NEW CASTLE COUNTY COUNCIL
COUNCIL MEETING

November 19, 2024
6:30 PM

VIRTUAL ZOOM WEBINAR MEETING &**
LOUIS L. REDDING CITY/COUNTY BUILDING
1ST FLOOR COUNCIL CHAMBERS
800 N. FRENCH STREET, WILMINGTON, DE 19801

AGENDA

A. Call to Order

- **Moment of Silence**
- **Pledge of Allegiance**
- **Roll Call**

B. Approval of Minutes

C. Announcements

D. Introduction of Ordinances

°24-161: AMENDING NEW CASTLE COUNTY CODE CHAPTER 6, ARTICLE 10 RELATING TO THE INTERNATIONAL ENERGY CONSERVATION CODE
Prime Sponsor(s): Ms. Durham

°24-162: AMEND THE GRANTS BUDGET: APPROPRIATE $7,055.00 IN PROGRAM INCOME TO THE ABSALOM JONES SENIOR CENTER RECREATION GRANT TO BE ADMINISTERED BY THE DEPARTMENT OF COMMUNITY SERVICES, DIVISION OF COMMUNITY RESOURCES
Prime Sponsor(s): Mr. Hollins, Mr. Street

°24-163: AMEND THE GRANTS BUDGET: REALIGN $444,662.67 IN FUNDS FROM THE DEPARTMENT OF STATE, DELAWARE DIVISION OF LIBRARIES WITHIN THE FY2024 STATE AID FOR LIBRARIES GRANT, WHICH IS ADMINISTERED BY THE DEPARTMENT OF COMMUNITY SERVICES, DIVISION OF LIBRARIES
Prime Sponsor(s): Mr. Hollins, Mr. Street

°24-164: AMEND THE GRANTS BUDGET: APPROPRIATE $160,000 FROM THE STATE OF DELAWARE FY2025
GRANT-IN-AID BILL TO THE FY2025 POLICE BEHAVIORAL HEALTH GRANT TO BE ADMINISTERED BY THE DEPARTMENT OF PUBLIC SAFETY, DIVISION OF POLICE
Prime Sponsor(s): Mr. Smiley; Mr. Cartier

°24-165: AMEND THE GRANTS BUDGET: APPROPRIATE $40,000.00 FROM THE UNITED STATES DEPARTMENT OF JUSTICE TO THE ASSET FORFEITURE-FEDERAL GRANT, WHICH IS ADMINISTERED BY THE DEPARTMENT OF PUBLIC SAFETY, DIVISION OF POLICE
Prime Sponsor(s): Mr. Smiley, Mr. Cartier

°24-166: AMEND THE GRANTS BUDGET: APPROPRIATE $506,644.98 FROM THE STATE OF DELAWARE DEPARTMENT OF SAFETY AND HOMELAND SECURITY TO THE FY2025 FUNDS TO COMBAT VIOLENT CRIME GRANT FOR THE DEPARTMENT OF PUBLIC SAFETY, DIVISION OF POLICE
Prime Sponsor(s): Mr. Smiley, Mr. Cartier

°24-167: AMEND THE FY2025 APPROVED OPERATING BUDGET: APPROPRIATE UP TO $880,000 FROM THE GENERAL FUND TAX STABILIZATION RESERVE ACCOUNT TO THE DEPARTMENT OF ADMINISTRATION, OFFICE OF LAW TO FUND ATTORNEY FEES AND LITIGATION EXPERT WITNESSES
Prime Sponsor(s): Mr. Smiley, Mr. Cartier

°24-168: AMEND THE FY2025 APPROVED OPERATING BUDGET: APPROPRIATE FUNDING FROM THE NEW CASTLE COUNTY TECHNOLOGY FEE ACCOUNT WITHIN THE OFFICE OF THE RECORDER OF DEEDS AND RECORDER OF DEEDS TECHNOLOGY FEE ACCOUNT TO THE DEPARTMENT OF PUBLIC SAFETY, DIVISION OF EMERGENCY MEDICAL SERVICES FOR THE PURCHASE OF HANDTEVY
Prime Sponsor(s): Mr. Smiley, Mr. Cartier

°24-169: AMENDING NEW CASTLE COUNTY CODE CHAPTER 2 (“ADMINISTRATION”) AND CHAPTER 14 (“FINANCE AND TAXATION”) TO COMPENSATE CERTAIN MEMBERS OF COUNTY BOARDS, COMMITTEES, AND COMMISSIONS
Prime Sponsor(s): Ms. Durham

°24-170: AMENDING THE PAY PLANS AND RATES OF PAY FOR ELIGIBLE MEMBERS OF CERTAIN NEW CASTLE COUNTY BOARDS, COMMITTEES, AND COMMISSIONS
Prime Sponsor(s): Ms. Durham

°24-171: AMEND THE FY2025 APPROVED OPERATING BUDGET: TRANSFER FUNDING FROM THE GRANTS AND FIXED CHARGES BUDGET LINE ITEM OF COUNTY COUNCIL TO THE MATERIALS AND SUPPLIES BUDGET LINE ITEM OF THE DEPARTMENT OF COMMUNITY SERVICES, DIVISION OF COMMUNITY RESOURCES TO PROVIDE FUNDING FOR THE SENIOR EMERGENCY FOOD VOUCHER PROGRAM
Prime Sponsor(s): Mr. Smiley

°24-172: REVISE ZONING MAP: CHRISTIANA HUNDRED, NORTH SIDE OF BUCK ROAD, 903 FEET EAST OF THE CENTERLINE OF MONTCHANIN ROAD; REZONE 1.78 ACRES OF TAX PARCEL 07-027.00-039 FROM SUBURBAN ESTATE (SE) TO SUBURBAN ESTATE (SE) AND H (HISTORIC OVERLAY ZONE) (The Exploratory Major Subdivision Plan for Falconers Row proposes to reconfigure tax parcels; 07-024.00-024, 07-027.00-027, 07-027.00-039, 07-027.00-040 and 07-027.00-043 and create an eleven (11) lot subdivision with associated site improvements, utilizing the open space subdivision option with minimum one acre lots, and rezone proposed Lot 11 (1.78 acres of existing parcel 07-027.00-039) from “SE” (Suburban Estate) to Suburban Estate (SE) and “H” (Historic Overlay Zone). App. 2020-0468-S/Z, Council District 2)
Prime Sponsor(s): Ms. Durham

E. Reports from Select and Special Committees

F. Consent Calendar

R24-192: CELEBRATING NATIONAL APPRENTICESHIP WEEK - - 2024
Prime Sponsor(s): Mr. Sheldon, Mr. Cartier, Mr. Tackett
Co-sponsor(s): Mr. Carter, Ms. Durham, Ms. George, Mr. Hollins, Ms. Kilpatrick, Mr. Street, Mr. Toole

R24-193: RECOGNIZING NATIONAL BLOOD DONOR MONTH
Prime Sponsor(s): Mr. Tackett, Mr. Smiley, Mr. Toole

R24-194: CELEBRATING AND HONORING MICHAEL RAMONE ON HIS RETIREMENT FROM THE DELAWARE HOUSE OF REPRESENTATIVES
Prime Sponsor(s): Mr. Toole
Co-sponsor(s): Ms. Kilpatrick, Mr. Sheldon

NOTE: If an item on the Consent Calendar is objected to by a Council member, or a member of the public wishes to obtain additional information about the candidate or proposed legislation, or if a Councilmember intends to offer an amendment to a resolution, seek additional information, or state a conflict, it shall be removed from the Consent Calendar and voted upon separately.

G. Presentations

H. Consideration of Resolutions Removed from the Consent Calendar and Other Resolutions

I. Consideration of Ordinances

°24-157: AMEND THE GRANTS BUDGET: APPROPRIATE $123,169.86 IN ACTUAL PROGRAM INCOME AND REALIGN $60,910.70 WITHIN THE COMMUNITY DEVELOPMENT BLOCK GRANT FY2024, WHICH IS ADMINISTERED BY THE DEPARTMENT OF COMMUNITY SERVICES, DIVISION OF COMMUNITY DEVELOPMENT AND HOUSING
Prime Sponsor(s): Mr. Hollins, Mr. Street

°24-158: AMEND THE GRANTS BUDGET: APPROPRIATE ANTICIPATED ADDITIONAL FEDERAL FUNDS OF $800,832 FROM THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT TO THE SECTION 8 HOUSING CHOICE VOUCHERS – 2024 GRANT, WHICH IS ADMINISTERED BY THE DEPARTMENT OF COMMUNITY SERVICES, DIVISION OF COMMUNITY DEVELOPMENT AND HOUSING
Prime Sponsor(s): Mr. Hollins, Mr. Street

°24-159: AMEND THE GRANTS BUDGET: APPROPRIATE ADDITIONAL FEDERAL FUNDS OF $30,672.54 AND ANTICIPATED FEDERAL FUNDS OF $10,000.00 FROM THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT TO THE EMERGENCY HOUSING CHOICE VOUCHERS GRANT, WHICH IS ADMINISTERED BY THE DEPARTMENT OF COMMUNITY SERVICES, DIVISION OF COMMUNITY DEVELOPMENT AND HOUSING
Prime Sponsor(s): Mr. Hollins, Mr. Street

°24-160: TO AMEND THE PAY PLANS AND RATES OF PAY FOR NON-UNION CLASSIFIED SERVICE EMPLOYEES AND LOCAL 3109, AND TO ADOPT NEW AND AMEND CLASS SPECIFICATIONS FOR FINANCE RELATED POSITIONS
Prime Sponsor(s): Mr. Hollins

°24-008: (STATUS: TABLED) TO AMEND NEW CASTLE COUNTY CODE CHAPTER 40 (“UNIFIED DEVELOPMENT CODE”), ARTICLE 14 (“IMPACT FEES”) REGARDING ADJUSTMENTS TO IMPACT FEES
Prime Sponsor(s): Ms. Durham, Mr. Carter, Mr. Toole
Co-sponsor(s): Mr. Cartier, Mr. Smiley

J. Time Sensitive Congratulatory/Honorary Resolutions

R24-195: CELEBRATING THE 100TH ANNIVERSARY OF THE FOUNDING OF THE BRANDYWINE HUNDRED FIRE COMPANY NO. 1
Prime Sponsor(s): Mr. Cartier

K. Introduction/Consideration of Emergency Ordinances

L. Public Comment/Other

M. Motion to Adjourn

AGENDA POSTED: November 12, 2024

*The agenda is posted (7) seven days in advance of the scheduled meeting in compliance with 29 *Del. C.* Section 10004(e)(2). The meeting may go into Executive Session to address issues that arise at the time of the meeting.

**Under Title 29, Section 10006A of *Delaware Code*, New Castle County Council is holding this meeting as a telephone and video conference, utilizing zoom Webinar. In addition, this meeting is open to the public in Council Chambers (800 N. French Street, Wilmington, DE 19801). The link to join the meeting via computer, smart device, or smart phone is : https://zoom.us/j/377322142 You may also call into the meeting (audio) using the following call in numbers: 1-312-626-6799 or +1-646-558-8656 or +1-346-248-7799 or +1-669-900-9128 or +1-253-215-8782 or +1-301-715-8592. Then enter the Webinar ID: 377 322 142. If you do not have a good connection with one, please try the others. Additional information regarding phone functionality during the meeting is available at: https://support.zoom.us/hc/en-us/articles/360029527911-Live-Training-Webinars
Meeting materials, including a meeting agenda, legislation to be addressed during the meeting, and other materials related to the meeting are electronically accessible at https://www.nccde.org/2351/Agendas-and-Minutes Members of the public joining the meeting may be provided an opportunity to make comments in real time. A comment period will be administered by a moderator to ensure everyone may have an opportunity to comment.

If permitted to comment, you will not be able to speak until called upon by the moderator. For those appearing virtually, there are functions in the program that allow you to do this. Please see the link in the previous paragraph.

Prime Sponsor(s): Ms. Durham
Date of introduction: November 19, 2024

ORDINANCE NO. 24-161

TO AMEND *NEW CASTLE COUNTY CODE* CHAPTER 6 ("BUILDING CODE"), ARTICLE 10 ("ENERGY CONSERVATION CODE") RELATING TO THE INTERNATIONAL ENERGY CONSERVATION CODE

WHEREAS, New Castle County recognizes the importance of and connection with building and maintaining high quality homes and neighborhoods, preserving the environment and ecological protection, and creating a high quality of life; and

WHEREAS, New Castle County similarly recognizes the mutual benefits to the environment and to owners of energy efficient housing and commercial buildings; and

WHEREAS, related to the above, Delaware law (16 *Del. C*. Section 7602) mandates that by the end of 2025, *new residential* building construction in Delaware must be "zero net energy *capable*;" and

WHEREAS, Delaware law also mandates that by the end of 2030, *new commercial* building construction in Delaware must be "zero net energy *capable*;" and

WHEREAS, a "zero net energy" home or building is a residence or commercial building that, through the use of energy efficient construction, lighting, appliances, and renewable energy generation, results in zero net energy consumption; and

WHEREAS, in addition, the State of Delaware has enacted laws providing for county and municipal enforcement of electric vehicle infrastructure requirements, which also apply to the construction of multi-family residential dwellings for which an application for final site plan approval is submitted on or after January 1, 2025; and

WHEREAS, adoption of certain appendices (or portions thereof) to the International Energy Conservation Code, 2021 Edition, (with amendments thereto), which establishes residential and commercial "zero net energy capable" provisions, will encourage and foster compliance with the State mandate and will afford greater time for builders and the industry to prepare for and adhere to the approaching effective date for the new regulations; and

WHEREAS, New Castle County Council finds that the provisions of this Ordinance are rationally and reasonably related to and substantially advance the County's goal of protecting and preserving legitimate government interests, including the protection and preservation of the public health, safety, welfare, and quality of life of New Castle County and its residents.

NOW, THEREFORE, THE COUNTY OF NEW CASTLE HEREBY ORDAINS:

Section 1. *New Castle County Code* Chapter 6 ("Building Code"), Article 10 ("Energy Conservation Code"), Section 6.10.002 ("Amendments to the Statewide Energy Conservation Code") is hereby amended to reflect the following underscored material which is added, and the material with strikethroughs which is deleted.

…

ARTICLE 10. ENERGY CONSERVATION CODE

Sec. 6.10.001. - Enforcement of the Statewide Energy Conservation Code.

Pursuant to 16 *Del. C.* ch. 76, the Department of Land Use shall enforce the most recent version of the International Energy Conservation Code published by the International Code Council as ~~determined and~~ adopted by the Delaware Energy Office, or its successor, subject to amendments authorized under State law. ~~The effective date of each version of the Statewide Energy Conservation Code is to be published in the Appendix to this Chapter.~~

Sec. 6.10.002. - Amendments to the Statewide Energy Conservation Code.

~~The following sections of the International Energy Conservation Code, 2018 Edition, (IECC) are revised as follows. Note: Although the IECC does not identify sections with the designations that follow, to avoid any confusion, commercial provisions are provided with a "C" designation and residential provisions are provided with an "R" designation.~~

The International Energy Conservation Code, 2018 Edition (the "IECC"), previously approved by New Castle County subject to certain amendments as reflected in *New Castle County Code*, is further amended as follows with underlines to indicate additions and strikethroughs to indicate deletions.

Note: To avoid any confusion, commercial provisions are provided with a "C" designation, and residential provisions are provided with an "R" designation.

IECC – COMMERCIAL PROVISIONS…

CHAPTER 2. DEFINITIONS…

SECTION C202 GENERAL DEFINITIONS

Section C202, General Definitions, IECC 2018 Edition, is amended as follows by the deletion, as indicated by strikethroughs, of the current definitions which appear in County Code Sec. 6.10.002, and the addition, as indicated by underlines below, of the below referenced Definitions which are treated as underlined and incorporated herein by reference.

~~*ELECTRIC VEHICLE* (EV). An automotive-type vehicle for on-road use, such as passenger automobiles, buses, trucks, vans, neighborhood electric vehicles, electric motorcycles, and the like, primarily powered by an electric motor that draws~~

~~current from a rechargeable storage battery, a fuel cell, a photovoltaic array, or another source of electric current. Plug-in hybrid electric vehicles are electric vehicles having a second source of motive power. Off-road, self-propelled electric mobile equipment, such as industrial trucks, hoists, lifts, transports, golf carts, airline ground support equipment, tractors, boats and the like, are not considered electric vehicles.~~

~~*ELECTRIC VEHICLE SUPPLY EQUIPMENT* (EVSE). The conductors, including the ungrounded, grounded, and equipment grounding conductors and the electric vehicle connectors, attachment plugs, and all other fittings, devices, power outlets, or apparatus installed specifically for the purpose of transferring energy between the premises wiring and the electric vehicle.~~

~~*ELECTRIC VEHICLE SUPPLY EQUIPMENT SPACE* (EVSE Space). A designated parking space with dedicated electric vehicle supply equipment, installed as required under the currently adopted electrical code in the State of Delaware, and capable of charging an electric vehicle located within five (5) feet of the parking space.~~

~~*EV-CAPABLE PARKING SPACE*. A designated parking space that can be converted to an *EVSE Space* and is subject to the following requirements, unless otherwise required under the currently adopted electrical code in the State of Delaware:~~

1. ~~The conduit shall be continuous between a junction box or receptacle located within five (5) feet of the parking space and an electrical panel serving the area of the parking space. The junction box or receptacle must be conspicuously marked and identified as "For electric vehicle charging."~~
2. ~~The conduit shall be sized and rated to accommodate a branch circuit of sufficient size to the future electrical charging facility.~~
3. ~~The electrical panel shall reserve sufficient dedicated physical space for the breaker required to supply the future electrical charging facility and shall be identified as "For electric vehicle charging."~~

The Definitions set forth at 16 *Del. C*. Section 8002, and any subsequent successor regulations thereto, are treated as underlined and incorporated herein by reference.

CHAPTER 4. [CE] COMMERCIAL ENERGY EFFICIENCY.

…

SECTION C401, *GENERAL is amended by the deletion of the language with strikethroughs and the addition of the underlined language that follows.*

…

Section C401.2 Application. Commercial buildings shall comply with the requirements of ~~APPENDIX CA - SOLAR-READY ZONE – COMMERCIAL~~ 16 *Del. C*. Section 7605 ("Solar Ready Zone – Commercial"), and one of the following:

1. The requirements of ANSI/ASHRAE/IESNA 90.1.;
2. The requirements of Sections C402 through C405 and C408. In addition,

commercial buildings shall comply with Section C406 and tenant spaces shall comply with Section C406.1.1.; or

3. The requirements of Sections C402.5, C403.2, C403.3 through C403.3.2, C403.4 through C403.4.2.3, C403.5.5, C403.7, C403.8.1 through C403.8.4, C403.10.1 through C403.10.3, C403.11, C403.12, C404, C405, C407 and C408. The building energy cost shall be equal to or less than 85 percent of the standard reference design building.

…

~~*C401.3.1 Residential occupancies.* Parking facilities serving Group R-2 occupancies shall comply with Section C401.3.1.1.~~

~~*C401.3.1.1. Parking spaces provided.* For all Group R-2 occupancies, ten percent (10%) of the total available designated parking spaces must be EV-capable parking spaces. The calculations for the required number of spaces must be rounded up to the nearest whole number. There shall be a minimum of two EV-capable parking spaces, one of which shall be designated as a handicap accessible parking space. All handicapped-accessible parking spaces must be in accordance with *The Americans with Disabilities Act*, as shall all EV charging stations when present.~~

~~*C401.3.2 Construction documents.* Construction documents must indicate the location of all proposed electric vehicle parking spaces.~~

…

The language that presently appears in New Castle County Code Ch. 6, Article 10 (APPENDIX CA - SOLAR-READY ZONE - COMMERCIAL) *is deleted pursuant to the following strikethroughs and substituted in place thereof is the underlined language below making reference to the provisions of 16 Del. C. Section 7605, which are treated as underlined and incorporated herein by reference.*

~~**APPENDIX CA SOLAR-READY ZONE - COMMERCIAL**~~

~~APPENDIX CA SOLAR-READY ZONE - COMMERCIAL is hereby adopted with certain modifications, where applicable, as reflected in the form below.~~

~~**SECTION CA101 SCOPE**~~

~~**CA101.1 General.**~~

~~These provisions shall be applicable for new construction of commercial buildings in New Castle County for which a building permit request has been submitted to the Department of Land Use on or after January 1, 2023 and which have a foundation footprint of 50,000 square feet or more.~~

~~**SECTION CA102 GENERAL DEFINITION**~~

~~***SOLAR-READY ZONE***. A section or sections of the roof or building overhang designated and reserved for the future installation of a solar photovoltaic or solar thermal system.~~

~~**SECTION CA103 SOLAR-READY ZONE**~~

~~**CA103.1 General.**~~

~~A solar-ready zone shall be located on the roof of buildings that have low-sloped roofs.~~

~~Solar-ready zones shall comply with Sections CA103.2 through CA103.8.~~

~~Exceptions:~~

1. ~~A building with a permanently installed, on-site renewable energy system or where a vegetative "green" roof is proposed, installed and maintained for 60 percent or more of total rooftop area.~~
2. ~~A building where the licensed design professional certifies that the incident solar radiation available to the building is not suitable for a solar-ready zone due to significant shade (shaded more than 70 percent of daylight hours).~~
3. ~~A building where the licensed design professional certifies that the solar zone area required by Section CA103.3 cannot be met because of extensive rooftop equipment, skylights, vegetative roof areas or other obstructions.~~

~~CA103.2 Construction document requirements for a solar-ready zone.~~

~~Construction documents shall indicate the solar-ready zone. The presence of a solar-ready zone does not relieve the requirement for a roof structural evaluation before a future installation of a solar photovoltaic or solar thermal system.~~

~~CA103.3 Solar-ready zone area.~~

~~The total solar-ready zone area shall be not less than 40 percent of the roof area calculated as the horizontally projected gross roof area less the area covered by skylights, occupied roof decks, vegetative roof areas, and mandatory access or set back areas. The solar-ready zone shall be a single area or smaller, separated sub-zone areas. Each sub-zone shall be not less than 5 feet (1524 mm) in width in the narrowest dimension.~~

~~CA103.4 Obstructions.~~

~~Solar-ready zones shall be free from obstructions, including pipes, vents, ducts, HVAC equipment, skylights, and roof-mounted equipment. Solar-ready zones may be relocated to allow future installation of roof equipment as long as the 40 percent minimum allocation is maintained.~~

~~CA103.5 Roof loads and documentation.~~

~~A collateral dead load of not less than 5 pounds per square foot (5 psf) (24.41 kg/m ^{2}) shall be included in the gravity and lateral design calculations for the solar-ready zone. The structural design loads for roof dead load and roof live load shall be indicated on the construction documents.~~

~~CA103.6 Interconnection pathway.~~

~~Construction documents shall indicate pathways for future routing of conduit, raceway or piping from the solar-ready zone to the reserved space for electrical service panel or service hot water system.~~

~~CA103.7 Electrical service reserved space.~~

~~The main electrical service panel shall have a reserved space labeled "For Future Solar Electric," or, if a licensed design professional certifies that additional or alternate space is needed for the placement of equipment necessary for the installation of a solar electric system, space shall be reserved either on the interior or exterior wall proximate to the main electrical service panel or on a prepared exterior pad site in close proximity to the electrical service panel. Any such space shall be labeled "For Future Solar Electric" in a conspicuous manner.~~

~~CA103.8 Construction documentation certificate.~~

~~A permanent certificate, indicating the solar-ready zone and other requirements of this~~

~~section, shall be posted near the electrical distribution panel, water heater, or other conspicuous location by the builder or registered design professional.~~

SOLAR-READY ZONE - COMMERCIAL

A Solar-Ready Zone established in a new commercial building with a foundation footprint of 50,000 sq. ft. or more shall be consistent with 16 Del. C. Section 7605 ("Solar-Ready Zone – Commercial").

Additionally, IECC 2018 Edition, Chapter 4, Commercial Energy Efficiency is amended by the addition, as indicated by the following underlined language, of IECC 2021 Edition, Appendix CC: Zero Energy Commercial Building Provisions, Table CC103.1, Climate Zone 4A which is hereby adopted and incorporated herein.

APPENDIX CC ZERO ENERGY COMMERCIAL BUILDING PROVISIONS
TABLE CC103.1

ENERGY UTILIZATION INTENSITY FOR BUILDING TYPES AND CLIMATES (kBtu/ft^2- yr)

BUILDING AREA TYPE	…	4A
Healthcare/hospital (I-2)		116
Hotel/motel (R-1)		69
Multiple-family (R-2)		45
Office (B)		28
Restaurant (A-2)		483
Retail (M)		48
School (E)		39
Warehouse (S)		17
All others		54

…

IECC – RESIDENTIAL PROVISIONS…
CHAPTER 2. DEFINITIONS…
SECTION R202 GENERAL DEFINITIONS…

Section R202, General Definitions, IECC 2018 Edition is amended by deletion, as indicated by strikethroughs, of the current Definitions that appear in County Code Sec. 6.10.002, and the addition of the below referenced Definitions which are treated as underlined and incorporated herein by reference.

~~*ELECTRIC VEHICLE* (EV). An automotive-type vehicle for on-road use, such as passenger automobiles, buses, trucks, vans, neighborhood electric vehicles, electric motorcycles, and the like, primarily powered by an electric motor that draws current from a rechargeable storage battery, a fuel cell, a photovoltaic array, or another source of electric current. Plug-in hybrid electric vehicles are electric vehicles having a second source of motive power. Off-road, self-propelled electric mobile equipment, such as industrial trucks, hoists, lifts, transports, golf carts, airline ground support equipment, tractors, boats and the like, are not considered electric vehicles.~~

~~*ELECTRIC VEHICLE SUPPLY EQUIPMENT* (EVSE). The conductors, including the ungrounded, grounded, and equipment grounding conductors and the electric vehicle connectors, attachment plugs, and all other fittings, devices, power outlets, or apparatus installed specifically for the purpose of transferring energy between the premises wiring and the electric vehicle.~~

~~*ELECTRIC VEHICLE SUPPLY EQUIPMENT SPACE* (EVSE Space). A designated parking space with dedicated electric vehicle supply equipment, installed as required under the currently adopted electrical code in the State of Delaware, and capable of charging an electric vehicle located within five (5) feet of the parking space.~~

~~*EV-CAPABLE PARKING SPACE.* A designated parking space that can be converted to an *EVSE Space* and is subject to the following requirements, unless otherwise required under the currently adopted electrical code in the State of Delaware:~~

1. ~~The conduit shall be continuous between a junction box or receptacle located within five (5) feet of the parking space and an electrical panel serving the area of the parking space. The junction box or receptacle must be conspicuously marked and identified as "For electric vehicle charging."~~
2. ~~The conduit shall be sized and rated to accommodate a branch circuit of sufficient size to the future electrical charging facility.~~
3. ~~The electrical panel shall reserve sufficient dedicated physical space for the breaker required to supply the future electrical charging facility and shall be identified as "For electric vehicle charging."~~

The Definitions set forth at 16 *Del. C*. Section 8002, and any subsequent successor regulations thereto, are treated as underlined and incorporated herein by reference.

CHAPTER 4. RESIDENTIAL ENERGY EFFICIENCY…

Section R401, General, IECC 2018 Edition is amended by deletion, as indicated by the following strikethroughs, of the existing language that appears in County Code Sec. 6.10.002:

…

~~*R401.5. Building and Parking Requirements*.~~

~~*R401.5.1 Garages and off-street parking.*~~

~~*R401.5.1.1*. Where a one- or two-family dwelling or townhouse includes an attached or detached garage and the electrical panel is not located in the garage,~~

~~the EV-capable parking space must be located in the attached or detached garage.~~ ~~*R401.5.1.2*. Where a one- or two-family dwelling or townhouse does not include an attached or detached garage, an EV-capable parking space must be provided in the driveway, where applicable, or at a dedicated parking space designated for the dwelling or townhouse, and the EV-capable parking space infrastructure must be sealed and labeled for future use. All dedicated parking spaces shall be in accordance with the Unified Development Code.~~

~~*R401.5.2. EV-capable parking space upgrade*.~~
~~Where a one- or two-family dwelling or townhouse is being constructed for a specific buyer, the developer shall offer the buyer the option of upgrading the EV-capable parking space to an EV-ready parking space and ensuring that the EV-ready parking space provides access to discounted Plug-In Vehicle (PIV) electricity rates, where available.~~

Section R406, Energy Rating Index Compliance Alternative, IECC 2018 Edition, is amended at Table R406.4 as follows by the deletion, as indicated by strikethroughs, and the addition, as indicated by underlines, of the language below.

TABLE R406.4 MAXIMUM ENERGY RATING INDEX

CLIMATE ZONE	ENERGY RATING INDEX[a]
1	57
2	57
3	57
4	~~62~~ 47
5	61
6	61
7	58
8	58

a. Where on-site renewable energy is included for compliance using the ERI analysis of Section R406.4, the building shall meet the mandatory requirements of Section R406.2, and the building thermal envelope shall be greater than or equal to the levels of efficiency and SHGC in Table R402.1.2 or Table R402.1.4 of the 2015 *International Energy Conservation Code*.

Section 2. This Ordinance shall become effective on July 1, 2025 for *new residential* building construction and January 1, 2028 for *new commercial* building construction, after its adoption by New Castle County Council and approval by the County Executive, and shall apply to applicable building permits issued on such dates or thereafter for the respective type of construction.

Adopted by County Council
of New Castle County on:

____
Monique Williams-Johns
President of County Council
of New Castle County

Approved on:

____
Matthew Meyer
County Executive
of New Castle County

SYNOPSIS: This Ordinance proposes to adopt certain amendments to the previously approved *International Energy Conservation Code* 2018 Edition, as amended, including adoption of certain appendices or portions thereof from the *International Energy Conservation Code* 2021 Edition.

Moreover, the Ordinance will promote compliance with the State of Delaware's mandate that by year end 2025 *new residential* building construction and by year end 2030 *new commercial* building construction in Delaware are "zero net energy *capable*." The Ordinance also updates language in *New Castle County Code* relating to electric vehicles and solar energy, consistent with State law.

FISCAL NOTE: There is no discernible fiscal impact.

Prime Sponsor(s): Mr. Hollins, Mr. Street
Requested by: Community Services
Date of introduction: November 19, 2024

ORDINANCE NO. 24-162

AMEND THE GRANTS BUDGET: APPROPRIATE $7,055.00 IN PROGRAM INCOME TO THE ABSALOM JONES SENIOR CENTER RECREATION GRANT TO BE ADMINISTERED BY THE DEPARTMENT OF COMMUNITY SERVICES, DIVISION OF COMMUNITY RESOURCES

WHEREAS, the Absalom Jones Senior Center Recreation grant was originally set up to record revenue and expenses for the programs run by New Castle County employees at the State-owned Absalom Jones Recreation Center; and

WHEREAS, authorization is being sought for the appropriation of an additional $7,055.00 in program income to the Absalom Jones Senior Center Recreation grant; and

WHEREAS, the Absalom Jones Senior Center provides a variety of services for the elderly in the surrounding community including transportation to the center, adult programs, activities, and social services; and

WHEREAS, the County Executive has determined that the revenue to be appropriated shall be sufficient to cover the increase in the Grants Budget as hereinafter amended; and

WHEREAS, Council has determined that the provisions of this Ordinance substantially advance, and are reasonably and rationally related to, legitimate government interests (i.e., promoting the health, safety, morals, convenience, order, prosperity and/or welfare of the present and future inhabitants of this State).

NOW, THEREFORE, THE COUNTY OF NEW CASTLE HEREBY ORDAINS:

Section 1. The Grants Budget as adopted by Ordinance No. 75-173 is hereby amended by deleting the material bracketed and stricken and by adding the material underscored on the attached Exhibit “A.”

Section 2. This Ordinance shall become effective immediately upon its adoption by County Council and approval by the County Executive, or as otherwise provided by 9 *Del. C.* § 1156.

Adopted by County Council of
New Castle County on:

____

Monique Williams-Johns
President of County Council
of New Castle County

Approved on:

____

Matthew Meyer
County Executive
New Castle County

SYNOPSIS: This Ordinance, if approved, will appropriate $7,055.00 in program income to the Absalom Jones Senior Center Recreation Grant, which will be administered by the Department of Community Services, Division of Community Resources.

The Absalom Jones Senior Center provides a variety of services for the elderly in the surrounding community including transportation to the center, adult programs, activities, and social services. The revenue appropriation on this request, if approved, will be used for Tour transportation costs.

FISCAL NOTE: This Ordinance, if approved, will amend the Grants Budget by appropriating $7,055.00 in program income funds to the Absalom Jones Senior Center Recreation Grant to be administered by the Department of Community Services, Division of Community Resources. The revenue appropriation on this request, if approved, will be used for the cost of tour transportation.

The fiscal impact of this Ordinance, if approved, will be an increase in the authorized spending authority of the Grants Budget of $7,055.00 for FY2025. This increase will affect FY2025 and beyond since this is a continuous program. The Program Income balance after this appropriation will be $0.00.

DEPARTMENT:	Community Services	**EXHIBIT:**	"A"
GRANT TITLE:	Absalom Jones Senior Center Recreation	**Ordinance No.**	24-162
PROGRAM TITLE:	Absalom Jones Senior Center Recreation		

Revenue	Current	Change	Revised
Federal	$ -	$ -	$ -
State	$ -	$ -	$ -
County	$ -	$ -	$ -
Program Income	$ -	$ -	$ -
Other	~~$ 289,164.08~~	$ 7,055.00	$ 296,219.08
Total	~~$ 289,164.08~~	$ 7,055.00	$ 296,219.08

Expense	Current	Change	Revised
Salaries and Wages	$ -	$ -	$ -
Benefits	$ -	$ -	$ -
Training/Civic Affairs	$ 632.05	$ -	$ 632.05
Communication/Utilities	$ 468.33	$ -	$ 468.33
Materials/Supplies	$ 33,217.64	$ -	$ 33,217.64
Contractual Services	~~$ 251,746.06~~	$ 7,055.00	$ 258,801.06
Equipment	$ 3,100.00	$ -	$ 3,100.00
Grants/Fixed Charges	$ -	$ -	$ -
Land and Structures	$ -	$ -	$ -
Contingency	$ -	$ -	$ -
Operating Transfer Charges	$ -	$ -	$ -
Operating Transfer Credits	$ -	$ -	$ -
Total	~~$ 289,164.08~~	$ 7,055.00	$ 296,219.08

SUPPLEMENTAL INFORMATION

Estimated Program Initiation: 10/1/1989

Estimated Program Completion: ongoing

The Local Match:

Found in (ORG):

Ordinance Passed:	**Date Revised:**
22-065	5/24/2022
23-014	1/24/2023
23-099	7/25/2023
24-011	2/13/2024

PROGRAM DESCRIPTION:

The Absalom Jones Senior Center Recreation grant assists in providing a variety of services to the elderly population in the neighboring community including transportation to the center, adult programs, activities and social services. Major source of revenue is program income with additional revenue from donations and interest income.

~~2/13/2024~~ 11/19/2024

Prime Sponsor(s): Mr. Hollins, Mr. Street
Requested by: Community Services
Date of introduction: November 19, 2024

ORDINANCE NO. 24-163

**AMEND THE GRANTS BUDGET:
REALIGN $444,662.67 IN FUNDS FROM THE DEPARTMENT OF STATE, DELAWARE DIVISION OF LIBRARIES WITHIN THE FY2024 STATE AID FOR LIBRARIES GRANT, WHICH IS ADMINISTERED BY THE DEPARTMENT OF COMMUNITY SERVICES, DIVISION OF LIBRARIES**

WHEREAS, State funds, through a contract with the Department of State, Delaware Division of Libraries, are allocated to libraries to encourage the maintenance and development of proper standards, including personnel standards, hours of operation, library materials, collection standards and interlibrary resource sharing, and to provide for the development of statewide public library services; and

WHEREAS, libraries must meet, or provide evidence of attempting to meet, the minimum standards of operation as established by the Division of Libraries and approved by the State Council on Libraries; and

WHEREAS, original allocated funding in the amount of $2,823,393 from the Department of State, Delaware Division of Libraries, was previously approved by County Council and appropriated to the FY2024 State Aid for Libraries Grant via Ordinance 23-072; and

WHEREAS, authorization is sought for the realignment of $444,662.67 in State funds within the FY2024 State Aid for Libraries Grant for books and security expenditures; and

WHEREAS, Council has determined that the provisions of this Ordinance substantially advance, and are reasonably and rationally related to, legitimate government interests (i.e., promoting the health, safety, morals, convenience, order, prosperity and/or welfare of the present and future inhabitants of this State).

NOW, THEREFORE, THE COUNTY OF NEW CASTLE HEREBY ORDAINS:

Section 1. The Grants Budget as adopted by Ordinance No. 75-173 is hereby amended by adding the material on the attached Exhibits “A” through “K” which shall be considered underscored in their entirety.

Section 2. This Ordinance shall become effective immediately upon its adoption by County Council and approval by the County Executive, or as otherwise provided by 9 *Del. C.* § 1156.

Adopted by County Council of
New Castle County on:

____
Monique Williams-Johns
President of County Council
of New Castle County

Approved on:

____
Matthew Meyer
County Executive
New Castle County

SYNOPSIS: This Ordinance, if approved, will realign $444,662.67 in State funds within the FY2024 State Aid for Libraries Grant. The realignment of funds will be used for books and security expenditures.

FISCAL NOTE: This Ordinance, if approved, will amend the Grants Budget by realigning $444,662.67 in State funds within the FY2024 State Aid for Libraries Grant.

This Ordinance, if approved, will have no fiscal impact. The realignment will affect FY2025 only since the estimated program completion date is March 30, 2025. There is no anticipated fiscal impact on the Operating and/or Capital Budgets.

DEPARTMENT: Community Services **EXHIBIT:** "A"

GRANT TITLE: FY2024 State Aid for Libraries **Ordinance No.** 24-163

PROGRAM TITLE: Library Administration

Revenue	Current	Change	Revised
Federal	$ -	$ -	$ -
State	$ 2,509,670.60	$ 78,486.06	$ 2,588,156.66
County	$ -	$ -	$ -
Program Income	$ -	$ -	$ -
Other	$ -	$ -	$ -
Total	$ 2,509,670.60	$ 78,486.06	$ 2,588,156.66

Expense	Current	Change	Revised
Salaries and Wages	$ 1,026,028.00	$ -	$ 1,026,028.00
Benefits	$ 116,079.00	$ -	$ 116,079.00
Training/Civic Affairs	$ 11,500.00	$ (7,173.67)	$ 4,326.33
Communication/Utilities	$ 1,309.00	$ (1,309.00)	$ -
Materials/Supplies	$ 636,218.10	$ 100,000.00	$ 736,218.10
Contractual Services	$ 609,945.50	$ 72,147.85	$ 682,093.35
Equipment	$ 106,091.00	$ (84,254.81)	$ 21,836.19
Grants/Fixed Charges	$ -	$ -	$ -
Land and Structures	$ -	$ -	$ -
Contingency	$ -	$ -	$ -
Operating Transfer Charges	$ 2,500.00	$ (924.31)	$ 1,575.69
Operating Transfer Credits	$ -	$ -	$ -
Total	$ 2,509,670.60	$ 78,486.06	$ 2,588,156.66

SUPPLEMENTAL INFORMATION

Estimated Program Initiation: 7/1/2023

Estimated Program Completion: 3/30/2025

The Local Match: **Found in (ORG):**

Ordinance Passed: 23-072 **Date Revised:** 6/30/2023

PROGRAM DESCRIPTION:

To provide for statewide public library services and to encourage proper standards regarding personnel, hours of operation, library materials, collections and interlibrary resource sharing.

~~6/13/2023~~ 11/19/2024

DEPARTMENT:	Community Services	**EXHIBIT:**	"B"
GRANT TITLE:	FY2024 State Aid for Libraries	**Ordinance No.**	24-163
PROGRAM TITLE:	Appoquinimink Library		

Revenue	Current	Change	Revised
Federal	$ -	$ -	$ -
State	$ 19,547.00	$ (3,331.29)	$ 16,215.71
County	$ -	$ -	$ -
Program Income	$ -	$ -	$ -
Other	$ -	$ -	$ -
Total	$ 19,547.00	$ (3,331.29)	$ 16,215.71

Expense	Current	Change	Revised
Salaries and Wages	$ -	$ -	$ -
Benefits	$ -	$ -	$ -
Training/Civic Affairs	$ 1,350.00	$ (1,309.60)	$ 40.40
Communication/Utilities	$ -	$ -	$ -
Materials/Supplies	$ 3,647.00	$ (129.19)	$ 3,517.81
Contractual Services	$ 14,550.00	$ (1,892.50)	$ 12,657.50
Equipment	$ -	$ -	$ -
Grants/Fixed Charges	$ -	$ -	$ -
Land and Structures	$ -	$ -	$ -
Contingency	$ -	$ -	$ -
Operating Transfer Charges	$ -	$ -	$ -
Operating Transfer Credits	$ -	$ -	$ -
Total	$ 19,547.00	$ (3,331.29)	$ 16,215.71

SUPPLEMENTAL INFORMATION

Estimated Program Initiation:			7/1/2023
Estimated Program Completion:			3/30/2025
The Local Match:		**Found in (ORG):**	
Ordinance Passed:	23-072	**Date Revised:**	6/30/2023

PROGRAM DESCRIPTION:

To provide for statewide public library services and to encourage proper standards regarding personnel, hours of operation, library materials, collections and interlibrary resource sharing.

~~6/13/2023~~ 11/19/2024

DEPARTMENT:	Community Services	**EXHIBIT:**	"C"
GRANT TITLE:	FY2024 State Aid for Libraries	**Ordinance No.**	24-163
PROGRAM TITLE:	Bear Library		

Revenue	Current	Change	Revised
Federal	$ -	$ -	$ -
State	$ 34,431.00	$ (9,395.26)	$ 25,035.74
County	$ -	$ -	$ -
Program Income	$ -	$ -	$ -
Other	$ -	$ -	$ -
Total	$ 34,431.00	$ (9,395.26)	$ 25,035.74

Expense	Current	Change	Revised
Salaries and Wages	$ -	$ -	$ -
Benefits	$ -	$ -	$ -
Training/Civic Affairs	$ 3,808.28	$ (2,551.52)	$ 1,256.76
Communication/Utilities	$ -	$ -	$ -
Materials/Supplies	$ 12,622.72	$ (3,867.81)	$ 8,754.91
Contractual Services	$ 16,000.00	$ (975.93)	$ 15,024.07
Equipment	$ 2,000.00	$ (2,000.00)	$ -
Grants/Fixed Charges	$ -	$ -	$ -
Land and Structures	$ -	$ -	$ -
Contingency	$ -	$ -	$ -
Operating Transfer Charges	$ -	$ -	$ -
Operating Transfer Credits	$ -	$ -	$ -
Total	$ 34,431.00	$ (9,395.26)	$ 25,035.74

SUPPLEMENTAL INFORMATION

Estimated Program Initiation: 7/1/2023

Estimated Program Completion: 3/30/2025

The Local Match: **Found in (ORG):**

Ordinance Passed: 23-072 **Date Revised:** 6/30/2023

PROGRAM DESCRIPTION:

To provide for statewide public library services and to encourage proper standards regarding personnel, hours of operation, library materials, collections and interlibrary resource sharing.

~~6/13/2023~~ 11/19/2024

DEPARTMENT: Community Services **EXHIBIT:** "D"

GRANT TITLE: FY2024 State Aid for Libraries **Ordinance No.** 24-163

PROGRAM TITLE: Claymont Library

Revenue	Current	Change	Revised
Federal	$ -	$ -	$ -
State	$ 15,628.00	$ (2,631.18)	$ 12,996.82
County	$ -	$ -	$ -
Program Income	$ -	$ -	$ -
Other	$ -	$ -	$ -
Total	$ 15,628.00	$ (2,631.18)	$ 12,996.82

Expense	Current	Change	Revised
Salaries and Wages	$ -	$ -	$ -
Benefits	$ -	$ -	$ -
Training/Civic Affairs	$ 500.00	$ (239.60)	$ 260.40
Communication/Utilities	$ -	$ -	$ -
Materials/Supplies	$ 5,000.00	$ (2,364.87)	$ 2,635.13
Contractual Services	$ 9,197.00	$ -	$ 9,197.00
Equipment	$ 931.00	$ (26.71)	$ 904.29
Grants/Fixed Charges	$ -	$ -	$ -
Land and Structures	$ -	$ -	$ -
Contingency	$ -	$ -	$ -
Operating Transfer Charges	$ -	$ -	$ -
Operating Transfer Credits	$ -	$ -	$ -
Total	$ 15,628.00	$ (2,631.18)	$ 12,996.82

SUPPLEMENTAL INFORMATION

Estimated Program Initiation: 7/1/2023

Estimated Program Completion: 3/30/2025

The Local Match: **Found in (ORG):**

Ordinance Passed: 23-072 **Date Revised:** 6/30/2023

PROGRAM DESCRIPTION:

To provide for statewide public library services and to encourage proper standards regarding personnel, hours of operation, library materials, collections and interlibrary resource sharing.

~~6/13/2023~~ 11/19/2024

DEPARTMENT: Community Services **EXHIBIT:** "E"

GRANT TITLE: FY2024 State Aid for Libraries **Ordinance No.** 24-163

PROGRAM TITLE: Brandywine Hundred Library

Revenue	Current	Change	Revised
Federal	$ -	$ -	$ -
State	$ 82,530.00	$ (23,996.41)	$ 58,533.59
County	$ -	$ -	$ -
Program Income	$ -	$ -	$ -
Other	$ -	$ -	$ -
Total	$ 82,530.00	$ (23,996.41)	$ 58,533.59

Expense	Current	Change	Revised
Salaries and Wages	$ -	$ -	$ -
Benefits	$ -	$ -	$ -
Training/Civic Affairs	$ 1,550.00	$ (1,008.47)	$ 541.53
Communication/Utilities	$ -	$ -	$ -
Materials/Supplies	$ 16,366.00	$ (2,377.94)	$ 13,988.06
Contractual Services	$ 57,114.00	$ (14,946.40)	$ 42,167.60
Equipment	$ 7,500.00	$ (5,663.60)	$ 1,836.40
Grants/Fixed Charges	$ -	$ -	$ -
Land and Structures	$ -	$ -	$ -
Contingency	$ -	$ -	$ -
Operating Transfer Charges	$ -	$ -	$ -
Operating Transfer Credits	$ -	$ -	$ -
Total	$ 82,530.00	$ (23,996.41)	$ 58,533.59

SUPPLEMENTAL INFORMATION

Estimated Program Initiation: 7/1/2023

Estimated Program Completion: 3/30/2025

The Local Match: **Found in (ORG):**

Ordinance Passed: 23-072 **Date Revised:** 6/30/2023

PROGRAM DESCRIPTION:

To provide for statewide public library services and to encourage proper standards regarding personnel, hours of operation, library materials, collections and interlibrary resource sharing.

~~6/13/2023~~ 11/19/2024

DEPARTMENT: Community Services **EXHIBIT:** "F"

GRANT TITLE: FY2024 State Aid for Libraries **Ordinance No.** 24-163

PROGRAM TITLE: Elsmere Library

Revenue	Current	Change	Revised
Federal	$ -	$ -	$ -
State	$ 17,381.51	$ (3,517.37)	$ 13,864.14
County	$ -	$ -	$ -
Program Income	$ -	$ -	$ -
Other	$ -	$ -	$ -
Total	$ 17,381.51	$ (3,517.37)	$ 13,864.14

Expense	Current	Change	Revised
Salaries and Wages	$ -	$ -	$ -
Benefits	$ -	$ -	$ -
Training/Civic Affairs	$ 1,300.00	$ (595.60)	$ 704.40
Communication/Utilities	$ -	$ -	$ -
Materials/Supplies	$ 12,981.51	$ (2,347.52)	$ 10,633.99
Contractual Services	$ 3,100.00	$ (574.25)	$ 2,525.75
Equipment	$ -	$ -	$ -
Grants/Fixed Charges	$ -	$ -	$ -
Land and Structures	$ -	$ -	$ -
Contingency	$ -	$ -	$ -
Operating Transfer Charges	$ -	$ -	$ -
Operating Transfer Credits	$ -	$ -	$ -
Total	$ 17,381.51	$ (3,517.37)	$ 13,864.14

SUPPLEMENTAL INFORMATION

Estimated Program Initiation: 7/1/2023

Estimated Program Completion: 3/30/2025

The Local Match: **Found in (ORG):**

Ordinance Passed: 23-072 **Date Revised:** 6/30/2023

PROGRAM DESCRIPTION:

To provide for statewide public library services and to encourage proper standards regarding personnel, hours of operation, library materials, collections and interlibrary resource sharing.

~~6/13/2023~~ 11/19/2024

DEPARTMENT:	Community Services	**EXHIBIT:**	"G"
GRANT TITLE:	FY2024 State Aid for Libraries	**Ordinance No.**	24-163
PROGRAM TITLE:	Hockessin Library		

Revenue	Current	Change	Revised
Federal	$ -	$ -	$ -
State	$ 17,934.39	$ (4,574.14)	$ 13,360.25
County	$ -	$ -	$ -
Program Income	$ -	$ -	$ -
Other	$ -	$ -	$ -
Total	$ 17,934.39	$ (4,574.14)	$ 13,360.25

Expense	Current	Change	Revised
Salaries and Wages	$ -	$ -	$ -
Benefits	$ -	$ -	$ -
Training/Civic Affairs	$ 3,300.00	$ (752.12)	$ 2,547.88
Communication/Utilities	$ -	$ -	$ -
Materials/Supplies	$ 4,190.39	$ (300.00)	$ 3,890.39
Contractual Services	$ 4,248.00	$ (0.50)	$ 4,247.50
Equipment	$ 6,196.00	$ (3,521.52)	$ 2,674.48
Grants/Fixed Charges	$ -	$ -	$ -
Land and Structures	$ -	$ -	$ -
Contingency	$ -	$ -	$ -
Operating Transfer Charges	$ -	$ -	$ -
Operating Transfer Credits	$ -	$ -	$ -
Total	$ 17,934.39	$ (4,574.14)	$ 13,360.25

SUPPLEMENTAL INFORMATION

Estimated Program Initiation: 7/1/2023

Estimated Program Completion: 3/30/2025

The Local Match: **Found in (ORG):**

Ordinance Passed: 23-072 **Date Revised:** 6/30/2023

PROGRAM DESCRIPTION:

To provide for statewide public library services and to encourage proper standards regarding personnel, hours of operation, library materials, collections and interlibrary resource sharing.

~~6/13/2023~~ 11/19/2024

DEPARTMENT: Community Services **EXHIBIT:** "H"

GRANT TITLE: FY2024 State Aid for Libraries **Ordinance No.** 24-163

PROGRAM TITLE: Kirkwood Library

Revenue	Current		Change		Revised	
Federal	$	-	$	-	$	-
State	$	21,748.00	$	(6,212.89)	$	15,535.11
County	$	-	$	-	$	-
Program Income	$	-	$	-	$	-
Other	$	-	$	-	$	-
Total	$	21,748.00	$	(6,212.89)	$	15,535.11

Expense	Current		Change		Revised	
Salaries and Wages	$	-	$	-	$	-
Benefits	$	-	$	-	$	-
Training/Civic Affairs	$	3,500.00	$	(2,006.97)	$	1,493.03
Communication/Utilities	$	-	$	-	$	-
Materials/Supplies	$	7,748.00	$	(1,758.19)	$	5,989.81
Contractual Services	$	7,800.00	$	(230.00)	$	7,570.00
Equipment	$	2,700.00	$	(2,217.73)	$	482.27
Grants/Fixed Charges	$	-	$	-	$	-
Land and Structures	$	-	$	-	$	-
Contingency	$	-	$	-	$	-
Operating Transfer Charges	$	-	$	-	$	-
Operating Transfer Credits	$	-	$	-	$	-
Total	$	21,748.00	$	(6,212.89)	$	15,535.11

SUPPLEMENTAL INFORMATION

Estimated Program Initiation: 7/1/2023

Estimated Program Completion: 3/30/2025

The Local Match: **Found in (ORG):**

Ordinance Passed: 23-072 **Date Revised:** 6/30/2023

PROGRAM DESCRIPTION:

To provide for statewide public library services and to encourage proper standards regarding personnel, hours of operation, library materials, collections and interlibrary resource sharing.

~~6/13/2023~~ 11/19/2024

DEPARTMENT: Community Services **EXHIBIT:** "I"

GRANT TITLE: FY2024 State Aid for Libraries **Ordinance No.** 24-163

PROGRAM TITLE: Newark Library

Revenue	Current	Change	Revised
Federal	$ -	$ -	$ -
State	$ 30,353.00	$ (8,331.54)	$ 22,021.46
County	$ -	$ -	$ -
Program Income	$ -	$ -	$ -
Other	$ -	$ -	$ -
Total	$ 30,353.00	$ (8,331.54)	$ 22,021.46

Expense	Current	Change	Revised
Salaries and Wages	$ -	$ -	$ -
Benefits	$ -	$ -	$ -
Training/Civic Affairs	$ 3,000.00	$ (1,152.71)	$ 1,847.29
Communication/Utilities	$ -	$ -	$ -
Materials/Supplies	$ 12,853.00	$ (5,433.85)	$ 7,419.15
Contractual Services	$ 14,000.00	$ (1,244.98)	$ 12,755.02
Equipment	$ -	$ -	$ -
Grants/Fixed Charges	$ -	$ -	$ -
Land and Structures	$ -	$ -	$ -
Contingency	$ -	$ -	$ -
Operating Transfer Charges	$ 500.00	$ (500.00)	$ -
Operating Transfer Credits	$ -	$ -	$ -
Total	$ 30,353.00	$ (8,331.54)	$ 22,021.46

SUPPLEMENTAL INFORMATION

Estimated Program Initiation: 7/1/2023

Estimated Program Completion: 3/30/2025

The Local Match: **Found in (ORG):**

Ordinance Passed: 23-072 **Date Revised:** 6/30/2023

PROGRAM DESCRIPTION:

To provide for statewide public library services and to encourage proper standards regarding personnel, hours of operation, library materials, collections and interlibrary resource sharing.

~~6/13/2023~~ 11/19/2024

DEPARTMENT: Community Services **EXHIBIT:** "J"

GRANT TITLE: FY2024 State Aid for Libraries **Ordinance No.** 24-163

PROGRAM TITLE: Route 9 Library

Revenue	Current	Change	Revised
Federal	$ -	$ -	$ -
State	$ 11,697.00	$ (5,895.25)	$ 5,801.75
County	$ -	$ -	$ -
Program Income	$ -	$ -	$ -
Other	$ -	$ -	$ -
Total	$ 11,697.00	$ (5,895.25)	$ 5,801.75

Expense	Current	Change	Revised
Salaries and Wages	$ -	$ -	$ -
Benefits	$ -	$ -	$ -
Training/Civic Affairs	$ 2,250.00	$ (1,692.08)	$ 557.92
Communication/Utilities	$ -	$ -	$ -
Materials/Supplies	$ 5,447.00	$ (3,618.17)	$ 1,828.83
Contractual Services	$ 4,000.00	$ (585.00)	$ 3,415.00
Equipment	$ -	$ -	$ -
Grants/Fixed Charges	$ -	$ -	$ -
Land and Structures	$ -	$ -	$ -
Contingency	$ -	$ -	$ -
Operating Transfer Charges	$ -	$ -	$ -
Operating Transfer Credits	$ -	$ -	$ -
Total	$ 11,697.00	$ (5,895.25)	$ 5,801.75

SUPPLEMENTAL INFORMATION

Estimated Program Initiation: 7/1/2023

Estimated Program Completion: 3/30/2025

The Local Match: **Found in (ORG):**

Ordinance Passed: 23-072 **Date Revised:** 6/30/2023

PROGRAM DESCRIPTION:

To provide for statewide public library services and to encourage proper standards regarding personnel, hours of operation, library materials, collections and interlibrary resource sharing.

~~6/13/2023~~ 11/19/2024

DEPARTMENT:	Community Services	**EXHIBIT:**	"K"
GRANT TITLE:	FY2024 State Aid for Libraries	**Ordinance No.**	24-163
PROGRAM TITLE:	Woodlawn Library		

Revenue	Current	Change	Revised
Federal	$ -	$ -	$ -
State	$ 19,158.50	$ (10,600.73)	$ 8,557.77
County	$ -	$ -	$ -
Program Income	$ -	$ -	$ -
Other	$ -	$ -	$ -
Total	$ 19,158.50	$ (10,600.73)	$ 8,557.77

Expense	Current	Change	Revised
Salaries and Wages	$ -	$ -	$ -
Benefits	$ -	$ -	$ -
Training/Civic Affairs	$ 1,900.00	$ (1,344.16)	$ 555.84
Communication/Utilities	$ -	$ -	$ -
Materials/Supplies	$ 10,532.01	$ (9,256.57)	$ 1,275.44
Contractual Services	$ 6,726.49	$ -	$ 6,726.49
Equipment	$ -	$ -	$ -
Grants/Fixed Charges	$ -	$ -	$ -
Land and Structures	$ -	$ -	$ -
Contingency	$ -	$ -	$ -
Operating Transfer Charges	$ -	$ -	$ -
Operating Transfer Credits	$ -	$ -	$ -
Total	$ 19,158.50	$ (10,600.73)	$ 8,557.77

SUPPLEMENTAL INFORMATION

Estimated Program Initiation: 7/1/2023

Estimated Program Completion: 3/30/2025

The Local Match: **Found in (ORG):**

Ordinance Passed: 23-072 **Date Revised:** 6/30/2023

PROGRAM DESCRIPTION:

To provide for statewide public library services and to encourage proper standards regarding personnel, hours of operation, library materials, collections and interlibrary resource sharing.

