanent Charter Advisory Board.

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

SECTION 1. Chapter 2 of the City Code is hereby amended by creating a new Division 20 (“Charter Advisory Board”) by adding in the underlined language to read as follows:

DIVISION 20. – CHARTER ADVISORY BOARD.

Sec. 2-150.91. – Establishment; Membership; Meetings

(a) **Establishment.** There is hereby established a standing advisory body known as the Charter Advisory Board. The Board is to be in an advisory capacity only. The Board has no authority to implement Charter changes under current state and local law.

(b) **Composition.** The Board shall be composed of seven (7) voting members. Four (4) members shall be appointed by the Mayor with the advice and consent of City Council. Three (3) members shall be appointed by the President of City Council, with no more than two (2) members recommended by any single Councilmember. The City Solicitor, or their designee, shall serve as a non-voting liaison. Appointments shall reflect geographic, generational, and professional diversity, and may include:

- i. Local historians, archivists, and educators;
- ii. Community elders and culture bearers;
- iii. Artists, cultural workers, and tradition keepers;
- iv. Residents of historically Black neighborhoods; or
- v. One young adult representative between the ages of 18–25.

(c) **Terms.** Members shall serve staggered terms. Three of the Mayor’s appointees shall serve (3) year terms; and one Mayoral appointee shall serve two (2) year terms. Two members appointed by the President of City Council shall serve three (3) year terms; and one member appointed by the President of City Council shall serve two (2) year terms. Members may be reappointed for two (2) successive terms.

(d) **Public Notice.** All Board member nominations shall be subject to public notice and public hearing laws pursuant to the Delaware Freedom of Information Act.

(e) **Leadership.** The Board shall annually elect a Chair, Vice Chair, and Secretary from among its voting members.

(f) **Meetings.** The Board shall meet no fewer than four (4) times annually, with additional meetings as needed. All Meetings shall be subject to applicable open meeting and public notice requirements.

(g) **Staff support.** The Law Department shall provide an attorney to advise the Board.

Section 2-150.92. Duties and Responsibilities; Reports.

(a) **The Board’s duties and responsibilities shall include:**

- i. Identifying and recommending Charter Changes that give the City more local control over its laws;
- ii. Reviewing the City’s current Charter to identify outdated or superfluous content;

iii. Meeting with the Mayor's Office and City Council to present Charter Change resolutions for consideration.

(b) **Rules.** The Board shall promulgate its own bylaws, subject to administrative board approval required by section 4-200 of the Charter.

(c) **Reports.** The Board shall submit an Annual Report to City Council and the Mayor outlining findings, recommendations, and progress.

SECTION 2. This Ordinance shall take effect upon passage by City Council and signing by the Mayor.

First Reading.....May 21, 2026
Second Reading.....May 21, 2026
Third Reading.....

Passed by City Council,

President of City Council

ATTEST: _____
City Clerk

Approved as to form this 21st day
of May 2026


Assistant City Solicitor

Approved this _____ day of _____ 2026.

Mayor

SYNOPSIS: This Ordinance amends Chapter 2 of the City Code to create a Charter Advisory Board to scrutinize the City Charter and recommend changes to give the City more control over its laws. The Board shall be advisory in nature only and shall not take away the current options available to amend the Charter.

FISCAL IMPACT STATEMENT: The Office of Management & Budget has reviewed and analyzed this ordinance, which amends Chapter 2 of the City Code to create a standing Charter Advisory Board. The Board would serve in an advisory capacity only, with no authority to implement Charter changes, and would be required to meet at least four times annually, submit an annual report, and receive legal support from the Law Department.

Based on the ordinance as drafted, OMB does not anticipate a direct fiscal impact requiring a new appropriation at this time. Any administrative or legal support required to assist the Board is expected to be absorbed within existing departmental resources.