~~6/13/2023~~ 11/19/2024

Prime Sponsor(s): Mr. Smiley, Mr. Cartier
Requested by: Public Safety
Date of introduction: November 19, 2024

ORDINANCE NO. 24-164

AMEND THE GRANTS BUDGET: APPROPRIATE $160,000 FROM THE STATE OF DELAWARE FY2025 GRANT-IN-AID BILL TO THE FY2025 POLICE BEHAVIORAL HEALTH GRANT TO BE ADMINISTERED BY THE DEPARTMENT OF PUBLIC SAFETY, DIVISION OF POLICE

WHEREAS, the Department of Public Safety, Division of Police has been awarded $160,000 in funding from the State of Delaware FY2025 Grant in Aid Bill; and

WHEREAS, the funding will be used to continue to support the mental health team by funding a mental health clinician through Christiana Care, overtime when necessary for the assigned police officers and related operating expenses; and

WHEREAS, the County Executive has determined that grants received will be sufficient to cover the increase in the Grants Budget as hereinafter amended; and

WHEREAS, Council has determined that the provisions of this Ordinance substantially advance, and are reasonably and rationally related to, legitimate government interests (i.e., promoting the health, safety, morals, convenience, order, prosperity and/or welfare of the present and future inhabitants of this State).

NOW, THEREFORE, THE COUNTY OF NEW CASTLE HEREBY ORDAINS:

Section 1. The Grants Budget as adopted by Ordinance No. 75-173 is hereby amended by adding the material on the attached Exhibits “A” which shall be considered underscored in their entirety.

Section 2. This Ordinance shall become effective immediately upon its adoption by County Council and approval by the County Executive, or as otherwise provided in 9 *Del. C.* § 1156.

Section 3. It is the intent of the County Council that the provisions of this Ordinance shall be effective retroactive to July 1, 2024.

Adopted by County Council of
New Castle County on:

____

Monique Williams-Johns
President of County Council
of New Castle County

Approved on:

____

Matthew Meyer
County Executive
New Castle County

SYNOPSIS: This Ordinance, if approved, will appropriate $160,000 in State of Delaware FY2025 Grant in Aid Bill funds to the FY2025 Police Behavioral Health Grant to continue to support the mental health team by funding a mental health clinician through Christiana Care, overtime when necessary for the assigned police officers and related operating expenses. This is the sixth year of funding for this grant.

It is the intent of the County Council that the provisions of this Ordinance shall be effective retroactive to July 1, 2024.

FISCAL NOTE: This Ordinance, if approved, will appropriate $160,000 in State of Delaware FY2025 Grant in Aid Bill funds to the FY2025 Police Behavioral Health Grant. The funding will be used to continue to support the mental health team by funding a mental health clinician through Christiana Care, overtime when necessary for the assigned police officers and related operating expenses. This is the sixth year of funding for this grant.

The fiscal impact of this Ordinance, if approved, will be an increase in the authorized spending authority of the Grants Budget of $160,000. The increase will affect FY2025 only as the program end date is June 30, 2025. There is no anticipated fiscal impact on the Operating Budget.

DEPARTMENT: Public Safety **EXHIBIT:** "A"

GRANT TITLE: FY2025 Police Behavioral Health **Ordinance No.** 24-164

PROGRAM TITLE: FY2025 Police Behavioral Health

Revenue	Current	Change	Revised
Federal	$ -	$ -	$ -
State	$ 160,000.00	$ -	$ 160,000.00
County	$ -	$ -	$ -
Program Income	$ -	$ -	$ -
Other	$ -	$ -	$ -
Total	$ 160,000.00	$ -	$ 160,000.00

Expense	Current	Change	Revised
Salaries and Wages	$ 15,000.00	$ -	$ 15,000.00
Benefits	$ 8,779.35	$ -	$ 8,779.35
Training/Civic Affairs	$ 8,157.65	$ -	$ 8,157.65
Communication/Utilities	$ 25,000.00	$ -	$ 25,000.00
Materials/Supplies	$ 15,000.00	$ -	$ 15,000.00
Contractual Services	$ 88,063.00	$ -	$ 88,063.00
Equipment	$ -	$ -	$ -
Grants/Fixed Charges	$ -	$ -	$ -
Land and Structures	$ -	$ -	$ -
Contingency	$ -	$ -	$ -
Operating Transfer Charges	$ -	$ -	$ -
Operating Transfer Credits	$ -	$ -	$ -
Total	$ 160,000.00	$ -	$ 160,000.00

SUPPLEMENTAL INFORMATION

Estimated Program Initiation: 7/1/2024

Estimated Program Completion: 6/30/2025

The Local Match: **Found in (ORG):**

Ordinance Passed: **Date Revised:**

PROGRAM DESCRIPTION:

New Castle County Department of Public Safety will use this State grant funding to continue to provide funding for the Mental Health programs in the Division of Police, inclusive of funding a Mental Health Clinician through Christiana Care, overtime when necessary for the assigned police officers and related operating expenses.

11/19/2024

Prime Sponsor(s): Mr. Smiley, Mr. Cartier
Requested by: Public Safety
Date of introduction: November 19, 2024

ORDINANCE NO. 24-165

AMEND THE GRANTS BUDGET: APPROPRIATE $40,000.00 FROM THE UNITED STATES DEPARTMENT OF JUSTICE TO THE ASSET FORFEITURE-FEDERAL GRANT, WHICH IS ADMINISTERED BY THE DEPARTMENT OF PUBLIC SAFETY, DIVISION OF POLICE

WHEREAS, authorization is being sought for the appropriation of $40,000.00 from the United States Department of Justice to the Asset Forfeiture-Federal Grant; and

WHEREAS, these funds will be used to purchase equipment for the Department of Public Safety, Division of Police; and

WHEREAS, federal grant funding received is sufficient to cover the increase in the Grants Budget as hereinafter amended; and

WHEREAS, Council has determined that the provisions of this Ordinance substantially advance, and are reasonably and rationally related to, legitimate government interests (i.e., promoting the health, safety, morals, convenience, order, prosperity and/or welfare of the present and future inhabitants of this State).

NOW, THEREFORE, THE COUNTY OF NEW CASTLE HEREBY ORDAINS:

Section 1. The Grants Budget as adopted by Ordinance No. 75-173 is hereby amended by adding the material underscored and deleting the material bracketed and stricken on the attached Exhibits "A".

Section 2. This Ordinance shall become effective immediately upon its adoption by County Council and approval by the County Executive, or as otherwise provided by 9 *Del. C.* § 1156.

Adopted by County Council of
New Castle County on:

Monique Williams-Johns
President of County Council
of New Castle County

Approved on:

____

Matthew Meyer
County Executive
New Castle County

SYNOPSIS: This Ordinance, if approved, will appropriate $40,000.00 from the United States Department of Justice to the Asset Forfeiture-Federal Grant, which is administered by the Department of Public Safety, Division of Police. These funds will be used to purchase equipment for the Division of Police.

The Department of Justice Asset Forfeiture Program, authorized in 1984, shares federal forfeiture proceeds with cooperating local law enforcement agencies. The program serves not only to deter crime, but also to provide valuable resources to local law enforcement agencies. The New Castle County Police actively participate in the program and have been approved to use the funding to offset the total cost of training, purchasing supplies, new police canines and other equipment.

FISCAL NOTE: This Ordinance, if approved, will amend the Grants Budget by appropriating $40,000.00 from the United States Department of Justice to the Asset Forfeiture-Federal Grant, which is administered by the Department of Public Safety, Division of Police. These funds will be used to purchase equipment for the Division of Police.

The fiscal impact of this Ordinance, if approved, will be an increase in the authorized spending authority of the Grants Budget totaling $40,000.00. This increase will affect FY2025 and beyond since this is a continuous program. There is no anticipated fiscal impact on the Operating and/or Capital Budget.

DEPARTMENT: Public Safety **EXHIBIT:** "A"

GRANT TITLE: Asset Forfeiture - Federal Grant **Ordinance No.** 24-165

PROGRAM TITLE: Asset Forfeiture - Federal Grant

Revenue	Current	Change	Revised
Federal	~~$ 849,483.79~~	$ 40,000.00	$ 889,483.79
State	$ -	$ -	$ -
County	$ -	$ -	$ -
Program Income	$ -	$ -	$ -
Other	$ 24,986.24	$ -	$ 24,986.24
Total	~~$ 874,470.03~~	$ 40,000.00	$ 914,470.03

Expense	Current	Change	Revised
Salaries and Wages	$ 92,177.46	$ -	$ 92,177.46
Benefits	$ 9,218.11	$ -	$ 9,218.11
Training/Civic Affairs	$ 206,084.42	$ -	$ 206,084.42
Communication/Utilities	$ 45,891.39	$ -	$ 45,891.39
Materials/Supplies	$ 71,237.28	$ -	$ 71,237.28
Contractual Services	$ 86,457.09	$ -	$ 86,457.09
Equipment	~~$ 313,799.68~~	$ 40,000.00	$ 353,799.68
Grants/Fixed Charges	$ -	$ -	$ -
Land and Structures	$ -	$ -	$ -
Contingency	$ 48,695.00	$ -	$ 48,695.00
Operating Transfer Charges	$ 909.60	$ -	$ 909.60
Operating Transfer Credits	$ -	$ -	$ -
Total	~~$ 874,470.03~~	$ 40,000.00	$ 914,470.03

SUPPLEMENTAL INFORMATION

Estimated Program Initiation: 10/23/2000

Estimated Program Completion: Ongoing

Operating Budget Impact: **Available in (ORG):**

Ordinance Passed:	Date Revised:
11-040	4/27/2001
12-065	6/12/2012
15-064	10/20/2015
21-070	6/17/2021
22-138	11/22/2022

PROGRAM DESCRIPTION:

The Department of Justice Asset Forfeiture Program helps prevent crime and also provides resources to state and local law enforcement agencies.

~~11/22/2022~~ 11/19/2024

Prime Sponsor(s): Mr. Smiley, Mr. Cartier
Requested by: Public Safety
Date of introduction: November 19, 2024

ORDINANCE NO. 24-166

AMEND THE GRANTS BUDGET:
APPROPRIATE $506,644.98 FROM THE STATE OF DELAWARE DEPARTMENT OF SAFETY AND HOMELAND SECURITY TO THE FY2025 FUNDS TO COMBAT VIOLENT CRIME GRANT FOR THE DEPARTMENT OF PUBLIC SAFETY, DIVISION OF POLICE

WHEREAS, funding has been awarded from the State of Delaware, Department of Safety and Homeland Security to the FY2025 Funds to Combat Violent Crime Grant; and

WHEREAS, the funding will be used by the New Castle County Department of Public Safety, Division of Police for overtime patrols in high crime areas, specialized training and the purchase of essential police equipment; and

WHEREAS, the County Executive has determined that grants received will be sufficient to cover the increase in the Grants Budget as hereinafter amended; and

WHEREAS, Council has determined that the provisions of this Ordinance substantially advance, and are reasonably and rationally related to, legitimate government interests (i.e., promoting the health, safety, morals, convenience, order prosperity and/or welfare of the present and future inhabitants of this State).

NOW, THEREFORE, THE COUNTY OF NEW CASTLE HEREBY ORDAINS:

Section 1. The Grants Budget as adopted by Ordinance No. 75-173 is hereby amended by adding the material on the attached Exhibit "A," which is considered to be underscored in its entirety, attached hereto and made a part thereof.

Section 2. This Ordinance shall become effective immediately upon its adoption by County Council and approval by the County Executive, or as otherwise provided in 9 *Del. C.* § 1156.

Section 3. It is the intent of the County Council that the provisions of this Ordinance shall be effective retroactive to September 10, 2024.

Adopted by County Council of
New Castle County on:

Monique Williams-Johns
President of County Council
of New Castle County

Approved on:

____

Matthew Meyer
County Executive
New Castle County

SYNOPSIS: This Ordinance, if approved, will appropriate $506,644.98 from the State of Delaware Department of Safety and Homeland Security to the FY2025 Funds to Combat Violent Crime Grant. The funding will be used by the New Castle County Department of Public Safety, Division of Police for overtime patrols in high crime areas, specialized training and the purchase of essential police equipment.

It is the intent of the County Council that the provisions of this Ordinance shall be effective retroactive to September 10, 2024.

FISCAL NOTE: The fiscal impact of this Ordinance, if approved, will be an increase in the authorized spending authority of the Grants Budget of $506,644.98. This increase will impact FY2025 and FY2026 since the targeted program completion date is September 30, 2025. In addition, New Castle County is providing a cash match within the Department of Public Safety, Division of Police of $115,065.08 to cover the full costs of employee benefits.

There will be no fiscal impact beyond FY2026 as a result of this grant award.

DEPARTMENT:	Public Safety	**EXHIBIT:**	"A"
GRANT TITLE:	FY2025 Funds to Combat Violent Crime	**Ordinance No.**	24-166
PROGRAM TITLE:	FY2025 Funds to Combat Violent Crime		

Revenue	Current	Change	Revised
Federal	$ -	$ -	$ -
State	$ 506,644.98	$ -	$ 506,644.98
County	$ -	$ -	$ -
Program Income	$ -	$ -	$ -
Other	$ -	$ -	$ -
Total	$ 506,644.98	$ -	$ 506,644.98

Expense	Current	Change	Revised
Salaries and Wages	$ 182,322.75	$ -	$ 182,322.75
Benefits	$ 14,272.23	$ -	$ 14,272.23
Training/Civic Affairs	$ 179,170.00	$ -	$ 179,170.00
Communication/Utilities	$ -	$ -	$ -
Materials/Supplies	$ 6,000.00	$ -	$ 6,000.00
Contractual Services	$ -	$ -	$ -
Equipment	$ 114,880.00	$ -	$ 114,880.00
Grants/Fixed Charges	$ -	$ -	$ -
Land and Structures	$ -	$ -	$ -
Contingency	$ 10,000.00	$ -	$ 10,000.00
Operating Transfer Charges	$ -	$ -	$ -
Operating Transfer Credits	$ -	$ -	$ -
Total	$ 506,644.98	$ -	$ 506,644.98

SUPPLEMENTAL INFORMATION

Estimated Program Initiation: 9/10/2024

Estimated Program Completion: 9/30/2025

Operating Budget Impact: $ 115,065.08 **Available in (ORG):** 10200304-10200308

Ordinance Passed: **Date Revised:**

PROGRAM DESCRIPTION:

The Funds to Combat Violent Crime Grant is funded by the State of Delaware and is distributed by the Department of Safety and Homeland Security for use by local law enforcement agencies in connection with initiatives to combat violent felonies pursuant to Section 4201(c) of Title 11 of the *Delaware State Code* .

11/19/2024

Prime Sponsor(s): Mr. Smiley, Mr. Cartier
Requested by: Administration/Law
Date of introduction: November 19, 2024

ORDINANCE NO. 24-167

AMEND THE FY2025 APPROVED OPERATING BUDGET: APPROPRIATE UP TO $880,000 FROM THE GENERAL FUND TAX STABILIZATION RESERVE ACCOUNT TO THE DEPARTMENT OF ADMINISTRATION, OFFICE OF LAW TO FUND ATTORNEY FEES AND LITIGATION EXPERT WITNESSES

WHEREAS, $283,752 was included in the FY2025 Approved Operating Budget for the Office of Law in Contractual Services for expenses related to retaining outside legal counsel and litigation expert witnesses; and

WHEREAS, unforeseen litigation has resulted in the need for additional funding up to the amount of $880,000 to support current and anticipated attorney fees for outside legal counsel and litigation expert witnesses, through the end of the fiscal year; and

WHEREAS, the revenue measures heretofore adopted by the County Council, are, in the opinion of the County Executive, estimated to yield sums at least sufficient to balance the proposed expenditures as set forth in the Approved Annual Operating Budget as hereinafter amended.

NOW, THEREFORE, THE COUNTY OF NEW CASTLE HEREBY ORDAINS:

Section 1. The Annual Operating Budget for the fiscal year beginning July 1, 2024, is hereby amended by deleting the material stricken and adding the material underscored on the attached “Exhibit A.”

Section 2. The foregoing amendment shall be considered a part of the Annual Operating Budget for the fiscal year beginning July 1, 2024, and shall be effective retroactively as though incorporated initially in the Annual Operating Budget.

Section 3. This Ordinance shall become effective immediately upon its adoption by County Council and approval by the County Executive, or as otherwise provided in 9 *Del. C.* § 1156.

Adopted by County Council of
New Castle County on:

____
Monique Williams-Johns
President of County Council
of New Castle County

Approved on:

____

Matthew Meyer
County Executive
New Castle County

SYNOPSIS: This Ordinance, if approved, amends the FY2025 Approved Operating Budget by appropriating up to $880,000 from the General Fund Tax Stabilization Reserve Account to the Department of Administration, Office of Law Contractual Services Budget Line Item. These funds will support previously incurred and anticipated attorney fees for outside legal counsel.

FISCAL NOTE: This Ordinance, if approved, will amend the FY2025 Approved Operating Budget by appropriating up to $880,000 from the General Fund Tax Stabilization Reserve Account to the Department of Administration, Office of Law Contractual Services Budget Line Item. These funds will support previously incurred and anticipated attorney fees for outside legal counsel.

The revised FY2025 Approved Operating Budget will be $354,721,162. Fiscal impact for future years will be determined on an as needed basis. The General Fund Tax Stabilization Reserve balance (unaudited) upon passed of this Ordinance will be $60,389,981.

COUNTY COUNCIL			
Salaries and Wages		$	2,552,351
Benefits			1,493,866
Training and Civic Affairs			68,351
Communication and Utilities			17,483
Materials and Supplies			59,776
Contractual Services			255,088
Equipment			11,693
Grants and Fixed Charges			353,233
Operating Transfer Charges			175,627
Total		***$***	***4,987,468***
Total Authorized Full-Time Positions 35			

COUNTY EXECUTIVE			
Salaries and Wages		$	2,033,684
Benefits			1,190,296
Training and Civic Affairs			31,904
Communication and Utilities			16,798
Materials and Supplies			22,236
Contractual Services			290,565
Equipment			1,000
Grants and Fixed Charges			345,700
Contingency			3,000
Operating Transfer Charges			105,264
Total		***$***	***4,040,447***
Total Authorized Full-Time Positions 17			

DEPARTMENT OF ADMINISTRATION			
Salaries and Wages		$	12,986,061
Benefits			7,506,461
Training and Civic Affairs			125,475
Communication and Utilities			8,286,620
Materials and Supplies			168,702
Contractual Services	~~6,872,755~~		7,752,755
Equipment			409,042
Grants and Fixed Charges			3,932,350
Operating Transfer Charges			1,142,324
Operating Transfer Credits			(12,812,422)
Total	***~~28,617,368~~***	***$***	***29,497,368***
Total Authorized Full-Time Positions 168			

EXHIBIT A2

DEPARTMENT OF PUBLIC WORKS

Salaries and Wages	$	27,135,440
Benefits		15,765,968
Training and Civic Affairs		45,445
Communication and Utilities		26,068,271
Materials and Supplies		4,565,701
Contractual Services		10,855,070
Equipment		524,559
Grants and Fixed Charges		1,193,025
Land and Structures		35,000
Operating Transfer Charges		4,574,405
Operating Transfer Credits		(7,722,122)
Total	***$***	
Total Authorized Full-Time Positions 389		

DEPARTMENT OF LAND USE

Salaries and Wages	$	8,156,971
Benefits		4,742,077
Training and Civic Affairs		66,975
Communication and Utilities		111,242
Materials and Supplies		101,727
Contractual Services		1,444,409
Equipment		53,440
Grants and Fixed Charges		56,500
Operating Transfer Charges		1,061,595
Total	***$***	***15,794,936***
Total Authorized Full-Time Positions 112		

DEPARTMENT OF COMMUNITY SERVICES

Salaries and Wages	$	12,609,748
Benefits		5,574,747
Training and Civic Affairs		23,167
Communication and Utilities		1,578,498
Materials and Supplies		1,654,039
Contractual Services		3,745,504
Equipment		30,034
Grants and Fixed Charges		3,250,899
Operating Transfer Charges		1,175,272
Operating Transfer Credits		(225,977)
Total	***$***	***29,415,931***
Total Authorized Full-Time Positions 162		

DEPARTMENT OF PUBLIC SAFETY

Salaries and Wages	$	77,334,401
Benefits		42,955,735
Training and Civic Affairs		201,708
Communication and Utilities		1,011,236
Materials and Supplies		1,070,626
Contractual Services		2,204,744
Equipment		1,720,283
Grants and Fixed Charges		8,345,222
Operating Transfer Charges		7,843,655
Total	***$***	***142,687,610***

Total Authorized Full-Time Positions 727

REGISTER OF WILLS

Salaries and Wages	$	1,159,211
Benefits		660,186
Training and Civic Affairs		34,950
Communication and Utilities		12,209
Materials and Supplies		10,053
Contractual Services		62,715
Equipment		2,800
Operating Transfer Charges		82,214
Total	***$***	***2,024,338***

Total Authorized Full-Time Positions 20

RECORDER OF DEEDS

Salaries and Wages		$	1,256,525
Benefits			723,402
Training and Civic Affairs			40,170
Communication and Utilities			29,829
Materials and Supplies			10,573
Contractual Services			84,578
Equipment			9,975
Grants and Fixed Charges			18,350
Operating Transfer Charges			162,265
Total		$	***2,335,667***
Total Authorized Full-Time Positions	***23***		

SHERIFF

Salaries and Wages		$	1,380,772
Benefits			804,406
Training and Civic Affairs			29,452
Communication and Utilities			14,993
Materials and Supplies			21,259
Contractual Services			55,999
Equipment			5,000
Operating Transfer Charges			142,020
Total		***$***	***2,453,901***
Total Authorized Full-Time Positions	***21***		

CLERK OF THE PEACE

Salaries and Wages		$	483,477
Benefits			282,975
Training and Civic Affairs			9,600
Communication and Utilities			5,484
Materials and Supplies			8,754
Contractual Services			18,268
Equipment Replacement			6,000
Operating Transfer Charges			30,824
Total		***$***	***845,382***
Total Authorized Full-Time Positions	***7***		

DEBT SERVICE

Debt Service		$	45,778,427
Total		***$***	***45,778,427***
Total Authorized Full-Time Positions			

ETHICS COMMISSION		
Salaries and Wages	$	40,200
Benefits		4,181
Training and Civic Affairs		10,500
Communication and Utilities		1,898
Materials and Supplies		2,450
Contractual Services		235,747
Equipment		500
Operating Transfer Charges		6,360
Total	***$***	***301,836***
Total Authorized Full-Time Positions 0		

COUNCIL CONTINGENCY		
Contingency	$	213,444
Total	***$***	***213,444***
Total Authorized Full-Time Positions		

EXECUTIVE CONTINGENCY		
Contingency	$	297,300
Total	***$***	***297,300***
Total Authorized Full-Time Positions		

PERSONNEL CONTINGENCY		
Contingency	$	455,000
Total	***$***	***455,000***
Total Authorized Full-Time Positions		

ATTRITION CONTINGENCY		
Personal Services - Salaries and Wages	$	(6,164,693)
Personal Services - Employee Benefits	$	(3,608,135)
Total	***$***	***(9,772,828)***
Total Authorized Full-Time Positions		

ONE-TIME CONTINGENCY		
Contingency	$	324,173
Total	***$***	***324,173***

NEW CASTLE COUNTY

Salaries and Wages		$	140,964,148
Benefits			78,096,165
Training and Civic Affairs			687,697
Communication and Utilities			37,154,561
Materials and Supplies			7,695,896
Contractual Services	~~26,125,442~~		27,005,442
Equipment			2,774,326
Grants and Fixed Charges			17,495,279
Debt Service			45,778,427
Land and Structures			35,000
Contingency			1,292,917
Operating Transfer Charges			16,501,825
Operating Transfer Credits			(20,760,521)
Sub-Total New Castle County	***~~353,841,162~~***	***$***	**354,721,162**
Total Authorized Full-Time Positions 1,681			

RESERVE ACCOUNTS ANTICIPATED BALANCES AS OF OCTOBER 22, 2024

Tax Stabilization Reserve Account	~~61,269,981~~	60,389,981
Sewer Rate Stabilization Reserve Account		5,405,407
General Fund Budget Reserve Account		45,312,006
Sewer Fund Budget Reserve Account		18,734,142
Total Reserves:	**~~130,721,536~~**	**129,841,536**

Prime Sponsor(s): Mr. Smiley, Mr. Cartier
Requested by: Administration
Date of introduction: November 19, 2024

ORDINANCE NO. 24-168

AMEND THE FY2025 APPROVED OPERATING BUDGET: APPROPRIATE FUNDING FROM THE NEW CASTLE COUNTY TECHNOLOGY FEE ACCOUNT WITHIN THE OFFICE OF THE RECORDER OF DEEDS AND RECORDER OF DEEDS TECHNOLOGY FEE ACCOUNT TO THE DEPARTMENT OF PUBLIC SAFETY, DIVISION OF EMERGENCY MEDICAL SERVICES FOR THE PURCHASE OF HANDTEVY

WHEREAS, this Ordinance will amend the FY2025 Approved Operating Budget by appropriating $11,278.80 from the New Castle County Technology Fee Account within the Office of the Recorder of Deeds and $11,287.80 from the Recorder of Deeds Technology Fee Account to the Department of Public Safety, Division of Emergency Medical Services; and

WHEREAS, additional funding is needed to procure a product called Handtevy which allows paramedics to make rapid, safe, and accurate drug calculations and equipment selections for pediatric and adult patients; and

WHEREAS, since the administration of medications to pediatric patients are usually done in HALO (high acuity, low occurrence) situations that involve critically ill children a standard, accurate form of calculating drug doses can be critical and mitigate significant risk; and

WHEREAS, the revenue measures heretofore adopted by the County Council, are, in the opinion of the County Executive, estimated to yield sums at least sufficient to balance the proposed expenditures as set forth in the Approved Annual Operating Budget as hereinafter amended.

NOW, THEREFORE, THE COUNTY OF NEW CASTLE HEREBY ORDAINS:

Section 1. The Annual Operating Budget for the fiscal year beginning July 1, 2024, is hereby amended by deleting the material stricken and adding the material underscored on the attached “Exhibit A.”

Section 2. The foregoing amendment shall be considered a part of the Annual Operating Budget for the fiscal year beginning July 1, 2024, and shall be effective retroactively as though incorporated initially in the Annual Operating Budget.

Section 3. This Ordinance shall become effective immediately upon its adoption by County Council and approval by the County Executive, or as otherwise provided in 9 *Del. C.* § 1156.

Adopted by County Council of
New Castle County on:

____
Monique Williams-Johns
President of County Council
of New Castle County

Approved on:

____
Matthew Meyer
County Executive
New Castle County

SYNOPSIS: This Ordinance, if approved, amends the FY2025 Approved Operating Budget by appropriating $11,278.80 from the New Castle County Technology Fee Account within the Office of the Recorder of Deeds and $11,287.80 from the Recorder of Deeds Technology Fee Account to the Department of Public Safety, Division of Emergency Medical Services. These funds are needed to procure a product called Handtevy which allows paramedics to make rapid, safe, and accurate drug calculations and equipment selections for pediatric and adult patients.

FISCAL NOTE: This Ordinance, if approved, will amend the FY2025 Approved Operating Budget by appropriating $11,278.80 from the New Castle County Technology Fee Account within the Office of the Recorder of Deeds and $11,287.80 from the Recorder of Deeds Technology Fee Account to the Department of Public Safety, Division of Emergency Medical Services in the Contractual Service Budget Line Item.

The revised FY2025 Approved Operating Budget will be $353,863,720. Fiscal impact for future years is estimated at $9,900 in FY2026 and $9,900 in FY2027 based on the current annual fee for the medication software subscription which will be covered in the Department of Public Safety, Division of Emergency Medical Services Operating Budget.

The balance in the New Castle County Technology Fee Account after this appropriation will be $256,972.45. The balance in the Recorder of Deeds Technology Fee Account after this appropriation will be $170,570.88.

EXHIBIT A1

COUNTY COUNCIL

Salaries and Wages	$	2,552,351
Benefits		1,493,866
Training and Civic Affairs		68,351
Communication and Utilities		17,483
Materials and Supplies		59,776
Contractual Services		255,088
Equipment		11,693
Grants and Fixed Charges		352,233
Operating Transfer Charges		175,627
Total	***$***	***4,986,468***
Total Authorized Full-Time Positions 35		

COUNTY EXECUTIVE

Salaries and Wages	$	2,033,684
Benefits		1,190,296
Training and Civic Affairs		31,904
Communication and Utilities		16,798
Materials and Supplies		22,236
Contractual Services		290,565
Equipment		1,000
Grants and Fixed Charges		345,700
Contingency		3,000
Operating Transfer Charges		105,264
Total	***$***	***4,040,447***
Total Authorized Full-Time Positions 17		

DEPARTMENT OF ADMINISTRATION

Salaries and Wages	$	12,986,061
Benefits		7,506,461
Training and Civic Affairs		125,475
Communication and Utilities		8,286,620
Materials and Supplies		168,702
Contractual Services		6,872,755
Equipment		409,042
Grants and Fixed Charges		3,932,350
Operating Transfer Charges		1,142,324
Operating Transfer Credits		(12,812,422)
Total	***$***	***28,617,368***
Total Authorized Full-Time Positions 168		

DEPARTMENT OF PUBLIC WORKS

Salaries and Wages	$	27,135,440
Benefits		15,765,968
Training and Civic Affairs		45,445
Communication and Utilities		26,068,271
Materials and Supplies		4,565,701
Contractual Services		10,855,070
Equipment		524,559
Grants and Fixed Charges		1,193,025
Land and Structures		35,000
Operating Transfer Charges		4,574,405
Operating Transfer Credits		(7,722,122)
Total	***$***	
Total Authorized Full-Time Positions 389		

DEPARTMENT OF LAND USE

Salaries and Wages	$	8,156,971
Benefits		4,742,077
Training and Civic Affairs		66,975
Communication and Utilities		111,242
Materials and Supplies		101,727
Contractual Services		1,444,409
Equipment		53,440
Grants and Fixed Charges		56,500
Operating Transfer Charges		1,061,595
Total	***$***	***15,794,936***
Total Authorized Full-Time Positions 112		

DEPARTMENT OF COMMUNITY SERVICES

Salaries and Wages	$	12,609,748
Benefits		5,574,747
Training and Civic Affairs		23,167
Communication and Utilities		1,578,498
Materials and Supplies		1,655,039
Contractual Services		3,745,504
Equipment		30,034
Grants and Fixed Charges		3,250,899
Operating Transfer Charges		1,175,272
Operating Transfer Credits		(225,977)
Total	***$***	***29,416,931***
Total Authorized Full-Time Positions 162		

DEPARTMENT OF PUBLIC SAFETY

Salaries and Wages		$	77,334,401
Benefits			42,955,735
Training and Civic Affairs			201,708
Communication and Utilities			1,011,236
Materials and Supplies			1,070,626
Contractual Services	~~2,204,744~~		2,227,302
Equipment			1,720,283
Grants and Fixed Charges			8,345,222
Operating Transfer Charges			7,843,655
Total	***~~142,687,610~~***	***$***	***142,710,168***
Total Authorized Full-Time Positions 727			

REGISTER OF WILLS

Salaries and Wages	$	1,159,211
Benefits		660,186
Training and Civic Affairs		34,950
Communication and Utilities		12,209
Materials and Supplies		10,053
Contractual Services		62,715
Equipment		2,800
Operating Transfer Charges		82,214
Total	***$***	***2,024,338***
Total Authorized Full-Time Positions 20		

RECORDER OF DEEDS

Salaries and Wages	$	1,256,525
Benefits		723,402
Training and Civic Affairs		40,170
Communication and Utilities		29,829
Materials and Supplies		10,573
Contractual Services		84,578
Equipment		9,975
Grants and Fixed Charges		18,350
Operating Transfer Charges		162,265
Total	$	***2,335,667***
Total Authorized Full-Time Positions 23		

SHERIFF

Salaries and Wages	$	1,380,772
Benefits		804,406
Training and Civic Affairs		29,452
Communication and Utilities		14,993
Materials and Supplies		21,259
Contractual Services		55,999
Equipment		5,000
Operating Transfer Charges		142,020
Total	***$***	***2,453,901***
Total Authorized Full-Time Positions 21		

CLERK OF THE PEACE

Salaries and Wages	$	483,477
Benefits		282,975
Training and Civic Affairs		9,600
Communication and Utilities		5,484
Materials and Supplies		8,754
Contractual Services		18,268
Equipment Replacement		6,000
Operating Transfer Charges		30,824
Total	***$***	***845,382***
Total Authorized Full-Time Positions 7		

DEBT SERVICE

Debt Service	$	45,778,427
Total	***$***	***45,778,427***
Total Authorized Full-Time Positions		

ETHICS COMMISSION

Salaries and Wages	$	40,200
Benefits		4,181
Training and Civic Affairs		10,500
Communication and Utilities		1,898
Materials and Supplies		2,450
Contractual Services		235,747
Equipment		500
Operating Transfer Charges		6,360
Total	***$***	***301,836***
Total Authorized Full-Time Positions ***0***		

COUNCIL CONTINGENCY

Contingency	$	213,444
Total	***$***	***213,444***
Total Authorized Full-Time Positions		

EXECUTIVE CONTINGENCY

Contingency	$	297,300
Total	***$***	***297,300***
Total Authorized Full-Time Positions		

PERSONNEL CONTINGENCY

Contingency	$	455,000
Total	***$***	***455,000***
Total Authorized Full-Time Positions		

ATTRITION CONTINGENCY

Personal Services - Salaries and Wages	$	(6,164,693)
Personal Services - Employee Benefits	$	(3,608,135)
Total	***$***	***(9,772,828)***
Total Authorized Full-Time Positions		

ONE-TIME CONTINGENCY

Contingency	$	324,173
Total	***$***	***324,173***

EXHIBIT A6

NEW CASTLE COUNTY			
Salaries and Wages		$	140,964,148
Benefits			78,096,165
Training and Civic Affairs			687,697
Communication and Utilities			37,154,561
Materials and Supplies			7,696,896
Contractual Services	~~26,125,442~~		26,148,000
Equipment			2,774,326
Grants and Fixed Charges			17,494,279
Debt Service			45,778,427
Land and Structures			35,000
Contingency			1,292,917
Operating Transfer Charges			16,501,825
Operating Transfer Credits			(20,760,521)
Sub-Total New Castle County	***~~353,841,162~~***	***$***	**353,863,720**
Total Authorized Full-Time Positions 1,681			

RESERVE ACCOUNTS ANTICIPATED BALANCES AS OF OCTOBER 22, 2024	
Tax Stabilization Reserve Account	61,269,981
Sewer Rate Stabilization Reserve Account	5,405,407
General Fund Budget Reserve Account	45,312,006
Sewer Fund Budget Reserve Account	18,734,142
Total Reserves:	**130,721,536**

Prime sponsor(s): Ms. Durham
Date of introduction: November 19, 2024

ORDINANCE NO. 24-169

AMENDING *NEW CASTLE COUNTY CODE* CHAPTER 2 (“ADMINISTRATION”) AND CHAPTER 14 (“FINANCE AND TAXATION”) TO COMPENSATE CERTAIN MEMBERS OF COUNTY BOARDS, COMMITTEES, AND COMMISSIONS

WHEREAS, individuals who serve without pay on the many New Castle County boards, committees, and commissions (hereinafter, collectively the “Committees” (plural) or “Committee” (singular), where circumstances provide) perform invaluable service to the County; and

WHEREAS, presently, only eligible Committee members, which does not include current government employees, of the Board of Adjustment, the Board of Assessment Review, the Historic Review Board, the Planning Board, the Human Resources Advisory Board, and the Police Accountability Board are compensated; and

WHEREAS, not being able to compensate members adds complexity to finding individuals to serve on Committees; and

WHEREAS, individuals who serve on Committees often have to personally pay for expenses such as travel and parking, in addition to suffering lost opportunities where they could receive pay for their services; and

WHEREAS, serving on a Committee can cause personal hardship vis a vis family commitments and other matters; and

WHEREAS, equally compensating members on Committees will attract more residents to serve, will increase retention, and will establish greater parity among the Committees.

NOW, THEREFORE, THE COUNTY OF NEW CASTLE HEREBY ORDAINS:

Section 1. *New Castle County Code* Chapter 2 (“Administration”) and Chapter 14 (“Finance and Taxation”) are hereby amended by adding the material that is underlined and deleting the material with strikethroughs, as follows.

Chapter 2 - ADMINISTRATION

…

Division 2.02.400. - County Council Audit Committee…

Sec. 2.02.402. - Established; terms; officers; quorum.

…

C. Only eligible Committee members, which does not include current employees of any governmental body, shall be compensated for each meeting attended only in accordance with a pay plan adopted by County Council.

…

Division 2.04.000. - Generally…

Sec. 2.04.003. - Compensated boards, committees, and commissions.

A. No compensation shall be given other than that specified in this Code.

…

Division 2.05.100. - Department of Land Use…

Sec. 2.05.103. - Board of License Inspection and Review…

A. A Board of License Inspection and Review shall consist of five (5) members...

B. Only eligible Board members, which does not include current employees of any governmental body, shall be compensated for each meeting attended only in accordance with a pay plan adopted by County Council.

…

Sec. 2.05.106. - Agricultural Land Preservation Advisory Committee.

…

G. Only eligible Committee members, which does not include current employees of any governmental body, shall be compensated for each meeting attended only in accordance with a pay plan adopted by County Council.

…

Division 2.05.200. - Department of Public Safety…

Sec. 2.05.203. - Fire and Ambulance Advisory Board…

A. Members; terms; removal; Vice-chairperson; quorum.

…

C. Only eligible Board members, which does not include current employees of any governmental body, shall be compensated for each meeting attended only in accordance with a pay plan adopted by County Council.

…

Division 2.05.300. - Department of Public Works…

Sec. 2.05.306. - Open Space Advisory Board.

…

H. Only eligible Board members, which does not include current employees of any governmental body,shall be compensated for each meeting attended only in accordance with a pay plan adopted by County Council.

…

Division 2.05.400. - Department of Community Services…

Sec. 2.05.403. - Library Advisory Board.

A. The Library Advisory Board shall consist of...

B. Only eligible Board members, which does not include current employees of any governmental body, shall be compensated for each meeting attended only in accordance with a pay plan adopted by County Council.

…

Sec. 2.05.406. - Housing advisory board - Established; composition; terms of office; qualification of members; duties and powers…

C. Only eligible Board members, which does not include current employees of any governmental body, shall be compensated for each meeting attended only in accordance with a pay plan adopted by County Council.

…

Division 2.05.500. - Department of Administration…

Sec. 2.05.505. - Employees Retirement System Board of Trustees…

…

E. Only eligible Board members, which does not include current employees of any governmental body, shall be compensated for each meeting attended only in accordance with a pay plan adopted by County Council.

…

Sec. 2.05.509. - New Castle County Diversity Commission – Established; terms; officers; quorum; voting; meetings.

…

E. Only eligible Commission members, which does not include current employees of any governmental body, shall be compensated for each meeting attended only in accordance with a pay plan adopted by County Council.

…

Sec. 2.05.516 - New Castle County Public Arts Commission.

…

J. Only eligible Commission members, which does not include current employees of any governmental body, shall be compensated for each meeting attended only in accordance with a pay plan adopted by County Council.

…

Chapter 14 - FINANCE AND TAXATION

Sec. 14.01.019. - New Castle County Financial Advisory Council.

…

E. Only eligible Council members, which does not include current employees of any governmental body,shall be compensated for each meeting attended only in accordance with a pay plan adopted by County Council.

Section 2. This Ordinance shall become effective immediately upon its adoption by County Council and approval by the County Executive, or as otherwise provided in 9 *Del. C.* § 1156.

Adopted by County Council of
New Castle County on:

____

Monique Williams-Johns
President of County Council
of New Castle County

Approved on:

____

Matthew Meyer
County Executive
New Castle County

SYNOPSIS: This Ordinance serves as enabling legislation and authorizes only eligible members of each identified board, committee, and commission, which does not include current employees of any governmental body, to be compensated for their services only in accordance with a pay plan adopted by County Council.

FISCAL NOTE: This Ordinance is enabling legislation which proposes to amend the pay plans and rates of pay for eligible members for attendance at regular and special meetings of the Committees identified to $100/meeting. The fiscal impact (Salaries/Wages and relevant Benefits) of this change is estimated to be $46,782 in FY2025, $62,375 in FY2026, and $62,375 in FY2027.

Currently, members of the identified Committees are not paid for their attendance at meetings of the identified Committees.

Prime Sponsor(s): Ms. Durham
Date of introduction: November 19, 2024

ORDINANCE NO. 24-170

AMENDING THE PAY PLANS AND RATES OF PAY FOR ELIGIBLE MEMBERS OF CERTAIN NEW CASTLE COUNTY BOARDS, COMMITTEES, AND COMMISSIONS

WHEREAS, individuals who serve on the many boards, committees, and commissions (hereinafter, collectively the "Committees" (plural) or "Committee" (singular), where circumstances provide), in many cases without compensation, of New Castle County perform invaluable service to the County; and

WHEREAS, presently, only eligible members of the Board of Adjustment, the Board of Assessment Review, the Historic Review Board, the Planning Board, the Human Resources Advisory Board, and the Police Accountability Board are compensated; and

WHEREAS, it is difficult for the County to identify individuals to serve on Committees without compensation; and

WHEREAS, at times, serving on a Committee costs members personally in financial terms due to travel and parking expenses as well as potential lost opportunities to work elsewhere for pay; and

WHEREAS, serving on a Committee can also represent a personal hardship vis a vis family commitments and other matters; and

WHEREAS, compensating members of County Committees, which does not include current employees of any governmental body, will attract and retain qualified residents to serve, and would establish greater balance among the Committees; and

WHEREAS, as a matter of fairness, the proposed increases in rates of pay for regular and special meetings for the certain Committees reflected on Exhibits A-C would establish parity among the Committees.

NOW, THEREFORE, THE COUNTY OF NEW CASTLE HEREBY ORDAINS:

Section 1. The pay plans and rates of pay for the Committee members noted on the attached Exhibits, which does not include current employees of any governmental body, are hereby amended by deleting the material that is stricken and adding the material that is underscored as reflected on Exhibits A-C.

Section 2. This Ordinance shall become effective upon the date of its adoption by County Council and approval by the County Executive, or as otherwise provided in 9 *Del. C.* § 1156.

Adopted by County Council of
New Castle County on:

____

Monique Williams-Johns
President of County Council
of New Castle County

Approved on:

____

Matthew Meyer
County Executive
New Castle County

SYNOPSIS: This Ordinance proposes to amend the pay plans and rates of pay for attendance at regular and special meetings for eligible members who serve on the New Castle County Committees identified on the attached Exhibits A-C, which does not include current employees of any governmental body.

FISCAL IMPACT: This Ordinance proposes to amend the pay plans and rates of pay for eligible members for attendance at regular and special meetings of the Committees identified on Exhibits A-C to $100/meeting. The fiscal impact (Salaries/Wages and relevant Benefits) of this proposed change is estimated to be $46,782 in FY2025, $62,375 in FY2026, and $62,375 in FY2027.

Currently, members of the identified Committees are not paid for their attendance at meetings of the identified Committees.

PAY PLAN AND RATES OF PAY FOR
NON-UNION UNCLASSIFIED SERVICE EMPLOYEES OF THE EXECUTIVE OFFICE

CLASSIFICATION	PAY GRADE	1	2	3	4	5	6	7	8	9	10	11
LEGAL SECRETARY	17	36,676	38,510	40,436	42,457	44,580	46,809	49,150	51,607	54,188	56,897	59,742
ETHICS COMMISSION ADMIN ASST	20	42,458	44,581	46,810	49,151	51,609	54,189	56,898	59,744	62,730	65,867	69,160
EXECUTIVE ASSISTANT I	22	46,809	49,150	51,607	54,188	56,897	59,743	62,729	65,866	69,159	72,617	76,248
OFFICE OF LAW PARALEGAL	24	51,609	54,189	56,898	59,744	62,730	65,867	69,160	72,618	76,249	80,062	84,065
PARALEGAL TO THE COUNTY ATTORNEY	25	54,190	56,899	59,745	62,732	65,868	69,161	72,619	76,250	80,063	84,066	88,269
EXECUTIVE ASSISTANT II	26	56,899	59,745	62,732	65,868	69,161	72,619	76,250	80,063	84,066	88,269	92,682
LAW ENFORCEMENT TECHNICIAN	26											
COMPLAINTS OFFICER	27	59,744	62,730	65,867	69,160	72,618	76,249	80,062	84,065	88,268	92,682	97,316
EXECUTIVE ASSISTANT III	30	69,161	72,619	76,250	80,063	84,066	88,269	92,683	97,317	102,183	107,292	112,657
STAFF DIRECTOR	30											
ASSISTANT COUNTY ATTORNEY I	32	76,252	80,065	84,068	88,271	92,685	97,319	102,185	107,294	112,658	118,291	124,206
ASSISTANT COUNTY ATTORNEY II	34	84,067	88,270	92,684	97,318	102,184	107,293	112,657	118,290	124,204	130,414	136,935
DIRECTOR OF COMMUNICATIONS	34											
EXECUTIVE ASSISTANT IV	34											
DIRECTOR OF REDEVELOPMENT	36	92,684	97,318	102,184	107,293	112,657	118,290	124,204	130,414	136,934	143,781	150,970
SENIOR ASSISTANT COUNTY ATTORNEY												
CHIEF HUMAN RESOURCES OFFICER	38	102,185	107,294	112,658	118,291	124,206	130,416	136,937	143,784	150,974	158,523	166,449
CHIEF OF TECHNOLOGY AND ADMIN SERVICES	38											
COMMUNITY SERVICES DEPT. GEN. MANAGER	38											
COUNTY SOLICITOR	39	107,295	112,659	118,293	124,207	130,417	136,938	143,785	150,975	158,524	166,449	174,771
CHIEF FINANCIAL OFFICER	40	112,658	118,291	124,206	130,416	136,937	143,783	150,973	158,522	166,447	174,769	183,507
CHIEF OF STAFF	40											
COUNTY ATTORNEY	40											
DEPUTY CHIEF ADMINISTRATIVE OFFICER	40											
DIRECTOR OF PUBLIC SAFETY	40											
LAND USE DEPARTMENT GENERAL MANAGER	40											
POLICY DIRECTOR FOR THE COUNTY EXECUTIVE	40											
PUBLIC WORKS DEPARTMENT GENERAL MGR.	40											
CHIEF OF POLICE	41	137,997	144,896	152,141	159,748	167,736	176,123	184,929	194,175	203,884	214,078	224,782
PART-TIME ATTORNEY (hourly rate)		42.42	44.54	46.77	49.11	51.57	54.15	56.86	59.70	62.69	65.82	69.11
EXECUTIVE AND ADMINISTRATIVE RATES OF PAY												
CHIEF ADMINISTRATIVE OFFICER		109,439	123,665	131,085	138,951	154,235	161,946	170,043	178,545	187,472	196,846	206,688

BOARD AND COMMISSIONERS RATES OF PAY

JUDGEMENT COMMISSIONERS	$9.25 PER HOUR
MEMBER, AGRICULTURAL LAND PRESERVATION ADVISORY COMMITTEE	$100 PER REGULAR MEETING/SPECIAL MEETING FOR ELIGIBLE MEMBERS PER NCC CODE 2.05.106
MEMBER, AUDIT COMMITTEE	$100 PER REGULAR MEETING/SPECIAL MEETING FOR ELIGIBLE MEMBERS PER NCC CODE 2.02.402
MEMBER, BOARD OF ADJUSTMENT	$100 PER REGULAR MEETING~~/ AND $100 PER~~ SPECIAL MEETING PER NCC CODE 40.30.341
MEMBER, BOARD OF ASSESSMENT REVIEW	$100 PER MEETING FOR ANY MEETING LASTING NOT MORE THAN SIX (6) HOURS PLUS $25 PER HOUR FOR EVERY HOUR OVER SIX THAT A MEMBER SPENDS HEARING APPEALS IN A SINGLE DAY PER ELIGIBLE MEMBERS PER NCC CODE 02.05.102
MEMBER, BOARD OF LICENSE INSPECTION AND REVIEW	$100 PER REGULAR MEETING/SPECIAL MEETING FOR ELIGIBLE MEMBERS PER NCC CODE 2.05.103
MEMBER, DIVERSITY COMMISSION	$100 PER REGULAR MEETING/SPECIAL MEETING FOR ELIGIBLE MEMBERS PER NCC CODE 2.05.509
MEMBER, EMPLOYEES' RETIREMENT SYSTEM BOARD	$100 PER REGULAR MEETING/SPECIAL MEETING FOR ELIGIBLE MEMBERS PER NCC CODE 2.05.505
MEMBER, FINANCIAL ADVISORY COUNCIL	$100 PER REGULAR MEETING/SPECIAL MEETING FOR ELIGIBLE MEMBERS PER NCC CODE 14.01.019
MEMBER, FIRE AND AMBULANCE ADVISORY BOARD	$100 PER REGULAR MEETING/SPECIAL MEETING FOR ELIGIBLE MEMBERS PER NCC CODE 2.05.203
MEMBER, HISTORIC REVIEW BOARD	$100 PER REGULAR MEETING~~/AND $100 PER~~ SPECIAL MEETING PER NCC CODE 40.30.341
MEMBER, HOUSING ADVISORY BOARD	$100 PER REGULAR MEETING/SPECIAL MEETING FOR ELIGIBLE MEMBERS PER NCC CODE 2.05.406
MEMBER, HUMAN RESOURCES ADVISORY BOARD	$100 PER MEETING PER NCC CODE 2.05.507
MEMBER, LIBRARY ADVISORY BOARD	$100 PER REGULAR MEETING/SPECIAL MEETING FOR ELIGIBLE MEMBERS PER NCC CODE 2.05.403
MEMBER, OPEN SPACE ADVISORY BOARD	$100 PER REGULAR MEETING/SPECIAL MEETING FOR ELIGIBLE MEMBERS PER NCC CODE 2.05.306
MEMBER, PLANNING BOARD	$100 PER REGULAR MEETING~~/AND $100 PER~~ SPECIAL MEETING PER NCC CODE 40.30.341
MEMBER, POLICE ACCOUNTABILITY BOARD	$100 PER REGULAR MEETING~~/AND $100 PER~~ SPECIAL MEETING FOR ELIGIBLE MEMBERS PER NCC CODE 2.05.204
MEMBER, PUBLIC ARTS COMMISSION	$100 PER REGULAR MEETING/SPECIAL MEETING FOR ELIGIBLE MEMBERS PER NCC CODE 2.05.516

Effective: 07/01/2024 (Ordinance 23-063)
Revised: 07/01/2024 (Ordinance 23-086)
Revised: 07/01/2023 (Ordinance 23-148)
Revised: 07/01/2024 (Ordinance 24-056)
Revised: 10/8/2024 (Ordinance 24-149)
Revised: 10/8/2024 (Ordinance 24-151) - Add Step 11 (Incumbents in Step 10 on 6/30/2024, move to Step 11 upon reaching anniversary date following 7/1/2024)
Revised: xx/xx/xxxx (Ordinance 24-xxx) - Board Member Compensation

PAY PLAN AND RATES OF PAY FOR
NON-UNION UNCLASSIFIED SERVICE EMPLOYEES OF THE EXECUTIVE OFFICE

CLASSIFICATION	PAY GRADE	1	2	3	4	5	6	7	8	9	10	11
LEGAL SECRETARY	17	37,593	39,473	41,447	43,519	45,695	47,980	50,379	52,898	55,543	58,320	61,236
ETHICS COMMISSION ADMIN ASST	20	43,520	45,696	47,981	50,380	52,900	55,544	58,321	61,238	64,299	67,514	70,889
EXECUTIVE ASSISTANT I	22	47,980	50,379	52,898	55,543	58,320	61,237	64,298	67,513	70,888	74,433	78,155
OFFICE OF LAW PARALEGAL	24	52,900	55,544	58,321	61,238	64,299	67,512	70,889	74,434	78,156	82,064	86,167
PARALEGAL TO THE COUNTY ATTORNEY	25	55,545	58,322	61,239	64,301	67,515	70,891	74,435	78,157	82,065	86,168	90,476
EXECUTIVE ASSISTANT II	26	58,322	61,239	64,301	67,515	70,891	74,435	78,157	82,065	86,168	90,476	95,000
LAW ENFORCEMENT TECHNICIAN	26											
COMPLAINTS OFFICER	27	61,238	64,299	67,514	70,889	74,434	78,156	82,064	86,167	90,475	95,000	99,749
EXECUTIVE ASSISTANT III	30	70,891	74,435	78,157	82,065	86,168	90,476	95,001	99,750	104,738	109,975	115,474
STAFF DIRECTOR	30											
ASSISTANT COUNTY ATTORNEY I	32	78,159	82,067	86,170	90,478	95,003	99,752	104,740	109,977	115,475	121,249	127,312
ASSISTANT COUNTY ATTORNEY II	34	86,169	90,477	95,002	99,751	104,739	109,976	115,474	121,248	127,310	133,675	140,359
DIRECTOR OF COMMUNICATIONS	34											
EXECUTIVE ASSISTANT IV	34											
DIRECTOR OF REDEVELOPMENT	36	95,002	99,751	104,739	109,976	115,474	121,248	127,310	133,675	140,358	147,376	154,745
SENIOR ASSISTANT COUNTY ATTORNEY												
CHIEF HUMAN RESOURCES OFFICER	38	104,740	109,977	115,475	121,249	127,312	133,677	140,361	147,379	154,749	162,487	170,611
CHIEF OF TECHNOLOGY AND ADMIN SERVICES	38											
COMMUNITY SERVICES DEPT. GEN. MANAGER	38											
COUNTY SOLICITOR	39	109,978	115,476	121,251	127,313	133,678	140,362	147,380	154,750	162,488	170,611	179,141
CHIEF FINANCIAL OFFICER	40	115,475	121,249	127,312	133,677	140,361	147,378	154,748	162,486	170,609	179,139	188,095
CHIEF OF STAFF	40											
COUNTY ATTORNEY	40											
DEPUTY CHIEF ADMINISTRATIVE OFFICER	40											
DIRECTOR OF PUBLIC SAFETY	40											
LAND USE DEPARTMENT GENERAL MANAGER	40											
POLICY DIRECTOR FOR THE COUNTY EXECUTIVE	40											
PUBLIC WORKS DEPARTMENT GENERAL MGR.	40											
CHIEF OF POLICE	41	141,447	148,518	155,945	163,742	171,929	180,526	189,552	199,029	208,981	219,430	230,402
PART-TIME ATTORNEY (hourly rate)		43.48	45.65	47.93	50.33	52.85	55.49	58.26	61.17	64.23	67.44	71.00
EXECUTIVE AND ADMINISTRATIVE RATES OF PAY												
CHIEF ADMINISTRATIVE OFFICER		112,175	126,757	134,363	142,425	158,091	165,995	174,295	183,009	192,159	201,768	211,856

BOARD AND COMMISSIONERS RATES OF PAY

JUDGEMENT COMMISSIONERS	$9.25 PER HOUR
MEMBER, AGRICULTURAL LAND PRESERVATION ADVISORY COMMITTEE	$100 PER REGULAR MEETING/SPECIAL MEETING FOR ELIGIBLE MEMBERS PER NCC CODE 2.05.106
MEMBER, AUDIT COMMITTEE	$100 PER REGULAR MEETING/SPECIAL MEETING FOR ELIGIBLE MEMBERS PER NCC CODE 2.02.402
MEMBER, BOARD OF ADJUSTMENT	$100 PER REGULAR MEETING/~~ AND $100 PER~~ SPECIAL MEETING PER NCC CODE 40.30.341
MEMBER, BOARD OF ASSESSMENT REVIEW	$100 PER MEETING FOR ANY MEETING LASTING NOT MORE THAN SIX (6) HOURS PLUS $25 PER HOUR FOR EVERY HOUR OVER SIX THAT A MEMBER SPENDS HEARING APPEALS IN A SINGLE DAY PER ELIGIBLE MEMBERS PER NCC CODE 02.05.102
MEMBER, BOARD OF LICENSE INSPECTION AND REVIEW	$100 PER REGULAR MEETING/SPECIAL MEETING FOR ELIGIBLE MEMBERS PER NCC CODE 2.05.103
MEMBER, DIVERSITY COMMISSION	$100 PER REGULAR MEETING/SPECIAL MEETING FOR ELIGIBLE MEMBERS PER NCC CODE 2.05.509
MEMBER, EMPLOYEES' RETIREMENT SYSTEM BOARD	$100 PER REGULAR MEETING/SPECIAL MEETING FOR ELIGIBLE MEMBERS PER NCC CODE 2.05.505
MEMBER, FINANCIAL ADVISORY COUNCIL	$100 PER REGULAR MEETING/SPECIAL MEETING FOR ELIGIBLE MEMBERS PER NCC CODE 14.01.019
MEMBER, FIRE AND AMBULANCE ADVISORY BOARD	$100 PER REGULAR MEETING/SPECIAL MEETING FOR ELIGIBLE MEMBERS PER NCC CODE 2.05.203
MEMBER, HISTORIC REVIEW BOARD	$100 PER REGULAR MEETING/~~AND $100 PER~~ SPECIAL MEETING PER NCC CODE 40.30.341
MEMBER, HOUSING ADVISORY BOARD	$100 PER REGULAR MEETING/SPECIAL MEETING FOR ELIGIBLE MEMBERS PER NCC CODE 2.05.406
MEMBER, HUMAN RESOURCES ADVISORY BOARD	$100 PER MEETING PER NCC CODE 2.05.507
MEMBER, LIBRARY ADVISORY BOARD	$100 PER REGULAR MEETING/SPECIAL MEETING FOR ELIGIBLE MEMBERS PER NCC CODE 2.05.403
MEMBER, OPEN SPACE ADVISORY BOARD	$100 PER REGULAR MEETING/SPECIAL MEETING FOR ELIGIBLE MEMBERS PER NCC CODE 2.05.306
MEMBER, PLANNING BOARD	$100 PER REGULAR MEETING/~~AND $100 PER~~ SPECIAL MEETING PER NCC CODE 40.30.341
MEMBER, POLICE ACCOUNTABILITY BOARD	$100 PER REGULAR MEETING/~~AND $100 PER~~ SPECIAL MEETING FOR ELIGIBLE MEMBERS PER NCC CODE 2.05.20
MEMBER, PUBLIC ARTS COMMISSION	$100 PER REGULAR MEETING/SPECIAL MEETING FOR ELIGIBLE MEMBERS PER NCC CODE 2.05.516

Effective: 07/01/2025 (Ordinance 23-063)
Revised: 07/01/2025 (Ordinance 23-086)
Revised: 07/01/2023 (Ordinance 23-148)
Revised: 07/01/2024 (Ordinance 24-056)
Revised: 10/8/2024 (Ordinance 24-149)
Revised: 10/8/2024 (Ordinance 24-151) - Add Step 11 (Incumbents in Step 10 on 6/30/2024, move to Step 11 upon reaching anniversary date following 7/1/2024)
Revised: xx/xx/xxxx (Ordinance 24-xxx) - Board Member Compensation

PAY PLAN AND RATES OF PAY FOR
NON-UNION UNCLASSIFIED SERVICE EMPLOYEES OF THE EXECUTIVE OFFICE

CLASSIFICATION	PAY GRADE	1	2	3	4	5	6	7	8	9	10	11
LEGAL SECRETARY	17	38,533	40,460	42,484	44,607	46,838	49,180	51,639	54,221	56,932	59,778	62,767
ETHICS COMMISSION ADMIN ASST	20	44,608	46,839	49,181	51,640	54,223	56,933	59,780	62,769	65,907	69,202	72,662
EXECUTIVE ASSISTANT I	22	49,180	51,639	54,221	56,932	59,778	62,768	65,906	69,201	72,661	76,294	80,109
OFFICE OF LAW PARALEGAL	24	54,223	56,933	59,780	62,769	65,907	69,202	72,662	76,295	80,110	84,116	88,322
PARALEGAL TO THE COUNTY ATTORNEY	25	56,934	59,781	62,770	65,909	69,203	72,664	76,296	80,111	84,117	88,323	92,738
EXECUTIVE ASSISTANT II	26	59,781	62,770	65,909	69,203	72,664	76,296	80,111	84,117	88,323	92,738	97,375
LAW ENFORCEMENT TECHNICIAN	26											
COMPLAINTS OFFICER	27	62,769	65,907	69,202	72,662	76,295	80,110	84,116	88,322	92,737	97,375	102,243
EXECUTIVE ASSISTANT III	30	72,664	76,296	80,111	84,117	88,323	92,738	97,377	102,244	107,357	112,725	118,361
STAFF DIRECTOR	30											
ASSISTANT COUNTY ATTORNEY I	32	80,113	84,119	88,325	92,740	97,379	102,246	107,359	112,727	118,362	124,281	130,495
ASSISTANT COUNTY ATTORNEY II	34	88,324	92,739	97,378	102,245	107,358	112,726	118,361	124,280	130,493	137,017	143,868
DIRECTOR OF COMMUNICATIONS	34											
EXECUTIVE ASSISTANT IV	34											
DIRECTOR OF REDEVELOPMENT	36	97,378	102,245	107,358	112,726	118,361	124,280	130,493	137,017	143,867	151,061	158,614
SENIOR ASSISTANT COUNTY ATTORNEY												
CHIEF HUMAN RESOURCES OFFICER	38	107,359	112,727	118,362	124,281	130,495	137,019	143,871	151,064	158,618	166,550	174,877
CHIEF OF TECHNOLOGY AND ADMIN SERVICES	38											
COMMUNITY SERVICES DEPT. GEN. MANAGER	38											
COUNTY SOLICITOR	39	112,728	118,363	124,283	130,496	137,020	143,872	151,065	158,619	166,551	174,877	183,620
CHIEF FINANCIAL OFFICER	40	118,362	124,281	130,495	137,019	143,871	151,063	158,617	166,549	174,875	183,618	192,798
CHIEF OF STAFF	40											
COUNTY ATTORNEY	40											
DEPUTY CHIEF ADMINISTRATIVE OFFICER	40											
DIRECTOR OF PUBLIC SAFETY	40											
LAND USE DEPARTMENT GENERAL MANAGER	40											
POLICY DIRECTOR FOR THE COUNTY EXECUTIVE	40											
PUBLIC WORKS DEPARTMENT GENERAL MGR.	40											
CHIEF OF POLICE	41	141,447	148,518	155,945	163,742	171,929	180,526	189,552	199,029	208,981	219,430	236,163
PART-TIME ATTORNEY (hourly rate)		44.57	46.80	49.14	51.60	54.18	56.89	59.73	62.72	65.86	69.15	73.00
EXECUTIVE AND ADMINISTRATIVE RATES OF PAY												
CHIEF ADMINISTRATIVE OFFICER		114,980	129,926	137,723	145,986	162,044	170,145	178,653	187,585	196,963	206,813	217,153

BOARD AND COMMISSIONERS RATES OF PAY

JUDGEMENT COMMISSIONERS	$9.25 PER HOUR
MEMBER, AGRICULTURAL LAND PRESERVATION ADVISORY COMMITTEE	$100 PER REGULAR MEETING/SPECIAL MEETING FOR ELIGIBLE MEMBERS PER NCC CODE 2.05.106
MEMBER, AUDIT COMMITTEE	$100 PER REGULAR MEETING/SPECIAL MEETING FOR ELIGIBLE MEMBERS PER NCC CODE 2.02.402
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MEMBER, EMPLOYEES' RETIREMENT SYSTEM BOARD	$100 PER REGULAR MEETING/SPECIAL MEETING FOR ELIGIBLE MEMBERS PER NCC CODE 2.05.505
MEMBER, FINANCIAL ADVISORY COUNCIL	$100 PER REGULAR MEETING/SPECIAL MEETING FOR ELIGIBLE MEMBERS PER NCC CODE 14.01.019
MEMBER, FIRE AND AMBULANCE ADVISORY BOARD	$100 PER REGULAR MEETING/SPECIAL MEETING FOR ELIGIBLE MEMBERS PER NCC CODE 2.05.203
MEMBER, HISTORIC REVIEW BOARD	$100 PER REGULAR MEETING/~~AND $100 PER~~ SPECIAL MEETING PER NCC CODE 40.30.341
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MEMBER, HUMAN RESOURCES ADVISORY BOARD	$100 PER MEETING PER NCC CODE 2.05.507
MEMBER, LIBRARY ADVISORY BOARD	$100 PER REGULAR MEETING/SPECIAL MEETING FOR ELIGIBLE MEMBERS PER NCC CODE 2.05.403
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Effective: 07/01/2026 (Ordinance 23-063)
Revised: 07/01/2026 (Ordinance 23-086)
Revised: 07/01/2023 (Ordinance 23-148)
Revised: 07/01/2024 (Ordinance 24-056)
Revised: 10/8/2024 (Ordinance 24-149)
Revised: 10/8/2024 (Ordinance 24-151) - Add Step 11 (Incumbents in Step 10 on 6/30/2024, move to Step 11 upon reaching anniversary date following 7/1/2024)
Revised: xx/xx/xxxx (Ordinance 24-xxx) - Board Member Compensation

Prime Sponsor(s): Mr. Smiley
Requested by: County Council
Date of introduction: November 19, 2024

ORDINANCE NO. 24-171

AMEND THE FY2025 APPROVED OPERATING BUDGET: TRANSFER FUNDING FROM THE GRANTS AND FIXED CHARGES BUDGET LINE ITEM OF COUNTY COUNCIL TO THE MATERIALS AND SUPPLIES BUDGET LINE ITEM OF THE DEPARTMENT OF COMMUNITY SERVICES, DIVISION OF COMMUNITY RESOURCES TO PROVIDE FUNDING FOR THE SENIOR EMERGENCY FOOD VOUCHER PROGRAM

WHEREAS, the Senior Emergency Food Voucher Program serves senior citizens of New Castle County who are food insecure by providing them with $100 food vouchers to use for food items at local grocery stores; and

WHEREAS, these seniors are on fixed incomes and cannot keep up with the ever-increasing cost of food and other life necessities; and

WHEREAS, the number of seniors who request emergency food vouchers is continuous; and

WHEREAS, County Council has budgeted funding available in the Grants and Fixed Charges Budget Line Item; and

WHEREAS, New Castle County Council wishes to provide funding to the Department of Community Services, Division of Community Resources for the Senior Emergency Food Voucher Program to assist in serving additional food-insecure seniors; and

WHEREAS, the revenue measures heretofore adopted by the County Council are, in the opinion of the County Executive, estimated to yield sums at least sufficient to balance the proposed expenditures as set forth in the Annual Operating Budget as hereinafter amended.

NOW, THEREFORE, THE COUNTY OF NEW CASTLE HEREBY ORDAINS:

Section 1. The Annual Operating Budget Ordinance for the fiscal year beginning July 1, 2024, is hereby amended by deleting the material that is stricken and adding the material that is underscored on the attached Exhibit "A."

Section 2. The foregoing amendment shall be considered a part of the Annual Operating Budget for the fiscal year beginning July 1, 2024 and shall be effective as though incorporated initially in the Annual Operating Budget Ordinance.

Section 3. This Ordinance shall become effective immediately upon its adoption by County Council and approval by the County Executive, or as otherwise provided in 9 *Del. C.* § 1156.

Adopted by County Council of
New Castle County on:

____

Monique Williams-Johns
President of County Council
of New Castle County

Approved on:

____

Matthew Meyer
County Executive
New Castle County

SYNOPSIS: This Ordinance, if approved, will transfer $2,000 from the County Council – Grants and Fixed Charges Budget Line Item to the Department of Community Services, Division of Community Resources – Materials and Supplies Budget Line Item within the FY2025 Approved Operating Budget to provide funding to the Senior Emergency Food Voucher Program to assist in serving additional food-insecure seniors.

FISCAL NOTE: This Ordinance, if approved, will amend the FY2025 Approved Operating Budget by transferring $2,000 from the County Council – Grants and Fixed Charges Budget Line Item to the Department of Community Services, Division of Community Resources – Materials and Supplies Budget Line Item to provide funding to the Senior Emergency Food Voucher Program to assist in serving additional food-insecure seniors.

This legislation will result in no increase to the FY2025 Approved Operating Budget as the legislation is a transfer of funds between Departments. There is no fiscal impact for FY2026 or FY2027.

COUNTY COUNCIL

Salaries and Wages		$	2,552,351
Benefits			1,493,866
Training and Civic Affairs			68,351
Communication and Utilities			17,483
Materials and Supplies			59,776
Contractual Services			255,088
Equipment			11,693
Grants and Fixed Charges	~~353,233~~		351,233
Operating Transfer Charges			175,627
Total	***~~4,987,468~~***	***$***	***4,985,468***
Total Authorized Full-Time Positions 35			

COUNTY EXECUTIVE

Salaries and Wages	$	2,033,684
Benefits		1,190,296
Training and Civic Affairs		31,904
Communication and Utilities		16,798
Materials and Supplies		22,236
Contractual Services		290,565
Equipment		1,000
Grants and Fixed Charges		345,700
Contingency		3,000
Operating Transfer Charges		105,264
Total	***$***	***4,040,447***
Total Authorized Full-Time Positions 17		

DEPARTMENT OF ADMINISTRATION

Salaries and Wages	$	12,986,061
Benefits		7,506,461
Training and Civic Affairs		125,475
Communication and Utilities		8,286,620
Materials and Supplies		168,702
Contractual Services		6,872,755
Equipment		409,042
Grants and Fixed Charges		3,932,350
Operating Transfer Charges		1,142,324
Operating Transfer Credits		(12,812,422)
Total	***$***	***28,617,368***
Total Authorized Full-Time Positions 168		

DEPARTMENT OF PUBLIC WORKS

Salaries and Wages		$	27,135,440
Benefits			15,765,968
Training and Civic Affairs			45,445
Communication and Utilities			26,068,271
Materials and Supplies			4,565,701
Contractual Services			10,855,070
Equipment			524,559
Grants and Fixed Charges			1,193,025
Land and Structures			35,000
Operating Transfer Charges			4,574,405
Operating Transfer Credits			(7,722,122)
Total		***$***	
Total Authorized Full-Time Positions ***389***			

DEPARTMENT OF LAND USE

Salaries and Wages		$	8,156,971
Benefits			4,742,077
Training and Civic Affairs			66,975
Communication and Utilities			111,242
Materials and Supplies			101,727
Contractual Services			1,444,409
Equipment			53,440
Grants and Fixed Charges			56,500
Operating Transfer Charges			1,061,595
Total		***$***	***15,794,936***
Total Authorized Full-Time Positions ***112***			

DEPARTMENT OF COMMUNITY SERVICES

Salaries and Wages		$	12,609,748
Benefits			5,574,747
Training and Civic Affairs			23,167
Communication and Utilities			1,578,498
Materials and Supplies	~~1,654,039~~		1,656,039
Contractual Services			3,745,504
Equipment			30,034
Grants and Fixed Charges			3,250,899
Operating Transfer Charges			1,175,272
Operating Transfer Credits			(225,977)
Total	***~~29,415,931~~***	***$***	***29,417,931***
Total Authorized Full-Time Positions ***162***			

DEPARTMENT OF PUBLIC SAFETY

Salaries and Wages	$	77,334,401
Benefits		42,955,735
Training and Civic Affairs		201,708
Communication and Utilities		1,011,236
Materials and Supplies		1,070,626
Contractual Services		2,204,744
Equipment		1,720,283
Grants and Fixed Charges		8,345,222
Operating Transfer Charges		7,843,655
Total	***$***	***142,687,610***
Total Authorized Full-Time Positions 727		

REGISTER OF WILLS

Salaries and Wages	$	1,159,211
Benefits		660,186
Training and Civic Affairs		34,950
Communication and Utilities		12,209
Materials and Supplies		10,053
Contractual Services		62,715
Equipment		2,800
Operating Transfer Charges		82,214
Total	***$***	***2,024,338***
Total Authorized Full-Time Positions 20		

RECORDER OF DEEDS		
Salaries and Wages	$	1,256,525
Benefits		723,402
Training and Civic Affairs		40,170
Communication and Utilities		29,829
Materials and Supplies		10,573
Contractual Services		84,578
Equipment		9,975
Grants and Fixed Charges		18,350
Operating Transfer Charges		162,265
Total	$	***2,335,667***
Total Authorized Full-Time Positions 23		

SHERIFF		
Salaries and Wages	$	1,380,772
Benefits		804,406
Training and Civic Affairs		29,452
Communication and Utilities		14,993
Materials and Supplies		21,259
Contractual Services		55,999
Equipment		5,000
Operating Transfer Charges		142,020
Total	***$***	***2,453,901***
Total Authorized Full-Time Positions 21		

CLERK OF THE PEACE		
Salaries and Wages	$	483,477
Benefits		282,975
Training and Civic Affairs		9,600
Communication and Utilities		5,484
Materials and Supplies		8,754
Contractual Services		18,268
Equipment Replacement		6,000
Operating Transfer Charges		30,824
Total	***$***	***845,382***
Total Authorized Full-Time Positions 7		

DEBT SERVICE		
Debt Service	$	45,778,427
Total	***$***	***45,778,427***
Total Authorized Full-Time Positions		

ETHICS COMMISSION		
Salaries and Wages	$	40,200
Benefits		4,181
Training and Civic Affairs		10,500
Communication and Utilities		1,898
Materials and Supplies		2,450
Contractual Services		235,747
Equipment		500
Operating Transfer Charges		6,360
Total	***$***	***301,836***
Total Authorized Full-Time Positions ***0***		

COUNCIL CONTINGENCY		
Contingency	$	213,444
Total	***$***	***213,444***
Total Authorized Full-Time Positions		

EXECUTIVE CONTINGENCY		
Contingency	$	297,300
Total	***$***	***297,300***
Total Authorized Full-Time Positions		

PERSONNEL CONTINGENCY		
Contingency	$	455,000
Total	***$***	***455,000***
Total Authorized Full-Time Positions		

ATTRITION CONTINGENCY		
Personal Services - Salaries and Wages	$	(6,164,693)
Personal Services - Employee Benefits	$	(3,608,135)
Total	***$***	***(9,772,828)***
Total Authorized Full-Time Positions		

ONE-TIME CONTINGENCY		
Contingency	$	324,173
Total	***$***	***324,173***

NEW CASTLE COUNTY			
Salaries and Wages		$	140,964,148
Benefits			78,096,165
Training and Civic Affairs			687,697
Communication and Utilities			37,154,561
Materials and Supplies	~~7,695,896~~		7,697,896
Contractual Services			26,125,442
Equipment			2,774,326
Grants and Fixed Charges	~~17,495,279~~		17,493,279
Debt Service			45,778,427
Land and Structures			35,000
Contingency			1,292,917
Operating Transfer Charges			16,501,825
Operating Transfer Credits			(20,760,521)
Sub-Total New Castle County		***$***	**353,841,162**
Total Authorized Full-Time Positions ***1,681***			

RESERVE ACCOUNTS ANTICIPATED BALANCES AS OF OCTOBER 22, 2024	
Tax Stabilization Reserve Account	61,269,981
Sewer Rate Stabilization Reserve Account	5,405,407
General Fund Budget Reserve Account	45,312,006
Sewer Fund Budget Reserve Account	18,734,142
Total Reserves:	**130,721,536**

Prime Sponsor(s): Ms. Durham
Date of introduction: November 19, 2024

ORDINANCE NO. 24-172

REVISE ZONING MAP: CHRISTIANA HUNDRED, NORTH SIDE OF BUCK ROAD, 903 FEET EAST OF THE CENTERLINE OF MONTCHANIN ROAD; REZONE 1.78 ACRES OF TAX PARCEL 07-027.00-039 FROM SUBURBAN ESTATE (SE) TO SUBURBAN ESTATE (SE) AND H (HISTORIC OVERLAY ZONE).

(The Exploratory Major Subdivision Plan for **Falconers Row** proposes to reconfigure tax parcels; 07-024.00-024, 07-027.00-027, 07-027.00-039, 07-027.00-040 and 07-027.00-043 and create an eleven (11) lot subdivision with associated site improvements, utilizing the open space subdivision option with minimum one acre lots, and rezone proposed Lot 11 (1.78 acres of existing parcel 07-027.00-039) from “SE” (Suburban Estate) to Suburban Estate (SE) and “H” (Historic Overlay Zone). **App. 2020-0468-S/Z**, Council District 2.

NOW, THEREFORE, THE COUNTY OF NEW CASTLE HEREBY ORDAINS:

Section 1. The Zoning Map of New Castle Hundred, as amended, is hereby further amended by changing the zoning classification of the land shown on attached Exhibits “A” and “L” dated October 6, 2024, as set forth therein.

Section 2. This Ordinance shall become effective immediately upon passage by New Castle County Council and approval of the County Executive, or as otherwise provided in 9 Del. C. §1156.

Adopted by County Council of
New Castle County:

____
Monique Williams-Johns
President of County Council
of New Castle County

Approved on:

____

County Executive
New Castle County

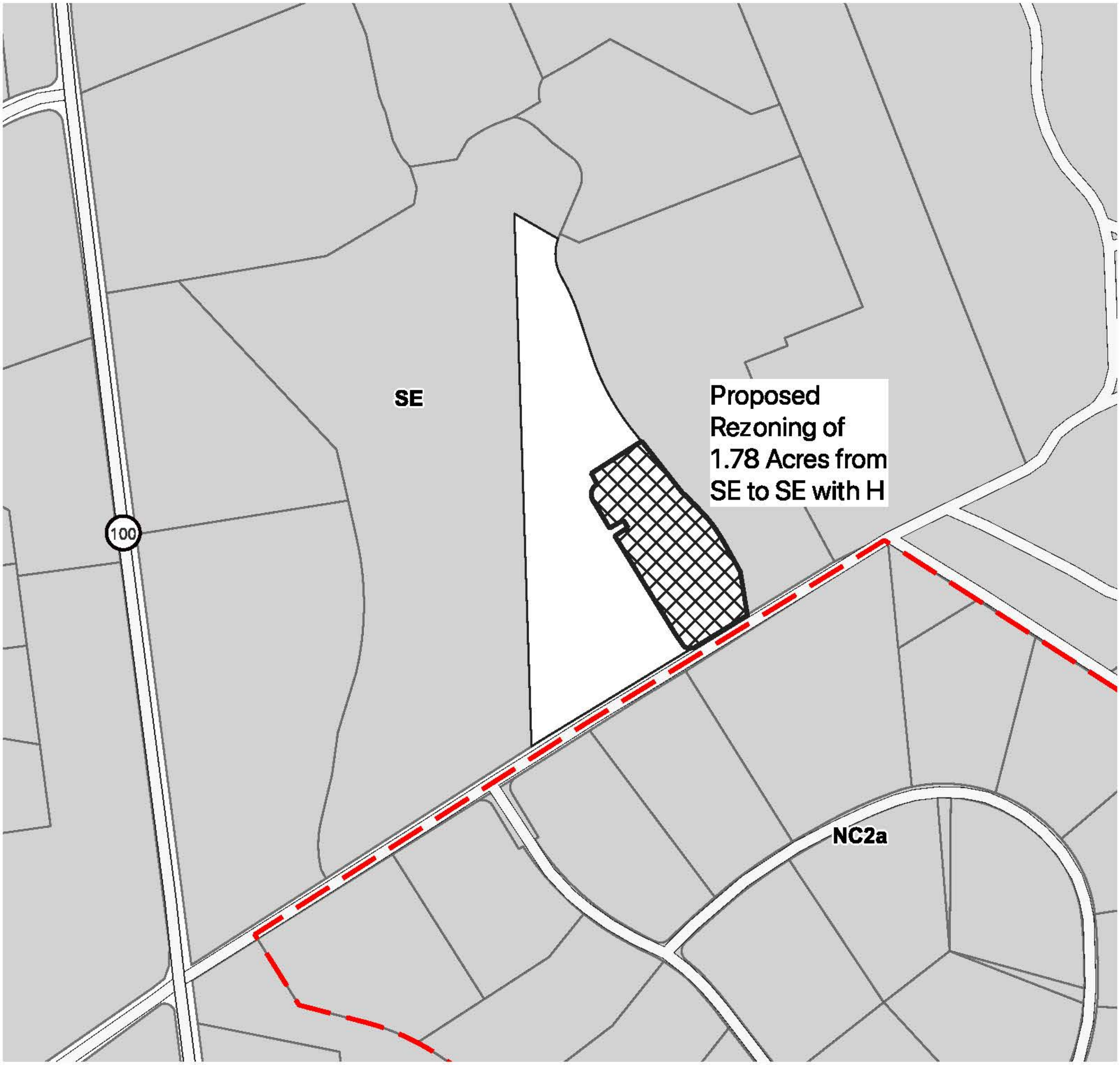
SYNOPSIS: Same as title.

FISCAL IMPACT: This rezoning ordinance will have no immediate discernable fiscal impact on the County, but if the parcel(s) rezoned is (are) developed in accordance with the new rezoning, there may be one or more indirect fiscal effects on New Castle County government, including, but not limited to, an increase in the assessed value of the property with a resultant increase in taxes collectible thereon, and an increased demand for county services.

PROPERTY MAP

APPLICANT: NEW CASTLE COUNTY
PROPOSED REZONING: SE TO SE with H

EXHIBIT A
ZONING ORDINANCE AS INTRODUCED
APPLICATION NO. 2020- 0468-S/Z
TAX PARCEL NO: 07-027.00-039



HUNDRED: CHRISTIANA HUNDRED
NEW CASTLE COUNTY, DELAWARE

Scale: 1:3637
Prepared by: Matthew Rogers

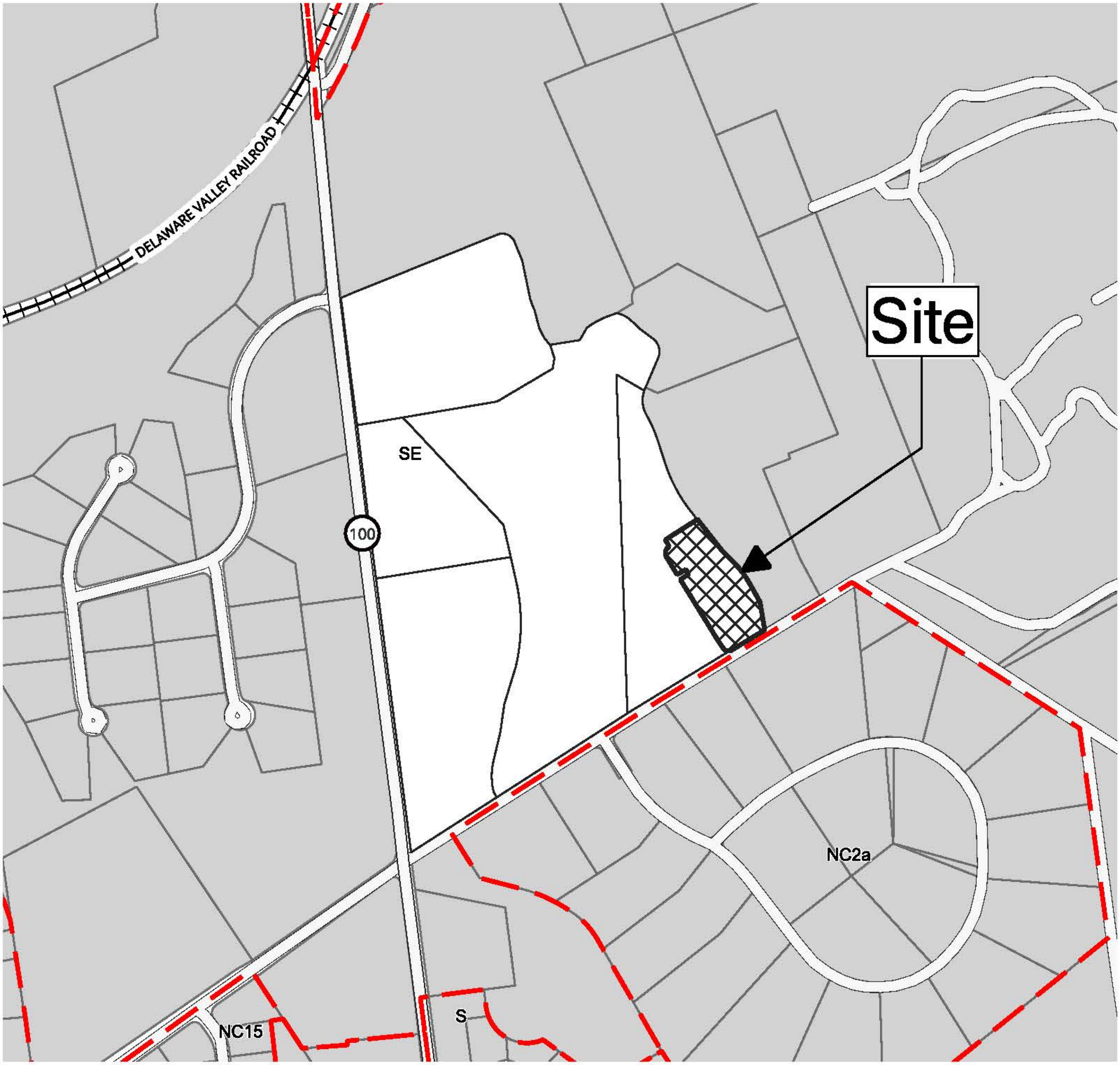
Date: 10/6/2024

PERMANENT ORDINANCE NO. 24-172
Date Adopted by County Council:
Date Approved by County Executive:

PROPERTY MAP

APPLICANT: NEW CASTLE COUNTY
PROPOSED REZONING: SE TO
SE with H

EXHIBIT L
ZONING ORDINANCE AS INTRODUCED
APPLICATION NO. 2020- 0468-S/Z
TAX PARCEL NO: 07-027.00-039



HUNDRED: CHRISTIANA HUNDRED
NEW CASTLE COUNTY, DELAWARE

N

PERMANENT ORDINANCE NO. 24-172
Date Adopted by County Council:
Date Approved by County Executive:

Scale: 1:5720
Prepared by: Matthew Rogers

Date: 10/6/2024

Prime Sponsor(s): Mr. Sheldon, Mr. Cartier, Mr. Tackett
Co-sponsor(s): Mr. Carter, Ms. Durham, Ms. George, Mr. Hollins, Ms. Kilpatrick, Mr. Street, Mr. Toole
Date of introduction: November 19, 2024

RESOLUTION NO. 24-192

CELEBRATING NATIONAL APPRENTICESHIP WEEK - - 2024

WHEREAS, from November 17-23, 2024, the United States celebrates "National Apprenticeship Week;" and

WHEREAS, during National Apprenticeship Week, we celebrate the workers of America and our County - - the best in the world - - and recognize the importance of apprenticeship programs run by unions, employers, and other organizations. These programs train workers to hone a skill and craft that is going to rebuild America and our County for the 21st Century; and

WHEREAS, as profoundly stated by a former U.S. Deputy Secretary of Labor, "[g]oing back to our Founding Fathers, apprenticeships are part of the American culture. They have gone through hills and valleys during the course of our history as a country, but they have always been with us…;" and

WHEREAS, this annual celebration offers leaders in business, government, labor, education and other partners the opportunity to show their support of apprentices while sponsors are able to showcase their programs, facilities, and apprentices in the local community; and

WHEREAS, this year's theme, "*National Apprenticeship Week 2024: Celebrating 10 Years of Engagement, Expansion, and Innovation*," reflects a decade of celebrating the significance of apprenticeships as a proven and industry-driven model that paves the way to rewarding careers for all, while fostering diversity, equity, and inclusivity by offering education and on-the-job training to our youth, minorities, women, veterans, and individuals with disabilities so that they are highly prepared for and in a highly competitive position in the workforce; and

WHEREAS, apprenticeships provide for a critical first step toward a fulfilling career, while providing for good pay while they learn along the way. These programs, particularly through local unions, ensure that our Nation and our County are producing the best-trained, best-prepared, and best-skilled workers for current industries and those of the future - - including health care, information technology, and clean energy. Moreover, supporting registered apprenticeships is a key component of the economic vision of President Biden to build an economy from the bottom up and the middle out: <u>*an economy that works for everyone*</u>; and

WHEREAS, studies show that apprenticeships are very beneficial to both workers and provide an excellent return for employers, and apprenticeships help employers increase staff loyalty and retention of workers, during and following the apprenticeship; and

WHEREAS, apprenticeships are a crucial investment in the future of the County by ensuring that workers within the County, for generations to come, are trained, experienced, and skilled; and

WHEREAS, hundreds of millions of dollars from the American Rescue Plan and the Bipartisan Infrastructure Law have been dedicated to helping the County and the State, employers, labor organizations, and workforce intermediaries design, develop, and expand registered apprenticeships and pre-apprenticeship programs, which means jobs for electrical workers, pipefitters, carpenters, and more; and

WHEREAS, the middle class built America, and it built our County, and unions built the middle class. Registered apprenticeships reflect the impact that unions have on providing high quality, good paying jobs to dedicated workers. They also reflect American workers' dedication and commitment to excellence. During *National Apprenticeship Week*, we celebrate the apprentices of America, give our thanks to the mentors who train them, and remind ourselves of our ongoing responsibility to invest in the best workforce on the planet; and

WHEREAS, New Castle County Council is a strong supporter of apprenticeship programs and their valuable contributions to developing the workforce and fostering economic development in our County.

NOW, THEREFORE, BE IT RESOLVED, by and for the County Council of New Castle County that County Council hereby recognizes and celebrates *National Apprenticeship Week* 2024, from November 17-23, 2024.

Adopted by County Council of
New Castle County on:

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Monique Williams-Johns
President of County Council
of New Castle County

SYNOPSIS: Same as title.
FISCAL NOTE: There is no discernible fiscal impact with the adoption of this Resolution.

Prime Sponsor(s): Mr. Tackett, Mr. Smiley, Mr. Toole
Date of introduction: November 19, 2024

RESOLUTION NO. 24-193

RECOGNIZING NATIONAL BLOOD DONOR MONTH

WHEREAS, more than 50 years ago, January was designated as National Blood Donor Month (NBDM), as an annual observance meant to honor voluntary blood donors and encourage more people to donate blood at a time when blood supplies are historically low; and

WHEREAS, Blood Bank of Delmarva has been serving the State of Delaware and the Eastern Shore of Maryland and Virginia communities with the collection and distribution of lifesaving blood and blood products to patients in our local hospitals for sixty-nine (69) years; and

WHEREAS, New Castle County residents can donate blood locally at the Blood Bank of Delmarva in Christiana and at various, mobile blood drives, including New Castle County Government and New Castle County Department of Public Safety blood drives; and

WHEREAS, in our communities the need for a diverse blood supply is constant, but the supply is not; making volunteer blood donors the foundation for ensuring a safe and stable supply of blood products is available to help meet the medical needs of patients nationwide; and

WHEREAS, a blood transfusion occurs in the U.S. every two seconds but only 3% of the eligible population actually donate blood, bringing about chronic blood shortages nationwide which have exposed the vulnerability of our nation's blood supply and revealed its need to be included in emergency preparedness plans; and

WHEREAS, O-negative is the universal blood type, represented by just 6% of the population, and often used in trauma situations; making it the most needed blood type and most likely to be in short supply when there is a blood emergency; and

WHEREAS, New Castle County Paramedics have partnered with Blood Bank of Delmarva to for the last two years to transfuse pre-hospital, low titer O-positive whole blood at the scene of accidents and traumas in an effort to save more lives; and

WHEREAS, Patients requiring blood transfusions include cancer patients, accident, burn, or trauma victims, newborn babies and their mothers, transplant recipients, surgery patients, chronically transfused patients suffering from sickle cell disease or thalassemia, and many more; and

WHEREAS, New Castle County donors include, among others, Councilman David Tackett, Councilman George Smiley and Councilman Brandon Toole; and County Executive Matt Meyer.

NOW, THEREFORE, BE IT RESOLVED, by and for the County Council of New Castle County that County Council hereby approves the recognition locally of National Blood Donor Month and that County residents who donate blood be recognized for their volunteer acts, and this esteemed panel also encourages businesses and organizations to sponsor community-based blood drives with Blood Bank of Delmarva, among other collection institutions; and

BE IT FURTHER RESOLVED that the County Executive is hereby authorized to approve or execute the observance of National Blood Donor Month.

Adopted by County Council
of New Castle County on:

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Monique Williams-Johns
President of County Council
of New Castle County

SYNOPSIS: This resolution authorizes the County Executive to recognize National Blood Donor Month in an effort to mobilize New Castle County residents into combatting chronic shortages and stabilizing the local and national blood supplies.

FISCAL NOTE: There is no discernible fiscal impact with the adoption of this resolution.

Prime Sponsor(s): Mr. Toole
Co-Sponsor(s): Ms. Kilpatrick, Mr. Sheldon
Date of introduction: November 19, 2024

RESOLUTION NO. 24-194

CELEBRATING AND HONORING MICHAEL RAMONE ON HIS RETIREMENT FROM THE DELAWARE HOUSE OF REPRESENTATIVES

WHEREAS, the Honorable Michael Ramone was elected to office in November 2008 and served as Representative of the 21st District of the State of Delaware for sixteen years; and

WHEREAS, during his tenure as Representative, Mr. Ramone served as House Minority Leader, House Administration, Ethics, Rules and Veterans Affairs Committees and was co-chair of the House Small Business Caucus and the Kids Caucus in the House; and

WHEREAS, Michael Ramone was assigned by Governor Carney to a special committee, the Government Efficiency and Accountability Review Board and to two Governor's Councils: the Governor's Mentoring Council for Children and Youth and the Governor's Council on Health, Promotion and Disease Prevention; and

WHEREAS, as Representative Mr. Ramone has been a voice of common-sense solutions, fighting to promote good governance, increase funding for classrooms and schools and easing the tax burden on hardworking Delawareans; and

WHEREAS, as a lifelong Delaware resident, a graduate of St. Mark's High School and the University of Delaware Michael Ramone became a successful entrepreneur, owning six businesses; and

WHEREAS, Mr. Ramone has given back to the community as swimming coach at public and private schools in New Castle County as well as at community clubs and nonprofit organizations; and

WHEREAS, Michael Ramone supported local fire companies, the Boy Scouts of America, Special Olympics, Yes-U-Can Foundation, the Police Athletic Leagues, Donate Delaware, Easterseals, Faithful Friends, Leadership Delaware, YMCA of Delaware, Delaware Regional Dream Center, and the Make-a-Splash Foundation Delaware. He served as treasurer for Delaware Chemo-Care Foundation, Past President of the Hockessin-Greenville Rotary Club, and Past Board Member of Yes-U-Can Foundation as well as currently serving as a Board Member the World Trade Center Delaware.

NOW, THEREFORE, BE IT RESOLVED by and for the County Council of New Castle County that County Council hereby recognizes Mr. Michael Ramone for his service to our great State as Representative. Moreover, New Castle County Council wishes him the best in all his future endeavors.

Adopted by County Council
of New Castle County on: 11/19/2024

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Monique Williams-Johns
President of County Council
of New Castle County

SYNOPSIS: Same as title.

FISCAL NOTE: There is no discernible fiscal impact with the adoption of this resolution.

Prime Sponsor(s): Mr. Hollins, Mr. Street
Requested by: Community Services
Date of introduction: October 22, 2024

ORDINANCE NO. 24-157

AMEND THE GRANTS BUDGET: APPROPRIATE $123,169.86 IN ACTUAL PROGRAM INCOME AND REALIGN $60,910.70 WITHIN THE COMMUNITY DEVELOPMENT BLOCK GRANT FY2024, WHICH IS ADMINISTERED BY THE DEPARTMENT OF COMMUNITY SERVICES, DIVISION OF COMMUNITY DEVELOPMENT AND HOUSING

WHEREAS, original allocated funding in the amount of $2,383,060.00 from the U.S. Department of Housing and Urban Development (HUD) and estimated program income in the amount of $350,000.00 was previously approved by County Council and appropriated to the Community Development Block Grant FY2024 via Ordinance 23-058; and

WHEREAS, authorization is sought to appropriate $123,169.86 in actual program income to the Community Development Block Grant FY2024 Grant and reallocate $60,910.70 within the Grant from Cooperating Communities to Program Delivery; and

WHEREAS, the Community Development Block Grant (CDBG) is funded through the U.S. Department of Housing and Urban Development (HUD) and through loan repayments from rehabilitation projects and down payment and settlement loans; and

WHEREAS, the major objectives of the CDBG program include providing financial assistance to moderate to low-income residents of New Castle County, most of which are elderly, to rehabilitate their homes; down payment and settlement help for low to moderate income residents buying their first home; funding to agencies that provide housing support services; grants for emergency repairs; funding for the revitalization of aging neighborhoods throughout the County; and social services; and

WHEREAS, the County Executive has determined that grants anticipated to be received from estimated program income will be sufficient to cover the increase in the Grants Budget as hereinafter amended; and

WHEREAS, Council has determined that the provisions of this Ordinance substantially advance, and are reasonably and rationally related to, legitimate government interests (i.e., promoting the health, safety, morals, convenience, order, prosperity and/or welfare of the present and future inhabitants of this State).

NOW, THEREFORE, THE COUNTY OF NEW CASTLE HEREBY ORDAINS:

Section 1. The Grants Budget as adopted by Ordinance No. 75-173 is hereby amended by adding the material on the attached Exhibits “A,” which shall be considered underscored in their entirety.

Section 2. The provisions of this Ordinance shall be effective July 1, 2023.

Section 3. This Ordinance shall become effective immediately upon its adoption by County Council and approval by the County Executive, or as otherwise provided by 9 *Del. C.* § 1156.

Adopted by County Council of
New Castle County on:

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President of County Council
of New Castle County

Approved on:

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Matthew Meyer
County Executive
New Castle County

SYNOPSIS: This Ordinance, if approved, will appropriate $123,169.86 in actual program income to the Community Development Block Grant FY2024 Grant and reallocate $60,910.70 within the Grant from Cooperating Communities to Program Delivery. The realignment of funds will be used for Program Delivery.

The Community Development Block Grant (CDBG) is funded through HUD and through loan repayments from rehabilitation projects and down payment and settlement loans. The major objectives of the CDBG program include providing financial assistance to moderate to low-income residents of New Castle County, most of which are elderly, to rehab their homes; down payment and settlement help for low to moderate income residents buying their first home; funding to agencies that provide housing support services; grants for emergency repairs; funding for the revitalization of aging neighborhoods throughout the County; and social services.

FISCAL NOTE: This Ordinance, if approved, will amend the Grants Budget by appropriating $123,169.86 in actual program income to the Community Development Block Grant FY2024 and reallocating $60,910.70 within the Grant from Cooperating Communities to Program Delivery.

The fiscal impact of this Ordinance, if approved, will be an increase in the authorized spending authority of the Grants Budget of $123,169.86. This increase will affect FY2024 through FY2031, since the targeted program completion date is September 1, 2030.

DEPARTMENT: Community Services **EXHIBIT:** "A"

GRANT TITLE: Community Development Block Grant FY2024 (CDBG) **Ordinance No.** 24-157

PROGRAM TITLE: Community Development Block Grant FY2024 (CDBG)

Revenue	Current	Change	Revised
Federal	$ 2,383,060.00	$ -	$ 2,383,060.00
State	$ -	$ -	$ -
County	$ -	$ -	$ -
Program Income	$ 350,000.00	$ 123,169.86	$ 473,169.86
Other	$ -	$ -	$ -
Total	$ 2,733,060.00	$ 123,169.86	$ 2,856,229.86

Expense	Current	Change	Revised
Salaries and Wages	$ 548,553.90	$ 116,117.91	$ 664,671.81
Benefits	$ 323,681.95	$ 67,962.65	$ 391,644.60
Training/Civic Affairs	$ 6,845.00	$ -	$ 6,845.00
Communication/Utilities	$ 20,346.32	$ -	$ 20,346.32
Materials/Supplies	$ 15,509.65	$ -	$ 15,509.65
Contractual Services	$ 176,764.10	$ -	$ 176,764.10
Equipment	$ 193.45	$ -	$ 193.45
Grants/Fixed Charges	$ 1,596,484.67	$ (60,910.70)	$ 1,535,573.97
Land and Structures	$ -	$ -	$ -
Contingency	$ -	$ -	$ -
Operating Transfer Charges	$ 44,680.96	$ -	$ 44,680.96
Operating Transfer Credits	$ -	$ -	$ -
Total	$ 2,733,060.00	$ 123,169.86	$ 2,856,229.86

SUPPLEMENTAL INFORMATION

Estimated Program Initiation: 7/1/2023

Estimated Program Completion: 9/1/2030

The Local Match: **Found in (ORG):**

Ordinance Passed: 23-058 **Date Revised:** 6/16/2023

PROGRAM DESCRIPTION:

Funding is provided through the Department of Housing and Urban Development (HUD) to assist low to moderate income residents of New Castle County with various housing support services such as: home rehabilitation, first time homebuyer down payment and settlement help, grants for minor home repairs, the revitalization of aging neighborhoods and other social services.

~~5/23/2023~~ 10/22/2024

Prime Sponsor(s): Mr. Hollins, Mr. Street
Requested by: Community Services
Date of introduction: October 22, 2024

ORDINANCE NO. 24-158

AMEND THE GRANTS BUDGET: APPROPRIATE ANTICIPATED ADDITIONAL FEDERAL FUNDS OF $800,832 FROM THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT TO THE SECTION 8 HOUSING CHOICE VOUCHERS – 2024 GRANT, WHICH IS ADMINISTERED BY THE DEPARTMENT OF COMMUNITY SERVICES, DIVISION OF COMMUNITY DEVELOPMENT AND HOUSING

WHEREAS, original allocated funding in the amount of $16,425,000 from the U.S. Department of Housing and Urban Development (HUD) was previously approved by County Council and appropriated to the Section 8 Housing Choice Vouchers – 2024 Grant via Ordinance 23-162; and

WHEREAS, authorization is being sought to appropriate anticipated additional federal funds of $800,832 from the U.S. Department of Housing and Urban Development (HUD) to the Section 8 Housing Choice Vouchers – 2024 Grant; and

WHEREAS, this funding will be used by the Department of Community Services, Division of Community Housing and Development to cover the October, November and December check runs due to the increase in voucher use; and

WHEREAS, the County Executive has determined that revenues anticipated to be received shall be sufficient to cover the increase in the Grants Budget as hereinafter amended; and

WHEREAS, Council has determined that the provisions of this Ordinance substantially advance, and are reasonably and rationally related to, legitimate government interests (i.e., promoting the health, safety, morals, convenience, order prosperity and/or welfare of the present and future inhabitants of this State).

NOW, THEREFORE, THE COUNTY OF NEW CASTLE HEREBY ORDAINS:

Section 1. The Grants Budget, as adopted by Ordinance No. 75-173, is hereby amended by adding the material in Exhibit "A," which is underscored in its entirety, which is attached hereto and made a part hereof.

Section 2. This Ordinance shall become effective immediately upon its adoption by New Castle County Council and approval by the County Executive, or as otherwise provided by 9 *Del. C.* § 1156.

Section 3. It is the intent of the County Council that the provisions of this Ordinance shall be effective retroactive to January 1, 2024.

Adopted by County Council of
New Castle County on:

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President of County Council
of New Castle County

Approved on:

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Matthew Meyer
County Executive
New Castle County

SYNOPSIS: This Ordinance, if approved, will appropriate anticipated additional federal funds of $800,832 from the U.S. Department of Housing and Urban Development (HUD) to the Section 8 Housing Choice Vouchers – 2024 Grant. This funding will be used to cover the October, November and December check runs due to the increase in voucher use.

FISCAL NOTE: This Ordinance, if approved, will amend the Grants Budget by appropriating anticipated additional federal funds of $800,832 from the U.S. Department of Housing and Urban Development (HUD) to the Section 8 Housing Choice Vouchers – 2024 Grant.

The fiscal impact of this Ordinance, if approved, will be an increase in the authorized spending authority of the Grants Budget of $800,832. This increase will affect FY2025 only since the targeted program completion date of the program is December 31, 2024.

DEPARTMENT:	Community Services	**EXHIBIT:**	**"A"**
GRANT TITLE:	Section 8 Housing Choice Vouchers - 2024	**Ordinance No.**	24-158
PROGRAM TITLE:	Section 8 Housing Choice Vouchers - 2024		

Revenue	Current	Change	Revised
Federal	~~$ 16,425,000.00~~	$ 800,832.00	$ 17,225,832.00
State	$ -	$ -	$ -
County	$ -	$ -	$ -
Program Income	$ -	$ -	$ -
Other	$ -	$ -	$ -
Total	~~$ 16,425,000.00~~	$ 800,832.00	$ 17,225,832.00

Expense	Current	Change	Revised
Salaries and Wages	$ 810,000.00	$ -	$ 810,000.00
Benefits	$ 476,459.00	$ -	$ 476,459.00
Training/Civic Affairs	$ 12,110.00	$ -	$ 12,110.00
Communication/Utilities	$ 11,960.00	$ -	$ 11,960.00
Materials/Supplies	$ 6,900.00	$ -	$ 6,900.00
Contractual Services	~~$ 226,264.00~~	$ 110,832.00	$ 337,096.00
Equipment	$ -	$ -	$ -
Grants/Fixed Charges	~~$ 14,807,807.00~~	$ 675,000.00	$ 15,482,807.00
Land and Structures	$ -	$ -	$ -
Contingency	$ -	$ -	$ -
Operating Transfer Charges	~~$ 73,500.00~~	$ 15,000.00	$ 88,500.00
Operating Transfer Credits	$ -	$ -	$ -
Total	~~$ 16,425,000.00~~	$ 800,832.00	$ 17,225,832.00

SUPPLEMENTAL INFORMATION

Estimated Program Initiation: 1/1/2024

Estimated Program Completion: 12/31/2024

The Local Match: **Found in (ORG):**

Ordinance Passed: 23-162 **Date Revised:** 12/18/2023

PROGRAM DESCRIPTION:

Section 8 Housing Choice Vouchers - Calendar Year 2024 Grant from the U.S. Department of Housing and Urban Development (HUD) for administrative expenses of the program and for rental and utility subsidies for very low-income families in New Castle County.

~~11/28/2023~~ 10/22/2024

Prime Sponsor(s): Mr. Hollins, Mr. Street
Requested by: Community Services
Date of introduction: October 22, 2024

ORDINANCE NO. 24-159

AMEND THE GRANTS BUDGET:
APPROPRIATE ADDITIONAL FEDERAL FUNDS OF $30,672.54 AND ANTICIPATED FEDERAL FUNDS OF $10,000.00 FROM THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT TO THE EMERGENCY HOUSING CHOICE VOUCHERS GRANT, WHICH IS ADMINISTERED BY THE DEPARTMENT OF COMMUNITY SERVICES, DIVISION OF COMMUNITY DEVELOPMENT AND HOUSING

WHEREAS, original allocated funding in the amount of $555,756.00 from the U.S. Department of Housing and Urban Development (HUD) was previously approved by County Council and appropriated to the Emergency Housing Choice Vouchers Grant via Ordinance 21-092; and

WHEREAS, additional federal funds of $57,101.12 and anticipated federal funds of $180,000.00 from the U.S. Department of Housing and Urban Development (HUD) was previously approved by County Council and appropriated to the Emergency Housing Choice Vouchers Grant via Ordinance 24-068; and

WHEREAS, authorization is being sought to appropriate additional federal funds of $30,672.54 and anticipated additional federal funds of $10,000.00 from the U.S. Department of Housing and Urban Development (HUD) to the Emergency Housing Choice Vouchers Grant; and

WHEREAS, this funding will be used by the Department of Community Services, Division of Community Housing and Development for the administrative expenses of the program and for rental and utility subsidies for very low-income families in New Castle County and, when administering the grant, must follow the applicable Section 8 Housing Choice Voucher program requirements; and

WHEREAS, the County Executive has determined that revenues anticipated to be received shall be sufficient to cover the increase in the Grants Budget as hereinafter amended; and

WHEREAS, Council has determined that the provisions of this Ordinance substantially advance, and are reasonably and rationally related to, legitimate government interests (i.e., promoting the health, safety, morals, convenience, order prosperity and/or welfare of the present and future inhabitants of this State).

NOW, THEREFORE, THE COUNTY OF NEW CASTLE HEREBY ORDAINS:

Section 1. The Grants Budget, as adopted by Ordinance No. 75-173, is hereby amended by adding the material in Exhibit “A,” which is considered to be underscored in its entirety, which is attached hereto and made a part hereof.

Section 2. This Ordinance shall become effective immediately upon its adoption by New Castle County Council and approval by the County Executive, or as otherwise provided by 9 *Del. C.* § 1156.

Section 3. It is the intent of the County Council that the provisions of this Ordinance shall be effective retroactive to June 1, 2021.

Adopted by County Council of
New Castle County on:

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President of County Council
of New Castle County

Approved on:

____

Matthew Meyer
County Executive
New Castle County

SYNOPSIS: This Ordinance, if approved, will appropriate additional federal funds of $30,672.54 and anticipated federal funds of $10,000.00 from the U.S. Department of Housing and Urban Development (HUD) to the Emergency Housing Choice Vouchers Grant which is administered by the Department of Community Services, Division of Community Housing and Development.

It is the intent of the County Council that the provisions of this Ordinance shall be effective retroactive to June 1, 2021.

FISCAL NOTE: This Ordinance, if approved, will amend the Grants Budget by appropriating additional federal funds of $30,672.54 and anticipated federal funds of $10,000.00 from the U.S. Department of Housing and Urban Development (HUD) to the Emergency Housing Choice Vouchers Grant.

The fiscal impact of this Ordinance, if approved, will be an increase in the authorized spending authority of the Grants Budget of $40,672.54. This increase will affect FY2025 only since the targeted program completion date is December 31, 2024. There is no local match requirement for this grant award.

DEPARTMENT:	Community Services	**EXHIBIT:**	"A"
GRANT TITLE:	Emergency Housing Choice Vouchers	**Ordinance No.**	24-159
PROGRAM TITLE:	Emergency Housing Choice Vouchers		

Revenue	Current	Change	Revised
Federal	~~$ 790,141.00~~	$ 39,235.00	$ 829,376.00
State	$ -	$ -	$ -
County	$ -	$ -	$ -
Program Income	$ -	$ -	$ -
Other	~~$ 2,716.12~~	$ 1,437.54	$ 4,153.66
Total	~~$ 792,857.12~~	$ 40,672.54	$ 833,529.66

Expense	Current	Change	Revised
Salaries and Wages	$ -	$ -	$ -
Benefits	$ -	$ -	$ -
Training/Civic Affairs	$ -	$ -	$ -
Communication/Utilities	$ -	$ -	$ -
Materials/Supplies	$ -	$ -	$ -
Contractual Services	~~$ 20,000.00~~	$ 28,300.65	$ 48,300.65
Equipment	$ -	$ -	$ -
Grants/Fixed Charges	~~$ 772,857.12~~	$ 12,371.89	$ 785,229.01
Land and Structures	$ -	$ -	$ -
Contingency	$ -	$ -	$ -
Operating Transfer Charges	$ -	$ -	$ -
Operating Transfer Credits	$ -	$ -	$ -
Total	~~$ 792,857.12~~	$ 40,672.54	$ 833,529.66

SUPPLEMENTAL INFORMATION

Estimated Program Initiation: 6/1/2021

Estimated Program Completion: 12/31/2024

The Local Match:

Found in (ORG):

Ordinance Passed:	**Date Revised:**
21-092	7/27/2021
24-068	5/14/2024

PROGRAM DESCRIPTION:

Emergency Housing Vouchers Grant from the U.S. Department of Housing and Urban Development (HUD), authorized by the American Rescue Plan Act (ARPA), for administrative expenses of the program and for rental and utility subsidies for very low-income families in New Castle County.

~~5/14/2024~~ 10/22/2024

Primary Sponsor(s): Mr. Hollins
Requested by: Administration/HR
Date of Introduction: October 22, 2024

ORDINANCE NO. 24-160

TO AMEND THE PAY PLANS AND RATES OF PAY FOR NON-UNION CLASSIFIED SERVICE EMPLOYEES AND LOCAL 3109; AND TO ADOPT NEW AND AMEND CLASS SPECIFICATIONS FOR FINANCE RELATED POSITIONS

WHEREAS, the Department of Administration, Office of Finance has determined that it is necessary to make organizational changes to operate most effectively. The Department submitted an amended class specification (Exhibit "A") and respective pay plans (Exhibits "G-I") updating a Finance Administration Manager to a Deputy Chief Financial Officer and changing the Pay Grade from 30 to 36. The Deputy Chief Financial Officer will assist the Chief Financial Officer in the overall activities for the Office of Finance and reflects the management skills and abilities necessary for the overall strategic plan, operational needs, goals and objectives as identified by the Chief Financial Officer; and

WHEREAS, the Department of Administration, Office of Finance has determined the class specification for Pension and Benefits Administrator (Exhibit "B"), Pay Grade 30, needs to be updated to reflect the work currently being performed; and

WHEREAS, the Department of Administration, Office of Finance has determined the class specification for Senior Finance Officer (Exhibit "C"), Pay Grade 30, needs to be updated to reflect the work currently being performed; and

WHEREAS, the Department of Administration, Office of Finance has determined that it is necessary to make organizational changes to operate most effectively. The Department submitted a new class specification and respective pay plans (Exhibits "G-I") for a Senior Fiscal and Policy Analyst (Exhibit "D"), Pay Grade 30, that performs highly confidential complex public administration and budgetary tasks within the Office of Finance relating to operating, capital and grant budgeting, position control management, long-term forecasting and cost analysis; and

WHEREAS, the Department of Administration, Office of Finance has determined that it is necessary to make organizational changes to operate most effectively. The Department submitted a new class specification and respective pay plans (Exhibits "J-L") for a Senior Pension Program Analyst (Exhibit "E"), Pay Grade 28, that provides advanced support and direction in the functional area of the New Castle County employee pension programs; and

WHEREAS, the Department of Administration, Office of Finance has determined that it is necessary to make organizational changes to operate most effectively. The Department submitted a new class specification and respective pay plans (Exhibits "G-I") for a Fiscal and Policy Analyst (Exhibit "F"), Pay Grade 28, that performs confidential public administration and budgetary tasks within the Office of Finance relating to operating, capital and grant budgeting, position control and cost analysis; and

WHEREAS, in accordance with *New Castle County* Code Section 26.03.103, the Human Resources Advisory Board (HRAB) at their meeting on October 3, 2024, reviewed and recommended the new and amended class specifications and respective changes to pay plans for Finance related positions; and

WHEREAS, the Acting Chief Human Resources Officer concurs with the recommendation of the Human Resources Advisory Board.

NOW, THEREFORE, THE COUNTY OF NEW CASTLE HEREBY ORDAINS:

Section 1. The amended Class Specifications for Deputy Chief Financial Officer, Pension and Benefits Administrator, and Senior Financial Officer are adopted as set forth in Exhibits “A-C”.

Section 2. The Class Specifications for Senior Fiscal and Policy Analyst, Senior Pension Program Analyst and Fiscal and Policy Analyst are adopted as set forth in Exhibit “D-F”.

Section 4. The Pay Plan and Rates of Pay for Non-Union Classified Service Employees, for the period July 1, 2024 through June 30, 2025 as set forth in Exhibit “G”, is hereby amended by adding the material that is underscored and deleting the material that is stricken.

Section 5. The Pay Plan and Rates of Pay for Non-Union Classified Service Employees, for the period July 1, 2025 through June 30, 2026 as set forth in Exhibit “H”, is hereby amended by adding the material that is underscored and deleting the material that is stricken.

Section 6. The Pay Plan and Rates of Pay for Non-Union Classified Service Employees, effective July 1, 2026 as set forth in Exhibit “I”, is hereby amended by adding the material that is underscored and deleting the material that is stricken.

Section 7. The Pay Plan and Rates of Pay for Classified Employees Represented by Delaware Public Employees Council 81, AFSCME, AFL-CIO, Affiliate Local 3109, for the period July 1, 2024 through June 30, 2025 as set forth in Exhibit “J”, is hereby amended by adding the material that is underscored and deleting the material that is stricken.

Section 8. The Pay Plan and Rates of Pay for Classified Employees Represented by Delaware Public Employees Council 81, AFSCME, AFL-CIO, Affiliate Local 3109, for the period July 1, 2025 through June 30, 2026 as set forth in Exhibit “K”, is hereby amended by adding the material that is underscored and deleting the material that is stricken.

Section 9. The Pay Plan and Rates of Pay for Classified Employees Represented by Delaware Public Employees Council 81, AFSCME, AFL-CIO, Affiliate Local 3109, effective July 1, 2026, as set forth in Exhibit “L”, is hereby amended by adding the material that is underscored and deleting the material that is stricken.

Section 10. This Ordinance shall become effective immediately upon its adoption by County Council and approval by the County Executive, or as otherwise provided in 9 *Del. C.* § 1156.

Adopted by County Council of
New Castle County on:

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President of County Council
of New Castle County

Approved on:

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Matthew Meyer
County Executive
New Castle County

SYNOPSIS: This Ordinance, if approved, amends or creates the class specifications for Non-Union Classified Service Employees as follows:

- Amends class specification of Finance Administration Manager to a Deputy Chief Financial Officer, (Pay Grade from 30 to 36); and amends the respective pay plans
- Amends class specification for Pension and Benefits Administrator (Pay Grade 30)
- Amends class specification for Senior Financial Officer (Pay Grade 30)
- Creates class specification for Senior Fiscal and Policy Analyst (Pay Grade 30) and adds to the respective pay plans
- Creates class specification for Fiscal and Policy Analyst (Pay Grade 28) and adds to the respective pay plans

This Ordinance, if approved, also creates the class specifications for Classified Employees Represented by Delaware Public Employees Council 81, AFSCME, AFL-CIO, Affiliate Local 3109 as follows:

- Creates class specification for Senior Pension Program Analyst (Pay Grade 28) and adds to the respective pay plans

The HRAB reviewed and recommended the amendments and additions on October 3, 2024, and the Chief Human Resource Officer concurs with recommendations of the HRAB.

FISCAL IMPACT: This Ordinance, if approved, has no discernible fiscal impact. There are no incumbents in the class specification of Finance Administration Manager; and all other changes are creating new or amending existing class specifications with no Pay Grade change.

NEW CASTLE COUNTY GOVERNMENT	Number 0253
	Page 1 of 2
CLASS SPECIFICATION	Date ~~05/01/03~~XX/XX/XX
Title: ~~FINANCE ADMINISTRATION MANAGER~~DEPUTY CHIEF FINANCIAL OFFICER	Approved:

GENERAL STATEMENT OF DUTIES: Assists the Chief Financial Officer in the overall activities of the Office of Finance to ensure quality service in all areas of Financial Management~~to the citizens of New Castle County~~; does related work as required.

DISTINGUISHING FEATURES OF THE CLASS: An employee in this class is responsible for assisting the Chief Financial Officer in various management and operational activities within the Office of Finance. Responsibilities include working with other department managers to provide excellent public service to ensure that external and internal customers are provided with the highest quality of service while ensuring compliance with local, state and federal laws. The employee exercises independent judgment and initiative in carrying out responsibilities. The work is performed under the general supervision of the Chief Financial Officer.

EXAMPLES OF WORK: (Illustrative Only)

- Assists in the direction and management of the delivery of services provided by the Office of Finance including but not limited to, Accounting, Payroll, Pension Administration; Budget, Cash Management, Treasury and Assessment;
- Executes orders and directives of the Chief Financial Officer;
- Assists in developing, formulating, and executing policies and procedures for New Castle County to remain in compliance with all applicable local, state and federal laws;
- Participates in the development ~~Manages the development~~ of long- and short-term strategic plans and manages the implementation of those plans~~goals for the office~~;
- ~~Assists in preparing, coordinating, and monitoring the annual budget and monitors related records;~~
- Prepares reports/analyses and makes recommendations as required;
- Works with staff in developing methods for dealing with organizational issues and in responding to problems or requests received;
- Assists managers in the supervision, ~~and~~ evaluation and discipline of staff;
- Attends meetings and reports on activities as specified by the Chief Financial Officer;
- Provides effective training and development programs for all employees of the Office of Finance;
- Interacts with government officials, agencies, and the public, providing information and assistance concerning related issues;
- Assists in special projects as assigned by the Chief Financial Officer;
- Assures confidentiality of records and safeguards information and documentation;

- Interprets and applies laws, regulations, policies and procedures as outlined in Federal, State, County governments and other jurisdictions as applicable;
- Promotes an ongoing attitude of dedication to excellent public service and ensures that external and internal customers are provided with the highest quality of service;
- Operates a ~~data processing terminal,~~ personal computer and financial/office software programs, and other related equipment in the course of the work.

~~equipment in the course of the work.~~

~~REQUIRED KNOWLEDGE, SKILLS, AND ABILITIES: Thorough knowledge of the modern principles and practices of business and office management, operational analysis, and office systems to include accounting and fiscal management;~~ think strategically and implement department ~~gability to establish and maintain effective working relationships with associates, government officials, agencies, and the general public and to promote an ongoing attitude of dedication to excellent customer service; ability to reason logically and draw valid conclusions; ability to communicate courteously and effectively, both verbally and in writing; ability to pass a Class III County physical examination.~~

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NEW CASTLE COUNTY GOVERNMENT	Number 0253
	Page 2 of 2
CLASS SPECIFICATION	Date ~~05/01/03~~XX/XX/XX
Title: ~~FINANCE ADMINISTRATION MANAGER~~DEPUTY CHIEF FINANCIAL OFFICER	Approved:

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REQUIRED KNOWLEDGE, SKILLS, AND ABILITIES: Thorough knowledge of the modern principles and practices of business and office management, operational analysis, and office systems to include accounting and fiscal management; thorough knowledge of governmental organization and administration; thorough knowledge of New Castle County Code, federal and state regulations pertaining to financial management; thorough knowledge of statistical principles; ability to maintain confidentiality with highly-sensitive data; ability to think strategically and implement department goals, work priorities, staff resource needs and staff assignments; ability to develop and carry out short and long-term goals; ability to deal effectively with highly sensitive issues; ability to plan, coordinate and supervise the work of professional, technical and clerical support staff; ability to establish and maintain effective working relationships with executive staff, general managers, government officials, union officials, agencies, and the general public and to promote an ongoing attitude of dedication to excellent customer service; ability to make effective presentations before groups; ability to reason logically and draw valid conclusions; ability to communicate courteously and effectively, both verbally and in writing; ability to pass a Class III County physical examination.

ACCEPTABLE EXPERIENCE AND TRAINING: At least ~~five~~ seven (7) years progressively responsible experience at a supervisory level in at least three (3) functional areas in the financial field and possession of a Bachelor's Degree from an accredited college or university with major course work in business administration, public administration, or related field; or any equivalent combination of experience and training which provides the required knowledge, skills, and abilities.

PREFERRED REQUIREMENT: Possession of a Master's Degree in financial management, public administration or related field.

ADDITIONAL REQUIREMENTS: Ability to pass a Class III County physical examination and background check.

HISTORY OF REVISIONS:

Established:	07/01/98
Revised:	05/01/03
Revised	xx/xx/xx

NEW CASTLE COUNTY GOVERNMENT	**Number** 1275
	Page 1 of 2
CLASS SPECIFICATION	**Date** ~~07/26/11~~xx/xx/xx
Title: PENSION AND BENEFITS ADMINISTRATOR	**Approved:**

GENERAL STATEMENT OF DUTIES: Performs professional financial and/or human resources work at a managerial and supervisory level in the administration and coordination of New Castle County's pension and/or benefits programs; does related work as required.

DISTINGUISHING FEATURES OF THE CLASS: An employee in this class manages and coordinates New Castle County's pension and/or benefit programs and supervises professional, technical and administrative support staff in carrying out ~~pension and benefits~~ those activities. Responsibilities include ensuring that all activities are performed in compliance with the New Castle County Code and all applicable ordinances, federal and state laws and regulations, labor contracts and agreements, and relevant policies and procedures. This role involves evaluating, implementing, and improving pension and benefits systems and processes. For the pension plan, t~~T~~his employee is the principal liaison between New Castle County and the Pension Board of Trustees, investment managers, pension consultants, ~~benefits consultants,~~ and the actuary. For the benefits plans, this incumbent is the principal liaison between New Castle County administration and benefits consultants, advisors and others. This is a confidential position dealing with highly sensitive labor relations matters. This employee exercises considerable independent judgment under the administrative direction of the Chief Human Resources Officer or the Chief Financial Officer.

EXAMPLES OF WORK: (Illustrative only)

- Reviews, analyzes and evaluates systems, policies, procedures, programs and services in consultation with the Chief Human Resources Officer, Chief Financial Officer (or their designees), consultants, actuary, and the Pension Board of Trustees and makes recommendations for changes needed to ensure effectiveness and compliance and to improve services and reduce costs to the County;
- Consults with pension consultants and the pension actuary on annual reports, audits, new plan designs, investment managers, recommendations for review by the Pension Board, and various studies;
- Consults with benefits consultants on annual reports, new plan designs, health insurance rates, open enrollment, presentations to the Benefits Committee, contract reviews and requests for proposals for welfare programs;
- Administer the day-to-day operations of employee benefit programs such as health insurance, life insurance, retirement plans (ie. pension and 457(b)), and flexible spending accounts. Serve as the primary point of contact for employees regarding benefit inquiries. Provide guidance on benefits usage and address concerns;
- Leads Benefit Committee meetings, prepares information for the meetings and provides education on benefits issues;
- Facilitates and oversees County's leave administration, inclusive of the federally mandated FMLA provisions;
- Manage employee leave programs, including FMLA, Paid Parental Leave and other related programs. Maintain accurate leave records and ensure compliance with applicable laws;
- Ensure all benefit programs comply with applicable laws and regulations such as the Affordable Care Act, COBRA, and the Health Insurance Portability and Accountability Act (HIPAA). Collaborate with legal and regulatory teams to ensure compliance with all benefit laws;
- Identifies complex problems and reviews related information to develop and evaluate options and implement solutions;
- Drafts, reviews and revises legislation for County Council on issues relating to pension and/or benefits;
- Directs the Pension Trust custodian in setting up new investment managers, in the transfer of funds and

the payment of invoices;
- Reviews pension and benefits contracts;

NEW CASTLE COUNTY GOVERNMENT

Number 1275

Page 2 of 2

CLASS SPECIFICATION

Date ~~07/26/11~~xx/xx/xx

Title: PENSION AND BENEFITS ADMINISTRATOR

Approved:

- Makes cash forecasts for funding of pension plan;
- Manage employee benefits programs and open enrollment for the selection and adjustment of County-offered employee benefits, including holding informational sessions;
- Create, develop, maintain and distribute materials and communications for all pension and/or benefit plans including summary plan descriptions, benefit highlight summaries, and open enrollment information;
- Coordinates County's annual employee health fair in collaboration with outside vendors offering wellness and other services;
- Works in conjunction with Workforce Engagement and Training Administrator to achieve learning objectives relative to healthier living;
- Monitor and adjust policies as needed to ensure legal compliance and program effectiveness;
- Evaluate, implement and improve benefits systems and processes;
- Develops and monitors budget for pension ~~and benefits~~ section;
- Develop and monitor the budget for benefit programs. Coordinate health insurance rate adjustments with consultants and present recommendations to administration;
- Liaison with third-party benefits providers and vendors. Assist in negotiating contracts and ensuring vendors meet service level agreements;
- Coordinates health insurance rates in conjunction with the benefits consultant and presents recommendations to administration;
- Attends hearings and meetings as a management witness or advisor;'
- Participates as a member of the management negotiating team and compiles and analyzes information relating to negotiations;
- Coordinates open enrollment activities;
- Assigns, coordinates and supervises the work of professional, technical and support staff and monitors the progress of work and special projects;
- Reviews work of assigned staff for completeness, accuracy and conformance with County policies, procedures, ordinances, labor contracts and federal and state laws and regulations;
- Supervises the processing of disability claims in collaboration with Employment and Labor Relations ADA requirements, as well as and pension applications;
- Supervises the preparation of the agenda and recording of the minutes of Pension Board of Trustees meetings;
- Supervises the ~~preparation of the monthly pension payroll and~~ maintenance of records;
- ~~Supervises the coordination of pension plan administration with worker's compensation;~~
- Supervises the processing of refunds for contributions and benefits payable;
- Supervises the preparation of annual reports, audit and actuarial schedules, handbooks, benefits profiles and employee communications;
- Reconcile and approve payment of monthly invoices pertaining to pension plan or benefits administration;
- Interprets and applies laws, regulations, policies and procedures as outlined in Federal, State, County governments and other jurisdictions as applicable;
- Promotes an ongoing attitude of dedication to excellent public service and ensures that external and internal customers are provided with the highest quality of service;
- Operates a personal computer and financial/other software programs; and other related equipment in the

course of the work.

REQUIRED KNOWLEDGE, SKILLS AND ABILITIES: Thorough knowledge of the principles, practices and methods involved in the administration of pension and/or benefit programs; thorough knowledge of Federal and State laws and regulations relating to pension and/or benefits; thorough knowledge of insurance industry standard practices used in establishing rates; good knowledge of accounting principles and practices; ability to develop and carry out short- and long-term planning; ability to deal effectively with highly sensitive and confidential issues; ability to plan, coordinate and supervise the work of professional, technical and administrative staff; good knowledge of human resources information systems; some knowledge of sound investment policies and practices, including cash forecasting; some knowledge of principles of actuarial science; ability to prepare complete and accurate accounting and financial reports; ability to interpret pension and/or benefit laws and regulations; ability to communicate courteously and effectively, both verbally and in writing; ability to establish and maintain effective working relationships with executive staff, general managers, union officials, trustees, actuaries, consultants, employees, subordinates and the general public.

MINIMUM QUALIFICATIONS: At least five (5) years progressively responsible experience in professional pension and benefits administration, to include at least one (1) year managerial experience, and possession of a Bachelor's Degree from an accredited college or university with major course work in business administration, accounting, public administration or closely related field; or an equivalent combination of experience, education or training directly related to the required knowledge, skills and abilities.

ADDITIONAL REQUIREMENTS: Must pass a Class III County physical examination and background check.

PREFERRED REQUIREMENT: Experience in pension and/or benefits administration in a public sector environment including experience in transitioning to new providers.

HISTORY OF REVISIONS:
Established: 07/26/11
Revised: xx/xx/xx

NEW CASTLE COUNTY GOVERNMENT	Number 0261
	Page 1 of 2
CLASS SPECIFICATION	Date ~~05/01/01~~xx/xx/xx
Title: SENIOR FINANCIAL OFFICER	Approved:

GENERAL STATEMENT OF DUTIES: Performs highly responsible financial planning and administrative work; oversees accounting, cash and budget operations of the Office of Finance; does related work as required.

DISTINGUISHING FEATURES OF THE CLASS: An employee in this class has the principle responsibility to supervise highly technical accounting, cash and budget operations and to provide financial and strategic planning expertise primarily within the Office of Finance. Major areas of concentration will encompass financial processing, reporting, budgeting and forecasting within the Office of Finance of the County. Responsibilities also include special projects and research in the areas of payroll, budget, accounts payable, cash management and other financial matters. This employee provides technical assistance and advice to fiscal personnel in all County departments and makes recommendations to management on fiscal matters and policies. Work is performed with considerable independence under administrative direction of the Accounting and Fiscal Manager or similar level of management.

EXAMPLES OF WORK: (Illustrative only)

- Develops and executes the County's plan for the annual operating and capital budgets;
- Directs and oversees the activities for the annual financial audit;
- Assists in the development of fiscal policy consistent with the County's financial condition;
- Ensures liquidity in the short-term portfolio for working capital; verifies bank transfers, electronic payments, and revenue entries; primary contact for banking partners and internal customers on cash management matters;
- Supervises professional and support staff and their functions;
- Oversees the maintenance and reconciliation of the County's bank accounts, ledger accounts and financial records;
- Coordinates enhancements and improvements to the financial, cashiering and payroll systems, as well as banking platform and interfaces; supervises enhancements to collections;
- Develops and enforces policies governing accounting, budgeting and cash management operations throughout the County;
- Assists in the County's debt management and bond offerings;
- Formulates and recommends County tax rates and user fees;
- Evaluates County-wide financial operations and provides technical assistance to departments;
- Coordinates analytical financial reviews and special projects as required;

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- Confers with officials and representatives from the public and governmental agencies concerning financial matters;
- Interprets and applies laws, regulations, policies and procedures as outlined in Federal, State, County governments and other jurisdictions as applicable;;
- Promotes an ongoing attitude of dedication to excellent public service and ensures that external and internal customers are provided with the highest quality of service;
- Operates a ~~data processing terminal,~~ personal computer and financial/office software programs; and other related office equipment in the course of the work.

NEW CASTLE COUNTY GOVERNMENT	Number 0290
	Page 2 of 2
CLASS SPECIFICATION	Date ~~05/01/01~~xx/xx/xx
Title: SENIOR FINANCIAL OFFICER	Approved:

REQUIRED KNOWLEDGE, SKILLS AND ABILITIES: Extensive knowledge of accounting, cash management and budgetary principles and methods with emphasis on governmental accounting and budgetary practices; comprehensive knowledge of fiscal planning and administration; thorough knowledge of automated financial systems, applications and uses; good knowledge of laws, ordinances and regulations governing the financial operations of the County; good knowledge of public or business administration; demonstrated ability to coordinate operational functions and supervise related personnel; ability to analyze complex financial problems; ability to communicate courteously and effectively, both verbally and in writing; ability to pass a Class III County physical examination.

ACCEPTABLE EXPERIENCE AND TRAINING: At least seven years of progressively responsible fiscal experience in a supervisory position, preferably in a government environment, and possession of a Bachelor's Degree from an accredited college or university with major course work in accounting, finance or related field; or any equivalent combination of experience and training which provides the required knowledge, skills and abilities.

HISTORY OF REVISIONS:

Established:	09/01/80
Revised:	07/24/89
Revised:	04/01/94
Revised:	07/01/97
Revised:	11/01/97
Revised	05/01/01
Revised	xx/xx/xx

# NEW CASTLE COUNTY GOVERNMENT	**Number** xxxx
	Page 1 of 3
CLASS SPECIFICATION	**Date** xx/xx/xx
Title: SENIOR FISCAL AND POLICY ANALYST	**Approved:**

GENERAL STATEMENT OF DUTIES: Performs highly confidential complex public administration and budgetary tasks within the Office of Finance relating to operating, capital and grant budgeting, position control management, long-term forecasting and cost analysis, and does related work as required.

DISTINGUISHING FEATURES OF THE CLASS: An employee in this class is responsible for guiding and supporting the Chief Administrative Officer and Chief Financial Officer in the estimation of resources, creation of strategic plans and the formulation of operating, capital and grant budgets. The incumbent conducts short- and long-term cost analysis and research, prepares multi-year budget projections, assists in managing the position management system for the entire County, and similar fiscal activities in a confidential environment with access to highly sensitive information. Work involves extensive use of a variety of software programs, including financial systems, word processing and spreadsheets. This employee performs complex budgetary and administrative analysis tasks to assist the Chief Financial Officer and the Executive and Legislative branches in policy decisions/formulation and labor relations. This employee is responsible for the supervision of budget staff and exercises independent judgement while providing direction to subordinate employees. The work is performed under the administrative direction and supervision of senior management.

EXAMPLES OF WORK: (Illustrative only)

- Coordinates, in collaboration with the Chief Administrative Officer and Chief Financial Officer, the development and production of the County's Recommended and Approved Operating and Capital Budgets;
- Coordinates the planning, development, implementation and monitoring of budgetary policies and procedures for the entire County;
- Provides in-depth review, analysis and recommendations to the County during collective bargaining with consideration of highly confidential and sensitive information;
- Provides in-depth review, analysis and recommendations for all department budget requests within the County;
- Manages position management records for the entire County, including position classification records and cost analysis;
- Analyzes work, educates and provides general direction for a variety of department personnel related to all aspects of the County's operating, capital and grant budgets, including position management for the entire County;
- Creates, reviews, approves and finalizes budgetary transactions in the automated County's financial system;

NEW CASTLE COUNTY GOVERNMENT **CLASS SPECIFICATION**	**Number** xxxx **Page** 2 of 3 **Date** xx/xx/xx
Title: SENIOR FISCAL AND POLICY ANALYST	**Approved:**

EXAMPLES OF WORK: (Illustrative only) (Continued)

- Develop, test and maintain modules in the County's financial system, such as central budget entry, budget transfers and amendments, project ledger and interagency billings;
- Drafts, reviews and analyzes contracts, collective bargaining agreements and legislation, including the determination of fiscal and organizational impact with consideration of and access to confidential and highly sensitive information for the entire County;
- Conducts research, analysis and statistical studies for management and/or officials within the executive or legislative branches, including the New Castle County Financial Advisory Council;
- Extracts highly confidential data, develops detailed reports and spreadsheets using the County's financial system(s) and other highly sensitive data sources for County revenue and expenditure projections; and for management use in policy decisions/formulation and labor relations;
- Conducts research and analyzes data to ensure consistency with budgetary practices, including short- and long-term forecasting for the entire County;
- Interprets and applies laws, regulations, policies and procedures as outlined in Federal, State, County governments and other jurisdictions as applicable;
- Promotes an ongoing attitude of dedication to excellent public service and ensures that stakeholders are provided with the highest quality of service;
- Operates a personal computer and financial / office software programs; and other related office equipment in the course of work.

REQUIRED KNOWLEDGE, SKILLS, AND ABILITIES: Extensive knowledge of techniques of costs analysis, budget formulation, economics, and strategic planning, and is able to make recommendations; extensive knowledge of public administration, organization, and budgetary principles and practices; extensive knowledge of financial databases and accounting systems, including Microsoft Office Suite (Word, Excel, PowerPoint, Teams, Outlook, etc.); ability to prepare and analyze complex data and reports, financial statements and other pertinent material; ability to maintain confidentiality with highly sensitive information, including collective bargaining data; ability to analyze financial data and make recommendations; ability to analyze and comprehend organizational and procedural problems and make recommendations; ability to supervise effectively; ability to

NEW CASTLE COUNTY GOVERNMENT CLASS SPECIFICATION	**Number** xxxx **Page** 3 of 3 **Date** xx/xx/xx
Title: SENIOR FISCAL AND POLICY ANALYST	**Approved:**

perform detailed work involving written or numerical data and to make financial calculations accurately; ability to establish effective working relationships with colleagues, personnel, management, government officials and the public; ability to communicate courteously and effectively, both verbally and in writing, including in a public setting; and ability to pass a Class III County physical examination and background check.

MINIMUM QUALIFICATIONS: At least seven (7) years of experience in finance work and possession of a Bachelor's Degree from an accredited college or university with major course work in finance or related field; or an equivalent combination of education and/or experience directly related to the required knowledge, skills and abilities.

HISTORY OF REVISIONS:
Established: xx/xx/xx

NEW CASTLE COUNTY GOVERNMENT CLASS SPECIFICATION	**Number** xxxx **Page** 1 of 3 **Date** xx/xx/xx
Title: SENIOR PENSION PROGRAM ANALYST	**Approved:**

GENERAL STATEMENT OF DUTIES: Provides advanced support and direction in the functional area of the New Castle County employee pension programs; does related work as required.

DISTINGUISHING FEATURES OF THE CLASS: An employee in this class is responsible for the complex financial administration of multiple retirement plans available to County employees. This individual has frequent contact with County employees, pensioners, and organizations servicing the program, organizations requiring information from the pension program, and members of the Pension Board of Trustees. This employee explains and interprets related laws, regulations, procedures, and requirements relating to eligibility for pension benefits. This employee assists in the preparation of applications and reports, the maintenance of records and files, and exercises a substantial degree of independence in planning and organizing work.

EXAMPLES OF WORK: (Illustrative only)

- Supports the administrative activities of the County's pension plans: educates and supports the Pension Board, supports the preparation of annual reports, audit and actuarial schedules, budget and actuarial data;
- Monitors changes in plan design through legislation and collective bargaining agreements, complies with U.S. DOL regulations using ERISA standards and other regulatory agencies;
- Maintains records of contributions, disbursements, payroll changes, and operational expenses;
- Verifies pension payroll and coordinates with the payroll department;
- Performs a reconciliation of the custodial bank account;
- Performs annual processing, including cost of living adjustments as applicable and the 401(a) match for the county's 2011 plan, including related auditing and reporting;
- Coordinates the preparation of the annual employee benefits statement;
- Calculates and administers changes to pension benefits including the processing of child support and QDROs – qualified domestic relations orders;
- Processes refunds of contributions;
- Reviews pension applications, disability claims, and death benefit calculations;
- Performs research directed by the Pension Board of Trustees;
- Prepares financial reports detailing the activities of the system for dissemination to the members of pension plans in a format specified by the Board of Trustees;

NEW CASTLE COUNTY GOVERNMENT CLASS SPECIFICATION	**Number** xxxx **Page** 2 of 3 **Date** xx/xx/xx
Title: SENIOR PENSION PROGRAM ANALYST	**Approved:**

EXAMPLES OF WORK: (Illustrative only) (Continued)

- Designs communication documents, educational materials, etc., for all covered employees and retirees in order to provide actuarial, contributory, and other data in a timely and accurate manner;
- Designs and plans pre-retirement education and seminars for employees; and,
- Interprets and applies laws, regulations, policies and procedures as outlined in Federal, State, County governments and other jurisdictions as applicable;
- Promotes an ongoing attitude of dedication to excellent public service and ensures that external and internal customers are provided with the highest quality of service;
- Operates a personal computer and financial / office software programs; and other related office equipment in the course of work.

REQUIRED KNOWLEDGE, SKILLS, AND ABILITIES: Extensive knowledge of the principles, practices, and methods involved in the administration of a pension program; good knowledge of the laws and regulations governing the various pension plans; good knowledge of the methods used in preparing monetary estimates, processing applications, and providing advice and assistance to employees and pensioners; good knowledge in the development of data for computing benefits and determining eligibility for benefits; ability to communicate courteously and effectively, both verbally and in writing; ability to interview and/or counsel employees on pension matters; good knowledge of the principles and procedures of accounting to include payroll administration, data accumulation, and reporting.

MINIMUM QUALIFICATIONS: At least five (5) years of experience at the professional level in the area of accounting, public administration, business administration, or administrative financial work with at least one (1) year experience in pension administration and possession of a Bachelor's Degree from an accredited college or university with major course work in business administration, accounting, public administration, or a closely related field; or an equivalent combination of experience, education or training directly related to the required knowledge, skills, and abilities.

ADDITIONAL REQUIREMENTS: Must pass a Class III County physical examination and background check.

HISTORY OF REVISIONS:
Established: xx/xx/xx

# NEW CASTLE COUNTY GOVERNMENT	**Number** xxxx
	Page 1 of 2
CLASS SPECIFICATION	**Date** xx/xx/xx
Title: FISCAL AND POLICY ANALYST	**Approved:**

GENERAL STATEMENT OF DUTIES: Performs confidential public administration and budgetary tasks within the Office of Finance relating to operating, capital and grant budgeting, position control and cost analysis, and does related work as required.

DISTINGUISHING FEATURES OF THE CLASS: An employee in this class is responsible for supporting the Chief Administrative Officer and Chief Financial Officer in the estimation of resources, creation of strategic plans and the formulation of operating, capital and grant budgets. The incumbent conducts budgetary and fiscal analysis and research, prepares budget projections, maintains position management system for the entire County, and performs similar and related fiscal activities in a confidential environment with access to highly sensitive information. Work involves extensive use of a variety of software programs, including financial systems, word processing and spreadsheets. This employee performs budgetary and administrative analysis tasks to assist the Chief Financial Officer and the Executive and Legislative branches in policy decisions/formulation and labor relations. General supervision is received, but this position requires independent judgment and initiative for the solution of routine budgetary problems. Supervisors are available for consultation for unusual problems and to give detailed instructions on all new assignments.

EXAMPLES OF WORK: (Illustrative only)

- Assists the Chief Administrative Officer and Chief Financial Officer in the development and production of the County's Recommended and Approved Operating and Capital Budgets;
- Assists the Chief Administrative Officer and Chief Financial Officer in the planning, development, implementation and monitoring of budgetary policies and procedures for the entire County;
- Provides in-depth review and analysis during collective bargaining on behalf of the County with access to highly confidential and sensitive information;
- Provides in-depth review, analysis and recommendations of assigned department budget requests;
- Maintains position management for the entire County, including position classification and cost analysis;
- Reviews the work and provides general direction to a variety of department personnel related to all aspects of the County's operating, capital and grant budgets, including position management;
- Creates, reviews and approves budgetary transactions in the County's automated financial system;

NEW CASTLE COUNTY GOVERNMENT CLASS SPECIFICATION	**Number** xxxx **Page** 2 of 2 **Date** xx/xx/xx
Title: FISCAL AND POLICY ANALYST	**Approved:**

EXAMPLES OF WORK: (Illustrative only) (Continued)

- Reviews and analyzes contracts, collective bargaining agreements and legislation to determine fiscal and organizational impact, including consideration of highly confidential and sensitive information;
- Extracts confidential data, develops detailed reports and spreadsheets using the County's financial system(s) and other highly sensitive data sources for management use in policy decisions/formulation and labor relations;
- Conducts research and analyzes data to ensure consistency with budgetary practices, including forecasting, for assigned departments;
- Interprets and applies laws, regulations, policies and procedures as outlined in Federal, State, County governments and other jurisdictions as applicable;
- Promotes an ongoing attitude of dedication to excellent public service and ensures that stakeholders are provided with the highest quality of service;
- Operates a personal computer and financial / office software programs; and other related office equipment in the course of work.

REQUIRED KNOWLEDGE, SKILLS, AND ABILITIES: Good knowledge of techniques of costs analysis, budget formulation, strategic planning and uses that knowledge to make recommendations; good knowledge of public administration, organization, and budgetary principles and practices; thorough knowledge of financial databases and accounting systems, including Microsoft Office Suite (Word, Excel, PowerPoint, Teams, Outlook, etc.); ability to maintain confidentiality with highly sensitive information, including collective bargaining data; ability to prepare accurate reports; ability to perform detailed work involving written or numerical data and to make financial calculations accurately; ability to analyze and comprehend organizational and procedural problems and to make recommendations; ability to establish effective working relationships with colleagues, management, government officials and the general public; ability to communicate courteously and effectively, both verbally and in writing; and ability to pass a Class III County physical examination and background check.

MINIMUM QUALIFICATIONS: At least five (5) years of experience in finance work and possession of a Bachelor's Degree from an accredited college or university with major course work in finance or related field; or an equivalent combination of education, and/or experience directly related to the required knowledge, skills and abilities.

HISTORY OF REVISIONS:
Established: xx/xx/xx

PAY PLAN AND RATES OF PAY FOR NON-UNION CLASSIFIED SERVICE EMPLOYEES

CLASSIFICATION	PAY GRADE	1	2	3	4	5	6	7	8	9	10	11
SENIOR SERVICES TRANS. PROGRAM COORD.	16	34,929	36,675	38,509	40,435	42,456	44,578	46,806	49,147	51,604	54,185	56,894
INSURANCE CLAIMS ASSISTANT	17	36,676	38,510	40,436	42,457	44,580	46,809	49,150	51,607	54,188	56,897	59,742
SENIOR SERVICES CENTER DIRECTOR	18	38,511	40,437	42,458	44,581	46,810	49,151	51,609	54,189	56,898	59,744	62,731
CONFIDENTIAL ASSISTANT HUMAN RESOURCES ASSISTANT	20	42,458	44,581	46,810	49,151	51,609	54,189	56,898	59,744	62,730	65,867	69,160
FINANCE INFORMATION SPECIALIST FIRE/MEDICAL COMMUNICATIONS SUPERVISOR POLICE COMMUNICATIONS SUPERVISOR VICTIM'S ASSISTANCE OFFICE COORDINATOR	22	46,809	49,150	51,607	54,188	56,897	59,743	62,729	65,866	69,159	72,617	76,248
REGISTER IN CHANCERY OFFICE ADMINISTRATOR STORMWATER INSPECTION SUPERVISOR	23	49,149	51,606	54,187	56,896	59,742	62,728	65,865	69,158	72,616	76,247	80,059
CRIME ANALYST LAND USE PARALEGAL PUBLIC INFORMATION SPECIALIST REAL ESTATE COORDINATOR	24	51,609	54,189	56,898	59,744	62,730	65,867	69,160	72,618	76,249	80,062	84,065
CUSTOMER INFO. AND ASSISTANCE SUPV. POLICE ACCREDITATION COORDINATOR	25	54,190	56,899	59,745	62,732	65,868	69,161	72,619	76,250	80,063	84,066	88,269
ASSISTANT COMMUNITY SERVICES ADMIN. ASSISTANT LAND USE ADMINISTRATOR ENVIRONMENTAL ENGINEER I HUMAN RESOURCES TECHNICIAN INSURANCE ADMINISTRATOR LAW OFFICE ADMINISTRATOR	26	56,899	59,745	62,732	65,868	69,161	72,619	76,250	80,063	84,066	88,269	92,682
COMMUNITY GOVERNING ADMINISTRATOR SPORTS AND ATHLETICS ADMINISTRATOR	27	59,744	62,730	65,867	69,160	72,618	76,249	80,062	84,065	88,268	92,682	97,316
ENVIRONMENTAL ADMINISTRATOR FACILITIES PROJECT MANAGER FISCAL AND POLICY ANALYST LAND USE SERVICES ADMINISTRATOR PUBLIC WORKS PROGRAM MANAGER STORMWATER PROGRAM COORDINATOR	28	62,730	65,867	69,160	72,618	76,249	80,062	84,065	88,268	92,682	97,316	102,182
PAYROLL SUPERVISOR	29	65,869	69,162	72,620	76,251	80,064	84,067	88,270	92,684	97,318	102,184	107,293
COMMUNITY SERVICES ADMINISTRATOR EMPLOYEE RELATIONS SPECIALIST ~~FINANCE ADMINISTRATION MANAGER~~ HUMAN RESOURCES ADMINISTRATOR LAND USE ADMINISTRATOR OPERATIONS SERVICES MANAGER PARKS DEVELOPMENT PLANNER PENSION AND BENEFITS ADMINISTRATOR SENIOR FISCAL AND POLICY ANALYST TRANSPORTATION PLANNER	30	69,161	72,619	76,250	80,063	84,066	88,269	92,683	97,317	102,183	107,292	112,657
DEVELOPMENT FACILITATOR PROPERTY ASSESSMENT SERVICES MANAGER	31	72,623	76,253	80,066	84,069	88,272	92,686	97,320	102,187	107,296	112,660	118,293
DEPARTMENT FINANCE OFFICER INFORMATION SYSTEMS ASSISTANT MANAGER LICENSING MANAGER MANAGEMENT AND PRODUCTIVITY MANAGER PLANNING MANAGER SENIOR FINANCIAL OFFICER	32	76,252	80,065	84,068	88,271	92,685	97,319	102,185	107,294	112,658	118,291	124,206

PAY PLAN AND RATES OF PAY FOR NON-UNION CLASSIFIED SERVICE EMPLOYEES

CLASSIFICATION	PAY GRADE	1	2	3	4	5	6	7	8	9	10	11
ACCOUNTING AND FISCAL MANAGER	34	84,067	88,270	92,684	97,318	102,184	107,293	112,657	118,290	124,204	130,414	136,935
ASSISTANT LAND USE MANAGER												
CHIEF OF SPECIAL PROJECTS												
COMMUNITY SERVICES MANAGER												
ENGINEERING SERVICES MANAGER												
INFORMATION SYSTEMS MANAGER												
INSURANCE AND LOSS CONTROL MANAGER												
INTERNAL SERVICES MANAGER												
PARKS DIVISION MANAGER												
PENSION PROGRAM MANAGER												
SEWER OPERATIONS MANAGER												
STORMWATER & ENVIRONMENTAL PROGS. MGR												
TREASURY MANAGER												
FINANCE LEGAL OFFICER	35	88,271	92,685	97,319	102,185	107,294	112,658	118,291	124,206	130,416	136,937	143,784
FIRST ASSISTANT COUNTY ATTORNEY												
HUMAN RESOURCES MANAGER												
DEPUTY CHIEF FINANCIAL OFFICER	36	92,684	97,318	102,184	107,293	112,657	118,290	124,204	130,414	136,934	143,781	150,970
PUBLIC WORKS SENIOR MANAGER												
DEPUTY CHIEF OF TECHNOLOGY												

NON-UNION CLASSIFIED SERVICE EMPLOYEES OF EMERGENCY COMMUNICATIONS AND EMERGENCY MEDICAL SERVICES

CLASSIFICATION	PAY GRADE	1	2	3	4	5	6	7	8	9	10	11
ASSISTANT CHIEF OF EMERG. COMMUNICATIONS	32	81,115	84,927	88,931	93,135	97,547	102,182	107,048	112,157	117,521	123,155	129,312
CHIEF OF EMERGENCY COMMUNICATIONS	36	97,097	101,731	106,596	111,706	117,070	122,702	128,616	134,827	141,347	148,194	155,604
CHIEF OF EMERGENCY MEDICAL SERVICES	38	109,539	114,649	120,013	125,645	131,560	137,771	144,292	151,139	158,328	165,877	174,171

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PAY PLAN AND RATES OF PAY FOR NON-UNION CLASSIFIED SERVICE EMPLOYEES

CLASSIFICATION	PAY GRADE	1	2	3	4	5	6	7	8	9	10	11
SENIOR SERVICES TRANS. PROGRAM COORD.	16	35,803	37,592	39,472	41,446	43,518	45,693	47,977	50,376	52,895	55,540	58,317
INSURANCE CLAIMS ASSISTANT	17	37,593	39,473	41,447	43,519	45,695	47,980	50,379	52,898	55,543	58,320	61,236
SENIOR SERVICES CENTER DIRECTOR	18	39,474	41,448	43,520	45,696	47,981	50,380	52,900	55,544	58,321	61,238	64,300
CONFIDENTIAL ASSISTANT HUMAN RESOURCES ASSISTANT	20	43,520	45,696	47,981	50,380	52,900	55,544	58,321	61,238	64,299	67,514	70,889
FINANCE INFORMATION SPECIALIST FIRE/MEDICAL COMMUNICATIONS SUPERVISOR POLICE COMMUNICATIONS SUPERVISOR VICTIM'S ASSISTANCE OFFICE COORDINATOR	22	47,980	50,379	52,898	55,543	58,320	61,237	64,298	67,513	70,888	74,433	78,155
REGISTER IN CHANCERY OFFICE ADMINISTRATOR STORMWATER INSPECTION SUPERVISOR	23	50,378	52,897	55,542	58,319	61,236	64,297	67,512	70,887	74,432	78,154	82,061
CRIME ANALYST LAND USE PARALEGAL PUBLIC INFORMATION SPECIALIST REAL ESTATE COORDINATOR	24	52,900	55,544	58,321	61,238	64,299	67,514	70,889	74,434	78,156	82,064	86,167
CUSTOMER INFO. AND ASSISTANCE SUPV. POLICE ACCREDITATION COORDINATOR	25	55,545	58,322	61,239	64,301	67,515	70,891	74,435	78,157	82,065	86,168	90,476
ASSISTANT COMMUNITY SERVICES ADMIN. ASSISTANT LAND USE ADMINISTRATOR ENVIRONMENTAL ENGINEER I HUMAN RESOURCES TECHNICIAN INSURANCE ADMINISTRATOR LAW OFFICE ADMINISTRATOR	26	58,322	61,239	64,301	67,515	70,891	74,435	78,157	82,065	86,168	90,476	95,000
COMMUNITY GOVERNING ADMINISTRATOR SPORTS AND ATHLETICS ADMINISTRATOR	27	61,238	64,299	67,514	70,889	74,434	78,156	82,064	86,167	90,475	95,000	99,749
ENVIRONMENTAL ADMINISTRATOR FACILITIES PROJECT MANAGER FISCAL AND POLICY ANALYST LAND USE SERVICES ADMINISTRATOR PUBLIC WORKS PROGRAM MANAGER STORMWATER PROGRAM COORDINATOR	28	64,299	67,514	70,889	74,434	78,156	82,064	86,167	90,475	95,000	99,749	104,737
PAYROLL SUPERVISOR	29	67,516	70,892	74,436	78,158	82,066	86,169	90,477	95,002	99,751	104,739	109,976
COMMUNITY SERVICES ADMINISTRATOR EMPLOYEE RELATIONS SPECIALIST ~~FINANCE ADMINISTRATION MANAGER~~ HUMAN RESOURCES ADMINISTRATOR LAND USE ADMINISTRATOR OPERATIONS SERVICES MANAGER PARKS DEVELOPMENT PLANNER PENSION AND BENEFITS ADMINISTRATOR SENIOR FISCAL AND POLICY ANALYST TRANSPORTATION PLANNER	30	70,891	74,435	78,157	82,065	86,168	90,476	95,001	99,750	104,738	109,975	115,474
DEVELOPMENT FACILITATOR PROPERTY ASSESSMENT SERVICES MANAGER	31	74,439	78,160	82,068	86,171	90,479	95,004	99,753	104,742	109,979	115,477	121,251
DEPARTMENT FINANCE OFFICER INFORMATION SYSTEMS ASSISTANT MANAGER LICENSING MANAGER MANAGEMENT AND PRODUCTIVITY MANAGER PLANNING MANAGER SENIOR FINANCIAL OFFICER	32	78,159	82,067	86,170	90,478	95,003	99,752	104,740	109,977	115,475	121,249	127,312

PAY PLAN AND RATES OF PAY FOR NON-UNION CLASSIFIED SERVICE EMPLOYEES

CLASSIFICATION	PAY GRADE	1	2	3	4	5	6	7	8	9	10	11
ACCOUNTING AND FISCAL MANAGER ASSISTANT LAND USE MANAGER CHIEF OF SPECIAL PROJECTS COMMUNITY SERVICES MANAGER ENGINEERING SERVICES MANAGER INFORMATION SYSTEMS MANAGER INSURANCE AND LOSS CONTROL MANAGER INTERNAL SERVICES MANAGER PARKS DIVISION MANAGER PENSION PROGRAM MANAGER SEWER OPERATIONS MANAGER STORMWATER & ENVIRONMENTAL PROGS. MGR TREASURY MANAGER	34	86,169	90,477	95,002	99,751	104,739	109,976	115,474	121,248	127,310	133,675	140,359
FINANCE LEGAL OFFICER FIRST ASSISTANT COUNTY ATTORNEY HUMAN RESOURCES MANAGER	35	90,478	95,003	99,752	104,740	109,977	115,475	121,249	127,312	133,677	140,361	147,379
<u>DEPUTY CHIEF FINANCIAL OFFICER</u> PUBLIC WORKS SENIOR MANAGER DEPUTY CHIEF OF TECHNOLOGY	36	95,002	99,751	104,739	109,976	115,474	121,248	127,310	133,675	140,358	147,376	154,745

NON-UNION CLASSIFIED SERVICE EMPLOYEES OF EMERGENCY COMMUNICATIONS AND EMERGENCY MEDICAL SERVICES

ASSISTANT CHIEF OF EMERG. COMMUNICATIONS	32	83,144	87,050	91,155	95,463	99,986	104,738	109,725	114,962	120,459	126,234	132,546
CHIEF OF EMERGENCY COMMUNICATIONS	36	99,525	104,275	109,261	114,499	119,997	125,770	131,832	138,198	144,881	151,899	159,495
CHIEF OF EMERGENCY MEDICAL SERVICES	38	112,278	117,516	123,014	128,787	134,849	141,216	147,900	154,918	162,287	170,024	178,526

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PAY PLAN AND RATES OF PAY FOR NON-UNION CLASSIFIED SERVICE EMPLOYEES

CLASSIFICATION	PAY GRADE	1	2	3	4	5	6	7	8	9	10	11
SENIOR SERVICES TRANS. PROGRAM COORD.	16	36,699	38,532	40,459	42,483	44,606	46,836	49,177	51,636	54,218	56,929	59,775
INSURANCE CLAIMS ASSISTANT	17	38,533	40,460	42,484	44,607	46,838	49,180	51,639	54,221	56,932	59,778	62,767
SENIOR SERVICES CENTER DIRECTOR	18	40,461	42,485	44,608	46,839	49,181	51,640	54,223	56,933	59,780	62,769	65,908
CONFIDENTIAL ASSISTANT	20	44,608	46,839	49,181	51,640	54,223	56,933	59,780	62,769	65,907	69,202	72,662
HUMAN RESOURCES ASSISTANT												
FINANCE INFORMATION SPECIALIST	22	49,180	51,639	54,221	56,932	59,778	62,768	65,906	69,201	72,661	76,294	80,109
FIRE/MEDICAL COMMUNICATIONS SUPERVISOR												
POLICE COMMUNICATIONS SUPERVISOR												
VICTIM'S ASSISTANCE OFFICE COORDINATOR												
REGISTER IN CHANCERY OFFICE ADMINISTRATOR	23	51,638	54,220	56,931	59,777	62,767	65,905	69,200	72,660	76,293	80,108	84,113
STORMWATER INSPECTION SUPERVISOR												
CRIME ANALYST	24	54,223	56,933	59,780	62,769	65,907	69,202	72,662	76,295	80,110	84,116	88,322
LAND USE PARALEGAL												
PUBLIC INFORMATION SPECIALIST												
REAL ESTATE COORDINATOR												
CUSTOMER INFO. AND ASSISTANCE SUPV.	25	56,934	59,781	62,770	65,909	69,203	72,664	76,296	80,111	84,117	88,323	92,738
POLICE ACCREDITATION COORDINATOR												
ASSISTANT COMMUNITY SERVICES ADMIN.	26	59,781	62,770	65,909	69,203	72,664	76,296	80,111	84,117	88,323	92,738	97,375
ASSISTANT LAND USE ADMINISTRATOR												
ENVIRONMENTAL ENGINEER I												
HUMAN RESOURCES TECHNICIAN												
INSURANCE ADMINISTRATOR												
LAW OFFICE ADMINISTRATOR												
COMMUNITY GOVERNING ADMINISTRATOR	27	62,769	65,907	69,202	72,662	76,295	80,110	84,116	88,322	92,737	97,375	102,243
SPORTS AND ATHLETICS ADMINISTRATOR												
ENVIRONMENTAL ADMINISTRATOR	28	65,907	69,202	72,662	76,295	80,110	84,116	88,322	92,737	97,375	102,243	107,356
FACILITIES PROJECT MANAGER												
FISCAL AND POLICY ANALYST												
LAND USE SERVICES ADMINISTRATOR												
PUBLIC WORKS PROGRAM MANAGER												
STORMWATER PROGRAM COORDINATOR												
PAYROLL SUPERVISOR	29	69,204	72,665	76,297	80,112	84,118	88,324	92,739	97,378	102,245	107,358	112,726
COMMUNITY SERVICES ADMINISTRATOR	30	72,664	76,296	80,111	84,117	88,323	92,738	97,377	102,244	107,357	112,725	118,361
EMPLOYEE RELATIONS SPECIALIST												
~~FINANCE ADMINISTRATION MANAGER~~												
HUMAN RESOURCES ADMINISTRATOR												
LAND USE ADMINISTRATOR												
OPERATIONS SERVICES MANAGER												
PARKS DEVELOPMENT PLANNER												
PENSION AND BENEFITS ADMINISTRATOR												
SENIOR FISCAL AND POLICY ANALYST												
TRANSPORTATION PLANNER												
DEVELOPMENT FACILITATOR	31	76,300	80,114	84,120	88,326	92,741	97,380	102,247	107,361	112,729	118,364	124,283
PROPERTY ASSESSMENT SERVICES MANAGER												
DEPARTMENT FINANCE OFFICER	32	80,113	84,119	88,325	92,740	97,379	102,246	107,359	112,727	118,362	124,281	130,495
INFORMATION SYSTEMS ASSISTANT MANAGER												
LICENSING MANAGER												
MANAGEMENT AND PRODUCTIVITY MANAGER												
PLANNING MANAGER												
SENIOR FINANCIAL OFFICER												

PAY PLAN AND RATES OF PAY FOR NON-UNION CLASSIFIED SERVICE EMPLOYEES

CLASSIFICATION	PAY GRADE	1	2	3	4	5	6	7	8	9	10	11
ACCOUNTING AND FISCAL MANAGER	34	88,324	92,739	97,378	102,245	107,358	112,726	118,361	124,280	130,493	137,017	143,868
ASSISTANT LAND USE MANAGER												
CHIEF OF SPECIAL PROJECTS												
COMMUNITY SERVICES MANAGER												
ENGINEERING SERVICES MANAGER												
INFORMATION SYSTEMS MANAGER												
INSURANCE AND LOSS CONTROL MANAGER												
INTERNAL SERVICES MANAGER												
PARKS DIVISION MANAGER												
PENSION PROGRAM MANAGER												
SEWER OPERATIONS MANAGER												
STORMWATER & ENVIRONMENTAL PROGS. MGR												
TREASURY MANAGER												
FINANCE LEGAL OFFICER	35	92,740	97,379	102,246	107,359	112,727	118,362	124,281	130,495	137,019	143,871	151,064
FIRST ASSISTANT COUNTY ATTORNEY												
HUMAN RESOURCES MANAGER												
DEPUTY CHIEF FINANCIAL OFFICER	36	97,378	102,245	107,358	112,726	118,361	124,280	130,493	137,017	143,867	151,061	158,614
PUBLIC WORKS SENIOR MANAGER												
DEPUTY CHIEF OF TECHNOLOGY												

NON-UNION CLASSIFIED SERVICE EMPLOYEES OF EMERGENCY COMMUNICATIONS AND EMERGENCY MEDICAL SERVICES

CLASSIFICATION	PAY GRADE	1	2	3	4	5	6	7	8	9	10	11
ASSISTANT CHIEF OF EMERG. COMMUNICATIONS	32	85,223	89,226	93,434	97,850	102,486	107,356	112,469	117,836	123,471	129,391	135,860
CHIEF OF EMERGENCY COMMUNICATIONS	36	102,014	106,882	111,993	117,362	122,997	128,915	135,128	141,653	148,504	155,697	163,483
CHIEF OF EMERGENCY MEDICAL SERVICES	38	115,085	120,454	126,090	132,007	138,221	144,747	151,598	158,791	166,345	174,275	182,990

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PAY PLANS AND RATES OF PAY FOR
CLASSIFIED SERVICE PROFESSIONAL EMPLOYEES REPRESENTED BY THE DELAWARE PUBLIC EMPLOYEES COUNCIL 81, AFSCME, AFL-CIO, AFFILIATE LOCAL 3109

CLASSIFICATION	PAY GRADE	1	2	3	4	5	6	7	8	9	10	11
HOUSING SPECIALIST	19	40,419	42,440	44,562	46,791	49,130	51,587	54,168	56,876	59,721	62,706	65,841
RECREATION SPECIALIST	19											
AUTOMOTIVE PARTS SUPERVISOR	22	46,791	49,130	51,587	54,168	56,876	59,721	62,706	65,844	69,134	72,593	76,223
PLANNER I	22											
COMMUNITY SERVICES COORDINATOR	23	49,130	51,587	54,168	56,876	59,721	62,706	65,844	69,134	72,593	76,222	80,033
CUSTOMER INFO AND ASSISTANCE COORD	23											
HEALTH SERVICES NURSE	23											
ASSESSMENT ANALYST	24	51,587	54,168	56,876	59,721	62,706	65,844	69,134	72,593	76,222	80,033	84,035
EMERGENCY PREPAREDNESS PLANNER	24											
HOUSING FINANCIAL ADVISOR	24											
PROGRAM ANALYST	24											
JUNIOR SYSTEMS PROGRAMMER	26	56,876	59,721	62,706	65,844	69,134	72,593	76,222	80,033	84,035	88,236	92,648
LIBRARIAN I	26											
PENSION PROGRAM ANALYST	26											
PLANNER II	26											
BUDGET AND PROCEDURES ANALYST	27	59,721	62,706	65,844	69,134	72,593	76,222	80,033	84,035	88,236	92,648	97,280
COORDINATOR OF EMERGENCY PLANNING	28	62,706	65,844	69,134	72,593	76,222	80,033	84,035	88,236	92,648	97,281	102,145
HOUSING MANAGEMENT ANALYST	28											
INFORMATION SYSTEMS SPECIALIST	28											
LANDSCAPE ARCHITECT	28											
SENIOR PENSION PROGRAM ANALYST	28											
SEWER SYSTEM ANALYST	28											
SYSTEMS PROGRAMMER	28											
TRAFFIC ENGINEER	28											
SENIOR BUDGET AND PROCEDURES ANALYST	29	65,844	69,134	72,593	76,222	80,033	84,035	88,236	92,648	97,281	102,145	107,252
INFORMATION SYSTEMS COORDINATOR	30	69,134	72,593	76,222	80,033	84,035	88,236	92,648	97,281	102,145	107,253	112,616
OPERATIONS ENGINEER	30											
PARKS DEVELOPMENT PLANNER	30											
PLANNER III	30											
TRAINING ADMINISTRATOR	30											
SENIOR NETWORK ENGINEER	31	72,593	76,222	80,033	84,035	88,236	92,648	97,281	102,145	107,253	112,616	118,247
GEOGRAPHIC INFORMATION SYSTEMS MANAGER	32	76,222	80,033	84,035	88,236	92,648	97,281	102,145	107,253	112,616	118,246	124,158
CHIEF PROCUREMENT OFFICER	34	84,035	88,236	92,648	97,281	102,145	107,253	112,616	118,246	124,157	130,366	136,884

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PAY PLANS AND RATES OF PAY FOR CLASSIFIED SERVICE PROFESSIONAL EMPLOYEES REPRESENTED BY THE DELAWARE PUBLIC EMPLOYEES COUNCIL 81, AFSCME, AFL-CIO, AFFILIATE LOCAL 3109

CLASSIFICATION	PAY GRADE	1	2	3	4	5	6	7	8	9	10	11
HOUSING SPECIALIST	19	41,429	43,501	45,676	47,961	50,358	52,877	55,522	58,298	61,214	64,274	67,487
RECREATION SPECIALIST	19											
AUTOMOTIVE PARTS SUPERVISOR	22	47,961	50,358	52,877	55,522	58,298	61,214	64,274	67,490	70,862	74,408	78,129
PLANNER I	22											
COMMUNITY SERVICES COORDINATOR	23	50,358	52,877	55,522	58,298	61,214	64,274	67,490	70,862	74,408	78,128	82,034
CUSTOMER INFO AND ASSISTANCE COORD	23											
HEALTH SERVICES NURSE	23											
ASSESSMENT ANALYST	24	52,877	55,522	58,298	61,214	64,274	67,490	70,862	74,408	78,128	82,034	86,136
EMERGENCY PREPAREDNESS PLANNER	24											
HOUSING FINANCIAL ADVISOR	24											
PROGRAM ANALYST	24											
JUNIOR SYSTEMS PROGRAMMER	26	58,298	61,214	64,274	67,490	70,862	74,408	78,128	82,034	86,136	90,442	94,964
LIBRARIAN I	26											
PENSION PROGRAM ANALYST	26											
PLANNER II	26											
BUDGET AND PROCEDURES ANALYST	27	61,214	64,274	67,490	70,862	74,408	78,128	82,034	86,136	90,442	94,964	99,712
COORDINATOR OF EMERGENCY PLANNING	28	64,274	67,490	70,862	74,408	78,128	82,034	86,136	90,442	94,964	99,713	104,699
HOUSING MANAGEMENT ANALYST	28											
INFORMATION SYSTEMS SPECIALIST	28											
LANDSCAPE ARCHITECT	28											
SENIOR PENSION PROGRAM ANALYST	28											
SEWER SYSTEM ANALYST	28											
SYSTEMS PROGRAMMER	28											
TRAFFIC ENGINEER	28											
SENIOR BUDGET AND PROCEDURES ANALYST	29	67,490	70,862	74,408	78,128	82,034	86,136	90,442	94,964	99,713	104,699	109,933
INFORMATION SYSTEMS COORDINATOR	30	70,862	74,408	78,128	82,034	86,136	90,442	94,964	99,713	104,699	109,934	115,431
OPERATIONS ENGINEER	30											
PARKS DEVELOPMENT PLANNER	30											
PLANNER III	30											
TRAINING ADMINISTRATOR	30											
SENIOR NETWORK ENGINEER	31	74,408	78,128	82,034	86,136	90,442	94,964	99,713	104,699	109,934	115,431	121,203
GEOGRAPHIC INFORMATION SYSTEMS MANAGER	32	78,128	82,034	86,136	90,442	94,964	99,713	104,699	109,934	115,431	121,202	127,262
CHIEF PROCUREMENT OFFICER	34	86,136	90,442	94,964	99,713	104,699	109,934	115,431	121,202	127,261	133,625	140,306

Effective: 07/01/2025 (Ord xx-xxx)
Revised: xx/xx/xxxx (Ord xx-xxx)

PAY PLANS AND RATES OF PAY FOR CLASSIFIED SERVICE PROFESSIONAL EMPLOYEES REPRESENTED BY THE DELAWARE PUBLIC EMPLOYEES COUNCIL 81, AFSCME, AFL-CIO, AFFILIATE LOCAL 3109

CLASSIFICATION	PAY GRADE	1	2	3	4	5	6	7	8	9	10	11
HOUSING SPECIALIST	19	42,465	44,589	46,818	49,160	51,617	54,199	56,910	59,755	62,744	65,881	69,174
RECREATION SPECIALIST	19											
AUTOMOTIVE PARTS SUPERVISOR	22	49,160	51,617	54,199	56,910	59,755	62,744	65,881	69,177	72,634	76,268	80,082
PLANNER I	22											
COMMUNITY SERVICES COORDINATOR	23	51,617	54,199	56,910	59,755	62,744	65,881	69,177	72,634	76,268	80,081	84,085
CUSTOMER INFO AND ASSISTANCE COORD	23											
HEALTH SERVICES NURSE	23											
ASSESSMENT ANALYST	24	54,199	56,910	59,755	62,744	65,881	69,177	72,634	76,268	80,081	84,085	88,289
EMERGENCY PREPAREDNESS PLANNER	24											
HOUSING FINANCIAL ADVISOR	24											
PROGRAM ANALYST	24											
JUNIOR SYSTEMS PROGRAMMER	26	59,755	62,744	65,881	69,177	72,634	76,268	80,081	84,085	88,289	92,703	97,338
LIBRARIAN I	26											
PENSION PROGRAM ANALYST	26											
PLANNER II	26											
BUDGET AND PROCEDURES ANALYST	27	62,744	65,881	69,177	72,634	76,268	80,081	84,085	88,289	92,703	97,338	102,205
COORDINATOR OF EMERGENCY PLANNING	28	65,881	69,177	72,634	76,268	80,081	84,085	88,289	92,703	97,338	102,206	107,316
HOUSING MANAGEMENT ANALYST	28											
INFORMATION SYSTEMS SPECIALIST	28											
LANDSCAPE ARCHITECT	28											
<u>SENIOR PENSION PROGRAM ANALYST</u>	<u>28</u>											
SEWER SYSTEM ANALYST	28											
SYSTEMS PROGRAMMER	28											
TRAFFIC ENGINEER	28											
SENIOR BUDGET AND PROCEDURES ANALYST	29	69,177	72,634	76,268	80,081	84,085	88,289	92,703	97,338	102,206	107,316	112,681
INFORMATION SYSTEMS COORDINATOR	30	72,634	76,268	80,081	84,085	88,289	92,703	97,338	102,206	107,316	112,682	118,317
OPERATIONS ENGINEER	30											
PARKS DEVELOPMENT PLANNER	30											
PLANNER III	30											
TRAINING ADMINISTRATOR	30											
SENIOR NETWORK ENGINEER	31	76,268	80,081	84,085	88,289	92,703	97,338	102,206	107,316	112,682	118,317	124,233
GEOGRAPHIC INFORMATION SYSTEMS MANAGER	32	80,081	84,085	88,289	92,703	97,338	102,206	107,316	112,682	118,317	124,232	130,444
CHIEF PROCUREMENT OFFICER	34	88,289	92,703	97,338	102,206	107,316	112,682	118,317	124,232	130,443	136,966	143,814

Effective: 07/01/2026 (Ord xx-xxx)
Revised: xx/xx/xxxx (Ord xx-xxx)

Prime Sponsor(s): Ms. Durham, Mr. Carter, Mr. Toole
Co-Sponsors: Mr. Cartier, Mr. Smiley
Date of introduction: January 23, 2024

SUBSTITUTE NO. 1 TO ORDINANCE NO. 24-008

TO AMEND *NEW CASTLE COUNTY CODE* CHAPTER 40 ("UNIFIED DEVELOPMENT CODE"), ARTICLE 14 ("IMPACT FEES") REGARDING ADJUSTMENTS TO IMPACT FEES

WHEREAS, New Castle County imposes impact fees to pay for a portion of additional public services needed as the result of new development for which the County would bear the additional or increased costs; and

WHEREAS, impact fees, when accurately maintained, can be an effective tool for ensuring adequate infrastructure to accommodate growth where and when it is anticipated; and

WHEREAS, the impact fees raise funds to pay for increased cost of services and infrastructure projects for parks and special facilities, libraries, county facilities, EMS, fire and rescue, and law enforcement; and

WHEREAS, except for fire and rescue, impact fees for the above services have not been adjusted for more than 20 years (since 1999), meanwhile there have been significant increases in the costs of construction during this timeframe; and

WHEREAS, New Castle County has established a goal of preserving a minimum of 30% of its acreage as protected open space by 2030, and assessing an open space impact fee would be a key component to providing the funding to meet that goal and offset the loss of greenfields as development occurs, and

WHEREAS, the NCC2050 Comprehensive Plan states, "in alignment with recommendations from the Housing Advisory Board evaluate possible adjustments to Impact Fees, such as an exemption/waiver for developers of low to very low-income housing in exchange for covenants that run with the land to continue affordability for 30 years and accept all sources of income for rental unit developments," and

WHEREAS, the NCC2050 Comprehensive Plan calls for ensuring the current fees are commensurate with the true costs of providing services and facilities, and for the study, implementation and enactment of adjustments to impact fees to ensure sustainability of community infrastructure and services over time; and

WHEREAS, County Council has determined that the provisions of this Ordinance substantially advance and are reasonably and rationally related to legitimate government interests, including, but not limited to, promoting the public health, safety, welfare, and quality of life of the present and future inhabitants of New Castle County.

NOW, THEREFORE, THE COUNTY OF NEW CASTLE HEREBY ORDAINS:

Section 1. *New Castle County Code* Chapter 40 (“Unified Development Code”), Article 14 (“Impact Fees”), Section 40.14.230 is hereby amended by adding the material that is underscored and deleting the material with strikethroughs, as set forth below.

Sec. 40.14.230. - Other necessary adjustments.

A. All costs in the impact fee calculations are given in current dollars with no assumed inflation rate over time. Necessary cost adjustments will be made as part of the periodic evaluation and corresponding update of impact fees which shall occur annually as of February 1, 2028 and be adjusted utilizing the Engineering News-Record Construction Cost Index (ENR CCI), published each January providing data for the previous year.

Following enactment of this ordinance, the next adjustments shall be proposed to County Council by the Department by no later than July 1, 2025 using one of the methods proposed in the Development Impact Fee Study conducted by the Rossi Group and Century Engineering (published June 13, 2023), and utilizing the cumulative ENR CCI for the period back to the most recent prior fee update. This next round of adjustments to each fee may be phased in as long as 100% of the ENR CCI change since the most recent prior fee update is captured in full by no later than February 1, 2028.

B. As of August 1, 2024 the following are exempt from impact fees:
- any dwelling unit built as a Moderately Priced Dwelling Unit (MPDU) as identified in Division 40.07.500
- any dwelling unit built by an IRS 501(c)(3) nonprofit organization for the intent and purpose of providing low or moderate priced housing
- any qualified units built using the IRS Low Income Housing Tax Credit (IRS Section 42) or participating in the Delaware State Housing Authority/Cinnaire’s Catalyst Fund.

C. In addition, the Department shall:

1. Study the potentially higher costs of providing services in Delaware State Strategy Levels 3 and 4 and propose to County Council an impact fee structure reflecting this by no later than July 1, 2025, to take effect February 1, 2026.

2. Guided by the recommendations in the Development Impact Fee Study conducted by the Rossi Group and Century Engineering (published June 13, 2023), and with advice from the County Open Space Advisory Board and input from other stakeholders, propose to County Council an open space impact fee by no later than July 1, 2025, to take effect February 1, 2026.

D. Impact fees ~~will~~ are to be adjusted for inflation in construction costs as reflected in the Engineering News Record (ENR CCI) index and upon approval by New Castle County Council. Any impact fee based in part upon land cost shall be reviewed and adjusted annually ~~periodically~~ by the Departments of Land Use and Finance and adjusted to account for any significant change in the cost of land upon approval of County Council.

Section 2. This Ordinance shall become effective upon its adoption by County Council and approval by the County Executive, or as otherwise provided in 9 *Del.* C. § 1156.

Adopted by County Council of
New Castle County on:

____
Karen Hartley-Nagle
President of County Council
of New Castle County

Approved on:

____
Matthew Meyer
County Executive
of New Castle County

SYNOPSIS: This Ordinance amends *New Castle County Code* Section 40.14.230 to, among other things, provide for review and necessary adjustments to impact fees at least every 5 years.

Substitute No. 1 amends the original proposed ordinance by: (1) clarifying that updates to the impact fees will occur annually, by February 1, pursuant to the Engineering News-Record Construction Cost Index; (2) requiring that the Land Use Department propose updates on fees to County Council by no later than 7/1/25, utilizing one of the methods outlined in the impact fee study produced by the Rossi Group and Century Engineering in 2023; (3) creating several new subsections, requiring that any dwelling unit built as a MPDU and any nonprofit organization is exempt from impact fees; and (4) the Department is to study the potentially higher costs of providing services in Levels 3 and 4 and to propose an impact fee structure that reflects this as well as propose an open space impact fee by no later than 7/1/25.

FISCAL NOTE: There is no discernible negative fiscal impact with the adoption of this Ordinance.

Prime Sponsor(s): Ms. Durham, Mr. Carter
Mr. Toole
Co-sponsor(s): Mr. Cartier, Mr. Smiley
Date of introduction: January 23, 2024

ORDINANCE NO. 24-008

TO AMEND *NEW CASTLE COUNTY CODE* CHAPTER 40 ("UNIFIED DEVELOPMENT CODE"), ARTICLE 14 ("IMPACT FEES") REGARDING ADJUSTMENTS TO IMPACT FEES

WHEREAS, New Castle County imposes impact fees to pay for a portion of additional public services needed as the result of new development for which the County would bear the additional or increased costs; and

WHEREAS, impact fees, when accurately maintained, can be an effective tool for ensuring adequate infrastructure to accommodate growth where and when it is anticipated; and

WHEREAS, the impact fees raise funds to pay for services such as parks, libraries, EMS, and law enforcement; and

WHEREAS, impact fees for the above services and others have not been adjusted for more than 20 years (since 1999), meanwhile there have been significant increases in the costs of construction during this timeframe; and

WHEREAS, County Council has determined that the provisions of this Ordinance substantially advance and are reasonably and rationally related to legitimate government interests, including, but not limited to, promoting the public health, safety, welfare, and quality of life of the present and future inhabitants of New Castle County.

NOW, THEREFORE, THE COUNTY OF NEW CASTLE HEREBY ORDAINS:

Section 1. *New Castle County Code* Chapter 40 ("Unified Development Code"), Article 14 ("Impact Fees"), Section 40.14.230 is hereby amended by adding the material that is underscored and deleting the material that is stricken, as set forth below.

Sec. 40.14.230. - Other necessary adjustments.

All costs in the impact fee calculations are given in current dollars with no assumed inflation rate over time. Necessary cost adjustments will be made as part of the periodic evaluation and <u>corresponding</u> update of impact fees <u>which shall occur at least once every 5 years, with the next adjustment being effectuated no later than January 1, 2025</u>.

Impact fees ~~will~~ are to be adjusted for inflation in construction costs as reflected in the Engineering News Record (ENR) index and upon approval by New Castle County Council. Any impact fee based in part upon land cost also shall be reviewed and adjusted at least once every five years ~~periodically~~ by the Departments of Land Use and Finance and adjusted to account for any significant change in the cost of land upon approval of County Council.

Section 2. This Ordinance shall become effective upon its adoption by County Council and approval by the County Executive, or as otherwise provided in 9 *Del.* C. § 1156.

Adopted by County Council of
New Castle County on:

____

Karen Hartley-Nagle
President of County Council
of New Castle County

Approved on:

____

Matthew Meyer
County Executive
of New Castle County

SYNOPSIS: This Ordinance amends *New Castle County Code*, Section 40.14.230 to provide for review and necessary adjustments to impact fees at least every 5 years.

FISCAL NOTE: There is no discernible fiscal impact with the adoption of this Ordinance.

DEPARTMENT OF LAND USE
RECOMMENDATION REPORT

Ordinance No. 24-008
Application No. 2024-0062-T
Impact Fees

May 21, 2024

Sponsor: Councilwoman Dee Durham (District 2), Councilman David Carter (Council District 6)

Description: To amend New Castle County Code, Section 40.14.230 to provide for review and necessary adjustments to impact fees at least every five years.

EXECUTIVE SUMMARY

Ordinance 24-008 (Application 2024-0062-T) proposes changes to Section 40.14.230 of the New Castle County Code to require the County's impact fees be regularly adjusted every five years in order to account for inflation in construction costs which are reflected in the Engineering News Record (ENR) index. The proposed ordinance follows the completion of a *2023 Development Impact Fee Study* that was undertaken by the County and completed in June of 2023. As currently written, the adjustment of impact fees would be required to occur by January 1, 2025.

The Department of Land Use concurs that the County's impact fees should be evaluated regularly and acknowledges the bearing the collection of impact fees has on the County's infrastructure. Based on the recommendations from the *2023 Development Impact Fee Study*, the Department believes a comprehensive look at Article 14 ("Impact Fees") and Section 40.14.110 ("Impact Fee Methodology") in consultation with the Department of Finance to ensure that specific changes to the impact fee structure are based on a rational nexus and do not result in arbitrary increases.

The Department of Land Use recommends **DENIAL** of Ordinance 24-008 (Application 2024-0062-T) as written to allow for further evaluation and implementation of an updated impact fee methodology and structure.

DESCRIPTION

Ordinance 24-008 proposes revisions to Section 40.14.203 of the New Castle County Code to require the County's impact fees be regularly adjusted every five years in order to account for inflation and construction costs reflected in the Engineering News Record (ENR) index, with the first adjustment beginning by January 1, 2025.

BACKGROUND

The collection of impact fees in New Castle County began with the adoption of the Unified Development Code in 1997. Since the adoption of the UDC, the County has consistently considered changes and updates to the structure / methodology of impact fees to account for development and changing economies.

1998 New Castle County Impact Fee Study

Between 1997 and June of 1998, New Castle County conducted an impact fee study with Tischler & Associates. The study recommended both a methodology and fee structure for new development in the county that the legal standards established by the U.S. Supreme Court in *Nollan v. California Coastal Commission* (483 U.S. 825,1987)[1] and *Dolan v. City of Tigard* (512 U.S. 687, 1994).[2] For an impact fee to be legal it must meet two standards; (1) there must be a "*rationale nexus*"[3] between the imposition of the fee and the achievement of a legitimate public purpose, and (2) the amount of the fee must be "*roughly proportionate*"[4] to the impact of the proposed development.

The report recommended three specific methodologies to determine impact fees; (1) plan based, (2) incremental expansion, and (3) buy-in approach. The plan-based approach was proposed for libraries, because they have specific capital improvement plans. The incremental expansion method was recommended for parks, public facilities and equipment, EMS, fire/rescue and law enforcement, and are derived by comparing the current level of service (LOS) to what is projected to be needed to expand or provide additional facilities, to accommodate new development.[5] The buy-in approach was recommended for parks under the rationale that new development is paying for its share of the useful life and remaining capacity of existing facilities.

Ordinance 97-172 Unified Development Code

On December 31, 1997, New Castle County adopted the Unified Development Code (UDC) (Ordinance 97-172). Among the many changes brought by the UDC was the enaction of the first impact fee structure in Article 14. Since the Impact Fee Study (1998), was still in production, the updated UDC only included specific fees related to providing sewer service to the Southern Service Area. Fees for this were based on the *Wastewater Needs Evaluation and Plan for Southern New Castle County (1992) and Southern New Castle County Land Use Study (1996)* as well as the *1996 New Castle County Comprehensive Development Plan*.

Ordinance 98-130 Impact Fees on New Development

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[1]Nollan v. California Coastal Commission 483 U.S. 825 (1987): https://supreme.justia.com/cases/federal/us/483/825/

[2] Dolan v. City of Tigard 512 U.S. 687, (1994): https://supreme.justia.com/cases/federal/us/512/374/

[3] Established by Nollan v. California Coastal Commission 483 U.S. 825 (1987)

[4] Established by Dolan v. City of Tigard 512 U.S. 687 (1994)

[5] The County cannot use the funds for maintenance or replacement of existing facilities.

With the Impact fee study complete in June of 1998, Ordinance 98-130 was adopted on January 12, 1999. Ordinance 98-130 revised the UDC to include the methodology and fee structure in the 1998 study. Services that received impact fees included:

- Libraries
- Fire
- Emergency Medical Services (EMS)
- Police
- Parks & Special Facilities
- Sewers
- County Facilities
- Schools

Most of the fee values and services receiving impact fees have remained largely consistent since the adoption of Ordinance 98-130

Ordinance 99-042 Impact Fees and Schools

Ordinance 99-042 was adopted on June 22, 1999, removing the impact fees related to school capacity, in favor of relying on certification by the school district that adequate capacity exists in the school district to support development.

Ordinance 06-042

Ordinance 06-042 was adopted on July 25, 2006, shifting the method for recovering sewer service expansion from an impact fee to a capital recovery fee.

2006 Fire Impact Fee Study and Ordinance 06-047

New Castle County conducted an update to the 1998 Impact Fee Study with TischlerBise (formerly Tischler & Associates) to revise fees collected, to support expanded fire services that were needed to accommodate the increased development trends. The study was commenced in 2005 and was completed on January 26, 2006. The recommended changes from the study were adopted on August 22, 2006.

2009 Impact Fee Study and the Great Recession

New Castle County initiated a comprehensive update to the 1998 Impact Fee Study with TischlerBise to update fees collected and to support expanded fire services needed to accommodate the increased development trends in 2009. A draft of the study was completed on December 28, 2009. The study was never finalized and recommendations from the draft study were not pursued due in part to concerns related to the Great Recession and the effect increasing fees would have on the housing market.

2023 Development Impact Fee Study

Following the New Castle County Audit Report (May 2020), which recommended the County consider reviewing current impact fee amounts, the Rossi Group and Century Engineering were contracted to look at best practices. The *2023 Development Impact Fee Study* proposed that the County consider specific changes to the impact fee structure based on best practices by the American Planning Association, neighboring jurisdictions, and nation-wide trends. Based on this analysis, the study includes six key recommendations:

1. Utilization of the Delaware State Strategies Map to assess a surcharge impact fee to cover additional costs associated with developments in Levels 3 and 4.

2. Expansion of the uses included in the Impact Fee Table (Table 40.15.210)[6].

3. Incentivizing low-income housing through the potential exemption or reduction of impact fees for Moderately Price Dwelling Units (MPDU's).

4. Graduated fee increases based on the ENR CCI, whether it be annual indexing adjustments or phased increases over time.

5. Creation of an impact fee for open space.

6. Consideration of impact fees for certain redevelopment proposals that may require additional services.

The *2023 Development Impact Fee Study* recommendations were obtained via an online survey presented at a public workshop held on December 13, 2022. Some recommendations were more favored than others and were considered as part of the final report.

While there were several recommendations in the memorandums that made up the report, it is important to note that the report did not evaluate the necessary data to assure that changes in fees were "roughly proportionate" to the impact from the development:

> … *Thorough documentation of the current practices along with best practices and case studies will allow the County and its residents to determine needs and opportunities to refine impact fees to align with the County's long-range plans and achieve a sustainable source of revenue*.[7]

It is for this reason that the report recommends additional research be conducted. Ensuring that any proposed change in fees meets the legal tests established by the U.S. Supreme Court is an essential next step in the process to determine appropriate impact fees. Additionally, it is important for the County to evaluate how an increase would be consistent with the methodologies set by County Code.

[6] Impact Fee Table
[7] 2023 Development Impact Fee Study, Memo 1, Page 5 of 5

PLUS REVIEW

The PLUS Report dated March 27, 2024, contains comments from State agencies. The Office of State Planning and Coordination (OSPC) commended the County for proposing to review impact fees every five years to ensure they align with development costs. There were no additional comments from other State agencies.

PLANNING BOARD PUBLIC HEARING – *May 7, 2024*

Councilman Carter presented Ordinance 24-008 at the May 7, 2024, joint New Castle County Department of Land Use and Planning Board Public Hearing. During his presentation, he discussed the history of impact fees in New Castle County as well as the scope and intent of the ordinance.

Chairwoman Peterson asked Councilman Carter if there was a definition for "significant change." Councilman Carter stated that he will need to confer with Counsel to Council. Mr. Snowden voiced concerns regarding the time that fees have remained constant and asked if the intent was to increase fees all at once. Councilman Carter stated that while the ordinance does not directly address this, he believes that County Council would be most comfortable with an incremental increase. He further remarked that he would prefer to not use the tax stabilization fund for capital projects such as the Boyd's Corner EMS station. Mr. Cantrell referenced the requirement that impact fees be adjusted for inflation, and asked if the intent was that the fees would be adjusted annually. Councilman Carter stated that the fees would be required to be adjusted every five years, however it could occur more frequently if something drastic happened. Mr. Cantrell asked about the mechanism for adjusting the fees after an event such as the COVID 19 pandemic. Councilman Carter stated that in such a circumstance he would hope that any shortfall would be funded by the tax stabilization fund.

Antoni Sekowski, Assistant Land Use Manager for the Department of Land Use made a brief presentation expressing the Department's concerns with Ordinance 24-008. He discussed the background of the *2023 Development Impact Fee Study*, as well as key recommendations of the report. He stated that while the Department concurs that updating impact fees every five years is warranted, Ordinance 24-008 is as drafted, premature because the Department has not had adequate time to evaluate how to best implement recommendations from the study. Specific concerns are that the study does not determine which fees should be modified, what new fees should be included, and the impacts on affordable housing. He further discussed specific concerns regarding recommendations in the study and the additional research (as noted in the study) needed to best address their implementation. He reiterated the Department's support for increasing fees at regular intervals, however voiced concern that a flat increase in fees may have unintended consequences and may not have a rationale nexus between the fee and improvement.

Chairwoman Peterson asked if the Department knew if Kent and Sussex Counties had a similar fee structure. Mr. Sekowski stated that from his understanding their structure was significantly more limited. Ms. Drake expressed concern about the potential time that it would take to conduct the recommended research, considering the amount of time since the last increase in impact fees. Mr. Sekowski discussed the Department's current efforts to address recommendations of the study, including having an expert evaluate Area Median Income requirements for affordable housing. He also discussed proposed changes in Ordinance 24-054 on how impact fees would be addressed in redevelopment.

Charuni Patibanda, General Manager for the Department of Land Use, remarked that the Department is not looking to hold up the process in pursuit of perfection, but wants to make sure that affordable housing in New Castle County is not adversely impacted. She acknowledged Councilman Carter's comments but stressed the importance of a balanced approach in order to minimize impacts to affordable housing.

Councilwoman Durham stated that the American Planning Association calls for a review of impact fees every two years, and that she had requested an ordinance from the Department to increase fees consistent with the recommendations of the study. She further remarked that the Open Space Advisory Board supports the ordinance and that the Chair of the Board intends to submit a letter of support. Councilwoman Durham indicated that there are a number of ways that fees could be phased in, and in what is to be included and that affordable housing could be exempted. She stated that it is disingenuous for the Department to state that they need to study, since they have a study.

Public Comment

During the public comment period three residents spoke in favor of the ordinance: (1) Dale Swain, (representing the Facebook group RADAR), (2) RJ Miles (CCOBH), and (3) Robin Glaiser (Delaware Nature Society). Mr. Swain expressed support for the ordinance, and concern that the fees had not been adjusted in twenty-five years. He also stated that a lot of the concerns that Land Use has addressed could be added to the bill. Mr. Miles expressed support for the ordinance, stating the importance of having proposed development equitably contribute to the infrastructure demands that will be created. He mentioned traffic impacts from the Incyte development as an example. Ms. Glaiser voiced support for the ordinance specifically with respect to the acquisition and preservation of open space land.

Rebuttal

Councilman Carter committed to work as closely as possible with the Department of Land Use but has no intention of slowing down. He remarked that he does not feel that the increase in impact fees will significantly affect affordable housing since they can be spread out over a thirty-year mortgage.

Written Public Comment

The Department received letters of support for Ordinance 24-008 from the following agencies / individuals, which are enclosed with this report.

Delaware Nature Society (Mark Nardone)
Kristina Brandis (Middletown resident)
Joshua Fischer (MOT resident)
Amanda Fischer (MOT resident)
Andy Olenderski (Middletown resident)

ANALYSIS

As noted in the purpose statement of Article 14 (Impact Fees), the intent behind the collection of impact fees is to addresses facilities and services that New Castle County provides, which are impacted by population growth and new development. Article 14 (Impact Fees) of the UDC includes a detailed methodology, determination of the cost of service, and Impact Fee Table that provide detailed instruction to the County regarding the collection of impact fees and the subsequent administration of funds. Understanding the changes and expected growth trends in New Castle County, the County acknowledged the need for updates to the fee structure through the most recently completed impact study.

Following the completion of the *2023 Development Impact Fee Study*, Ordinance 24-008 was introduced by its sponsors in the spirit of the study. Ordinance 24-008 proposes to require impact fees be updated once every five years, with a deadline for the first date being January 1, 2025. Based on best practices and the recommendations of the *2023 Development Impact Fee Study*, the Department agrees that the five-year time period is an appropriate update cycle. The requirement that the next adjustment be conducted by January 1, 2025, does not provide the County sufficient time to perform the research recommended by the study to implement recommendations in a manner consistent with legal requirements for impact fees. The Department of Land Use prefers to take a comprehensive look at Article 14 and make changes that would not be arbitrary, noting that changes to the impact fees will have a significant impact on the County.

2023 Development Impact Fee Study Recommendation	Department Comment
Utilizing State Strategies Map *Implementation of a surcharge for development in Investment Levels 3 and 4.*	Additional research needed and coordination with the OSPC
Expanding the list of uses in the Impact Fee Table	Need to understand the actual costs vs. forecasted increases for existing impact fees to ensure there is a rational nexus
	The Department would like to more narrowly define the list of uses and assess their impacts.
	Additional research needed
Strategic incentives for low-income housing.	Consideration of a sliding scale relative to home prices and Area Median Income (AMI)
	Department is currently working with an expert to determine appropriate AMI levels with respect to MPDU locations, results will be shared with DHSA and Community Services.
	Additional research & outreach needed.
Graduated Fee increase	Additional study is needed to assess a phased approach for increasing fees over a period of multiple years.
Creation of an Open Space Impact Fee	Article 14 already has a Parks and Special Facilities impact fee
	Recommend further consultation with the Open Space Advisory Committee should a fee be proposed / adopted.
	Public feedback during the *2023 Development Impact Fee Study* indicated that this should be included within existing categories
Change / Use of Redevelopment Impact Fees	Concern about disincentivizing redevelopment of underutilized properties. The Comprehensive Plan encourages the redevelopment of underutilized sites.

As directed by the US Supreme Court in *Nollan v. California Coastal Commission* (483 U.S. 825,1987)[8] and *Dolan v. City of Tigard* (512 U.S. 687, 1994),[9] when government enacts an exaction (such as the collection of impact fees), it is essential that it provides both a "rational nexus" as well as fees that are "roughly proportionate" to the impact created by the development. The *2023 Development Impact Fee Study* provided recommendations for further analysis into areas where additional impact fees might be appropriate, as well as potential ways to avoid longer periods between updates. It did not perform the analysis at the depth required to ensure that proposed changes would meet the *Nollan v. California Coastal Commission* and *Dolan v. City of Tigard.*

Impact fees must be based on an accurate inventory of existing capital inventory and what increase in capital is needed to support future development needs. Because impact fees must be specifically based on the impact that new development creates, the fees cannot be used for replacement capital, only for new/additional improvements. Any proposed increase needs to be based on a thorough understanding of capital needs for existing residents, as well as on formally approved population, household and job projections adopted by the Delaware Population Consortium. The 1998, 2006 (Fire Impact Fees), and 2009 studies were completed with a thorough knowledge of both existing capital and projected needs. The *2023 Development Impact Fee Study* provides valuable and important recommendations for consideration, but as the study stated, requires additional research.

Specifically, one area that needs additional evaluation is the tying of future increases in impact fees to the Construction Cost Index. While this may be an adequate measure for approximating capital costs associated with *construction*, it would fail to address important capital expenses that are not associated with construction. For example, while there are construction related capital expenses for the volunteer fire services, the vast majority of requests for reimbursement that the Department receives are for new, non-replacement equipment such as computers, fire hoses, fire trucks, radios, and other non-construction related expenses. Because there is no nexus between the cost of non-construction capital expenses and construction costs, relying on the Construction Cost Index for future increases in impact fees would be ill-suited to account for non-construction related needs. Another point of concern, regarding the Construction Cost Index approach is that it relies on population and households continuing to increase. According to the Delaware Population Consortium's demographic trends and projections, households and overall population in New Castle County will likely peak in the next decade and a half. After that, both will likely decline.

The Department concurs with the sponsors that impact fees do need to be updated every five-years. However, the Department disagrees with the requirement that fees be adjusted by January 1, 2025, as research has not yet been completed that would assure that any increase

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[8]Nollan v. California Coastal Commission 483 U.S. 825 (1987): https://supreme.justia.com/cases/federal/us/483/825/
[9] Dolan v. City of Tigard 512 U.S. 687, (1994): https://supreme.justia.com/cases/federal/us/512/374/

would be “roughly proportionate” to impacts from new development. Impact fees are not and cannot be punitive measures to have new development pay for services for existing communities. Impact fees can *only* be used to pay for the expansion of services and capital development to accommodate the proposed new development. The Department is committed to completing a study to evaluate impact fees based on the methodology established in the UDC in accordance with the recommendations made in the *2023 Development Impact Fee Study.*

<u>*Standards of Review*</u>

Pursuant to **Section 40.31.420** ***of the New Castle County Code***, in determining whether a text amendment shall be recommended or approved, all of the following factors shall be considered:

A. *Implementation of a new portion of the Comprehensive Development Plan.*

   N/A

B. *Implementation and achievement of the Comprehensive Plan’s goals and objectives.*

   Goal 17 of the Comprehensive Plan calls on the County to conduct a study of impact fees and other economic cost-benefit analysis to ensure sustainability of community infrastructure and services over time, with a commitment to commence the study by 2022. Furthermore, Strategy 17.4.2 calls for the County to ensure emergency and police services, capacity and funding are available as population grows by re-evaluating impact fees to ensure that monies levied from new development adequately address the impact of increased demand for fire, police and EMS expansion and service.

   The *2023 Development Impact Fee Study* is the first step in meeting the goals and strategies of the Comprehensive Plan, not the end result. Additional research needs to be conducted, as recommended by the study, to responsibly and legally determine appropriate changes to the impact fees collected associated with new development.

C. *Consistency with the provisions of this Chapter and the standards for similar uses.*

   N/A

D. *Necessity to respond to State and/or Federal legislation.*

   N/A

E. *Flexibility in meeting the objectives of this Chapter.*

   N/A

F. *Changes to conditions, interpretations, and/or clarifications to existing language for new uses.*

N/A

G. *Consideration of specific problems found in this Chapter.*

Ordinance 24-008 seeks to address the eighteen-year time lapse since the last update to the impact fees collected by the County. The Ordinance requires that fees be adjusted over regular, five-year periods, while further requiring that fees be adjusted by January 1, 2025. The Department agrees with setting a required interval for updating fees but disagrees with the requirement that fees be adjusted by January 1, 2025, as the recommended research has not been conducted that would assure that any increase would be "roughly proportionate" to impact from development.

DEPARTMENT OF LAND USE RECOMMENDATION

Based on the analysis above and the Standards included in **Section 40.31.420** ***of the New Castle County Code****, t*he Department of Land Use recommends **DENIAL** of Ordinance 24-008 (Application 2024-0062-T) as written to allow for further evaluation and implementation of an updated impact fee methodology and structure.

PLANNING BOARD RECOMMENDATION

At a business meeting held on May 21, 2024, the Planning Board considered the recommendation provided by the Department of Land use as well as comments from outside agencies and the public. The Planning Board voted on a motion by Mr. Snowden and seconded by Ms. Gray, to recommend **DENIAL** of Ordinance No. 24-008 (Application 2024-0062-T) based on the recommendation and rationale made by the Department of Land Use. The motion was adopted by a vote of 7-0-0-2 (In Favor: Peterson, Cahill-Krout, Cantrell, Drake, Gray, Snowden, Visvardis; In Opposition: None; Abstention: None; Absent: Cochran, Daigle).

Prior to the vote the following discussion occurred:

Elizabeth Hatch, Planner for the Department of Land Use read the Department of Land Use recommendation into the record. Charuni Patibanda, General Manager for the Department of Land Use, commented that the Department recognizes the need for an update to the impact fee provisions to the UDC, and that it doesn't oppose the intent of the ordinance, however the research necessary to ensure that the increase in impact fees meet legal requirements. She further committed to further work on updating impact fees, while acknowledging the importance of addressing affordable housing and other initiatives currently underway.

Robert Snowden remarked that the difficulty is the 2025 deadline to update the impact fees, and asked if putting it off a year make the ordinance work. Ms. Patibanda, stated that the additional year would help, but the that the scope of the ordinance was too limited to address other concerns identified by the Department. She further expressed the importance of an update to the impact fee provision appropriately taking into consideration the impacts to affordable housing. Karen Peterson remarked about the challenges in setting an implementation date within the first year of a new administration. Neil Cantrell, asked the Department to further explain the potential impacts of increasing impact fees on affordable housing. Ms. Patibanda explained that since impact fees are assessed per housing unit at a set rate, regardless of the sales price for the home (there is no sliding scale). She further stated that the cost gets passed on to the purchaser. Mr. Cantrell asked if the Department sees the increased cost being passed on to the purchaser dollar for dollar. Ms. Patibanda stated that depending on the market sometimes fees are passed on dollar for dollar, sometimes at a higher rate, and at other times the fee is just absorbed into the cost of the house. Mr. Cantrell, asked if updating fees would result in doubling the fees. Ms. Patibanda stated that in some instances, if the 18 year gap was immediately closed it would result in doubling the fees or more. Antoni Sekowski, Assistant Land Use Manager for the Department of Land Use, explained that the Rossi Group report estimated that t increase would be closer to 75%. Mr. Cantrell inquired about ways to mitigate the potential adverse impacts of the ordinance being adopted as written. Ms. Patibanda remarked that the ordinance does not provide for the ability, to address the Department's concerns, and that any effort should be more comprehensive in nature. Mr. Cantrell then asked about the time that it would take to complete a more comprehensive effort. Ms. Patibanda remarked about the complexity of the process and the difficulty in providing an accurate time frame. Matthew Rogers, Planner for the Department of Land Use explained the three different methods for evaluating impact fees within the UDC. He further explained the importance of having accurate and update inventory for Fire, EMS and other services, since impact fees can only legally be used on capital expansions to support new development, and that the funds cannot be allocated to the replacement of existing inventory. Mr. Rogers further explained that the TischlerBise studies that were the basis to establish the impact fee provisions in the UDC had substantially greater depth and detail to ensure that the fees met the legal standards than the Rossi Group report. He further expressed the importance providing the detail and research that TischlerBise conducted in previous studies. Mr. Cantrell asked when the Rossi Group study was submitted to the Department. Mr. Rogers stated the Department received the report in June of 2023. Mr. Cantrell remarked that it isn't possible to complete a holistic effort by January of 2025. Mr. Rogers agreed and expanded on some of the challenges to the recommendations in the reports, specifically using the construction index, where much of the funded capital improvements are not related to construction at all (fire hoses, computers and tablets). Ms. Patibanda, remarked that while completing a comprehensive study within 6 months is not possible that the Department will begin the effort. Leah Gray asked if there was a way to exempt to some extent affordable housing from impact fees. Ms. Patibanda stated that creating a balance between affordable housing and impact fees would be part of the needed research, noting that 55 and older communities have exemptions. She further remarked about the importance that changes to impacts stand up to legal challenge. Ruth Visvardis asked if the intent is to exempt affordable housing from the increase in fees or impact fees as a whole. Ms. Patibanda stated that the level of exemption had not been determined. Ms. Patibanda then discussed the potential moral hazard abating fees, thereby potentially reducing services in areas where affordable housing is constructed. She further remarked about the fact that impact fees are refunded is not used within a specific time period. Mr. Rogers expanded on this by discussing the streamlined approach to administering fire impact fees that the Department developed. Mr. Rogers also discussed how some impact fees are permitted in the UDC to defrayed to fund the preservation of a historic resource on a site. Mary Jacobson, Attorney for the Planning Board, inquired if there was a budgetary need to conduct the impact fee study. Ms. Patibanda and Mr. Sekowski explained that the study was a recommendation made by an audit to the Finance Department, not from a specific budgetary need. Ms. Jacobson remarked that at times working on administrating impact fees, that there is at times a surplus, making an automatic increase questionable. Ms. Jacobson also questioned if the increases in the report were based on a need analysis. Mr. Sekowski confirmed that there was no need based analysis performed, noting that the current fee structure is need based. Ms. Jacobson stressed the importance of a rational nexus for increasing fees. Mr. Cantrell inquired about the degree that services south of the C&D Canal would be impacted if fees are not increased. Ms. Patibanda stated that services will be provided and explained that impact fees are a small portion of the funding to bring services to an area. Mr. Snowden, remarked that there is a lot of work to evaluate and implement an increase in impact fees, while acknowledging that there is a desire for immediacy. He asked if it was possible to implement an arbitrary 35% increase in impact fees until an adequate study was complete was a possibility. Ms. Patibanda, stated that such an increase would conflict with the legal standards established in *Nollan v. California Coastal Commission* and *Dolan v. City of Tigard*. Ms. Gray inquired about funding sources outside of impact fees for fire services. Ms. Patibanda said she'd reach out to the Department of Finance for additional information. Ms. Jacobson discussed the fact that fire companies receive funding from the State, and that there is an ongoing study to reevaluate their funding levels. Ms. Peterson, further expanded on the level of funding that fire companies receive from the State. Mr. Snowden asked about the potential risk for legal challenge should the ordinance pass, and impact fees be increased uniformly. Ms. Patibanda stated that there is a potential risk that could come to fruition from a developer at the time of pulling a building permit.

STATUTORY GUIDELINES

In the phraseology of 9 Delaware Code, Section 2603(a), the Department finds that this text amendment **would not** promote the convenience, order, and welfare of the present and future inhabitants of this state.

06/11/24		06/11/24	
Charuni Patibanda	date	Karen Peterson	date
General Manager		Chair	
Department of Land Use		Planning Board	

State of Delaware
Office of Management and Budget
Office of State Planning Coordination

March 27, 2024

Councilperson Dee Durham
c/o Elizabeth Hatch
Department of Land Use
New Castle County
Government Center
87 Reads Way
New Castle, DE 19720

RE: PLUS review – 2024-02-08; New Castle County Ordinance on Impact Fees

Dear Ms. Durham,

Thank you for meeting with State agency planners on February 28, 2024 to discuss the proposed ordinance to update the Unified Development Code. According to the application, the County is proposing to amend the New Castle County Code Section 40.14.230 to provide for review and necessary adjustments to impact fee at least every 5 years.

The Office of State Planning Coordination acknowledges the work that has been put into this ordinance. The comments below reflect only issues that are the responsibility of the agencies that were represented at the meeting.

Office of State Planning Coordination – Contact Samantha Bulkilvish 302-739-3090

- OSPC commends the County for proposing to review impact fees every 5 years to ensure the fees are in line with development costs. We have no objections to the ordinance as submitted.

Department of Transportation – Contact Stephen Bayer 302-760-4834

- DelDOT has no comments on the proposed ordinance.

122 Martin Luther King Jr. Blvd. South – Haslet Armory · Third Floor · Dover, DE 19901
Phone (302)739-3090 · Fax (302) 739-5661 · www. stateplanning.delaware.gov

Department of Natural Resources and Environmental Control – Contact Beth Krumrine 302-735-3480

Disclaimer Clause: Staff from the Delaware Department of Natural Resources and Environmental Control (DNREC) reviewed the project submitted for PLUS review. The absence of comments does not indicate that there are not additional constraints, nor does it indicate DNREC support of a project, code or ordinance.

- DNREC reviewers have no comments or concerns at this time.

Delaware Emergency Management Agency – Contact Phillip Cane 302-659-2325

- DEMA has no comments or objections on the proposed ordinance as this is not our area of expertise.

State Historic Preservation Office – Contact Carlton Hall 736-7400

- The Delaware SHPO has no objections.

Delaware State Fire Marshall's Office – Contact Duane Fox 302-739-4394

- The DE State Fire Marshal's Office has no objection to the impact fee ordinance changes.

Once the ordinance is voted on by Planning and Zoning and/or County Council, please forward a copy of the decision regarding the amendment to this office for our files. Thank you for the opportunity to review this amendment. If you have any questions, please contact me at 302-739-3090.

Sincerely,

David L. Edgell, AICP
Director, Office of State Planning Coordination

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NEW CASTLE COUNTY, DE

DEVELOPMENT IMPACT FEE STUDY

FINAL REPORT

June 13, 2023

I. Executive Summary

Delaware Code Title 29, Chapter 91, Section 9124 gives county governments the authority to charge impact fees for services for which the County will bear increased costs associated with development. The County must strike a balance between keeping the fees low while also providing a source of revenue for capital improvements.

New Castle County impact fees are addressed in Article 14 of the New Castle County Unified Development Code (UDC). In particular, § 40.14.010 outlines the services for which the County may require new development to provide impact fees, § 40.14.210 outlines the impact fee amounts by service and different development categories, and § 40.14.260 states how impact fee funds should be administered.

New Castle County UDC § 40.14 states "All costs in the impact fee calculations are given in current dollars with no assumed inflation rate over time. Necessary cost adjustments will be made as part of the periodic evaluation and update of impact fees. Impact fees will be adjusted for inflation in construction costs as reflected in the Engineering News Record (ENR) index and upon approval by County Council …" However, New Castle County received an audit in May 2020 which found that the only impact fees adjusted since 1999 have been the fire & rescue impact fees. County Council adopted legislation in August 2006 raising these fees based upon another study performed by TischlerBise earlier in 2006. "Thus, the impact fees for Parks, Libraries, County Facilities, EMS, and Law Enforcement have not been adjusted for over 20 years – while, undoubtedly, there have been increases in the costs of construction over that timeframe."

Rossi Group was contracted by New Castle County to assist in conducting a development impact fee study and updating current regulations. Over the course of several months, Rossi Group worked with the County and its residents to review the current fee schedule and determine the needs and opportunities to apply best/recommended practices to achieve sustainable, just, and fair public finance in line with the County's long-range plans (e.g., Comprehensive Development Plan, Southern New Castle County Master Plan). This included obtaining feedback during a public workshop and an online survey.

A series of memos were developed to document the process. A summary of each memo is provided below, and memos are attached to this summary:

Memo #1: Summary of Current Practices

Memo #1 provides a summary of the May 2020 audit and presents recommendations to be included in the study of development impact fees as proposed in the County's Draft Comprehensive Plan updates, currently underway. Recommendations include:

- Study and consider different funding strategies, such as impact fees, for the preservation and acquisition of county owned open space and easements. This was further reinforced by New Castle County Council passing Resolution No. 21-160 that "urges the Administration to include the creation of an impact fee to fund preservation in its 2021 Impact Fee Report and to otherwise pursue a permanent funding mechanism for preservation if the preservation impact fee is not legally or otherwise feasible."
- Study/adjust impact fees and conduct economic cost-benefit analysis of other policies associated with financing infrastructure and service, to address issues such as ongoing parks and open space maintenance needs that cut across multiple departments.
- In alignment with recommendations from the Housing Advisory Board evaluate possible adjustments to Impact Fees, such as an exemption/waiver for developers of low to very low-income housing in exchange for covenants that run with the land to continue affordability for 30 years and accept all sources of income for rental unit developments. Importantly, the study will need to weigh the benefit of expected impacts from this type of policy change relative to the loss of fees.

- Consider establishing sliding scale for moderately priced dwelling unit (MPDU) requirements, which should factor access to transit and nonmotorized transportation modes.
- Ensure emergency and police services capacity and funding is available as population grows by re-evaluating impact fee to ensure the monies levied from new development adequately address the impact of increased demand for fire, EMS and police expansion and service.
- Consider adjustments to impact fees based on housing unit size as opposed to a flat per unit basis to incentivize smaller, more affordable units.

This memo further details New Castle County's current regulations (Castle County UDC Chapter 40, Article 14 (40.14)) and summarizes FY 2021 impact fee account balances with total revenues and expenditures.

Memo #2: Summary of Best Practices

Memo #2 presents best practices as recommended by the American Planning Association as well as case studies for current practices by regional communities in support for New Castle County's Impact Fee Study. The case studies include jurisdictions from Delaware, New Jersey, Pennsylvania, Maryland, and Florida. This memo also provided a summary impact fees or exemptions to be considered during the impact fee study: 1) green infrastructure; 2) land preservation/agriculture land preservation; 3) affordable housing; and 4) administration and reassessments.

Take aways from analysis of the best practices included:

- Local examples: New Castle County's impact fee program compares most favorably with the more comprehensive and modern impact fee programs found in Anne Arundel County, Maryland and Seminole County, Florida.
- Indexing benchmark: Construction Cost Index (CCI) from the Engineering News-Record (ENR) is the recommended benchmark comparison for impact fee increases with annual reviews.
- Annual increases: The easiest and most straightforward method to address fee increases is to adopt the annual increase in code using the CCI. Mandating annual increases by code eliminates political influences on the fees. A limit of 4 or 5% per year could be adopted so that in periods of high inflation, fee increases are somewhat mitigated.
- Needs based assessments: Periodic reviews should assess needs for each area of impact based on the County's capital improvement plan for each geographic area. As growth levels change for each area, the fees could be adjusted based on needs.
- Impact fee credits: Many jurisdictions allow for credits if the applicant builds facilities or donates real estate for the construction of facilities.
- Affordable housing provisions: Most jurisdictions provide for a reduction or elimination of impact fees for affordable housing initiatives. A wide of alternatives are possible but factors such as replacing the reduced revenue, income levels, number of units eligible, reducing/waiving only some portions of the impact fees should be considered.
- Fee rates are often tied to a proposed use.
- Sustainability of impact fees to keep taxes low: Impact fees will continue to provide the County with dedicated revenue below the canal for the foreseeable future to help fund projects. Revenue for the area above the canal for parks and libraries is fairly limited.
- Open space: An open space impact fee seems reasonable in the update of the code to help fund land acquisition and preservation.

Memo #3: Special Topics Reviewed

Memo #3 builds on the data collected in the prior memos to present recommendations for New Castle County to consider in their assessment of current regulations and the development of any subsequent updates. These initial recommendations include: 1) an assessment of the ability to apply a sliding scale to the impact fees based on the *Delaware Strategies for State Policies and Spending* (2020) and taking into account the five established investment levels; 2) expanding the list of uses in the Impact Fee Table; 3) developing strategies for incentivizing low-income housing; 4) implementing graduated impact fee increases; 5) creating an Open Space fee; and 6) revision of use/redevelopment charges.

Memo #4: Final Recommendations

A public workshop was held December 12, 2022 to present the findings of Memos 1 through 3 and solicit feedback from interested stakeholders. Attendees could view the presentation virtually or in-person. Approximately 25 individuals attended in person and 45 attendees signed in online.

Data from the workshop was used finalize recommendations to prioritize proposed changes to the existing code. The following final recommendations will be presented to New Castle County Council's Finance Committee for further consideration:

1. **Utilizing Delaware's State Strategies:** New Castle County to implement a surcharge to cover the additional costs associated with development in Levels 3 and 4; New Castle County will work with OSPC and conduct additional research to determine the actual cost of providing services to these areas and will modify proposed percentages accordingly.
2. **Expanding the List of Uses in the Impact Fee Table:** New Castle County to add new categories to the impact fee table (Multi-use Residential, Institutional Uses, Commercial Lodging, Restaurants).
3. **Strategies for Incentivizing Low-Income Housing:** New Castle County should establish a sliding scale system based on the home price relative to the AMI.
    - >120% of AMI => 75%
    - 100 – 120% => 50%
    - 80 – 100% => 25%
    - <80% => No fee assessed
4. **Graduated Fee Increases/ENR Recommendations:** New Castle County should consider increasing their current Impact Fees in a phased approach of 10% per year for 3 years, then annually adjust the fee for ENR CCI.
5. **Open Space Fee Creation:** New Castle County should further explore the option of an additional impact fee category to fund Open Space. This would align with the County's goal for dedicated Open Space funding.
6. **Change of Use/Redevelopment Charges:** New Castle County will continue to work with developers to determine if the waiver on impact fees is a deciding factor in redevelopment and/or brownfield development. New Castle County should also consult with the Public Works Department and Emergency Services to determine actual costs of increased services from redevelopment cases.

MEMO #1:

SUMMARY OF CURRENT PRACTICES

Rossi

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Dover, DE 19904
443.330.5505
rossitg.com
Diversity. Passion. Synergy.

Date: **August 2, 2022**

To: **Antoni Sekowski, Acting Assistant Land Use Manager, New Castle County**

From: **Savannah Edwards, AICP Candidate; Associate Planner; Rossi Group**

CC: **Marc Coté, PE, AICP; Director of Planning and Engineering; Rossi Group**

Re: **New Castle County Impact Fee Study**
Memo #1 – Summary of Current Practices

New Castle County received an Audit Report dated May 20, 2020. The results informed the need for further study of New Castle County Unified Development Code (UDC) Chapter 40, Article 14 (40.14); which indicates, "All costs in the impact fee calculations are given in current dollars with no assumed inflation rate over time. Necessary cost adjustments will be made as part of the periodic evaluation and update of impact fees. Impact fees will be adjusted for inflation in construction costs as reflected in the Engineering News Record (ENR) index and upon approval by County Council …" Since 1999, however, the only impact fees which have been adjusted have been the fire & rescue impact fees. County Council adopted legislation in August 2006 raising these fees based upon another study performed by TischlerBise earlier in 2006. Thus, the impact fees for Parks, Libraries, County Facilities, EMS, and Law Enforcement have not been adjusted for over 20 years – while, undoubtedly, there have been increases in the costs of construction over that timeframe."

Rossi Group is supporting New Castle County's study of its development impact fee to assess and update current regulations. In support for New Castle County's development impact fee study, the following memo presents New Castle County's current regulations, fee amounts and processes. Concurrently, the County is completing its 10-year comprehensive development plan updates. Based on review of the Draft Comprehensive Plan the following recommendations should be considered as part of this study:

- Study and consider different funding strategies, such as impact fees, for the preservation and acquisition of county owned open space and easements. This was further reinforced by New Castle County Council passing Resolution No. 21-160 that "urges the Administration to include the creation of an impact fee to fund preservation in its 2021 Impact Fee Report and to otherwise pursue a permanent funding mechanism for preservation if the preservation impact fee is not legally or otherwise feasible."

- Study/adjust impact fees and conduct economic cost-benefit analysis of other policies associated with financing infrastructure and service, to address issues such as ongoing parks and open space maintenance needs that cut across multiple departments.

- In alignment with recommendations from the Housing Advisory Board evaluate possible adjustments to Impact Fees, such as an exemption/waiver for developers of low to very low-income housing in exchange for covenants that run with the land to continue affordability for 30 years and accept all sources of income for rental unit developments. Importantly, the study will need to weigh the benefit of expected impacts from this type of policy change relative to the loss of fees.

    - Consider establishing sliding scale for moderately priced dwelling unit (MPDU) requirements, which should factor access to transit and nonmotorized transportation modes.

- Ensure emergency and police services capacity and funding is available as population grows by re-evaluating impact fee to ensure the monies levied from new development adequately address the impact of increased demand for fire, EMS and police expansion and service.

- Consider adjustments to impact fees based on housing unit size as opposed to a flat per unit basis to incentivize smaller, more affordable units.

I. SUMMARY OF NEW CASTLE COUNTY UDC CHAPTER 40, ARTICLE 14 (40.14)

Delaware Code Title 29, Chapter 91, Section 9124 gives the County Government the authority to charge impact fees for services for which the County will bear increased costs of development. Pursuant to State Code, New Castle County adopted UDC 40.14 in 1997. The code defines impact fees as one (1) time payments on new use development to ensure that the development contributes adequate funds to enable the County to provide necessary services and facilities in a timely manner and at established levels of service. New Castle County currently requires that new residential use development provide impact fees for libraries, fire and rescue, emergency medical services, law enforcement, parks and special facilities, and county facilities. All other uses shall pay impact fees for fire and rescue, law enforcement, emergency medical services (EMS), and county facilities.

With the adoption of 40.14 the County determined impact fees that would be proportionate and reasonable related to the capital facility service demands of a new development. Impact fees for libraries were determined using a plan-based methodology, a method best suited for public facilities that have specific capital improvement plans. Impact fees for parks, public facilities and equipment, EMS, fire/rescue, and law enforcement are derived mainly from the incremental expansion method which would allow the use impact fee revenue to expand or provide additional facilities, as needed to accommodate new development. Parks impact fees also used the buy-in approach to calculate fees, where new development would pay for its share of the useful life and remaining capacity of existing facilities.

The impact fees also considered and established potential credits for new developments. The first, a future revenue credit avoids double payment for capital facilities through both one (1) time impact fees and ongoing revenues that may fund system improvements. The second type of credit is a site-specific credit for system improvements that have been included in the impact fee calculations. Project improvements normally required as part of the development approval process are not eligible for credits against impact fees. When building or expanding a nonresidential building, the first 1,000 square feet are exempt from the assessment of impact fees. For all impact fees, the Department shall waive the applicant's responsibility to pay said fees for redevelopment or Brownfields. As a condition of such waiver, the Department may require that an alternative funding source be identified to pay the applicable impact fee.

The Code defined impact fees in current (last amended, 2006) dollars with no assumed inflation rate over time. The Code indicated that cost adjustments would be made as part of a periodic evaluation. Impact fees would be adjusted for inflation in construction costs as reflected in the Engineering News Record (ENR) index and upon approval by New Castle County Council. Any impact fee based in part upon land cost shall be reviewed periodically by the Departments of Land Use and Finance and adjusted to account for any significant change in the cost of land upon approval of County Council. Though the Code was amended several times following its initial adoption, New Castle County has not updated its code or related fees since 2006. Current impact fees, as detailed in Table 40.14.210 are presented in **Table 1**. For comparison, **Table 1** also presents impact fee amounts if they had been reviewed and adjusted in accordance with the ENR Index as recommended in the Code as well as impact fee amounts adjusted in accordance with the Consumer Price Index (CPI).

Table 1: Impact Fees (Dollars)

Service	Parks & Special Facilities			Libraries			County Facilities			EMS			Fire and Rescue			Law Enforcement			Total		
	Code[1]	ENR Index[2]	CPI Index[3]	Code[1]	ENR Index[2]	CPI Index[3]	Code[1]	ENR Index[2]	CPI Index[3]	Code[1]	ENR Index[2]	CPI Index[3]	Code[1]	ENR Index[2]	CPI Index[3]	Code[1]	ENR Index[2]	CPI Index[3]	Code[1]	ENR Index[2]	CPI Index[3]
RESIDENTIAL Per Housing Unit																					
Single-family detached	$328	$574	$492	$138	$242	$207	$112	$196	$168	$7	$12.25	$10.50	$510	$893	$765	$62	$109	$93	$1157	$2,025	$1,736
Single-family attached	$304	$532	$456	$129	$226	$194	$105	$184	$158	$6	$10.50	$9.00	$442	$774	$663	$58	$102	$87	$1044	$1,827	$1,566
All other housing[4]	$225	$394	$338	$95	$166	$143	$77	$135	$116	$5	$8.75	$7.50	$317	$555	$476	$43	$75	$65	$762	$1,334	$1,143
NONRESIDENTIAL Per 1,000 Square Feet of Floor Area[5]																					
Commercial/shopping center (less than 60,000 sf. GFA)	NA	NA	NA	NA	NA	NA	$127	$222	$191	$8	$14.00	$12.00	$210	$368	$315	$42	$74	$63	$387	$677	$581
Commercial/shopping center (60,000 sf. to 200,000 sf. GFA)	NA	NA	NA	NA	NA	NA	$95	$166	$143	$6	$10.50	$9.00	$163	$285	$245	$33	$58	$50	$297	$520	$446
Commercial/shopping center (greater than 200,000 sf. GFA)	NA	NA	NA	NA	NA	NA	$76	$133	$114	$5	$8.75	$7.50	$147	$257	$221	$28	$49	$42	$256	$448	$384
Office/institutional (less than 10,000 sf. GFA)	NA	NA	NA	NA	NA	NA	$176	$308	$264	$11	$19.25	$16.50	$112	$196	$168	$24	$42	$36	$323	$565	$485
Office/institutional (10,000 sf. to 50,000 sf. GFA	NA	NA	NA	NA	NA	NA	$150	$263	$225	$10	$17.50	$15.00	$287	$502	$431	$16	$28	$24	$463	$810	$695
Office/institutional (greater than 50,000 sf. GFA	NA	NA	NA	NA	NA	NA	$142	$249	$213	$9	$15.75	$13.50	$272	$476	$408	$14	$25	$21	$437	$765	$656
Business Park	NA	NA	NA	NA	NA	NA	$120	$210	$180	$8	$14.00	$12.00	$232	$406	$348	$14	$25	$21	$374	$655	$561
Light industrial	NA	NA	NA	NA	NA	NA	$88	$154	$132	$5	$8.75	$7.50	$170	$298	$255	$7	$12.25	$10.50	$270	$473	$405
Warehousing	NA	NA	NA	NA	NA	NA	$47	$82	$71	$3	$5.25	$4.50	$94	$165	$141	$4	$7.00	$6.00	$148	$259	$222
Manufacturing	NA	NA	NA	NA	NA	NA	$70	$123	$105	$4	$7.00	$6.00	$131	$229	$197	$3	$5.25	$4.50	$208	$312	$364

1. Impact Fees according to current Code 40.14 (last amended 2006).
2. Impact Fee if adjusted in accordance with ENR Index.
3. Impact Fee if adjusted in accordance with CPI Index.
4. Due to similar square footage, small single-family units and single-wide mobile homes will be included under the "All other housing" designation.
5. When building or expanding a nonresidential building, the first 1,000 square feet are exempt from the assessment of impact fees. For all impact fees, the Department shall waive the applicant's responsibility to pay said fees for redevelopment or Brownfields. As a condition of such waiver, the Department may require that an alternative funding source be identified to pay the applicable impact fee.

Section 40.14.260 outlined the administration of impact fees. Each fee is deposited into separate interest-bearing trust funds for each impact fee types. With exceptions, outlined per the Code, impact fees collected from new development north of the C&D Canal shall only be used for services and facilities located or provided north of the canal. Impact fees collected from new development south of the C&D Canal shall only be used for services and facilities located and provided south of the C&D Canal. Within each area, the impact fees shall only be used to adequately benefit the development which is the source of the fee. Exceptions include impact fees assessed for fire/rescue and county facilities. Impact fees within a specific fire and rescue district shall only be used to adequately benefit the development which is the source of the fee regardless of whether the fee was collected north or south of the C&D Canal. Because County facilities benefit new development on a Countywide basis, County facility impact fees can be used anywhere in the County regardless of whether the fee was collected north or south of the C&D Canal.

Fees collected during any fiscal year must be expended or encumbered by contract within the ten (10) fiscal years immediately following for parks and special facilities, libraries, county facilities, and fire/rescue or five (5) years for EMS or law enforcement impact fees. If fees are not expended or encumbered by contract, the owner of the address for which an impact fee had been paid is entitled to a refund and will be notified by the General Manager. Any person so entitled shall have six (6) months from the date of the notice within which to apply to the Department of Finance for a refund of the fees paid.

II. IMPACT FEES TO DATE

Impact Fee Account Balances for Fiscal Year 2021 are presented in **Table 2** along with total revenue and expenditures.

Table 2: Impact Fee Account Balances - FY 2021

Parks - North C & D		Parks - South C & D	
Balance 6/30/2021	**$ 35,418.26**	**Balance 6/30/2021**	**$ 473,309.23**
Revenue	$ 123,782.16	Revenue	$ 245,523.77
Expenditures	$ (100,936.64)	Expenditures	$ (328.00)
Balance 6/30/2022	**$ 58,263.78**	**Balance 6/30/2022**	**$ 718,505.00**
Libraries - North C & D		**Libraries - South C & D**	
Balance 6/30/2021	**$ 16,951.54**	**Balance 6/30/2021**	**$ 204,778.06**
Revenue	$ 52,349.83	Revenue	$ 103,334.27
Expenditures	$ (40,267.00)	Expenditures	$ (138.00)
Balance 6/30/2022	**$ 29,034.37**	**Balance 6/30/2022**	**$ 307,974.33**
EMS - North C & D		**EMS - South C & D**	
Balance 6/30/2021	**$ 1,798.36**	**Balance 6/30/2021**	**$ 9,442.31**
Revenue	$ 16,550.54	Revenue	$ 6,701.16
Expenditures	$ (5,023.70)	Expenditures	$ (7.00)
Balance 6/30/2022	**$ 13,325.20**	**Balance 6/30/2022**	**$ 16,136.47**
Law Enforcement - North C & D		**Law Enforcement - South C & D**	
Balance 6/30/2021	**$ 14,443.02**	**Balance 6/30/2021**	**$ 128,293.26**
Revenue	$ 48,672.85	Revenue	$ 48,998.98
Expenditures	$ (30,176.20)	Expenditures	$ (5,062.00)
Balance 6/30/2022	**$ 32,939.67**	**Balance 6/30/2022**	**$ 172,230.24**
Fire Service		**County Facilities**	
Balance 6/30/2021	**$ 360,298.10**	**Balance 6/30/2021**	**$ 56,683.39**
Revenue	$ 1,048,360.68	Revenue	$ 384,988.45
Expenditures	$ (694,583.68)	Expenditures	$ (220,498.93)
Balance 6/30/2022	**$ 714,075.10**	**Balance 6/30/2022**	**$ 221,172.91**

Note**:** Expenditures in accounts in blue were less than 50% of the total revenue.

Expenditures in accounts in blue were less than 50% of the total revenue. This may indicate that the County is saving funds towards a large capital improvement. Per code, impact fees must be expended within ten or five fiscal years from the year in which they are collected. It is unknown to Rossi Group if the County has a tracking system to confirm that funds are being expended within the required timeframe. The balances in Law Enforcement - South C & D and EMS – South C & D have multiple years of revenue as an end of year balance, 3.5x and 2.4x respectively.

III. NEXT STEPS

In support of New Castle County's study of its development impact fees to assess and update current regulations Rossi Group will document in a second memo a summary of best practices and case studies. Thorough documentation of the current practices along with best practices and case studies will allow the County and its residents to determine needs and opportunities to refine impact fees to align with the County's long-range plans and achieve a sustainable source of revenue.

MEMO #2:
SUMMARY OF BEST PRACTICES

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Diversity. Passion. Synergy.

Date:	**August 17, 2022**
To:	**Antoni Sekowski, Acting Assistant Land Use Manager, New Castle County**
From:	**Savannah Edwards, AICP; Associate Planner; Rossi Group**
CC:	**Marc Coté, PE, AICP; Director of Planning and Engineering; Rossi Group**
Re:	**New Castle County Impact Fee Study** **Memo #2 – Summary of Best Practices**

Rossi Group conducted a review of best practices in support of New Castle County's study of its development impact fees to assess and update current regulations. In support for New Castle County's Impact Fee Study, the following memo presents best practices as recommended by planning professionals as well as case studies for current practices by regional communities.

III. BEST PRACTICES AS RECOMMENDED BY THE AMERICAN PLANNING ASSOCIATION

The American Planning Association (APA) has developed several policy guides to help jurisdictions across America develop their own policies and regulations. In 1997, the APA updated its policy guide on Impact Fees after conducting a review of local practices. The following overarching standards are recommended to all jurisdictions when formulating or reassessing their own impact fee policies:

> "The imposition of a fee must be rationally linked (the "rational nexus") to an impact created by a particular development and the demonstrated need for related capital improvements pursuant to a capital improvement plan and program.
>
> Some benefit must accrue to the development as a result of the payment of a fee.
>
> The amount of the fee must be a proportionate fair share of the costs of the improvements made necessary by the development and must not exceed the cost of the improvements.
>
> A fee cannot be imposed to address existing deficiencies except where they are exacerbated by new development.
>
> Funds received under such a program must be segregated from the general fund and used solely for the purposes for which the fee is established.
>
> The fees collected must be encumbered or expended within a reasonable timeframe to ensure that needed improvements are implemented.
>
> The fee assessed cannot exceed the cost of the improvements, and credits must be given for outside funding sources (such as federal and state grants, developer-initiated improvements for impacts related to new development, etc.) and local tax payments which fund capital improvements, for example.
>
> The fee cannot be used to cover normal operation and maintenance or personnel costs, but must be used for capital improvements, or under some linkage programs, affordable housing, job training, childcare, etc.
>
> The fee established for specific capital improvements should be reviewed at least every two years to

determine whether an adjustment is required, and similarly the capital improvement plan and budget should be reviewed at least every 5 to 8 years.

Provisions must be included in the ordinance to permit refunds for projects that are not constructed, since no impact will have manifested.

Impact fee payments are typically required to be made as a condition of approval of the development, either at the time the building or occupancy is issued."

II. CASE STUDIES

A. Jurisdictions

1. Sussex County, Delaware

Sussex County, DE does not assess impact fees on properties. Funds for parks and special facilities, libraries, county facilities, EMS, Fire and Rescue, and Law Enforcement are collected via property taxes and allocated through the General Fund.

As required by § 115-25B(3) and F(3), the Council reviews fees for a density bonus (Cluster Fees) on an annual basis and revises such fees as it deems necessary. For the town centers and developing areas around Greenwood, Bridgeville, Seaford, Blades, Laurel, and Delmar, fees of $15,000 per unit in excess of two dwelling units per acre are assessed. For the town centers and developing areas around Milford, Milton, Ellendale, Georgetown, Millsboro, Dagsboro, Frankford and Selbyville, fees of $15,000 per unit in excess of two dwelling units per acre are assessed. For the Coastal Area, fees of $20,000 per unit in excess of two dwelling units per acre are assessed.

Fees collected from these density bonuses are allocated to the Sussex County Land Trust (SCLT) in a pool with other funding mechanisms to preserve Open Space throughout the County. The Sussex County Land Trust (SCLT) was formed in December 2001 as a nonprofit conservation organization dedicated to protecting natural, cultural, agricultural and recreational resources through land preservation, stewardship and education for today and tomorrow. The Sussex County Council holds two seats on the SCLT Board, forming a unique public-private partnership between Sussex County Council and the SCLT. Over its 17-year history, SCLT has partnered with the Council, the state and non-profit conservation agencies on 18 different projects and has raised over $4 million in private funds to leverage the protection of 5,784 acres of land.

2. Kent County, Delaware

Kent County, DE also does not assess impact fees on properties. Instead, Kent County passed an Adequate Public Facilities Ordinance (APFO). The provisions of the APFO are to ensure that essential public facilities (including roads, schools, emergency medical services, and water supply are distribution systems) needed to support new development meet or exceed the level of service standards established by the County at the time that a development is approved. This occurs in four ways:

- (1) The public facilities and/or related services needed to support, and off-set, the impacts of new development already exist; or
- (2) The public facilities and/or related services needed to support, and off-set, the impacts of new development are constructed in conjunction with new development; or
- (3) The new development is phased, so that the public facilities and related services deemed necessary by Kent County are available concurrently with the new development; or

- (4) The public facilities and/or services needed to support, and off-set, the impacts of new development are planned and funded for construction within two years of final plan approval.

EMS Impact Fee:
Kent County Code Article XVII 'Supplementary Regulations', §187-90 Adequate Public Facilities:

To offset the increased cost of providing emergency medical services (EMS) to an expanding County population, County Code states, an EMS impact fee shall be assessed. The level of service standard for emergency medical services is based upon aggregate average call volume to the Kent County Emergency Dispatch Center. On average, 0.07 dispatch calls per person are received by the Kent County Department of Public Safety each year. Based on the dispatch call factor of 0.07 calls per person per year, the number of calls generated by proposed residential development is determined by projecting the total population of the proposed residential development at build-out. The average number of persons per household is determined by the most recent population statistics published by the United States Census Bureau for Kent County.

The Kent County Department of Public Safety calculates the total impact fee per dwelling unit for each new residential development proposal based upon the projected number of annual dispatch calls for the proposed development multiplied by the per-capita EMS costs per the most recent reporting year. The impact fee for the proposed development is apportioned equally to each proposed dwelling unit and is paid to Kent County on a per-dwelling-unit basis prior to the issuance of a building permit.

The EMS impact fee, as stated in the code, is automatically adjusted on January 1 of each year based upon the average per-capita EMS costs derived from the most recent reporting year as determined by the Department of Public Safety. All EMS impact fee funds collected are deposited into a separate interest-earning reserve account for the purpose of funding upgrades and/or expansion of County EMS services and/or County EMS infrastructure within Kent County. Currently the Impact fee for EMS is $66.77 payable at time of building permit that charge goes toward EMS infrastructure.

Kent County also implements an APFO School Fee based on construction cost, school district, and type of home (single family homes have a 0.6 multiplier, while Multi-Family and Manufactured Homes have a 0.2 multiplier.) Construction cost and Local Share are updated April/May timeframe each year.

The Emergency Services Assistance Fund is separate from the EMS impact fee that is collected to help support local volunteer fire companies.

Kent County Code Emergency Services Assistant Fund §37-1:

"All applications for building permits shall be subject to a surcharge of 1/4 of 1% of the proposed construction valuation as determined by the Department of Planning Services for the purpose of establishing a fund to provide financial assistance to Kent County Volunteer Fire Companies and Kent County Volunteer Ambulance and Emergency Medical Service providers that are members of the Kent County Volunteer Firemen's Association. Existing structures destroyed or demolished will not be assessed a surcharge for the reconstruction, provided that the replacement structure has the same or less square footage and occurs within 24 months of the demolition. If the square footage is greater than the original structure, the surcharge shall be assessed based upon the value of the additional square footage."

3. Salem County, New Jersey

Salem County, NJ assesses fees on new development permit approvals; however, these are administrative fees and not impact fees. As a result, a detailed summary was determined to be irrelevant to this memo.

4. Various Pennsylvania Counties

At the request of New Castle County, Rossi researched impact fees in various counties and municipalities in Pennsylvania. Impact fees are not assessed at the County level within the State. Various municipalities assess a tax for services such as streetlights, fire hydrants, transportation, etc.

5. Anne Arundel County, Maryland

Anne Arundel County, MD Code outlines impact fees (§ 17-11 Subtitle 2) for new development to accommodate service impacts on public schools, transportation, and public safety facilities. Impact fees are required to be paid for new developments and any improvements or changes of use to real property based on the net increase in service impacts. Exemptions from impact fees include facilities for assisted living programs, hospice facilities, hospitals, nursing homes, a fire station on property owned by a volunteer fire fighting company, facilities owned by or leased to Anne Arundel Community College, and residential dwelling units that the sale or rental of the units is restricted to persons with a household income not exceeding 120 percent of the area median income. The code states that each year the impact fees will be adjusted by the percent change rounded to the nearest dollar from the most recent 20-City Annual National Average Construction Cost Index from the Engineering News-Record (ENR).

Annually, the boundaries of the school impact fee districts and transportation impact districts are reviewed and amendments to the boundaries may be proposed. Every three years, the development impact fee schedule is reviewed to consider new data and changes in costs, revenues, student generation rates, trip generation rates, trip lengths and other factors. The County Executive may propose amendments to the schedule which are submitted to the Planning Advisory Board for review and public hearing.

Credits for impact fees can be provided to developers from the County or County Board of Education. Transportation impact fee credits are allowed for transportation improvements that provide transportation capacity above the requirements for road facilities. Credit for construction and conveyance of land will be deemed paid when construction is finished. School impact fee credits are provided for capital improvements to increase school capacity.

Mixed use unit fees are computed by calculating the space committed to the various land use types on the schedule. If the development includes fractional units, the fee shall be computed to the appropriate fraction. If the Planning and Zoning Officer determines there is not a comparable land use type for the development in the impact fee schedule, or that the development may have higher impacts than assumed for its land use, an independent impact analysis will be done. This will assess a school fee, transportation fee, and public safety fee separately. As used in the fee schedules in **Table 1**, "square feet" refers to the finished area for residential development, and to floor area for non-residential development.

Table 1: Anne Arundel County Impact Fees

Development Type	Roads	Schools	Public Safety	Total
Residential (By Square Foot)				
Under 500 Feet	$1,954	$2,954	$132	$5,040
500 - 999 Feet	$3,205	$5,435	$214	$8,854
1,000 - 1,499 Feet	$4,161	$7,453	$279	$11,893
1,500- 1,999 Feet	$4,828	$8,780	$323	$13,931
2,000 - 2,499 Feet	$5,328	$9,772	$355	$15,455
2,500 - 2,999 Feet	$5,715	$10,565	$382	$16,662
3,000 - 3,499 Feet	$6,009	$11,224	$402	$17,635
3,500 - 3,999 Feet	$6,286	$11,789	$421	$18,496
4,000 - 4,499 Feet	$6,536	$12,284	$438	$19,258

4,500 - 4,999 Feet	$6,759	$12,722	$452	$19,933
5,000 - 5,499 Feet	$6,952	$13,118	$464	$20,534
5,500 - 5,999 Feet	$7,113	$13,476	$476	$21,065
6,000 Feet and Over	$7,197	$13,644	$481	$21,322
Non-residential				
Amusement, recreation, and place of assembly per required parking space	$1,375	$0	$54	$1,429
Hotel/Motel room	$6,621	$0	$169	$6,790
Industrial per 1,000 Sq Ft	$5,712	$0	$211	$5,923
Mini-warehouse per 1000 Sq Ft	$941	$0	$47	$988
For profit hospital per bed	$7,451	$0	$223	$7,674
For profit nursing home per bed	$1,658	$0	$182	$1,840
Marinas per berth	$1,739	$0	$62	$1,801
Office per 1,000 sq. ft.				
Under 100,000 sq. ft.	$9,236	$0	$504	$9,740
100,000 - 199,999 sq. ft.	$7,999	$0	$450	$8,449
200,000 sq. ft. and over	$7,122	$0	$413	$7,535
Mercantile per 1,000 sq. ft.	$9,623	$0	$1,284	$10,907

Source: https://www.aacounty.org/departments/inspections-and-permits/fees/utility-and-impact-fees/

6. Seminole County, FL

Seminole County, Florida is located in central Florida, as of the 2020 Census it has a population of 470,856. Seminole County collects impact fees for mobility, education, fire and rescue, libraries, and water and wastewater connection.

Seminole County recently evaluated its Impact Fee Rate Schedules for Water and Wastewater connection fees, Library impact fees, and Fire impact fees. This update included coordination between County staff including Environmental Services, Leisure Services and Public Safety/Fire. The library, fire and rescue, and mobility impact fees are reviewed every four years or as directed by the Board since the update.

In June 2021, Seminole County commissioners unanimously agreed to new impact fees — in some cases increases to fees were more than seven times the existing rate.— The increases were needed to help pay for new roads, trails, library materials and fire stations as the county expects more than 100,000 new residents over the next two decades. Seminole's impact fees for roads, libraries and fire and rescue services had not been raised since the mid-1990s. School impact fees were not under review after being raised by Seminole commissioners in January 2018 **Table 2**. Commissioners also agreed to lower impact fees for residential developments that include affordable and workforce housing. The following impact fees were updated in June 2021, shown in **Table 3**. Note, a mobility fee is another name for a road impact fee. Mobility/road impact fee programs set a one-time charge assessed only against those projects creating additional impacts to the transportation system by way of new development or expanding existing development.

Table 2: Seminole County Education Impact Fees

Education System Impact Fees	Fee Rate per Dwelling Unit
Residential:	
Single Family	$9,000
Condominium, Townhomes & Duplex	$5,000
Apartments (Multi-Family) < 850 sq. ft.	$4,900
Apartments (Multi-Family) 851 to 1,000 sq. ft.	$7,100

Apartments (Multi-Family) > 1,000 sq. ft.	$8,700
Mobile Home	$4,700

Source: https://www.seminolecountyfl.gov/departments-services/development-services/fees-calculators/building-permit-impact-fees/county-impact-fees.stml

Table 3: Seminole County Impact Fees

Development Type	Impact Unit	Library	Fire Rescue	Mobility		
Residential:				**Rural**	**Suburb**	**Core**
Single Family - Affordable Housing	DU	$198	$249	$3,656	$1,357	$906
Single Family (<1,500 sq. ft)	DU	$351	$440	$5,923	$2,198	$1,467
Single Family (1,500 to 2,499 sq. ft.)	DU	$395	$497	$7,312	$2,714	$1,811
Single Family (=>2,500 sq. ft.)	DU	$443	$557	$9,798	$3,636	$2,427
Multi-Family - Affordable Housing	DU	$148	$183	n/a	$916	$576
Multi-Family (1-2 Floor)	DU	$269	$332	n/a	$1,665	$1,048
Multi-Family (3+ Floor)	DU	$269	$332	n/a	$1,237	$779
Transient, Assisted, Group:						
Mobile Home	DU	$280	$318	$2,456	$875	$537
Congregate Care Facility	DU		$436	$2,518	$906	$570
Hotel	Room		$397	$4,446	$1,644	$1,086
Motel	Room		$342	$1,699	$618	$399
Nursing Home	1,000 sf		$836			
Nursing Home	bed			$593	$299	$210
Recreational:						
Marina	Boat berth		$42	$1,180	$617	$480
Golf Course	Hole		$273	$10,557	$5,491	$4,019
Movie Theater	Screen		$1,688			
Racquet/Tennis Club	Court		$416			
Health/Fitness Club	1,000 sf		$784	$8,100	$4,180	$2,975
Institutional:						
Elementary School (private)	Student		$26	$451	$229	$165
Middle/Junior High School (private)	Student		$29	$451	$229	$165
High School (private)	Student		$29	$451	$229	$165
University/Jr College (7,500 or fewer students)(private)	Student		$33	$451	$229	$165
University/Jr College (more than 7,500 students)(private)	Student		$26	$451	$229	$165
Church (non-sanctuary space for mobility fee)	1,000 sf		$120	$1,757	$893	$652
Day Care Center	1,000 sf		$264			
Day Care Center (Child or Adult)	Student			$405	$209	$131
Medical:						
Hospital	1,000 sf		$420	$4,048	$2,082	$1,713
Office:						
Office	1,000 sf		$290	$3,614	$1,840	$1,470
Medical Office (10,000 sq ft or less)	1,000 sf		$390	$13,431	$6,859	$5,614
Medical Office (greater than 10,000 sf)	1,000 sf		$560	$13,431	$6,859	$5,614
Retail:						

Retail (less than 20,000 sq ft)	1,000 sf			$5,417	$2,777	$1,737
Retail (greater than or equal to 20,000 sq ft)	1,000 sf			$7,369	$3,819	$2,523
Convenience Retail	1,000 sf			$24,008	$12,297	$7,686
Discount Superstore, Free-Standing	1,000 sf		$534	Calculated based on size (see above)		
Retail/Shopping Center	1,000 sf		$491	Calculated based on size (see above)		
New/Used Auto Sales	1,000 sf		$511	Calculated based on size (see above)		
Supermarket	1,000 sf		$784	$9,168	$4,707	$3,023
Pharmacy/Drug Store with & without Drive-Thru	1,000 sf		$602	Calculated based on size (see above)		
Furniture Store	1,000 sf		$104	Calculated based on size (see above)		
Services:						
Bank with Walk-In	1,000 sf		$335	$7,226	$3,655	$2,483
Bank with Drive-Thru	1,000 sf		$485	$7,226	$3,655	$2,483
Quality Restaurant	1,000 sf		$1,874	$19,548	$10,079	$6,817
High-Turnover (Sit-Down) Restaurant	1,000 sf		$1,812	$19,548	$10,079	$6,817
Fast Food Restaurant with Drive-Thru	1,000 sf		$3,156	$17,783	$9,031	$5,261
Coffee/Donut Shop	1,000 sf			$9,142	$4,643	$2,705
Automobile Care Center	1,000 sf		$543	$4,415	$2,227	$1,603
Gas Station with Convenience Market (less than 2,000 sq ft)	Fuel pos.		$475	$12,605	$6,326	$4,223
Gas Station with Convenience Market (2,000-2,999 sq ft)	Fuel pos.		$579	$12,605	$6,326	$4,223
Gas Station with Convenience Market (3,000+ sq ft)	Fuel pos.		$657	$12,605	$6,326	$4,223
Industrial:						
General Light Industrial	1,000 sf		$163	$2,027	$1,024	$761
Manufacturing	1,000 sf		$150	$2,027	$1,024	$761
Passive Warehouse (storage)	1,000 sf		$36	$793	$401	$298
Active Warehouse (parcel hub/fulfillment center)	1,000 sf		$36	$3,634	$1,837	$1,365
Mini-Warehouse	1,000 sf		$13	$451	$233	$166
Utility	1,000 sf		$342			

Additional details on these impact fees can be found at https://www.seminolecountyfl.gov/departments-services/development-services/fees-calculators/building-permit-impact-fees/county-impact-fees.stml

B. Special Topics for Consideration

1. Green Infrastructure

A report from the EPA suggests that impact fees can be an advantageous mechanism for funding green infrastructure projects because the fees collected are linked directly to the services provided, which avoids competing with other programs and needs that might be covered by general funds. However, they also point out that impact fees can be an unreliable source when development slows down. (EPA, 2014, Getting to Green: Paying for Green Infrastructure) https://www.epa.gov/sites/default/files/2015-02/documents/gi_financing_options_12-2014_4.pdf

City of Newark
The City of Newark has established a Stormwater Utility Fee that is based on impervious area on a property (**Table 4**). This captures the impact of each individual property on the stormwater system. This also provides a dedicated funding source for stormwater management that is fair in cost recovery. The City offers fee reduction opportunities to users that implement stormwater management practices that go above and beyond local ordinance requirements. They also offer stormwater grants to residential customers for rain barrels, design service support, and stormwater project cost sharing. The Stormwater User fee for each individual property will be based on the Equivalent Stormwater Unit (ESU). One ESU is equivalent to 1,620 sq. ft. of impervious area. This represents the median impervious area of all single-family residential parcels in the city. Unlike a single time impact fee, the City of Newark assesses their Stormwater Utility Fee on a monthly basis, included as a line item in City water and sewer bills.

Table 4: City of Newark Stormwater Utility Charge Estimator

Tier	Impervious Area (sq ft)	ESU* Factor	Monthly Fee**
1	0 to 1,289	0.60	$2.12
2	1,290 to 1,950	1.00	$3.54
3	1,951 to 2,610	1.30	$4.61
4	2,611 or more	1.80	$6.37

Source: https://newarkde.gov/877/Stormwater-Utility#:~:text=The%20current%20rate%2C%20based%20on,the%20City%20is%20%243.54%2FESU.
**Equivalent Stormwater Unit*
*** Monthly fee as of January 1, 2019*

Non-Residential parcels are assigned stormwater run-off factor based on use as shown in **Table 5**. Then their fee is calculated by multiplying the stormwater runoff factor by the parcel's total area.

Table 5: City of Newark Non-Residential Stormwater Runoff Factors

Stormwater Class	Description	Runoff Factor
COM	Commercial	0.95
GOV	Government	0.95
IND	Industrial	0.90
INS	Institutional	0.90
MFA	Multi-family Apartments	0.75
PAR	Parks and Cemeteries	0.25
PAV	Paved Surfaces	0.95
PKG	Parking	0.95
REC	Recreational Areas/Playgrounds	0.35
UTI	Utilities	0.90
VAC	Vacant	0.30

Source: https://newarkde.gov/DocumentCenter/View/9452/SW-Utility-First-Reading---Non-Residential-FAQ?bidId=

Non-residential users have an opportunity to reduce their monthly stormwater fee by up to 25% through two types of credits. Quality credit is based on the capture and infiltration of runoff. If the technical criteria is met, a maximum 15% reduction in the stormwater fee is possible. The Quantity Credit is for reductions in peak stormwater discharge rates. If the technical criteria is met, a maximum 10% reduction in the stormwater fee is possible. Credit applications can be submitted through an online application that calls for as-built drawings by a certified engineer, site map or plan, drainage area information, pre-development and post-development calculations, routing calculations, a maintenance plan and schedule, and $150 application fee.

2. Land Preservation/Agricultural Land Preservation

Preserving open space is important for a variety of reasons and collecting impact fees allows a community to mitigate the effects of development on open space by investing in acquiring or improving existing open space.

City of Chicago

The City of Chicago, IL operates an Open Space Impact Fee program that allocates fees applied to new residential developments to pay for land acquisition and park improvements in each of Chicago's 77 community areas. Fees range from $313 to $1,253 depending on the size of the dwelling units (**Table 6**). These fees were determined by a formula that factors in the open space need due to the size of the new development, the open space cost of $12 per square foot, and the thirty percent developers share of the cost. Units that count as affordable housing are charged a flat nominal fee. Credits are provided for certain projects that include open space on site. Expenditures require City Council approval and are allocated within the community where the funds were generated. The funds are not used for ongoing maintenance or for playground replacement. Fees are processed through an Open Space Impact Fee worksheet that requires approval from the Department of Buildings or DPD staff.

Table 6: City of Chicago Open Space Impact Fee

Dwelling Unit Size	Fee per Unit
Up to 799 sf	$313.00
800 to 1,599 sf	$626.00
1,600 sf to 2,999 sf	$940.00
3,000 sf and up	$1,253.00
Affordable Housing	$100.00

Source: https://www.chicago.gov/city/en/depts/dcd/supp_info/open

Martin County, FL

In 2016, Martin County, FL established a Conservation/Open Space impact fee that is assessed on residential properties, hotels/motels and RV parks. The total amount of fees for those properties are included in **Table 7.**

Table 7: Martin County Conservation Impact Fees

Development Type	Conservation/Open Space
Residential:	
800 SF & under	$540
801 to 1,100	$579
1,101 to 2,300	$661
2,301 & over	$755
Non-Residential	
Hotel/ Motel Room	$654
RV Park per Lot	$491

Source: https://www.martin.fl.us/resources/impact-fee-schedule-pdf

American Farmland Trust

"Spurred by post-war sprawl that consumed farmland at an alarming rate, and recognizing that farmers and environmentalists seldom recognized their overlapping interests, American Farmland Trust (AFT) was founded to put agriculture on a different track. AFT pioneered use of various land conservation tools, previously used to preserve wilderness or create parks, to now protect working farmland; and AFT brought together two divergent communities—farmers and environmentalists—to catalyze transformational public policy that has dramatically reduced soil erosion and improved water quality and soil health. This in turn has laid the groundwork for farming to play its most important environmental role yet, helping combat climate change" (https://farmland.org/).

Agricultural easements are a well-established tool that enable landowners to protect their property in perpetuity. Easements are flexible instruments that are designed to align with the landowner's individual conservation goals. Agricultural easements limit non-agricultural development on valuable farmland while allowing the continued productive agricultural use of the land. Impact fees, grants, and donations, like in the case of the Sussex County Land Trust, can be used to pool funds together to outright purchase property or establish easements on agricultural land.

The Delaware Nature Conservancy
The Nature Conservancy has worked with the University of Delaware's Water Resources Center and other partners to develop the Brandywine-Christina Revolving Water Fund (the "Water Fund"). This work is part of the Delaware River Watershed initiative. A water fund is a finance and governance mechanism to invest in conservation practices designed to secure freshwater resources, both in terms of water quality and quantity. The Brandywine-Christina watershed is comprised of the Brandywine, Red Clay and White Clay Creeks, and the Christina River. Collectively the watershed provides over 100 million gallons of drinking water per day to over half a million people in Delaware and Pennsylvania. However, the majority of the creeks and streams are now unsafe for drinking due to legacy pollutants, nutrient and sediment overloads, and urban runoff. The Water Fund increases the pace, scale and efficiency of water-quality conservation in the Brandywine-Christina watershed (https://www.nature.org/en-us/about-us/where-we-work/united-states/delaware/stories-in-delaware/brandywine-christina-revolving-water-fund/).

This conservation financing mechanism is the first of its kind in the Country. Unlike a typical impact fee that would need to expend funds on an annual basis, a program structure like this would allow the County flexibility. This would allow for conservation planning, or the acquisition of Open Space, tied directly to County-wide benefits as they arise.

The Delaware Nature Conservancy should be consulted as a partner when implementing any open-space master plan, to help identify the most ecologically beneficial properties. (https://www.nature.org/en-us/about-us/where-we-work/united-states/delaware/).

3. Affordable Housing

In areas with high fees and/or a large number of special assessment districts, the cumulative cost can erode the financial viability of affordable housing projects. Local jurisdictions can encourage the development of new affordable housing by reducing or waiving these fees for qualifying projects. Although fees are waived, developers still receive the services supported by the fee and/or must secure the associated permits or approvals. This incentive is likely to have the greatest impact in jurisdictions with a robust level of construction activity, or where new development is anticipated) and where impact and permitting fees are relatively high.

There are a variety of ways that cities can make fee waivers and reductions available to developers of qualifying projects. Typically, developers need to submit an application for the waiver or reduction to the planning or housing and community development department, along with documentation proving their intention to comply with eligibility requirements. Once the application has been approved for a qualifying project, the benefit is provided.

In some cities, such as Portland, OR, a specified set of fees may be waived by city staff, while waivers of larger fees must be approved by the City Council. Instead of providing as-of-right waivers, it is also possible for local jurisdictions to consider waivers on a case-by-case basis. However, this approach may be administratively burdensome for the jurisdiction, and makes the development process and associated costs less transparent and predictable for developers, who need a clear picture of development costs to develop an accurate project budget.

Rather than reducing or waiving fees, some local jurisdictions allow payment on a deferred basis. The short-term construction loans available at the start of the development process carry relatively high interest rates compared with longer-term permanent financing. Deferred fee payments allow developers to make payments after securing long-term, lower-cost financing, while the jurisdiction still collects the expected revenue and avoids budget shortfalls in other areas. Regulations will need to specify when payment of deferred fees is required (e.g., when permanent financing is secured, when a certificate of occupancy is issued, etc.), as well as any penalties associated with failure to deliver the affordable units within the promised timeframe.

Cities, towns and counties should establish clear criteria for eligibility for fee reductions or waivers. Program guidelines should specify the income level(s) that must be served to qualify for this incentive, as well as any minimum threshold(s) for the share of units in the development that must meet affordability requirements. Guidelines should also specify whether there are any requirements for how long the units must remain affordable.

Cities, towns and counties will also need to specify whether fee waivers or reductions are available in all geographic areas within the jurisdiction or only in specified zones.

Revenue from impact fees and other fees assessed during the permitting process is used to address community needs—including infrastructure expansion, administrative functions associated with the fee, or other projects that are planned or underway. Waivers or reductions in fee revenue could undermine the ability to cover these costs if other revenue sources are not readily available. Cities, towns and counties that wish to offer fee waivers or reductions should consider careful monitoring of the program, especially in early years of operation, to ensure there are no unintended negative effects on other programs or the city's ability to meet growing demand son public services.

The SMART housing program in Austin, TX provides a variety of incentives for private developers who create and preserve housing for low- and moderate households and for persons with disabilities. Projects that set aside units as affordable to homeowners and renters earning no more than 80 percent of the median family income (120 percent for owner-occupied units located in certain areas) are eligible for full or partial waivers of 29 separate fees. Fee reductions range from 25 percent for developments where 10 percent of units meet affordability requirements to 100 percent for developments where 40 percent of units meet affordability requirements.

In Anne Arundel County affordable housing is exempt from impact fees. Residential dwelling units, provided that the sale or rental of the units is restricted to persons with a household income not exceeding 120 percent of the area median income, adjusted by household size, or units that were constructed under a program that requires homebuyers to participate in the initial construction or rehabilitation of the units they are also exempt from impact fees. The residential dwelling unit must be constructed by or under a program sponsored by an entity exempt from taxation at least three years prior.

4. Administration and Reassessments

Federal Highway Administration suggests that impact fees be reviewed and updated at least every three to five years, as most jurisdictions require with some updating every year.

As detailed in APA's summary of Best Practices, it is recommended that fees should be reviewed at least every two years to determine whether an adjustment is required, and similarly the capital improvement plan and budget should be reviewed at least every 5 to 8 years.

IV. TAKE AWAYS

1. Local examples – a review of nearby local jurisdictions did not yield a useful comparison to New Castle County's Impact Fees Schedule. More comprehensive and modern impact fee programs were found in Anne Arundel County, Maryland and Seminole County, Florida. These two counties outlined the impact fees in a clear straightforward process. In many jurisdictions, funds for parks and special facilities, libraries, county facilities, EMS, fire and rescue, and law enforcement are collected via property taxes. New Castle County's impact fee compares favorably with other jurisdictions in terms of comprehensiveness and best practices

2. Indexing Benchmark – it is recommended that Construction Cost Index(CCI) from the Engineering News-Record (ENR), as outlined in current code, continue to be the benchmark comparison for impact fee increases with annual reviews.

3. Annual increases – in APA's summary of Best Practices, it is recommended that fees should be reviewed at least every two years to determine whether an adjustment is required. It is recommended that a more formal review of increases occur in a timely manner. The easiest and most straightforward method to address fee increases is to adopt the annual increase in code using the CCI. Increases in fees are always a sensitive subject politically and no one wants to vote in favor of increasing fees every year at a County Council meeting. Mandating the annual increases by code eliminates political influences on the fees. Transportation Improvement District fees are reviewed and new rates are set every February 1st. A cap could also be instituted as part of the code so that fees do not increase by more than X% per year based on what Council approves in the code. A limit of 4 or 5% per year could be adopted so that in periods of high inflation, fee increases are somewhat mitigated.

4. Needs Based Assessments – in addition to the fees being reviewed annually, periodic reviews should include needs for each area of impact based on the County's capital improvement plan for each geographic area. As the level of growth changes for each area, the fees could change based on the needs as planned by the County for each area to provide services in each area of impact.

5. Impact Fee Credits – many jurisdictions allow for credits if the applicant builds facilities or donates real estate for the construction of facilities. Providing credits allows for greater flexibility in working with larger developments. Providing a parcel for a new library would be a credit to offset the library portion of the impact fee.

6. Affordable housing provisions – most jurisdictions provide for a reduction or elimination of impact fees for affordable housing initiatives. A wide range of alternatives are possible but factors such as replacing the reduced revenue, income levels, number of units eligible, reducing/waiving only some portions of the impact fees will have to be thoroughly discussed. Other incentives such as density bonuses help provide incentives for developers to provide affordability but further stress the areas of impact.

7. Fee rate is tied to the proposed use – jurisdictions have different rates based on the type of residential and non-residential uses. Seminole County has the most comprehensive list of uses to determine different rates.

8. Sustainability of impact fees carrying the load to keep taxes low – growth is projected to be much higher in the area below the canal. Impact fees will continue to provide the County with dedicated revenue below the canal for the foreseeable future to help fund projects. Revenue for the area above the canal for parks and libraries is fairly limited.

9. Open Space – many jurisdictions have provisions for requiring open space and also have impact fees related to open space that are fairly significant in relation to the total fee. An open space impact fee seems reasonable in the update of the code to help fund land acquisition and preservation.

MEMO #3:
SPECIAL TOPICS REVIEWED

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Diversity. Passion. Synergy.

Date:	**November 2, 2022**
To:	**Antoni Sekowski, Acting Assistant Land Use Manager, New Castle County**
From:	**Savannah Edwards, AICP; Associate Planner; Rossi Group**
CC:	**Marc Coté, PE, AICP; Director of Planning and Engineering; Rossi Group**
Re:	**New Castle County Impact Fee Study** **Memo #3 – Special Topics Reviewed**

After presenting Memos #1 and #2 regarding current practices and best practices in support of New Castle County (NCC)'s study of development impact fees. Rossi Group prepared the following memo presenting recommendations for NCC to consider in their assessment of current regulations and the development of any updates to those.

I. UTILIZING DELAWARE'S STATE STRATEGIES

A. Background

The project team was asked to assess the ability to apply a sliding scale to the impact fees based on the *Delaware Strategies for State Spending and Policy* (2020). In 1999, the State of Delaware created a framework that guides decision makers on the most desirable pattern of land use within the state, the major circulation patterns, and the general locations of major public and private works and facilities. These Strategies identify the State's goals and policies for land use, infrastructure investment, and other priorities as developed by the Cabinet Committee on State Planning Issues. Associated with these Strategies is a map depicting the Investment Levels described in the document. The maps are based on data collected from a variety of state and local agencies. Both the document and associated maps are a culmination of extensive coordination with local governments, citizens, and state agencies to determine what areas are most prepared for growth and where the state can make the most cost-effective investments in roads, schools, and other public facilities and services.

These Strategies acknowledge the fact that is it more expensive to provide necessary services the further you get away from the core developed areas. The goals of the program are:

- Goal 1: Direct investment and future development to existing communities, urban concentrations, and growth areas.
- Goal 2: Protect farmlands and critical natural resource areas.
- Goal 3: Improve housing quality, variety, and affordability for all income levels.
- Goal 4: Ensure objective measurement of long-term community effects of land-use policies and infrastructure investments.
- Goal 5: Streamline regulatory processes and provide flexible incentives and disincentives to encourage development in desired areas.
- Goal 6: Encourage redevelopment and improve the livability of existing communities and urban areas and guide new employment into underused commercial and industrial sites.
- Goal 7: Provide high-quality employment opportunities for citizens with various skill levels to retain and attract a diverse economic base.
- Goal 8: Protect the state's water supplies, open spaces, farmlands, and communities by encouraging revitalization of existing water and wastewater systems and the construction of new systems.
- Goal 9: Promote mobility for people and goods through a balanced system of transportation options.
- Goal 10: Improve access to educational opportunities, health care, and human services for all Delawareans.

- Goal 11: Coordinate public policy planning and decisions among the state, counties, and municipalities.

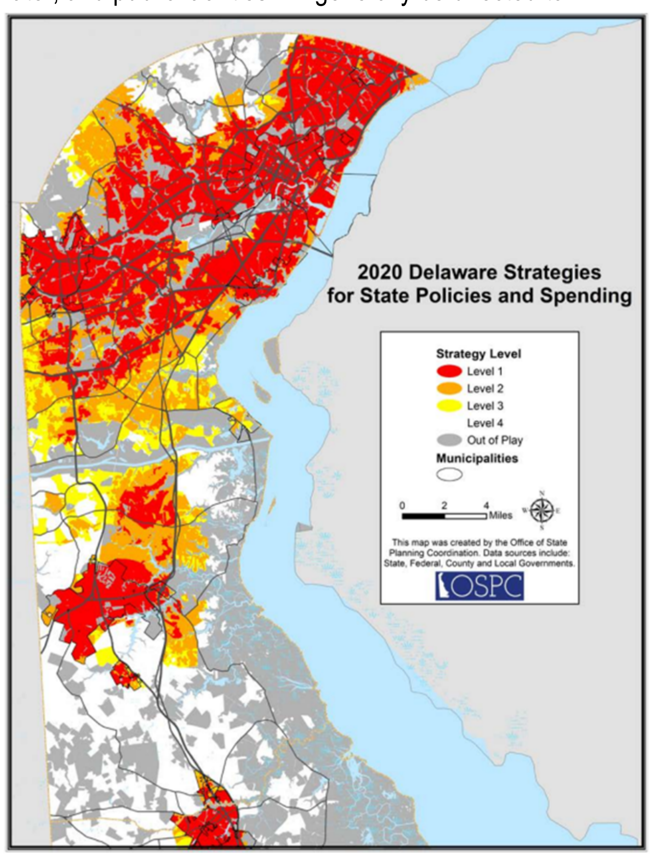
There are five investment levels including levels 1, 2, 3, 4, and Out-of-Play areas, as described below and mapped in **Figure 22**.

Investment Level 1 Areas are often municipalities, towns, or urban/urbanizing places in counties. Density is generally higher than in the surrounding areas. There are a variety of transportation opportunities available. Buildings may have mixed uses, such as a business on the first floor and apartments above. As the State Strategies describes, "these areas would be a prime location for designating "pre-permitted areas" to help steer development where the local government and citizens are most prepared to accept it."

Investment Level 2 areas can be composed of less developed areas within municipalities, rapidly growing areas in the counties that have or will have public water and wastewater services and utilities, areas that are generally adjacent to or near Investment Level 1 Areas. "Like the Level 1 Areas, Level 2 Areas would be a prime location for designating "pre-permitted areas"" (2020 Delaware Strategies for State Policies and Spending.)

Investment Level 3 Areas generally fall into two categories. The first category covers lands that are in the long-term growth plans of counties or municipalities where development is not necessary to accommodate expected population growth during this five-year planning period (or longer). In these instances, development in Investment Level 3 may be least appropriate for new growth and development in the near term. The second category includes lands that are adjacent to or intermingled with fast-growing areas within counties or municipalities that are otherwise categorized as Investment Levels 1 or 2. "Due to the limits of finite financial resources, state infrastructure spending on "hard" or "grey" infrastructure such as roads, sewer, water, and public facilities will generally be directed to Investment Level 1 and 2 Areas during this planning period. The State will consider investing in these types of infrastructure in Investment Level 3 Areas once the Investment Level 1 and 2 Areas are substantially built out, or when the infrastructure or facilities are logical extensions of existing systems and deemed appropriate to serve a particular area" (2020 Delaware Strategies for State Policies and Spending.)

Figure 1: 2020 Delaware Strategy Level Areas

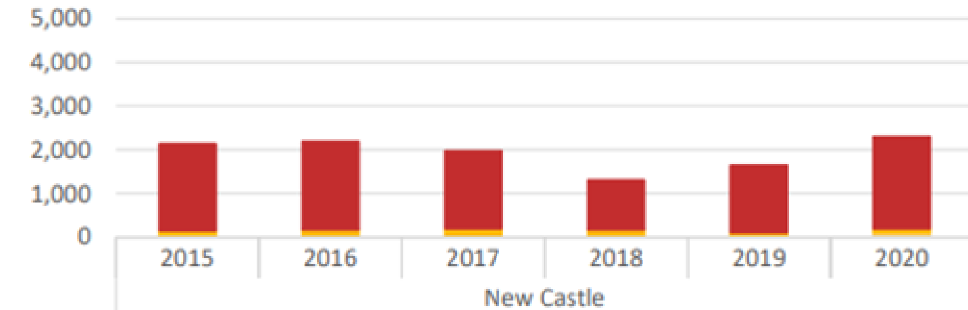


Investment Level 4 Areas are rural in nature and are where the bulk of the state's open space/natural areas and agricultural industry is located. These areas contain agribusiness activities, farm complexes, and small settlements.

Out of Play Areas are lands which are not available for private development, include publicly owned lands, private conservation lands, lands for which serious legal and/or environmental constraints on development are identified, and lands in some form of permanent open-space protection (such agricultural preservation easements and conservation easements).

The 2021 annual report to the governor from the Office of State Planning Coordination included the number of building permits issues in each investment level (**Figure 22**).

Figure 22: New Castle County Residential Building Permits by State Strategies Level (2015-2020)



	2015	2016	2017	2018	2019	2020
Level 1&2	1,990	2,020	1,779	1,141	1,541	2,102
Level 3	109	118	148	126	69	124
Level 4	37	53	52	46	37	73

Source: Cabinet Committee on State Planning Issues, 2021 Report on State Planning Issues

B. Analysis

The building permit data trends show that the majority of building permits are issued in Levels 1 and 2. In 2020, only 8.5% of the building permits were issued in Levels 3 and 4. This trend has been consistent over the last six years. Based on the work of the Office of State Planning Coordination a nexus could be drawn between the cost of providing services in levels 3 and 4 and the cost of providing those same services in levels 1 and 2 and therefore it would be reasonable to assess a surcharged impact fee to cover those additional costs. Based on the current mapping any surcharge on impact fees within Levels 3 and 4 would mostly affect properties south of the canal.

If NCC were to utilize the State Strategies maps to assess impact fees that would be commensurate with the cost of capital investments needed to supply the services funded through those impact fees, they could either provide discounts or surcharges on impact fees. It should be noted that this is not intended to infer any incentive/disincentive for development in any specific area but to establish a nexus to the additional costs of services provided in Levels 3 and 4.

There are several ways to incorporate either discounts or surcharges based on what level the project is in according to the State Strategies mapping. Consideration needs to be given to the overall level of funding needed to support the capital investments associated with each impact fee. If discounts are provided for development in Levels 1 and 2, which is over 90% of the development, the overall revenue collected from those developments would be reduced. Any reduction in revenue would need to be assessed to ensure that the services associated with the impact fees would not be impacted.

Another way to create discounts or surcharges associated with what level a project is in according to the State Strategies mapping is to establish a baseline Level and create discounts for development above that level and surcharges for development in the lower investment levels. If there is a concern with the loss of revenue associated with discounts, then this option could just assess the surcharge above the base impact fee rates for development in areas where is it more costly to provide the services. This would account for the additional costs needed to supply services to areas outside of Levels 1 and 2.

C. Recommendations

The overall study effort is to reassess the impact fees to better correlate the fees collected with the capital costs needed to supply the services. Based on this goal the team is recommending to assess a surcharge to cover the additional costs associated with development in Levels 3 and 4. Should NCC want to cover the additional costs of providing services outside of the growth area a surcharge could be placed on any development within Level 3 and 4 areas. The initial recommendation for consideration with be a 20% surcharge for level 3 and a 40% surcharge for level 4. More research will be needed to assess the actual increase in costs for providing the service to better justify the surcharge percentage.

II. EXPANDING THE LIST OF USES IN THE IMPACT FEE TABLE

A. Background

New Castle County asked the project team to consider possible updates to the uses listed within the impact fee table. We compared NCC's permitted uses and considered the case studies included in Memo #2. The following categories are currently captured:

- Residential (per housing unit)
  - Single-family detached
  - Single-family attached
  - All other housing (small single-family units and single-wide mobile homes will be included under the "All other housing" designation)
- Nonresidential (per 1,000 SF of floor area)
  - Commercial/shopping center (less than 60,000 SF)
  - Commercial/shopping center (60,000 – 200,000SF)
  - Commercial/shopping center (greater than 200,000 SF)
  - Office/Institutional (less than 10,000 SF)
  - Office/Institutional (less than 10,000 SF)
  - Office/Institutional (less than 10,000 SF)
  - Business Park
  - Light Industrial
  - Warehousing
  - Manufacturing

Rossi Group compared NCC's current permitted uses (UDC §40.03.110) and impact fees (UDC §40.14.210) to see how closely the categories in each aligned (**Table 1**). Uses highlighted in yellow should be considered for amendments or additions. to the current Impact Fee Table and Schedule. Explanations for each of the categories are listed below.

Table 1: Permitted Use Table and Impact Fee Table Compared

Land Use	Impact Fee Category
Agricultural	
Agriculture (includes uses pursuant to Delaware Law)	N/A
Clearing	
Farmstead	

Land Use	Impact Fee Category
Farm market	
Commercial stables	
Residential	
Single-family, detached	Single-family detached
Open space subdivision, option 1	
Open space subdivision, option 2	
Single-family, attached	Single-family attached
Open space planned	
Apartments	
Apartment conversions	
Commercial apartments	
Hamlet	
Village	
Group home	
Manufactured home park	All other housing*
Small single-family	All other housing*
Home Uses	
Day care, family/large family	
Home occupation	
Home business	
Cottage industry	
Institutional	
Assembly and worship	
Schools	
Colleges	
Institutional, regional	Office/institutional (less than 10,000 sf. GFA)
Institutional, neighborhood	Office/institutional (10,000 sf. to 50,000 sf. GFA
Institutional, residential (Type I)	Office/institutional (greater than 50,000 sf. GFA
Institutional, residential (Type II)	
Protective care	
Public service	

Land Use	Impact Fee Category
Hospitals	
Commercial	
Adaptive reuse, historic building	
Adult uses	
Agricultural support and other rural services	
Bed and breakfast	
Commercial lodging	
Commercial retail and service	
Corporate guest house	
Craft alcohol production establishment	
Drive-in facility	
Heavy retail and service	
Light automobile service	
Mixed use	
Restaurants	
Office	Office/institutional (less than 10,000 sf. GFA)
	Office/institutional (10,000 sf. to 50,000 sf. GFA
	Office/institutional (greater than 50,000 sf. GFA
Shopping center	Commercial/shopping center (less than 60,000 sf. GFA)
	Commercial/shopping center (60,000 sf. to 200,000 sf. GFA)
	Commercial/shopping center (greater than 200,000 sf. GFA)
Vehicular sales, rental and service	
Recreation and Amusement	
Campground	
Recreation, high intensity	
Recreation, low intensity	
Resort	
Industrial Uses	
Compost operations	
Extraction	

Land Use	Impact Fee Category
Heavy industry	Manufacturing Light industrial
Light industry	
Recycling or storage	
Utilities, maintenance facilities	
Utility, minor	
Utility, major	
Solar energy system, large-scale	
Other Uses	
Airports	N/A
Commercial communications towers	
Community recycling bins	
Exterior lighting for outdoor recreational uses	
Park and ride facility	
Parking structures	
Note: Uses highlighted in yellow should be considered for amendments or additions.	Warehousing Business park

B. Case Studies and Recommendations

After conducting a comparison of the two tables (permitted uses UDC §40.03.110 and impact fee UDC §40.14.210) there are several uses not explicitly being charged an impact fee. Within the residential impact fee category: apartments may currently be included with “all other housing” however the definition is unclear. Group homes and congregate care facilities are also not listed under the residential impact fee category. These should be charged separately on a dwelling unit basis.

Currently institutional uses are being grouped together with offices to assess impact fees. Some jurisdictions charge impact fees to schools and places of assembly as institutional uses. UDC §40.05.050 enumerates that public facilities needed to support development (including hospitals) shall be exempt from Article 14 (impact fees.) However, NCC may want to reconsider capturing impact fees from private hospitals or facilities, such as assisted care facilities. Seminole County, Florida charges impact fees on private institutional uses, New Castle County could consider a similar tactic. Moreover, a nexus can be drawn between extra need for services for some institutional uses like hospital and assisted care facilities.

Within the commercial land use category, many individual uses are assessed impact fees as office/institutional and commercial/shopping center uses. However, bed and breakfasts/commercial lodging are not assessed impacts fees and should be charged on a room basis. Transient occupancy taxes are collected on visitors to these establishments; however, these dollars do not go towards capital improvement in NCC. Restaurants are also assessed impacts fees as retail use; however, their high-turnover rate may warrant a separate category from retail uses. Some jurisdictions break down restaurants further based on whether it is drive-thru establishment or sit-down restaurant. For example, Seminole County, Florida (referenced in Memo #2) charges $1,874 for Fire & Rescue fees to 'Quality Restaurants', $1,812 to 'High-Turnover (Sit-Down) Restaurants', and $3,156 to 'Fast Food Restaurants with Drive-Thru.'

Within the recreation and amusement land use category, no uses are charged impact fees. NCC should consider assessing campgrounds and resorts impact fees. Campgrounds have evolved over recent years to include extra uses such as restaurants, bath houses, stores, and recreational facilities that have a larger impact on land and draw more users. Some individuals also stay long-term at campgrounds and/or resorts, again drawing on NCC's services.

Most industrial uses are adequately being captured by the current categories. The impact fee categories of 'warehousing' and 'business park' did not align directly with any uses listed on the permitted use table. The business park district allows office, manufacturing, light industrial, warehousing, and uses that support them. Each of these individual uses (office, manufacturing, light industrial, and warehousing) are assessed impact fee separately; therefore, New Castle County may consider omitting 'business park' from the impact fee table and charging based on the mix of individual uses instead.

III. STRATEGIES FOR INCENTIVIZING LOW-INCOME HOUSING

A. Background

https://www.newcastlede.gov/1505/Moderately-Priced-Dwelling-Units

Moderately Price Dwelling Units (MPDUs) are required for all residential rezonings or variance applications with density increases proposing twenty-five (25) or more dwelling units except for mixed-use developments. The program also offers a density bonus for major residential subdivisions not requiring a rezoning if a portion of the dwelling units are designated as moderately priced. Currently there are no Impact Fee reductions or exemptions for development of MPDUs. A control period is the timeframe during with a MPDU is subject to resale price controls and owner occupancy requirements. The control period is for NCC's MPDUs program is 10 years and begins on the date of sale for new or resale MPHU's. NCC is interested in methods to further incentivize providing MPDUs (https://www.newcastlede.gov/1505/Moderately-Priced-Dwelling-Units).

B. Case Studies and Recommendations

As detailed in Memo 2, B.3. Affordable Housing, in areas with high fees and/or a large number of special assessment districts, the cumulative cost can erode the financial viability of affordable housing projects. Local jurisdictions can encourage the development of new affordable housing through methods including:

- Flat fee
- Fee reductions
- Fee waivers based on number of units
- Complete fee exemption

Although fees are waived or reduced, developers still receive the services supported by the fee and must secure the associated permits or approvals. This incentive is likely to have the greatest impact in jurisdictions with a robust level of construction activity, or where new development is anticipated) and where impact and permitting fees are relatively high.

Memo 2 presents case studies where fee waivers and reductions are available to developers of qualifying projects. For example, Anne Arundel County, Maryland exempts Affordable Housing Units from all impact fees; however, the residential dwelling unit must be constructed by or under a program sponsored by an entity exempt from taxation at least three years prior. Seminole County, Florida (see Memo 2, Table 3) specifies a discounted fee across the board for Affordable Housing Units. Affordable Single-family dwellings are discounted at a rate of approximately 44% to 73%, while Affordable Multi-Family Units are discounted between 24% to 45%, depending on fee type.

NCC currently provides a density bonus for major residential subdivisions not requiring a rezoning if a portion of the dwelling units are designated as moderately priced. However, providing an impact fee reduction or exemption would further reduce the cumulative cost for providing affordable housing within NCC. This could be full exemption to all impact fees applied to MPDUs. It may also be reasonable to view each impact fees assessed and determine on a fee-by-fee basis if MPDUs should be exempt from a specific fee. All fees may also be reduced by a specified percentage or amount or each impact fee may be evaluated to determine if the specified fee should be reduced by a specified percentage or amount.

IV. GRADUATED FEE INCREASES/ENR RECOMMENDATIONS

A. Background

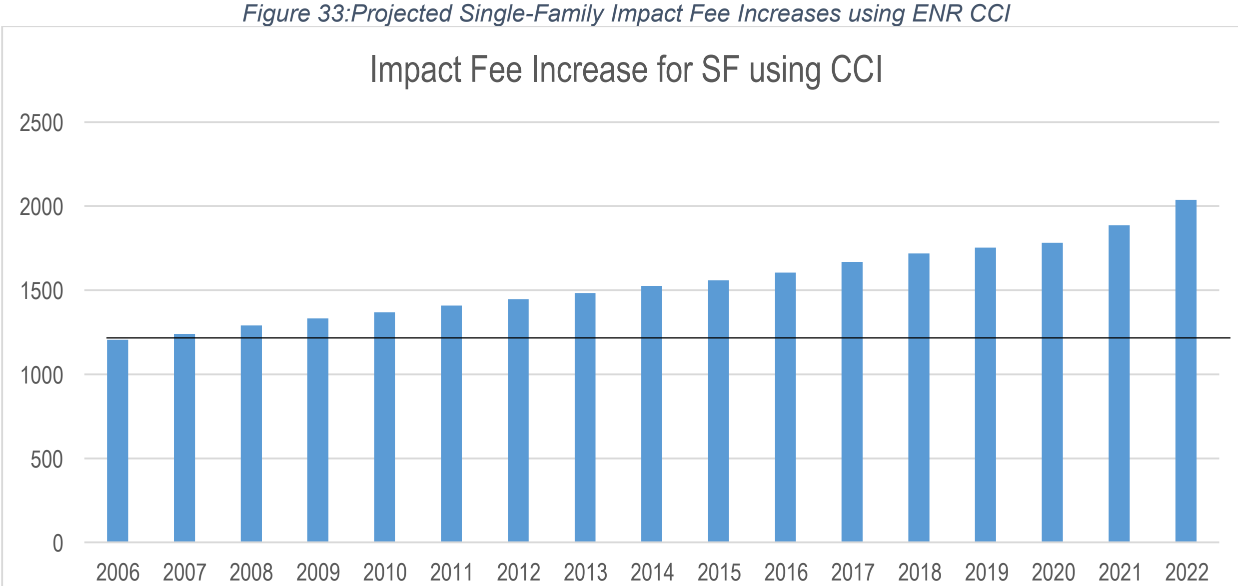
Since 1999, the only impact fees which have been adjusted have been the fire & rescue impact fees. County Council adopted legislation in August 2006 raising these fees based upon a 2006 study performed by TischlerBise. The impact fees for parks, libraries, county facilities, EMS, and law enforcement have not been adjusted for 23 years.

The UDC allows for impact fee cost adjustments as part of a periodic evaluation and update to adjust for inflation in construction costs as reflected in the Engineering News Record (ENR) Construction Cost Index (CCI). Adjustments would be subject to approval by NCC Council.

The cumulative increase for fees using the ENR CCI from 2006 to 2022 is 75%. As another base of comparison, the cumulative Consumer Price Index (CPI) increase from 2006 -2022 is 50%.

Figure 33 illustrates the increase to the impact fee for a single-family detached unit from the 2006 fee of $1,157to $2,036 in 2022, if adjusted according to ENR CCI calculations. See chart below.

Figure 33:Projected Single-Family Impact Fee Increases using ENR CCI



B. Recommendations

Recommendations for adjusting the fee to make up the difference in holding the impact fees unadjusted for the last 16-23 years can be accomplished in many different scenarios based on NCC's goals and policies that are being considered. Currently the general budget is carrying the load to make up for inflation and the erosion of purchasing power of the impact fees as established in 2006. That means that existing residents of NCC are paying for and subsidizing the costs of the new infrastructure intended to be paid for with impact fees. If NCC's goal is to restore the impact fee revenues to the originally intended levels of providing revenue for infrastructure projects, gradual increases in fees while providing a provision for annual indexing would allow NCC to slowly increase fees.

Scenarios could range from:

- No increases in fees
- No increases in fees, annual indexing adjustments
- Phased in approach of 5% increases over a period of 2-5 years to slowly make up for the last 16 years, then annual indexing adjustments
- Phased in approach of 10% increases over a period of 2-5 years to slowly make up for the last 16 years, then annual indexing adjustments
- 50% increase to match the CPI cumulative total, then annual indexing adjustments
- 75% increase to match the ENR CCI cumulative total, then annual indexing adjustments

Regardless of the decision to raise fees to account for the last 16 years of no increases, it is recommended that yearly adjustments to the fees be done, as periodic evaluations are required by code, so that the fees are adjusted annually based on the ENR CCI. Most jurisdictions that have indexing do so annually to avoid having to revisit the fees every few years and keep increases in fees in small increments. This sets up an expectation that the impact fee will increase yearly to keep pace with inflation and provide for more infrastructure to be funded and constructed using the impact fees collected by new development. It is a straightforward method that is easy to communicate to the public and easier to implement. If NCC wants to establish an increase every two years, that can be accomplished by Council approving the changes every two years instead of annually. It is recommended that the adjustment be done using the cumulative CCI for the two years. The data to calculate the ENR CCI comes out in January and the new fee can be adopted by Council in the spring with an effective date of July 1 each year.

V. Open Space Fee Creation

NCC Council adopted a resolution to spend $7.5 million dollars over 3 years, which is $2.5 million/year to ensure consistent funding for the preservation of Open Space and Agricultural land. In our research of best practices, the City of Chicago used a formula of new development carrying 30% of the cost for open space preservation.

The City of Chicago Open Space fees range from $313-1,253/unit based on the type of development. Affordable housing units are only charged $100/unit.

Marin County in Florida Open Space fees range from $540-755 based on size of the unit. A land value of $12/sf is used for the cost of Open Space land acquisition.

Using the same formula to help provide a dedicated source of funding to provide 30% of the $2.5 million Open Space preservation goal requires revenue from impact fees to be $750k/year.

One policy decision that will need to be more broadly discussed is redevelopment. Redevelopment could be exempt from the Open Space impact fee.

In New Castle County, there is an average of 2000 residential building permits/year and 4 million sf/year of non-residential development, as demonstrated in **Figure 22**.

A. Implementation

The NCC Council can then determine whether to create an open space fee, and what level of funding support for the Open Space Preservation Fund, any potential UDC changes that would be required, and an implementation schedule.

VI. CHANGE OF USE/REDEVELOPMENT CHARGES

A. Background

As part of our review on impact fees the team was asked to assess the redevelopment and brownfield development waiver that currently exists in the UDC.

As an incentive for redevelopment and brownfield development the current code provides a waiver provision for all impact fees. The current definition of redevelopment contained in the UDC is:

> *A process used to identify previously developed land that is now vacant, abandoned, or underutilized real property where older structures if they exist are rehabilitated or replaced.*

The waiver for impact fees for redevelopment and brownfield development is one of several incentives that NCC uses to promote the reuse of existing properties that are currently underutilized. This waiver seems appropriate for redevelopment or brownfield development where the previous use and the proposed use are similar and there would be no necessary increase in the capital costs needed to supply the services funded under the impact fee, however based on the broad definition of redevelopment, there are redevelopment projects that will increase the overall need for capital investments for those services that are funded through impact fees.

The team looked at several other justifications to determine how they applied impact fees to redevelopment or repurposing of land and the common theme for redevelopment was to try to capture the difference between the current use the proposed use and apply a prorated portion of the impact fee. The following case studies outline how each jurisdiction applies impact fees.

B. Case Studies

1. Palm Beach County (PBC, http://www.pbcgov.com/uldc/Article13.htm#_Toc24701204)

- With PBC's intent that new development bear a proportionate share of the cost of capital expenditures necessary to provide park, fire-rescue, library, law enforcement, public building, schools, and road capital facilities in PBC, impact fees were established representative of a fair and equitable allocation of costs, past and future payments from new development. This included credits for in-kind contributions, and municipal provision of like facilities under certain circumstances. Funds collected from impact fees shall not be used to replace existing capital facilities or to fund existing deficiencies, but only to provide for new capital facilities which are necessitated by new development.

- Any existing land use that is expanded, replaced, or changed shall be required to pay impact fees based on the new or additional impact as a result of the expansion, replacement, or change of use. The feepayer may be eligible for credit for the existing land use pursuant to Art. 13.A.11.A.1.

2. Johnstown, CO (- https://library.municode.com/co/johnstown/codes/municipal_code?nodeId=CH17SU_ARTXIIIMFE_S17-228POFADEFE)

- Johnstown defines land development as issuance of a building permit or a connection permit for the construction, reconstruction, redevelopment or conversion of a use of land or any structural alteration, relocation or enlargement which results in an increase in the number of "service units" required, or, the extension of a use or a new use of land which results in an increase in the number of service units.
- No impact fee shall be imposed on land development for which a building permit has been issued prior to the effective date of the impact fee, except in the event of a change of use.
- Waivers are granted for the following conditions. There is a nexus between the proposed redevelopment and the increase in the need for capital improvements associated with the impact fees.
  - No impact fee shall be imposed on any new residential development which does not add a new dwelling unit (service unit).
  - No impact fee shall be imposed on any new nonresidential development which does not add square footage, unless the new nonresidential development increases the demand for capital improvements (service units) for which impact fees are being imposed.
  - Other uses. No impact fee shall be imposed on a use, development, project, structure, building, fence, sign or other activity, whether or not a building permit is required, which does not result in an increase in the demand for capital improvements (service units).

3. City of Federal Way (traffic impact fee program) - https://www.cityoffederalway.com/sites/default/files/Documents/Department/PW/Traffic/Resources/FW%20GUIDE%20TO%20TRAFFIC%20IMPACT%20FEES_Jan2018.pdf City of Federal Way, WA (traffic impact fee program) - (https://www.cityoffederalway.com/sites/default/files/Documents/Department/PW/Traffic/Resources/FW%20GUIDE%20TO%20TRAFFIC%20IMPACT%20FEES_Jan2018.pdf)

- For a change in use of an existing building or dwelling unit, including any alteration, expansion, replacement, or new accessory building that generates new trips, the impact fee will be assessed based on the difference between the new uses and the prior use. If no impact fee was required for the prior use, the impact fee for the new use shall be reduced by an amount equal to the current impact fee rate for the prior use.

4. Alachua County - https://growth-management.alachuacounty.us/formsdocs/impactfees/if_admin_manual.pdfAlachua County, FL (- https://growth-management.alachuacounty.us/formsdocs/impactfees/if_admin_manual.pdf)

- For change of use projects the impact fee is prorated based on the change of use
- Should the change of use, redevelopment, or modification result in a net decrease in the impact, no refunds or credits for impact fees previously paid shall be made.
- If the change of land use does not require the issuance of a building permit, zoning or development order approval, then there shall be no requirement to pay an impact fee.

5. Mount Vernon, WA - https://mountvernonwa.gov/DocumentCenter/View/9624/Impact-Fees--2022?bidId=Mount Vernon, WA - (https://mountvernonwa.gov/DocumentCenter/View/9624/Impact-Fees--2022?bidId=)

- Not all impact fees are assessed on redevelopment. Only those that have a nexus to the capital cost associated with the service provided

- Transportation & Fire Impact Fees apply to all new non-residential buildings, and additions to existing buildings. Transportation impact fees are also calculated for a change of use on an existing non-residential building. The number of average trips per peak p.m. hours are calculated by a traffic engineer which the city has contracted with to review all commercial projects for trip generation.

The case study jurisdictions all assess some type of impact fee for additions and redevelopment of existing buildings and structures. The jurisdiction makes the connection between assessing the impact fee and the need for the capital improvements funded by that impact fee. How this is applied varies across jurisdictions, however there is a theme of comparing the original use to the new use being considered for the project.

NCC's existing code provides many incentives for redevelopment and brownfields on non-residential uses and sites. This includes processing the plan as a minor subdivision and allowing for additional gross floor area. In some cases, this redevelopment or brownfield development may repurpose a use that was exempt from or had a minimal impact fees to a use that would have a much higher demand on the services funded under the impact fees. It would be appropriate that this type of redevelopment or brownfield development pay additional impact fees.

C. Recommendations

Should NCC determine that the current impact fee waiver for redevelopment and brownfield development is a critical decision factor for developers considering the reuse and repurpose of existing properties then it would be logical to maintain the existing waiver structure. The additional burden of increased capital costs associated with the redevelopment and brownfield development would continue to be borne by the general fund.

Should NCC determine that eliminating the waiver on impact fees for redevelopment and brownfield development would not discourage developers considering the reuse and repurpose of existing properties then it would be appropriate to assess the nexus between the impact fee and the need for that service based on the proposed development. The following is a recommended framework for how NCC might assess impact fees for redevelopment and brownfield development

- Assess a prorated impact fee for the actual change of use of the property based on the difference between the historical use and the proposed use.
- The new open space impact fee would be waived since this type of development supports infill and reuse of existing properties therefore maintaining existing open space.
- Brownfields would still be exempted

VII. NEXT STEPS

The project team will continue to work with NCC to better document the past and current relationship between impact fees and NCC capital costs.

NCC is planning a public workshop for December 2022 to present the findings of memos 1 through 3 and solicit feedback from interested stakeholders. Stakeholder and NCC feedback will be considered as the project team finalizes recommendations to prioritize proposed changes to the existing code in Memo 4. The final report (including memos 1 through 4) will be presented to NCC Council's Finance Committee for further consideration.

MEMO #4:

FINAL RECOMMENDATIONS

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Diversity. Passion. Synergy.

Date:	**June 13, 2023**
To:	**Antoni Sekowski, Acting Assistant Land Use Manager, New Castle County**
From:	**Savannah Edwards, AICP; Associate Planner; Rossi Group**
	Heather Coons, Senior Planner; Rossi Group
CC:	**Marc Coté, PE, AICP; Director of Planning and Engineering; Rossi Group**
Re:	**New Castle County Impact Fee Study** **Memo #4 – Recommendations**

Memos #1 and #2 summarized the current and best practices in support of New Castle County's (NCC) study of development impact fees. Memo #3 provided a series of initial recommendations, including 1) an assessment of the ability to apply a sliding scale to the impact fees based on the *Delaware Strategies for State Policies and Spending* (2020) and taking into account the five established investment levels; 2) expanding the list of uses in the Impact Fee Table; 3) developing strategies for incentivizing low-income housing; 4) implementing graduated impact fee increases; 5) creating an Open Space fee; and 6) revision of use/redevelopment charges. The analysis process resulted in the presentation of recommendations for NCC to consider in their assessment of current regulations and the development of associated updates to those regulations. A public workshop was held December 12, 2022 to present the findings of Memos 1 through 3 and solicit feedback from interested stakeholders. The following information details feedback received from the public workshop and uses this data to finalize recommendations to prioritize proposed changes to the existing code.

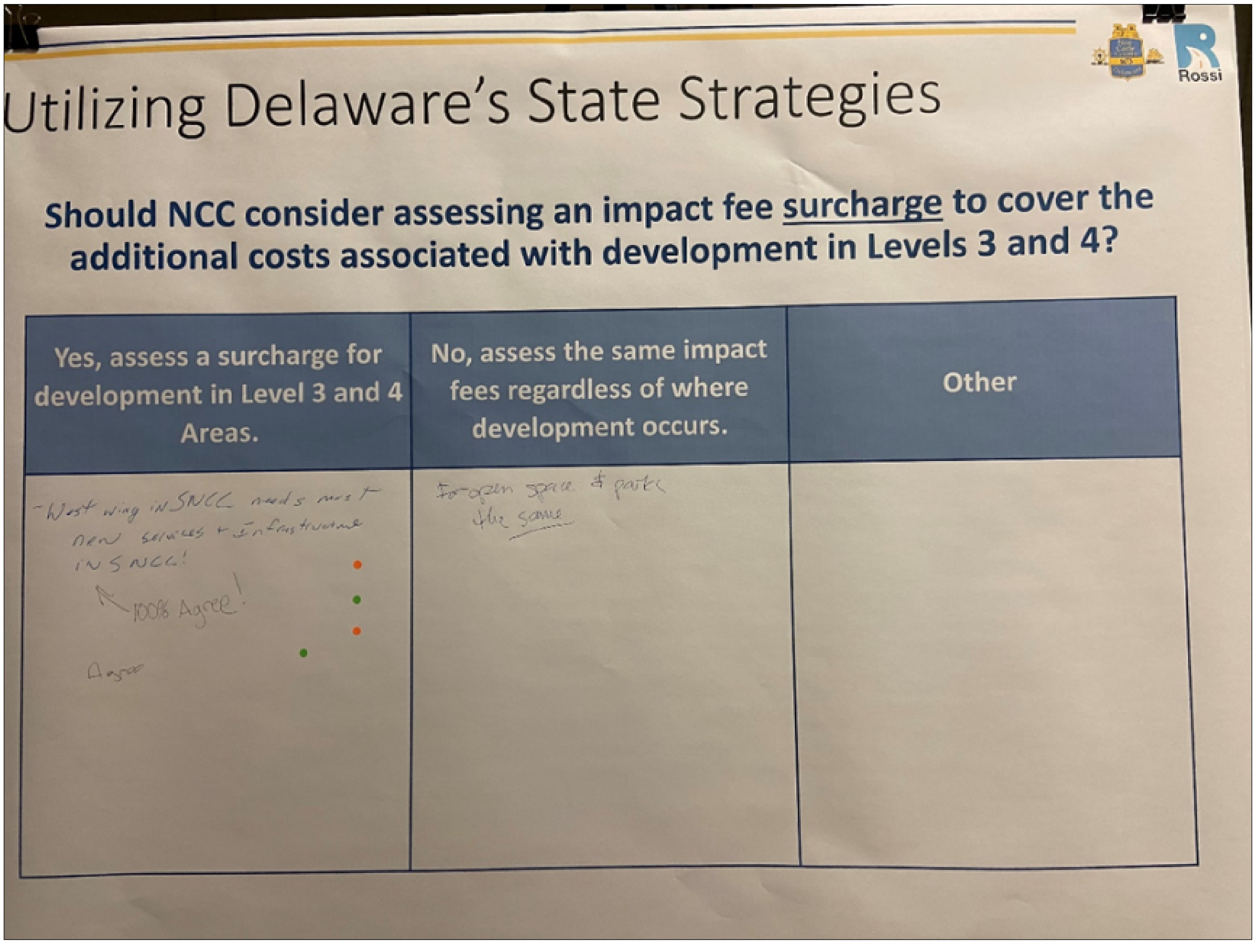
I. NEW CASTLE COUNTY PUBLIC WORKSHOP SUMMARY

The project team held a hybrid public workshop with New Castle County on December 12, 2022. Attendees could view the presentation virtually or in-person. Approximately 25 individuals attended in person and 45 attendees signed in online. Comments and questions brought up at the workshop include:

- Why do the fire companies have to submit inventory every year and show need in excess of 1988 inventory?
- Are businesses that have an addition installed currently not charged an impact fee? For example, the Tri-State Mall?
- Lower income housing traditionally has a great need for the types of services funded by impact fees.
- A representative from the Middletown Fire & Rescue company expressed a need for less administrative burden to secure funds.
- Redevelopment for conversion of houses to more units should be charged an impact fee.
- Where do transient occupancy fees go?
- What is the criteria for the Office of State Planning Coordination's Strategy Level classifications?

A. Interactive Workshop Feedback

The in-person session was followed with an hour-long interactive workshop where the project team fielded questions and answers and solicited feedback on proposed recommendations. The following feedback was received via the interactive activities (clarification on handwritten comments made on the display boards is provided in the bullets below each photo):



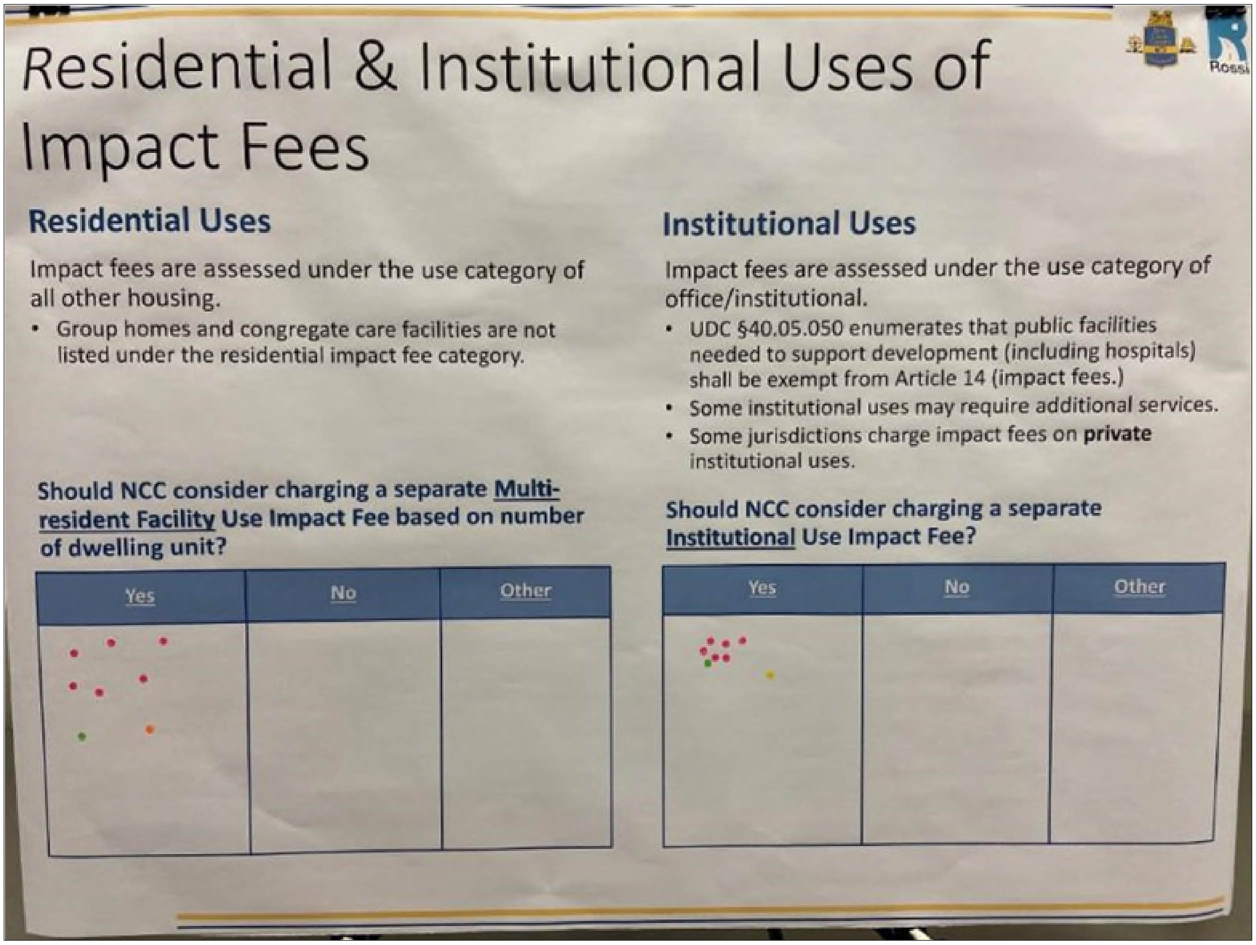
Handwritten comments:

Yes, assess a surcharge for development in Level 3 and 4 Areas.

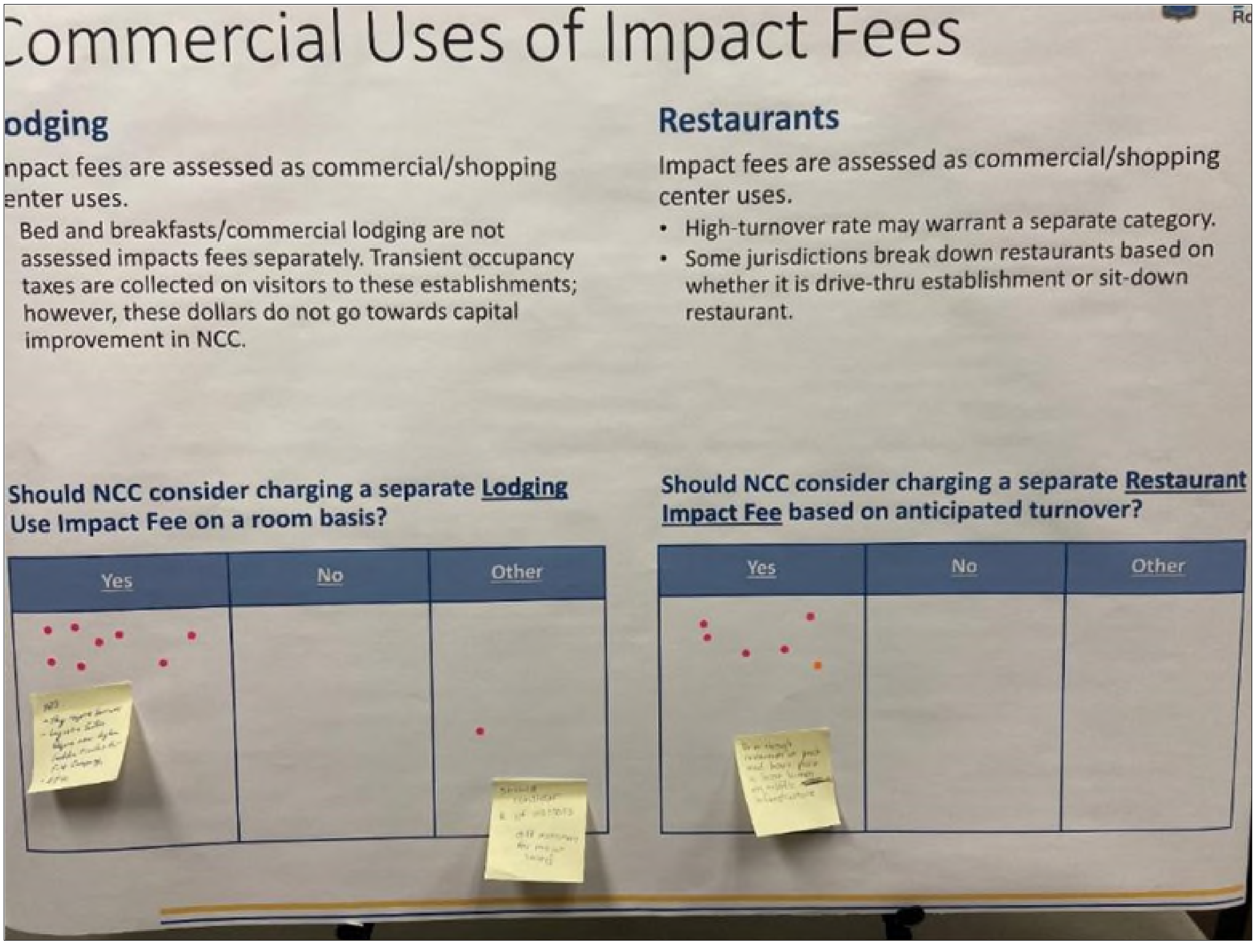
- West wind in SNCC needs most new services & infrastructure in SNCC.
- 100% agree.
- Agree.

No, assess the same impact fee regardless of where development occurs.

- For open space & park the same.



No handwritten comments received.



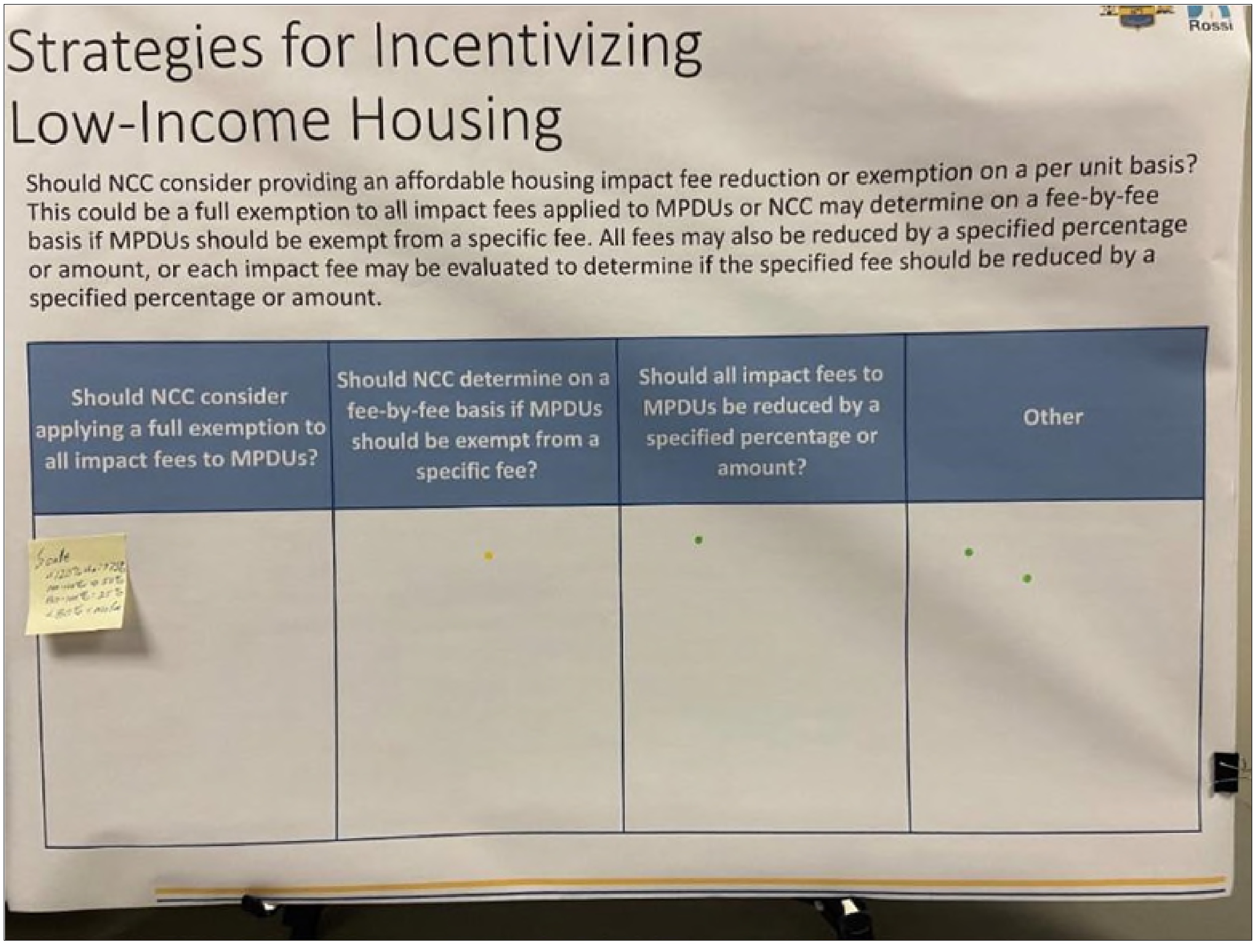
Handwritten comments:

*Should NCC consider charging a separate **Lodging** Use Impact Fee on a room basis?*

- Yes
  - They require services.
  - Logistic centers.
    - Require new higher ladder trucks for fire company.
  - Etc.
- Other
  - Should consider # of visitors.
    - Diff assessment for major hotels.

*Should NCC consider charging a separate **Restaurant Impact Fee** based on anticipated turnover?*

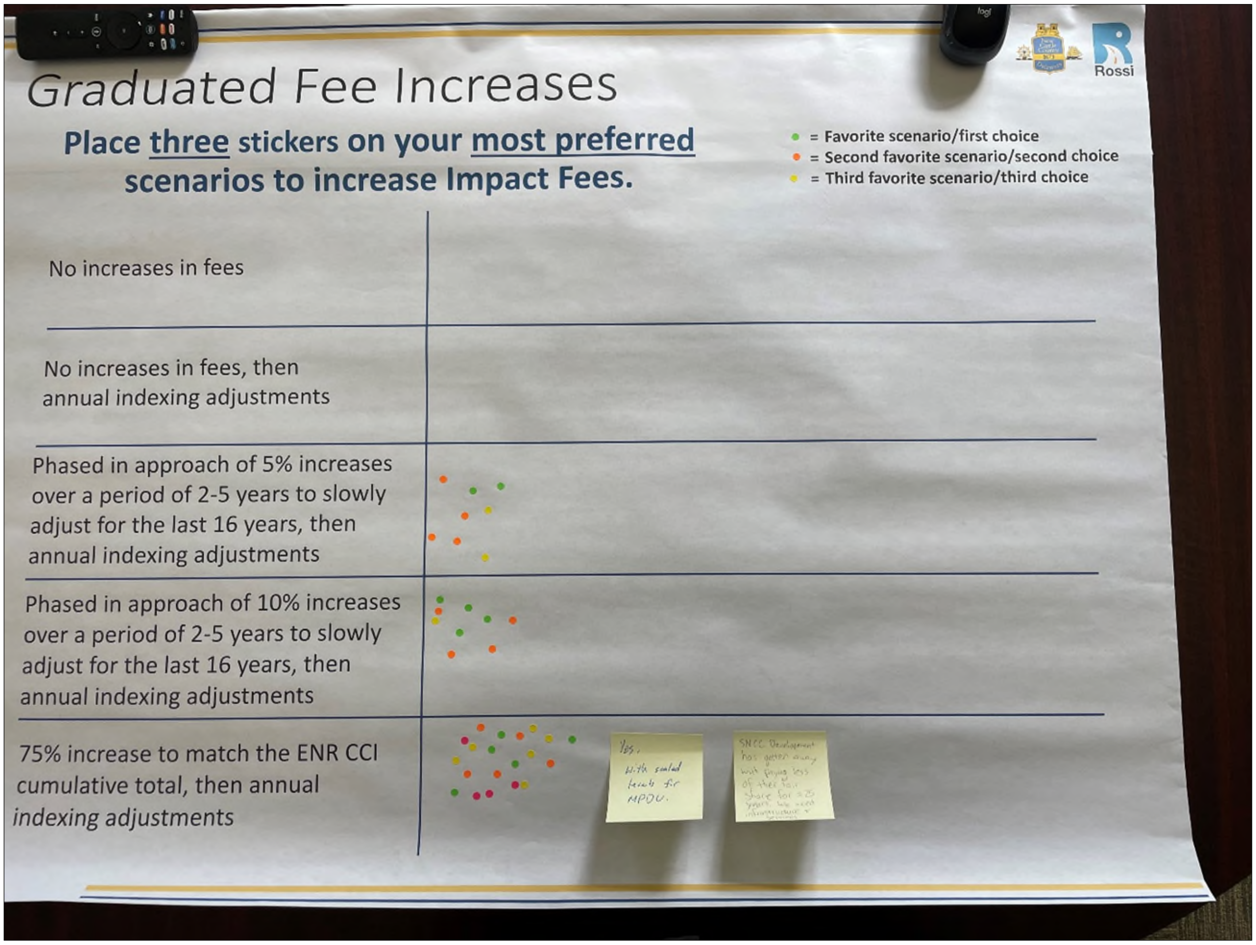
- Yes
  - Drive through restaurants at peak meal hours place a large burden on traffic infrastructure.



Handwritten comments:

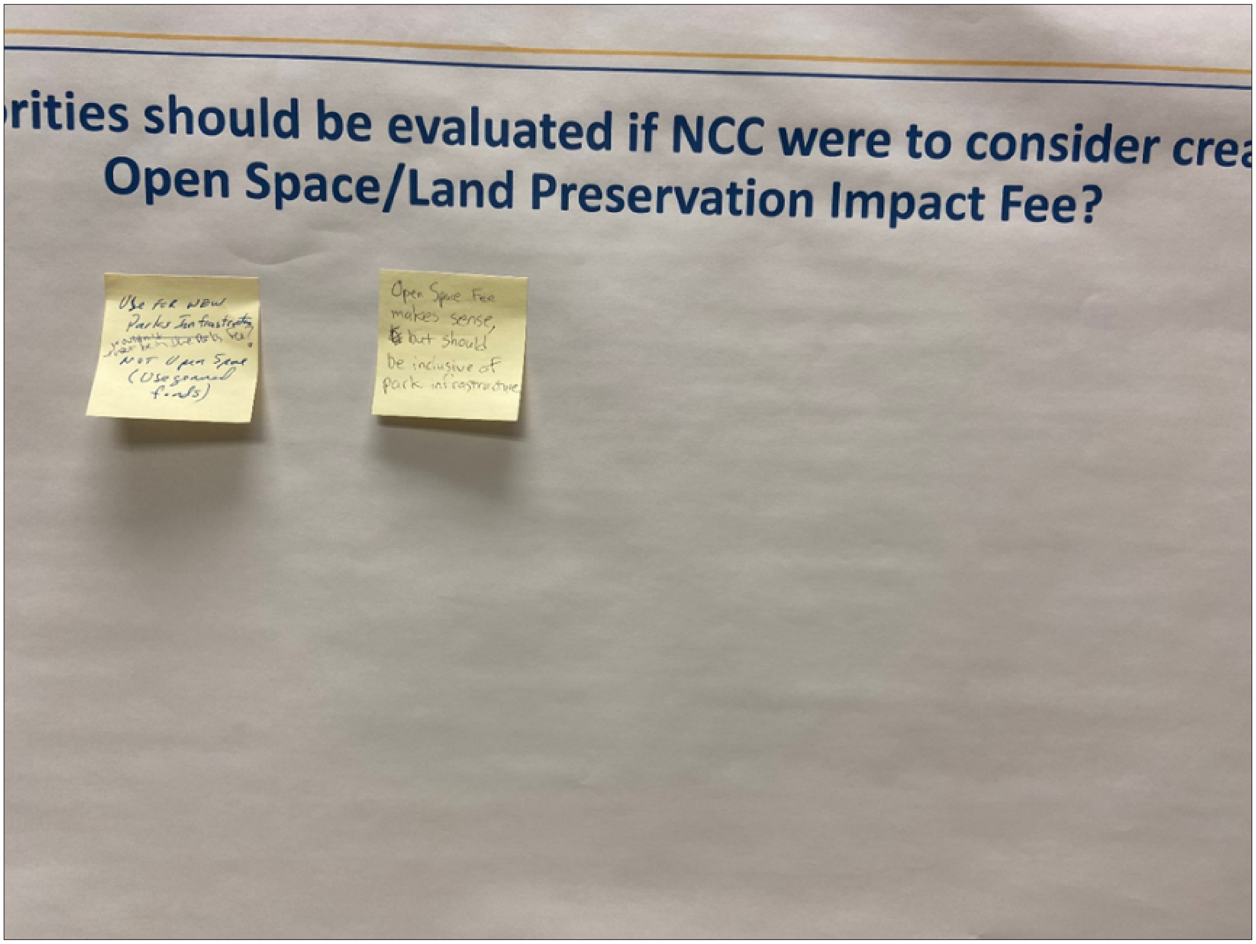
Should NCC consider applying a full exemption to all impact fees to MPDUs?

- Scale
    - <120% AMI => 75%
    - 100-120% => 50%
    - 80-100% => 25%
    - <80% => No fee



Handwritten comments:

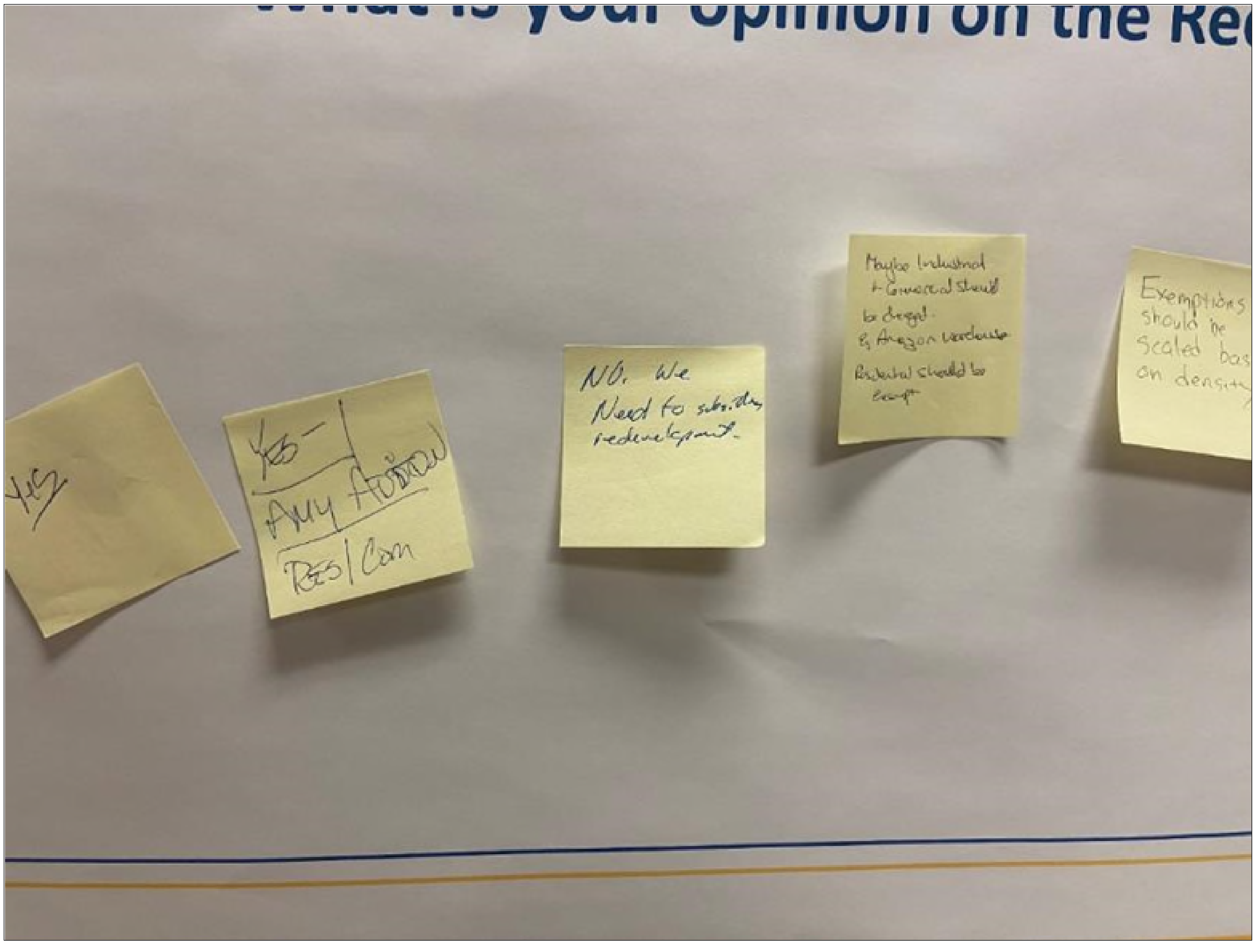
- Yes, with scaled levels for MPDU.
- SNCC Development has gotten away with paying less of their fair share for ~25 years. We need infrastructure and services.



Handwritten comments:

What priorities should be evaluated if NCC were to consider creating an Open Space/Land Preservation Impact Fee?

- Use for new Parks Infrastructure.
    - Not open space (use general funds).
- Open Space Fee makes sense, but should be inclusive of park infrastructure.



Handwritten comments:

What is your opinion on the Redevelopment Impact Fee?

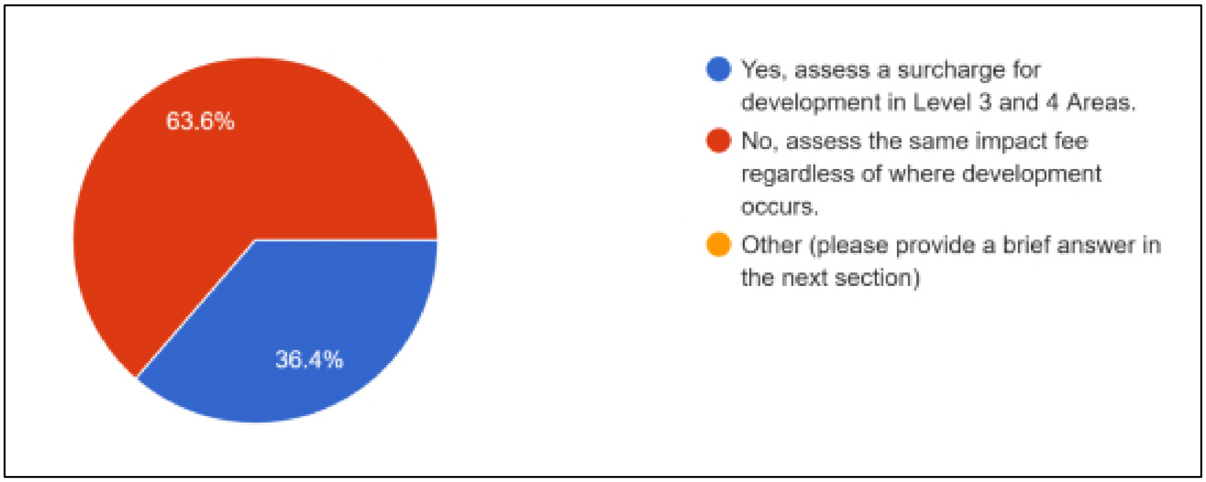
- Yes.
- Yes – any addition Res/Com.
- No, we need to subsidize redevelopment.
- Maybe Industrial and Commercial should be merged.
    - E.g., Amazon warehouse.
- Residential should be exempt.
- Exemptions should be scaled based on density.

B. Online Survey Feedback

Online attendees were invited to share their feedback via a Google Form survey that was emailed out the morning of December 13, 2022, to anyone who had registered for the public workshop. Participants were asked to complete the survey by December 30, 2022. Participants were also prompted to review the December 12 presentation before responding, if they had not attended the live event. Eleven (11) individuals completed the survey.

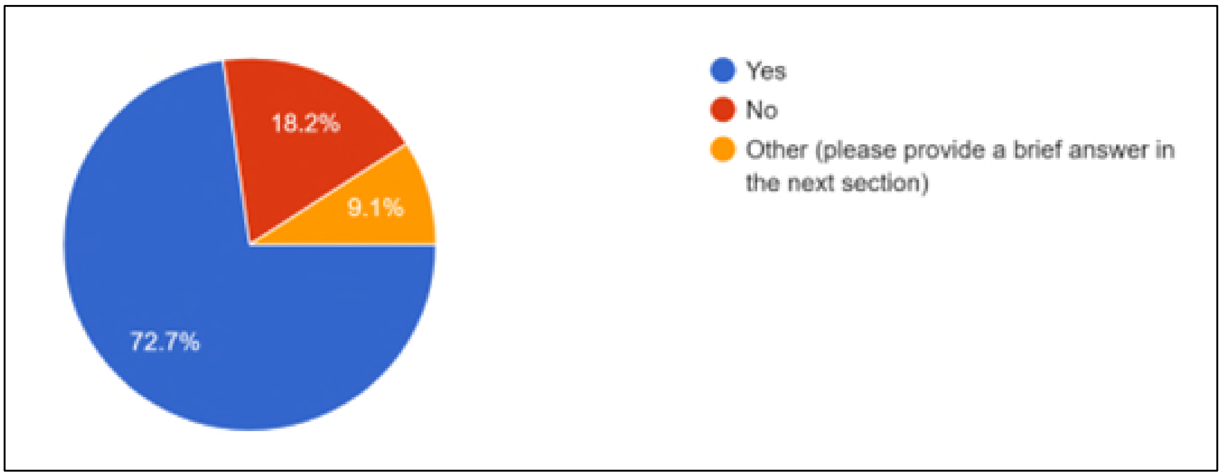
The online survey posed eleven (11) questions for respondents to consider. The first eight (8) questions allowed for a 'Yes," "No," or "Other" response. If "Other" was chosen, respondents were provided the option to provide a short answer. The remaining three (3) questions had a more open-ended format. The following is a summary of the responses:

1. Should NCC consider assessing an impact fee surcharge to cover the additional costs associated with development in Levels 3 and 4?



"Other" responses: N/A

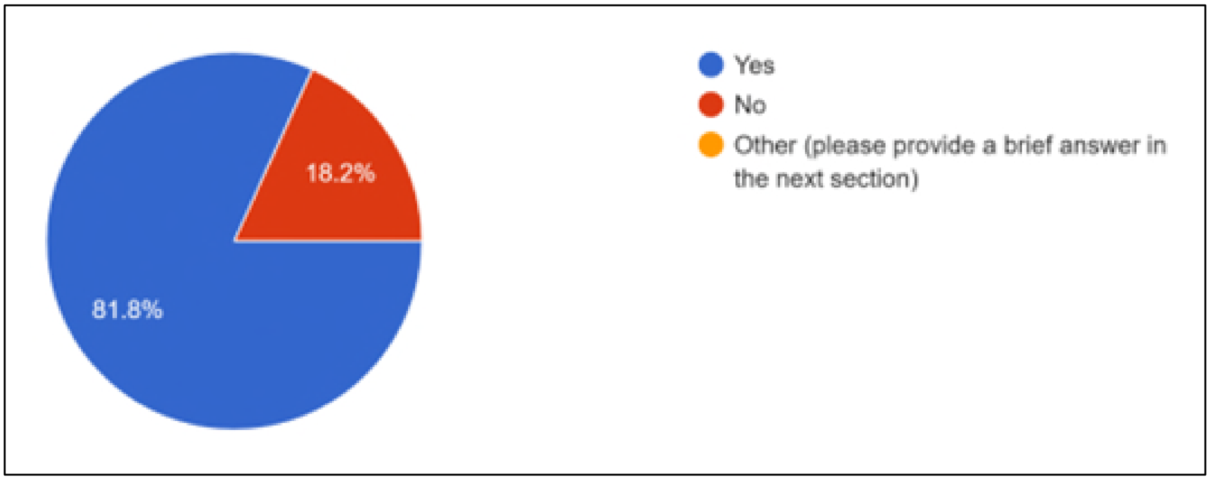
2. Should NCC consider charging a separate Multi-family Resident Facility Use Impact Fee based on number of dwelling units?



"Other" responses:

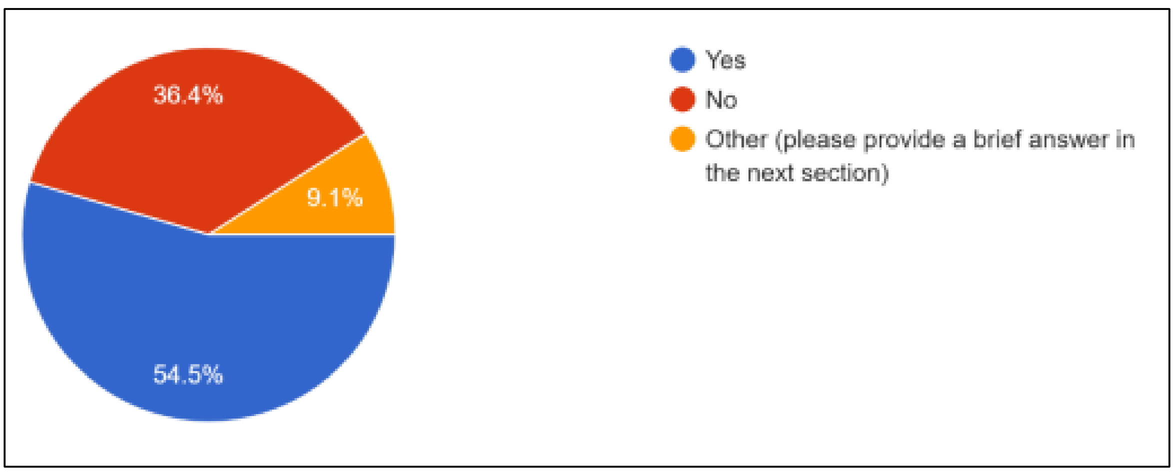
- Thought that is what is.

3. Should NCC consider charging a separate Institutional Use Impact Fee?



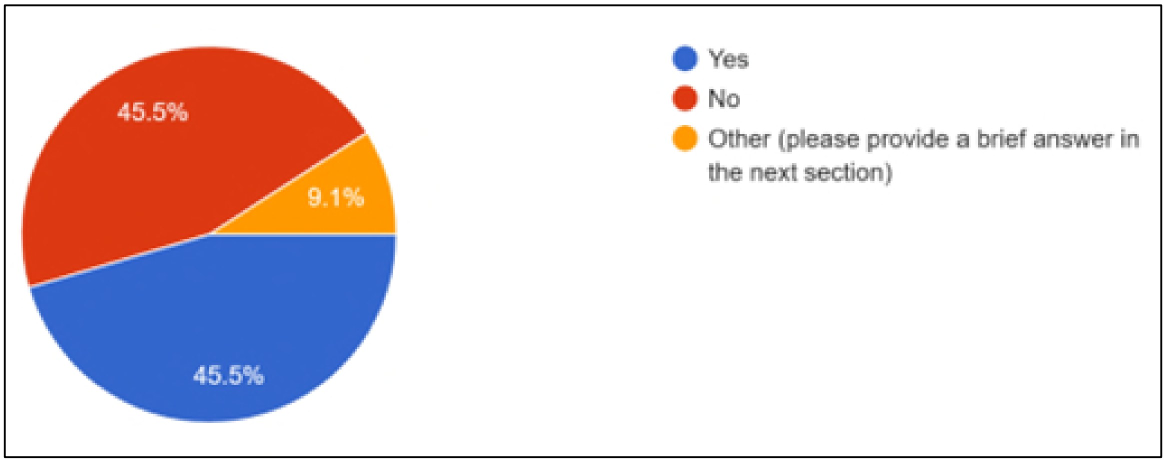
"Other" responses: N/A

4. Should NCC consider charging a separate Lodging Use Impact Fee?



"Other" responses: N/A

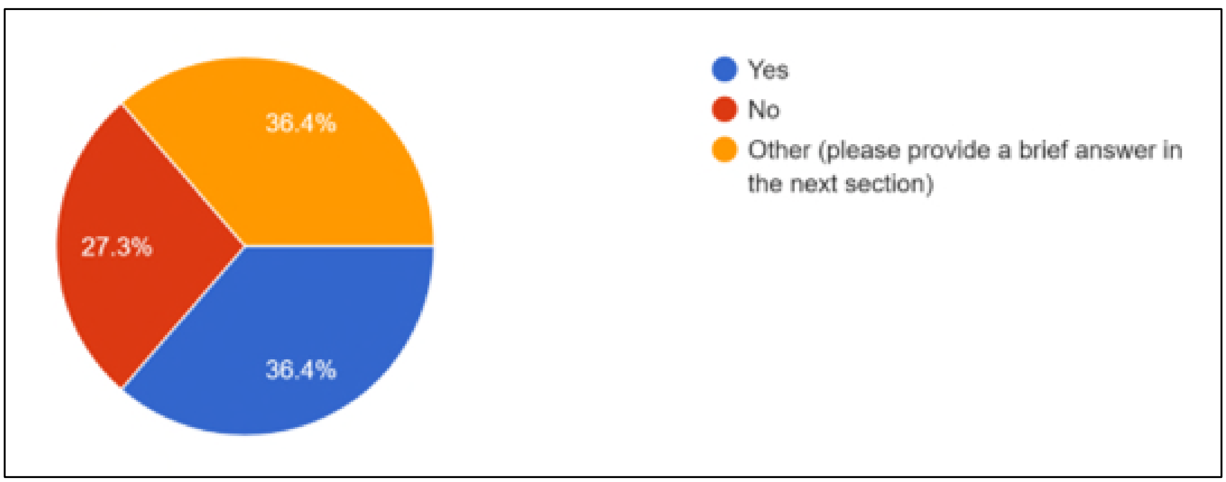
5. Should NCC consider charging a separate Restaurant Impact Fee based on anticipated customer turnover?



"Other" responses:

- No, one of the items in the presentation was the impact of trips from a restaurant, this is already handled with the DelDOT requirements.

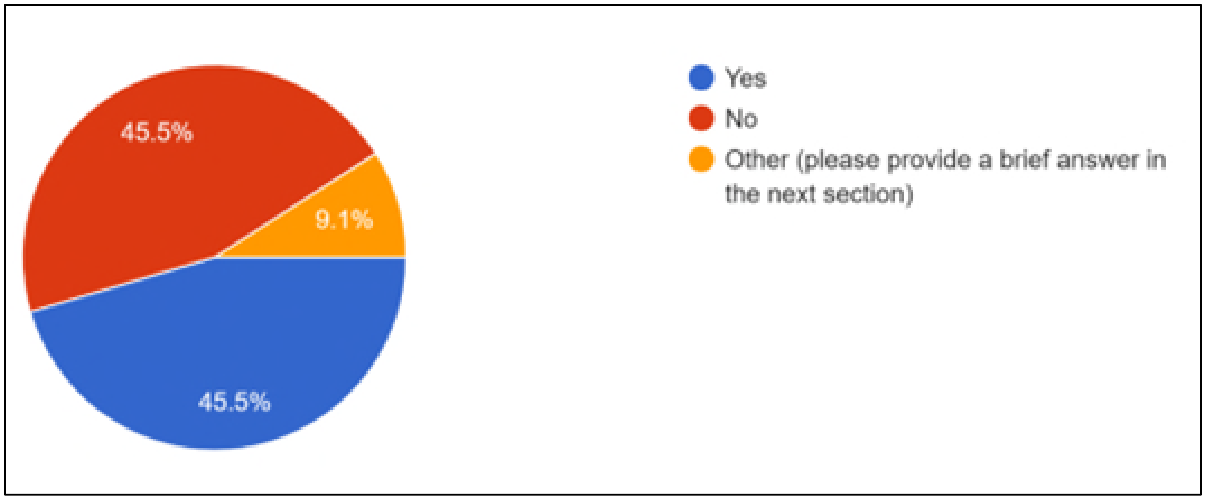
6. Should NCC consider applying a full exemption to all impact fees to Moderately Priced Dwelling Units (MPDUs)?



"Other" responses:

- Potential for a reduced amount, but not a full reduction.
- Only for truly affordable housing.
- We need to implement a scaled system of discounting based on affordability. Something like 100-120 percent of AMI at 80% fee, 80-100 percent AMI at 50 percent, and below 80 percent AMI pays no impact fee.
- Only if MPDUs have residential fire sprinklers installed.

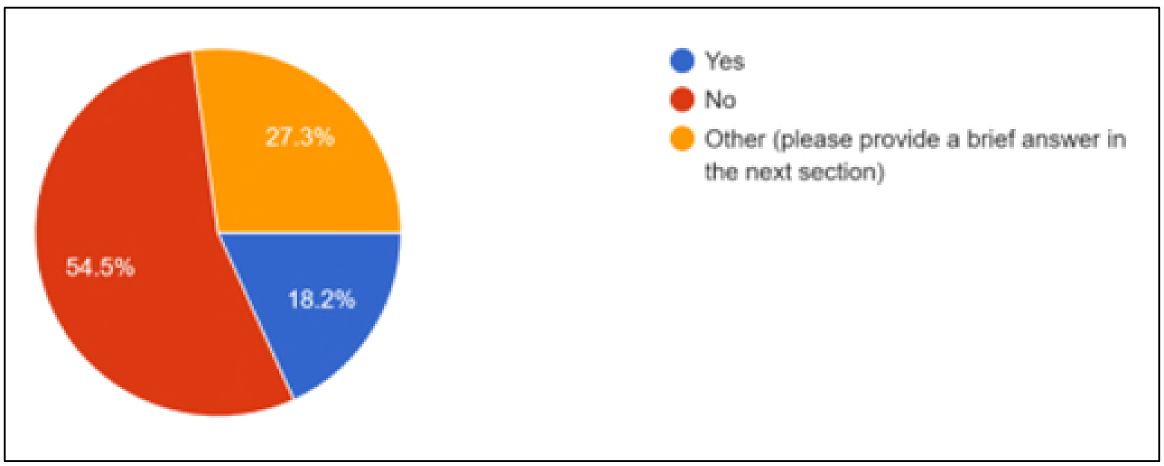
7. Should NCC determine on a fee-by-fee basis if MPDUs should be exempt from a specific fee?



"Other" responses:

- Potential for a reduced amount, but not a full reduction.

8. Should all impact fees to MPDUs be reduced by a specified percentage or amount?



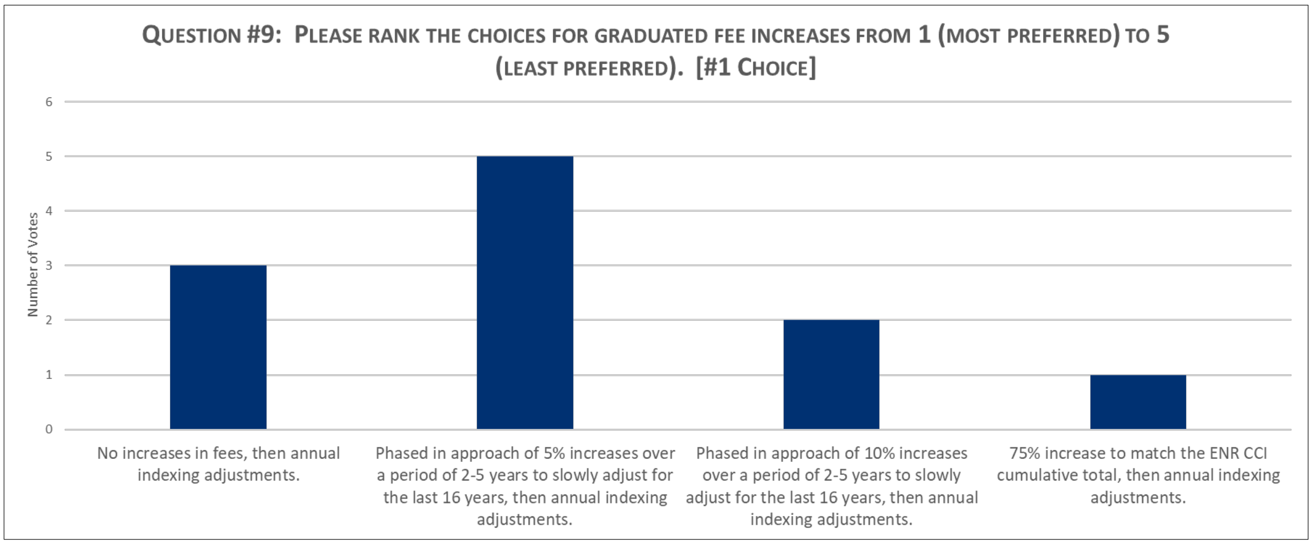
"Other" responses:

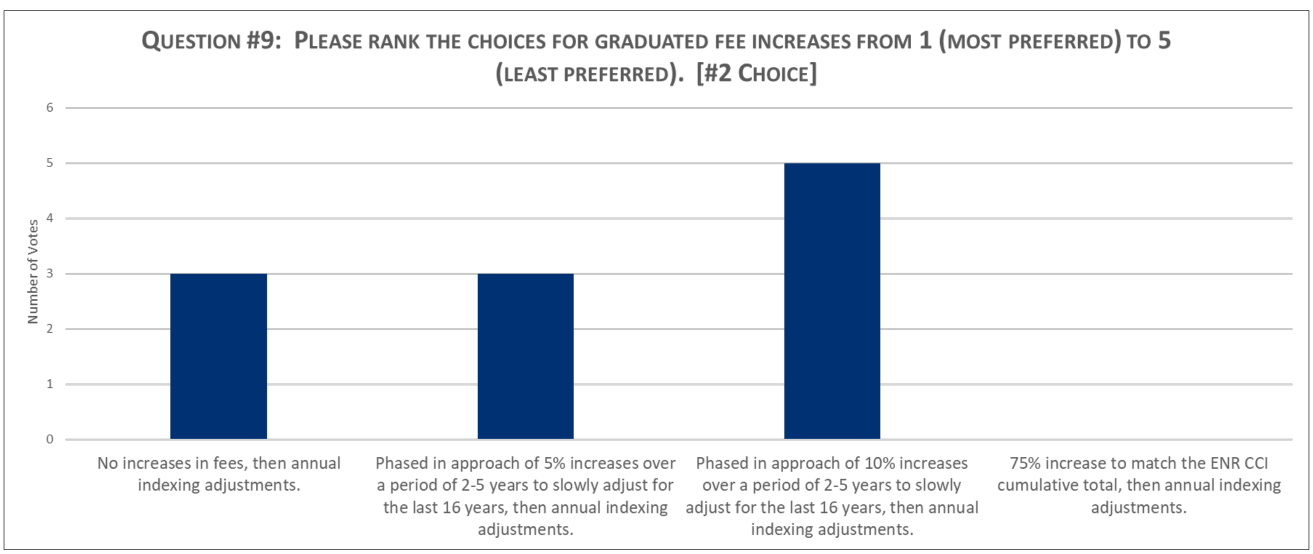
- Potential for a reduced amount, but not a full reduction.
- Impact fees to MPDUs should not apply, or should be exempt.
- If you truly want to make progress waiver the fees entirely.

9. Please rank the choices for graduated fee increases from 1 (most preferred) to 5 (least preferred.)

    a. No increases in fees.
    b. No increases in fees, then annual indexing adjustments.
    c. Phased in approach of 5% increases over a period of 2-5 years to slowly adjust for the last 16 years, then annual indexing adjustments.
    d. Phased in approach of 10% increases over a period of 2-5 years to slowly adjust for the last 16 years, then annual indexing adjustments.
    e. 75% increase to match the ENR CCI cumulative total, then annual indexing adjustments.

    The top ranked option was "C - phased in approach of 5% increases over a period of 2-5 years to slowly adjust for the last 16 years, then annual indexing adjustments" with five individuals choosing this as their top option. "D - Phased in approach of 10% increases over a period of 2-5 years to slowly adjust for the last 16 years, then annual indexing adjustments" was the second most popular option, with five individuals ranking this as their second choice.





10. Considering a proposed new fee, what priorities should be evaluated if NCC were to consider creating an Open Space/Land Preservation Impact Fee?

    Long answer responses to this question varied, there did not seem to be a clear consensus via the online survey. Some selected verbatim responses included:

    - Provide land banking opportunities on projects that provide more than 50% open space and increase the base density permitted within each residential zone.
    - This should not be done. These funds should be put toward park improvement and enhancement. Anyone who has a house put pressure on open space, so all should pay for open space through general property tax funds.
    - no new fee for open land / preservation
    - As development costs continue to surge, this is yet another example of death by a thousand cuts. The priority should be placed on maintaining and improving affordability with housing throughout New Castle County. This fee will be passed down to the consumer.

11. What is your opinion on the Redevelopment Impact Fee?

    Long answer responses to this question were also mixed with some respondents in favor and others opposed. Verbatim responses included (spelling has been corrected):

    - No, we should be encouraging redevelopment as infrastructure is already in place.
    - There should be an exemption for all fees, other than sewer and traffic.
    - Uncertain at this point.
    - I do not think this should be implemented, a NCC should be incentivizing redevelopment. We need to revitalize existing developed areas that have declined as a much higher priority than continuing the development of green fields.
    - If impact fees were collected initially, the redevelopment impact fee should be waived.
    - all additional redevelopments should be assessed an impact fee if any structure is added to
    - Due to the increased number of new developments, To avoid increasing property taxes to maintain and improve Delaware's infrastructure the impact fee is necessary.
    - Counter productive.
    - If the redevelopment causes a change to commercial/Office/Business park/ all residential, a few should be charged for Law Enforcement, Fire & Rescue, and EMS due to eventual increased demand for these services.
    - In favor. If a brownfield is being redeveloped, then reduce the impact fee. If developing farmland, then apply the full fee.
    - Go for it!

II. RECOMMENDATION DISCUSSION

As previously mentioned, Memo #3 presented draft recommendations for NCC to consider in their assessment of current regulations and the development of associated updates to those regulations. The following reiterates those suggestions and takes into consideration feedback received from the public workshop to provide final recommendations.

A. Utilizing Delaware's State Strategies

The overall study effort is to reassess the impact fees to better correlate the fees collected with the capital costs needed to supply the services. Based on this goal the team is recommending assessing a surcharge to cover the additional costs associated with development in Levels 3 and 4. The initial recommendation for consideration would be a 20% surcharge for Level 3 and a 40% surcharge for Level 4. As previously noted, prior to adoption, additional research would be needed to assess the actual increase in costs for providing the service to better justify the surcharge percentage.

The feedback received regarding the assessment of a surcharge for development in Levels 3 and 4 was generally positive; however, there were still responses to assess the same impact fee regardless of where development occurs. This feedback indicates the importance of clearly showing the nexus between increased service delivery costs in Levels 3 and 4 and any possible surcharge.

The Cabinet Committee on State Planning Issues (CCSPI), as part of the 2022 Annual Report on State Planning Issues has established a recommendation to develop new methods for calculating the long-term costs of providing state services for land-use actions that are inconsistent with State Strategies. The CCSPI agreed that this is a priority for 2023 but the effort has not begun to date. The County should coordinate with OSPC and the assigned agencies to utilize their findings in determining an appropriate surcharge in levels 3 and 4.

Final recommendation: NCC to implement a surcharge to cover the additional costs associated with development in Levels 3 and 4; NCC will work with OSPC and conduct additional research to determine the actual cost of providing services to these areas and will modify proposed percentages accordingly.

B. Expanding the List of Uses in the Impact Fee Table

As identified in Memo #3, analysis of the permitted uses (UDC §40.03.110) and impact fee (UDC §40.14.210) tables identified several uses not explicitly being charged an impact fee. The team recommended adding impact fees to multi-unit residential facilities (including group homes and congregate care facilities); private hospitals or facilities (e.g., assisted care facilities); commercial lodging/bed and breakfast establishments, restaurants (based on turnover); and campgrounds/resorts. A recommendation to further breakout "business park" use to better assess the various uses (light/heavy manufacturing, office space, etc.) separately. After discussion with the County about possible confusion, the project team chose not to pursue feedback on any business park changes.

The feedback received from the public workshop and online survey revealed generally positive responses to expanding the list of uses in the impact fee table. Respondents were more favorable towards NCC charging separate Multi-family Resident Facility and Institutional Use Impact fees compared to assessing separate fees for Lodging or Restaurant Uses; however, the overall outcome was positive.

Final Recommendation: NCC to add the following new categories to the impact fee table:

- Multi-use Residential (Apartments, Commercial Apartments, Apartment Conversions) (per unit)
- Institutional Uses (private)
- Commercial Lodging (per room)
- Restaurants
    - The County should consider whether multiple restaurant categories should be broken out to differentiate between fast-food restaurants and sit-down restaurants. Then analysis should be conducted to determine the appropriate fee level that should not be based on the number of cars

visiting the facility since this is not a transportation/mobility impact fee, but instead the number of EMS visits and impact on capital infrastructure.

C. Strategies for Incentivizing Low-Income Housing

As detailed in Memo 2, B.3. Affordable Housing, in areas with high fees and/or a large number of special assessment districts, the cumulative cost can erode the financial viability of affordable housing projects. Local jurisdictions can encourage the development of new affordable housing through methods including:

- Flat fee
- Fee reductions
- Fee waivers based on number of units
- Complete fee exemption

NCC currently provides a density bonus for major residential subdivisions not requiring a rezoning if a portion of the dwelling units are designated as moderately priced. However, providing an impact fee reduction or exemption would further reduce the cumulative cost for providing affordable housing within NCC. This could be full exemption to all impact fees applied to Moderately Price Dwelling Units (MPDUs). It may also be reasonable to view each impact fee assessed and determine on a fee-by-fee basis if MPDUs should be reduced or exempt from a specific fee. All fees may also be reduced by a specified percentage or amount, or each impact fee may be evaluated to determine if the specified fee should be reduced by a specified percentage or amount. Although fees are reduced or exempt for developers, future homeowners still receive the services supported by the fee and must secure the associated permits or approvals.

Public workshop participants and survey respondents had a general consensus of not reducing impact fees by a specific percentage or amount. Responses regarding a full exemption and reducing on a fee-by-fee basis were mixed; some were in favor of reducing the amount, but not a full exemption where others supported a complete exemption. There were two suggestions of using a sliding scale system based on affordability. This concept would use the Area Median Income (AMI) to determine the impact fee imposed on MPDUs. Comments across the board indicated that affordable housing is a concern for NCC residents.

Final recommendation: NCC should establish a sliding scale system based on the home price relative to the AMI.

- >120% of AMI => 75%
- 100 – 120% => 50%
- 80 – 100% => 25%
- <80% => No fee assessed

D. Graduated Fee Increases/ENR Recommendations

Recommendations for adjusting the fee to make up for lost buying power due to no fee adjustments for the last 16-23 years can be accomplished in many different scenarios based on NCC's goals and policies that are being considered. Currently the general budget is carrying the load to make up for inflation and the erosion of purchasing power of the impact fees as established in 2006. That means that existing residents of NCC are paying for and subsidizing the costs of the new infrastructure intended to be paid for with impact fees. If NCC's goal is to restore the impact fee revenues to the originally intended levels of providing revenue for infrastructure projects, gradual increases in fees while providing a provision for annual indexing would allow NCC to slowly increase fees.

Scenarios could range from:

- No increases in fees
- No increases in fees, annual indexing adjustments
- Phased in approach of 5% increases over a period of 2-5 years to slowly make up for the last 16 years, then annual indexing adjustments
- Phased in approach of 10% increases over a period of 2-5 years to slowly make up for the last 16 years, then annual indexing adjustments
- 50% increase to match the CPI cumulative total, then annual indexing adjustments
- 75% increase to match the ENR CCI cumulative total, then annual indexing adjustments

Regardless of the decision to raise fees to account for the last 16 years of no increases, it is recommended that yearly adjustments to the fees be done, as periodic evaluations are required by code, so that the fees are adjusted annually based on the ENR CCI. Most jurisdictions that have indexing do so annually to avoid having to revisit the fees every few years and keep increases in fees in small increments. This sets up an expectation that the impact fee will increase yearly to keep pace with inflation and provide for infrastructure to be consistently funded and constructed using the impact fees collected by new development. It is a straightforward method that is easy to communicate to the public and easier to implement. If NCC wants to establish an increase every two years, that can be accomplished by Council approving the changes every two years instead of annually. It is recommended that the adjustment be done using the cumulative CCI for the two years. The data to calculate the ENR CCI comes out in January and the new fee can be adopted by Council in the spring with an effective date of July 1 each year.

Feedback from the public workshop resulted in the majority of participants in favor of increasing fees with annual indexing adjustments; however, responses on how to approach the fee increases were evenly distributed between he phased approach of 5% over 2-5 years, phased approach of 10% over 2-5 years, and a 75% increase to match the ENR CCI cumulative.

Final recommendation: NCC should consider increasing their current Impact Fees in a phased approach of 10% per year for 3 years, then annually adjust the fee for ENR CCI.

E. Open Space Fee Creation

NCC Council adopted a resolution to spend $7.5 million dollars over 3 years, which is $2.5 million/year to ensure consistent funding for the preservation of Open Space and Agricultural land. In our research of best practices, the City of Chicago used a formula of new development carrying 30% of the cost for open space preservation.

The City of Chicago Open Space fees range from $313-1,253/unit based on the type of development. Affordable housing units are only charged $100/unit.

Marin County in Florida Open Space fees range from $540-755 based on size of the unit. A land value of $12/sf is used for the cost of Open Space land acquisition.

Using the same formula to help provide a dedicated source of funding to provide 30% of the $2.5 million Open Space preservation goal requires revenue from impact fees to be $750k/year.

The NCC Council can then determine whether to create an open space fee, and what level of funding support for the Open Space Preservation Fund, any potential UDC changes that would be required, and an implementation schedule.

Comments received on the evaluation of priorities regarding an Open Space Fee did not provide a clear consensus Some workshop participants and survey respondents stated the Open Space Fee should be included in the Parks Fee or included in parks infrastructure for improvements. Others were against the concept all together.

Final recommendation: NCC should further explore the option of an additional impact fee category to fund Open Space. This would align with the County's goal for dedicated Open Space funding.

F. Change of Use/Redevelopment Charges

Should NCC determine that the current impact fee waiver for redevelopment and brownfield development is a critical decision factor for developers considering the reuse and repurpose of existing properties, then it would be logical to maintain the existing waiver structure. The additional burden of increased capital costs associated with the redevelopment and brownfield development would continue to be borne by the general fund.

Should NCC determine that eliminating the waiver on impact fees for redevelopment and brownfield development would not discourage developers considering the reuse and repurpose of existing properties, then it would be appropriate to assess the nexus between the impact fee and the need for that service based on the proposed development. The following is a recommended framework for how NCC might assess impact fees for redevelopment and brownfield development:

- Assess a prorated impact fee for the actual change of use of the property based on the difference between the historical use and the proposed use.
- Brownfields would still be exempted.

Feedback received from the public workshop on the implementation of a Redevelopment Fee were also mixed with some respondents in favor and others opposed.

Final recommendation: NCC will continue to work with developers to determine if the waiver on impact fees is a deciding factor in redevelopment and/or brownfield development. NCC should also consult with the Public Works Department and Emergency Services to determine actual costs of increased services from redevelopment cases.

III. NEXT STEPS

The final report (including memos 1 through 4) will be presented to NCC Council's Finance Committee for further consideration.

DEVELOPMENT IMPACT FEE STUDY

FINAL RECOMMENDATIONS

June 13, 2023

New Castle County Government

Rossi

CENTURY ENGINEERING
A Kleinfelder Company

Presenters

Marc Coté, PE, AICP

Drew Boyce, PE

Agenda

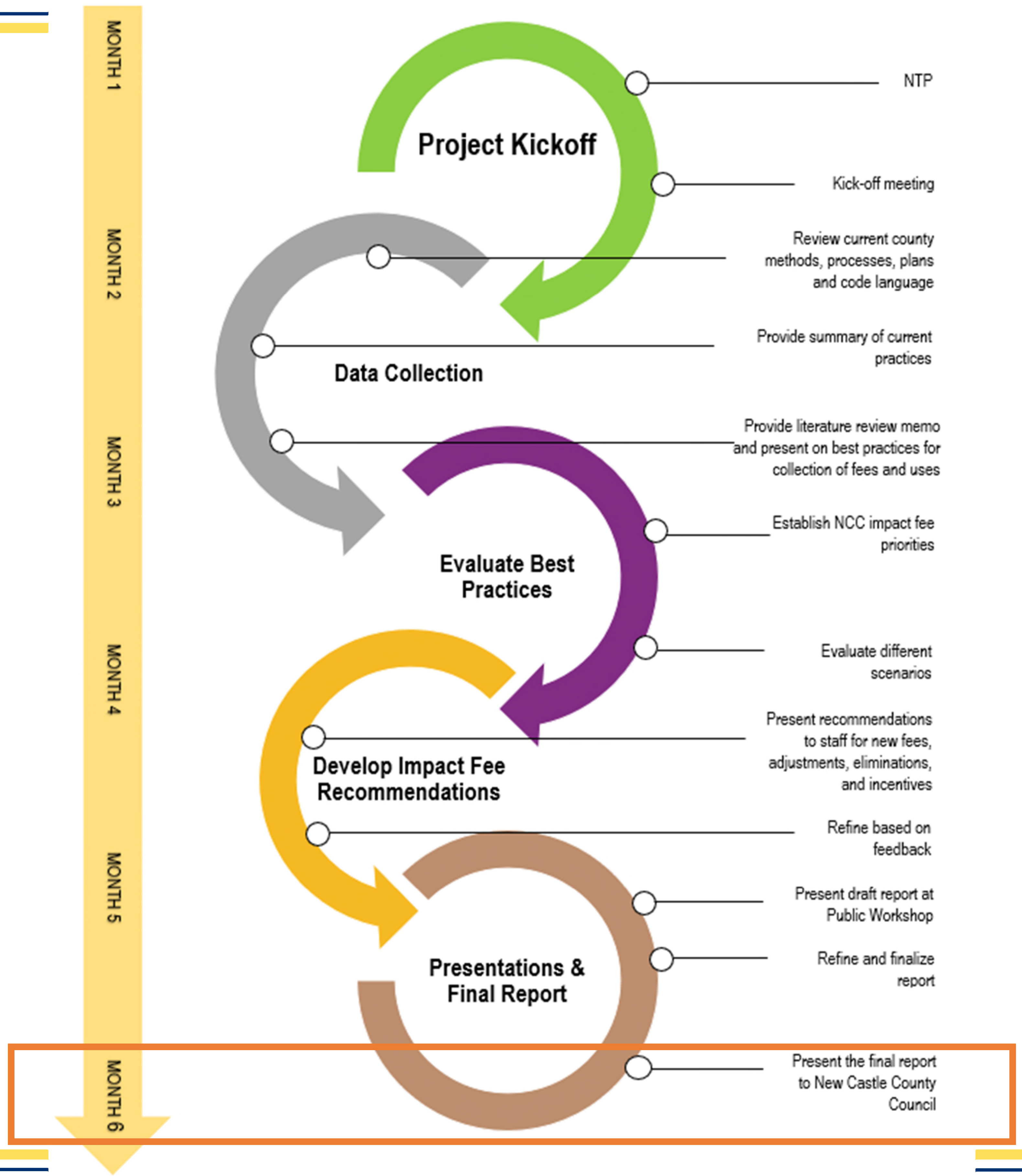
- Project Overview
  - Scope
  - Timeline
- Methodology
  - Existing Practices
  - Best Practices
- Public Feedback
- Final Recommendations

Project Overview

Project Scope

- NCC Audit Report from May 2020 recommended reviewing current fee amounts.
- Review includes recommendations that will:
  - Balance keeping the fees low while also providing a source of revenue for capital improvements.
  - Identify fee updates to ensure they are proportionate and related to the County's infrastructure and service needs.
  - Include practices to achieve sustainable, just, and fair public finance in line with the County's long-range plans.
  - Assess the need for additional impact fees and/or an updated methodology.

Project Timeline



Existing Practices

New Castle County Impact Fees

- Impact Fees were adopted by New Castle County in 1999.
- Finance new or expanded infrastructure and service needs for development.
- Unified Development Code (UDC) Chapter 40, Article 14 (40.14)

  "Cost adjustments will be made as part of the periodic evaluation and update of impact fees. Impact fees will be **adjusted for inflation in construction costs as reflected in the Engineering News Record (ENR) index and upon approval by County Council** …"
- The only impact fees adjusted since 1999 have been Fire & Rescue.

NCC Impact Fee Table

Service	Parks & Special Facilities	Libraries	County Facilities	EMS	Fire and Rescue	Law Enforcement	Total
Residential Per Housing Unit							
Single-family detached	$328	$138	$112	$7	$510	$62	$1,157
Single-family attached	$304	$129	$105	$6	$442	$58	$1,044
All other housing†	$225	$95	$77	$5	$317	$43	$762
Nonresidential Per 1,000 Square Feet‡							
Commercial/shopping center (less than 60,000 sf. GFA)	na.	na.	$127	$8	$210	$42	$387
Commercial/shopping center (60,000 sf. to 200,000 sf. GFA)	na.	na.	$95	$6	$163	$33	$297
Commercial/shopping center (greater than 200,000 sf. GFA)	na.	na.	$76	$5	$147	$28	$256
Office/institutional (less than 10,000 sf. GFA)	na.	na.	$176	$11	$112	$24	$323
Office/institutional (10,000 sf. to 50,000 sf. GFA	na.	na.	$150	$10	$287	$16	$463
Office/institutional (greater than 50,000 sf. GFA)	na.	na.	$142	$9	$272	$14	$437
Business park	na.	na.	$120	$8	$232	$14	$374
Light industrial	na.	na.	$88	$5	$170	$7	$270
Warehousing	na.	na.	$47	$3	$94.	$4	$148
Manufacturing	na.	na.	$70	$4	$131	$3	$208

† Due to similar square footage, small single-family units and single-wide mobile homes will be included under the "All other housing" designation.

‡ When building or expanding a nonresidential building, the first 1,000 square feet are exempt from the assessment of impact fees. For all impact fees except sewer impact fees required by this Article, the Department shall waive the applicant's responsibility to pay said fees for redevelopment or Brownfields. As a condition of such waiver, the Department may require that an alternative funding source be identified to pay the applicable impact fee.

Best Practices

APA Recommendations

- An Impact Fee must be rationally linked to the impact created.
- Some benefit must accrue to the development as a result of the payment of a fee.
- The amount of the fee must be a proportionate fair share of the costs of the improvements made necessary.
- A fee cannot be imposed to address existing deficiencies except where they are exacerbated by new development.
- Funds received under such a program must be segregated from the general fund and used solely for the purposes for which the fee is established.
- The fees collected must be encumbered or expended within a reasonable timeframe to ensure that needed improvements are implemented.

APA Recommendations (continued)

- The fee assessed cannot exceed the cost of the improvements, and credits must be given for outside funding sources.
- The fee cannot be used to cover normal operation and maintenance or personnel costs, but must be used for capital improvements, or under some linkage programs, affordable housing, job training, childcare, etc.
- The **fee established for specific capital improvements should be reviewed at least every two years** to determine whether an adjustment is required, and similarly the capital improvement plan and budget should be reviewed at least every 5 to 8 years.
- Provisions must be included in the ordinance to permit refunds for projects that are not constructed, since no impact will have manifested.
- Impact fee payments are typically required to be made as a condition of approval of the development, either at the time the building or occupancy is issued.

Neighboring Jurisdictions

- Sussex County, Delaware
  - Funds for parks and special facilities, libraries, county facilities, EMS, Fire and Rescue, and Law Enforcement are collected via property taxes.
  - Impact Fees are assessed to fund the preservation of Open Space.
- Kent County, Delaware
  - Uses an Adequate Public Facilities Ordinance (APFO) to fund public facility improvements (roads, schools, EMS, water supply and distribution).
- Salem County, New Jersey
  - No impact fees.
- Various Pennsylvania Counties
  - No impact fees.
  - Improvements funded through special taxes.
- Anne Arundel County, Maryland
  - Impact fees assessed to fund public schools, transportation, and public safety facilities.

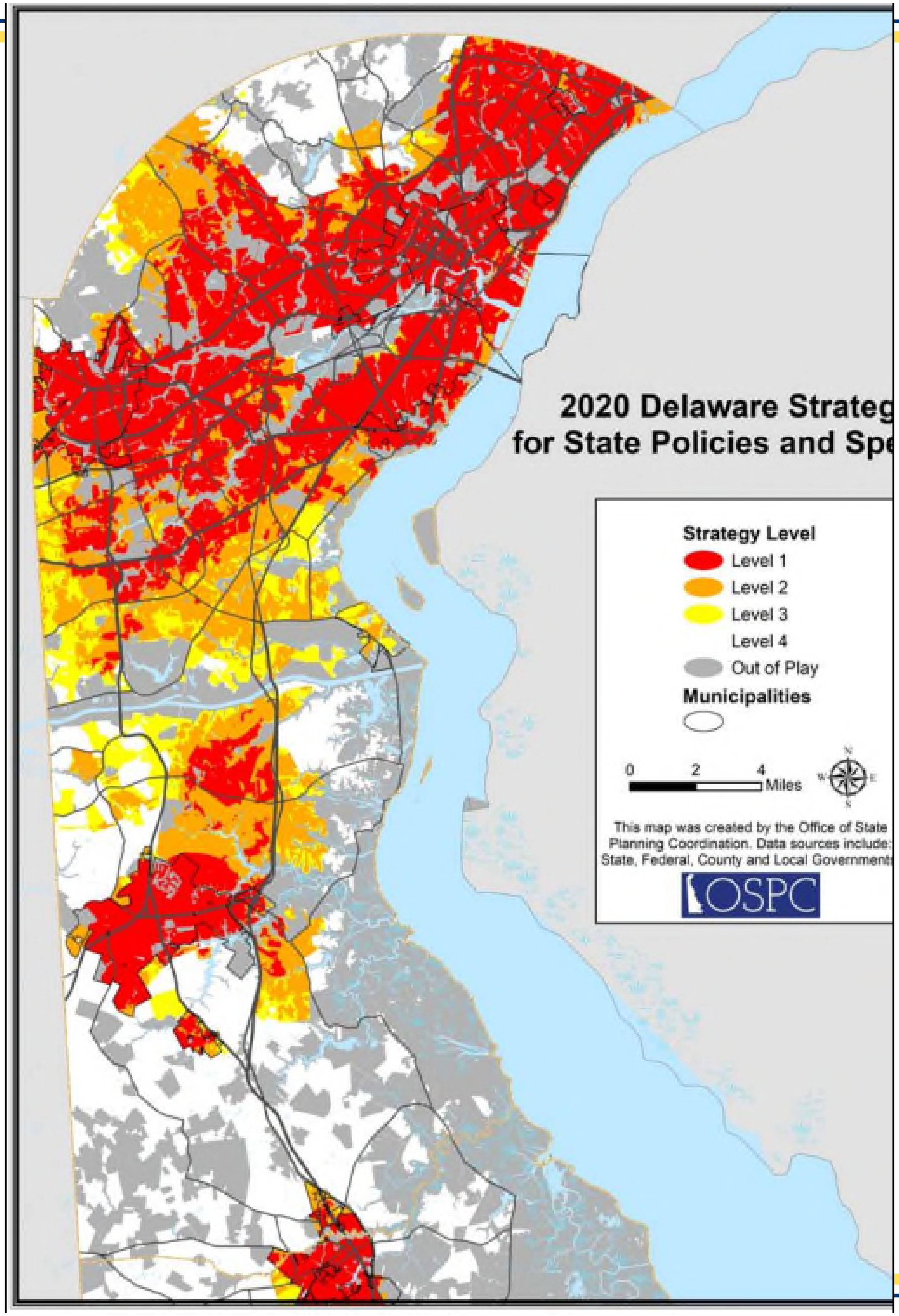
Nation-wide Scan and Special Topics

- Seminole County, Florida
- Green Infrastructure
  - City of Newark, DE
- Open Space Preservation Impact Fee
  - City of Chicago, Illinois
  - Martin County, Florida
  - Delaware Nature Conservancy
- Affordable Housing Considerations
  - Portland, Oregon
  - Austin, Texas

Recommendations

Recommendations for Consideration

1. Utilizing Delaware's State Strategies
2. Expanding the List of Uses in the Impact Fee Table
3. Strategies for Incentivizing Low-Income Housing
4. Graduated Fee Increases/ENR Recommendations
5. Open Space Impact Fee Creation
6. Redevelopment Charges



1

Utilizing Delaware's State Strategies

- State Strategies is a framework that guides decision makers on the most desirable pattern of land use within the state
- It is more expensive to provide necessary services the further you get from core developed areas
- Five investment levels:
  - Levels 1-4 and 'Out of Play'

- **Should NCC consider assessing a surcharge impact fee to cover the additional costs associated with development in Levels 3 and 4?**

Recommendation 1 - Feedback

- The feedback received regarding the assessment of a surcharge for development in Levels 3 and 4 was generally positive; however, there were still responses to assess the same impact fee regardless of where development occurs. This feedback indicates the importance of clearly showing the nexus between increased service delivery costs in Levels 3 and 4 and any possible surcharge.

Expanding the list of Uses in the Impact Fee Table

2

Current uses being assessed:

Residential (per housing unit)	Nonresidential (per 1,000 SF of floor area)
• Single-family detached • Single-family attached • All other housing (small single-family units and single-wide mobile homes will be included under the "All other housing" designation)	• Commercial/shopping center (less than 60,000 SF) • Commercial/shopping center (60,000 – 200,000SF) • Commercial/shopping center (greater than 200,000 SF) • Office/Institutional (less than 10,000 SF) • Office/Institutional (less than 10,000 SF) • Office/Institutional (less than 10,000 SF) • Business Park • Light Industrial • Warehousing • Manufacturing

Recommendations for Consideration

- **Should NCC consider charging a separate:**
  - **Multi-resident Facility Use Impact Fee based on number of dwelling units?**
  - **Institutional Use Impact Fee?**
  - **Lodging Use Impact Fee on a room basis?**
  - **Restaurant Impact Fee based on anticipated turnover?**

Recommendation 2 - Feedback

- The feedback received from the public workshop and online survey revealed generally positive responses to expanding the list of uses in the impact fee table. Respondents were more favorable towards NCC charging separate Multi-family Resident Facility and Institutional Use Impact fees compared to assessing separate fees for Lodging or Restaurant Uses; however, the overall outcome was positive.

Strategies for Incentivizing Low-Income Housing

3

- Moderately Price Dwelling Units (MPDUs) are required for all residential rezonings or variance applications with density increases except for mixed-use developments.
- Currently there are no Impact Fee reductions or exemptions for development of MPDUs.
- NCC provides a density bonus for major residential subdivisions not requiring a rezoning if a portion of the dwelling units are MPDUs.
- Local jurisdictions can prioritize the development of new affordable housing by offering to reduce or waive impact fees for MPDUs.
- Developers still receive the services supported by the fee and must secure the associated permits or approvals.
- Providing an impact fee reduction or exemption would reduce the cumulative cost for providing affordable housing within NCC.

- **Should NCC consider applying a full exemption to all impact fees to MPDUs?**
- **Should NCC review each impact fee to determine in a fee-by-fee basis if MPDUs should be exempt from a specific fee?**
- **Should all impact fees to MPDUs be reduced by a specified percentage amount?**

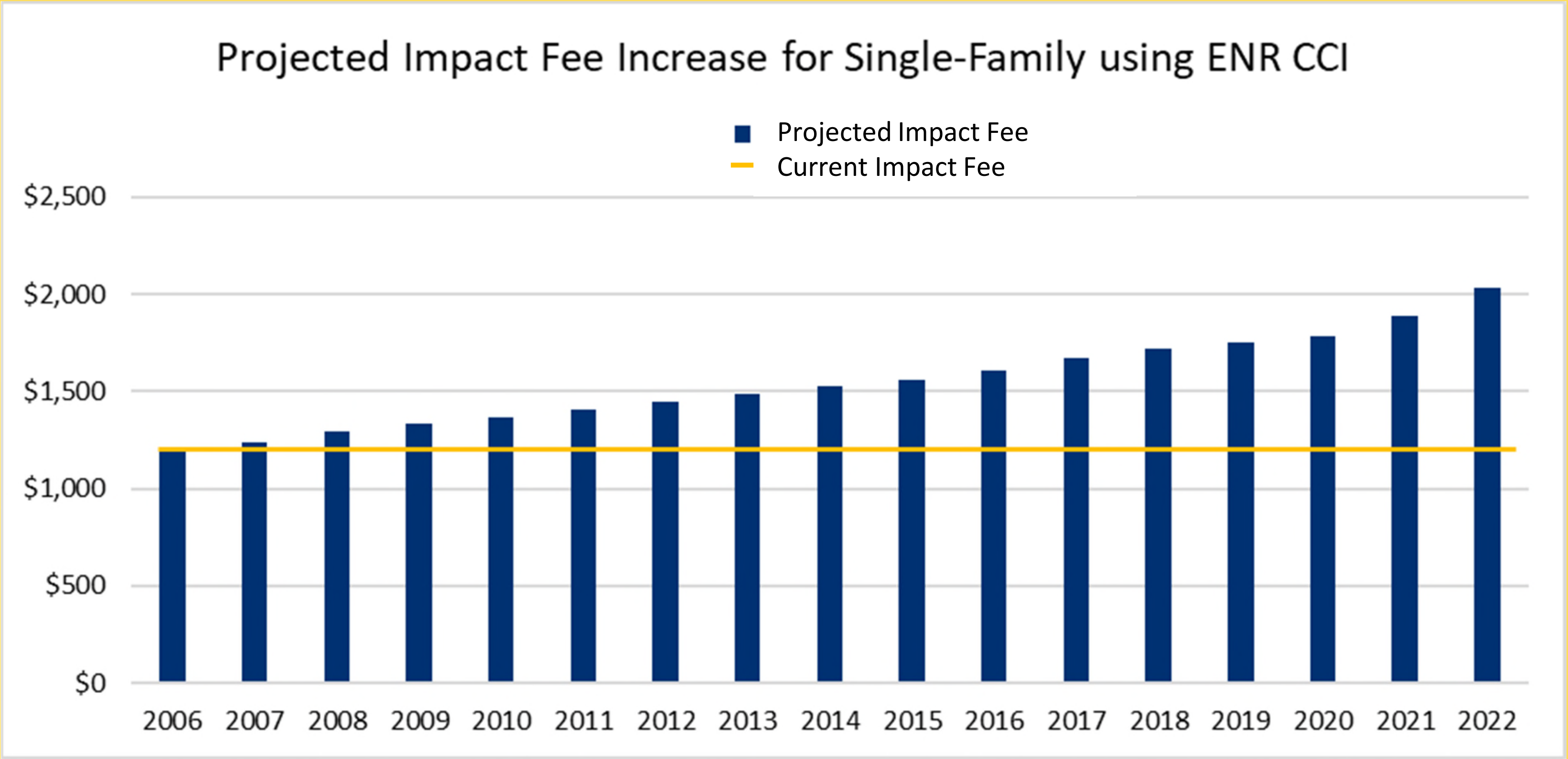
Recommendation 3 - Feedback

- Public workshop participants and survey respondents had a general consensus of not reducing impact fees by a specific percentage or amount. Responses regarding a full exemption and reducing on a fee-by-fee basis were mixed; some were in favor of reducing the amount, but not a full exemption where others supported a complete exemption. There were two suggestions of using a scale-based system based on affordability. This concept would use the Area Median Income (AMI) to determine the impact fee posed on MPDUs. Comments across the board indicated that affordable housing is a concern for NCC residents, though.

Graduated Fee Increases/ENR Recommendations

4

- If fees increased using the ENR CCI from 2006 to 2022, increase would be 75%.
- The chart (below) illustrates the increase to the impact fee for a single-family detached unit from the 2006 cost of $1,157 to $2,036 in 2022, if adjusted according to ENR CCI calculations.

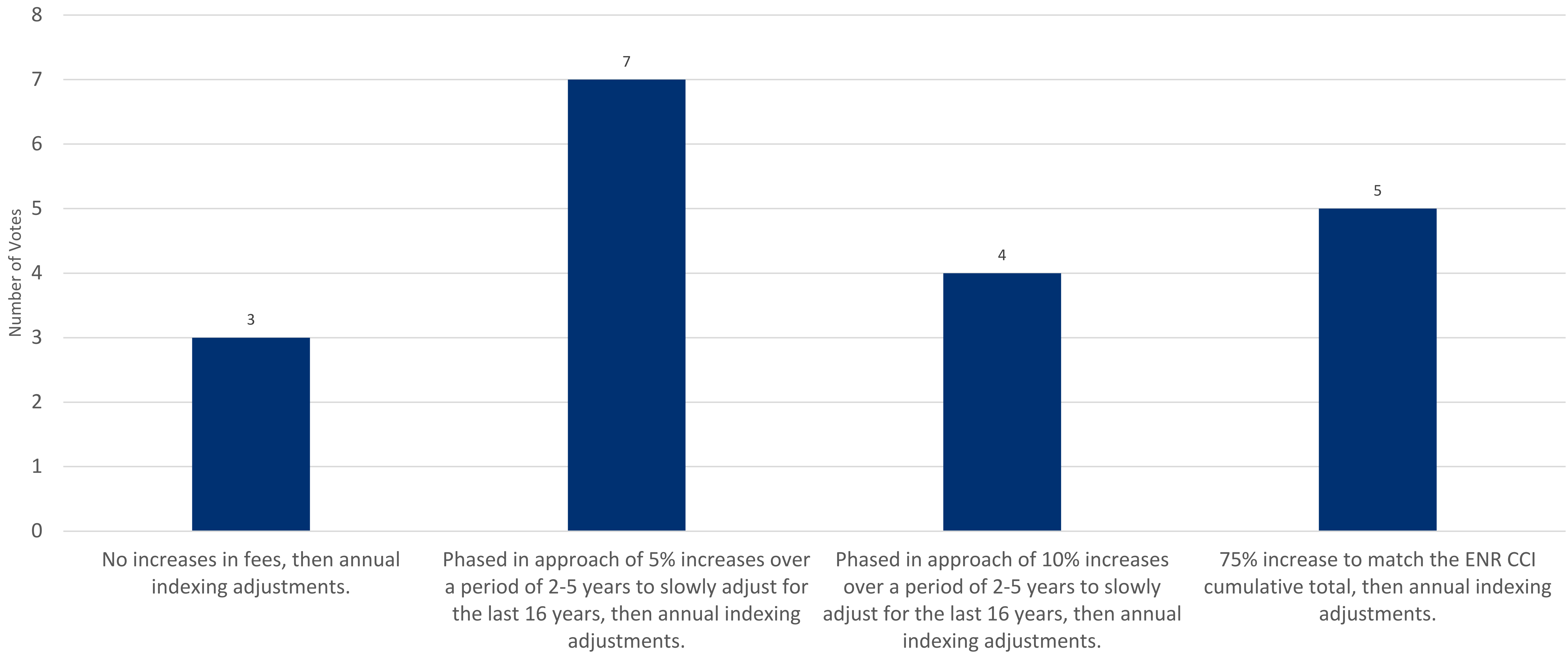


- **Should NCC consider:**
  - **No increases in fees**
  - **No increases in fees, then annual indexing adjustments**
  - **Phased in approach of 5% increases over a period of 2-5 years, then annual indexing adjustments**
  - **Phased in approach of 10% increases over a period of 2-5 years, then annual indexing adjustments**
  - **75% increase to match the ENR CCI cumulative total, then annual indexing adjustments**

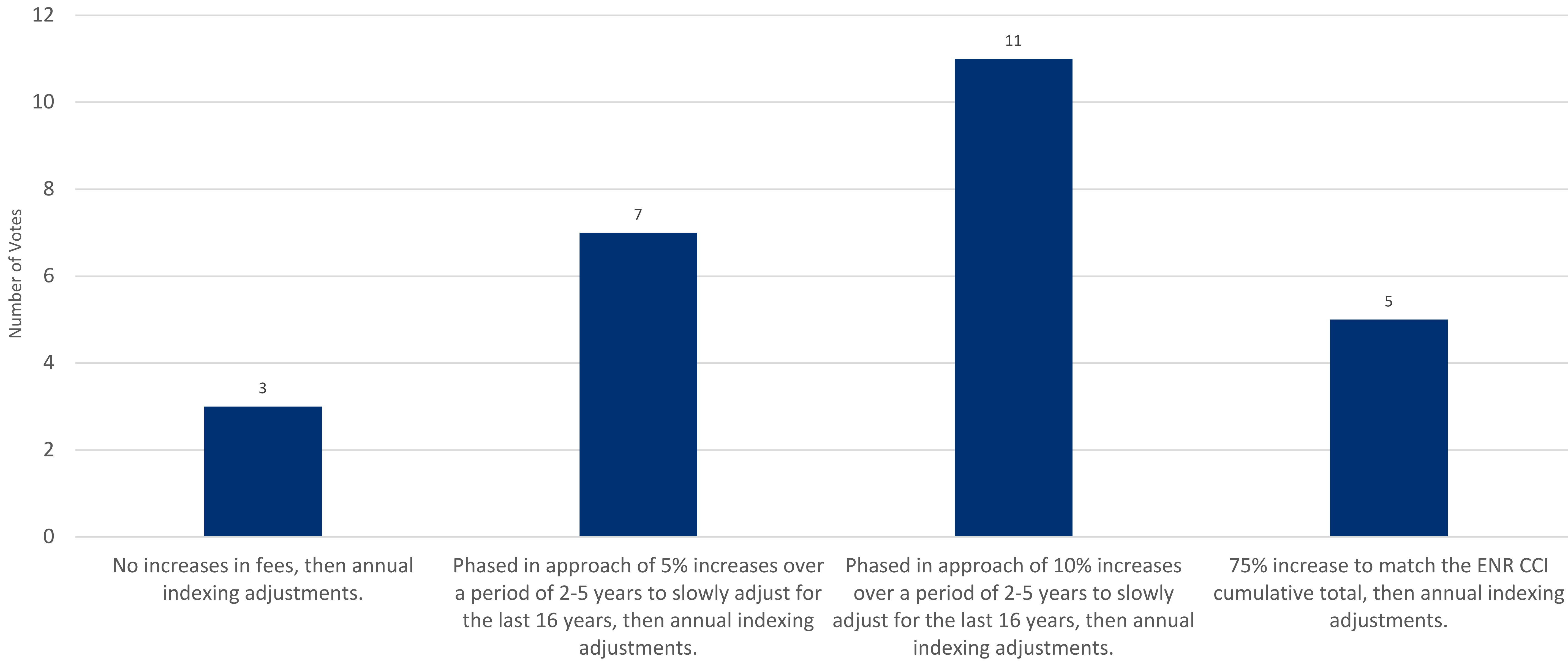
Recommendation 4 - Feedback

- Feedback from the public workshop resulted in the majority of participants in favor of increasing fees with annual indexing adjustments; however, responses on how to approach the fee increases were evenly distributed between the phased approach of 5% over 2-5 years, phased approach of 10% over 2-5 years, and a 75% increase to match the ENR CCI cumulative.

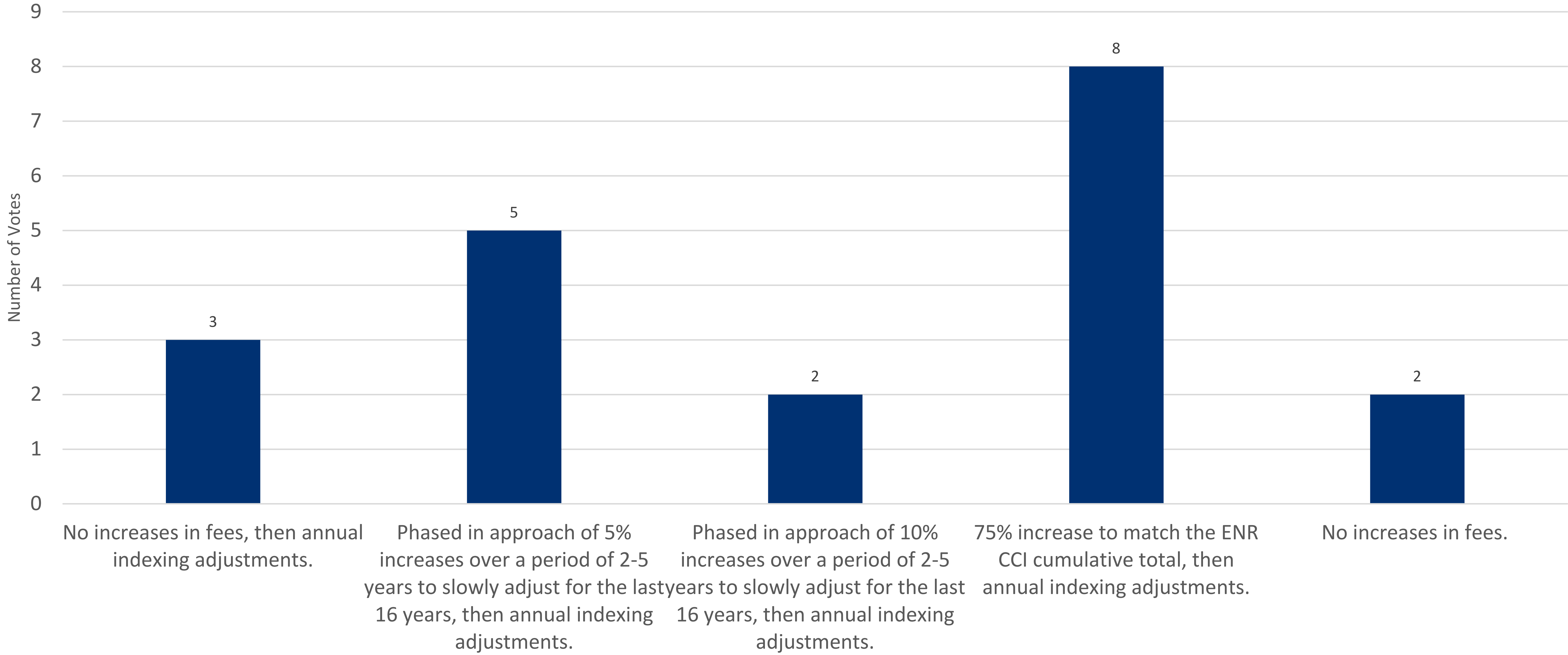
QUESTION #9: PLEASE RANK THE CHOICES FOR GRADUATED FEE INCREASES FROM 1 (MOST PREFERRED) TO 5 (LEAST PREFERRED). [#1 CHOICE]



Question #9: Please rank the choices for graduated fee increases from 1 (most preferred) to 5 (least preferred). [#2 Choice]



QUESTION #9: PLEASE RANK THE CHOICES FOR GRADUATED FEE INCREASES FROM 1 (MOST PREFERRED) TO 5 (LEAST PREFERRED). [#3 CHOICE]



Open Space Fee Creation

- In Fall 2022, NCC Council adopted a resolution to spend $7.5 million over 3 years
  - FY 22 budget has $1.5 million for Agriculture Land Preservation and $1 million for Open Space Preservation
- In NCC, there is an average of 2,000 residential building permits/year and 4 million sf/year of non-residential development
- Assessing Open Space/Land Preservation Impact Fees could provide $750,000 per year
  - 30% of each fiscal year's funding goal

Proposed Open Space Impact Fee

5

- **What priorities should be evaluated if NCC were to consider creating an Open Space/Land Preservation Impact Fee?**

RESIDENTIAL Per Housing Unit	Enact
Single-family detached	$ 377
Single-family attached	$ 350
All other housing*	$ 255
NONRESIDENTIAL Per 1,000 Square Feet of Floor Area**	
Commercial/shopping center (less than 60,000 sf. GFA)	$ 62
Commercial/shopping center (60,000 sf. to 200,000 sf. GFA)	$ 48
Commercial/shopping center (greater than 200,000 sf. GFA)	$ 41
Office/institutional (less than 10,000 sf. GFA)	$ 52
Office/institutional (10,000 sf. to 50,000 sf. GFA	$ 74
Office/institutional (greater than 50,000 sf. GFA	$ 70
Business park	$ 60
Light industrial	$ 43
Warehousing	$ 24
Manufacturing	$ 33

Recommendation 5 - Feedback

- Comments received on the evaluation of priorities regarding an Open Space Fee did not provide a clear consensus Some workshop participants and survey respondents stated the Open Space Fee should be included in the Parks Fee or included in parks infrastructure for improvements. Others were against the concept all together.

Redevelopment

- NCC’s existing code provides many incentives for redevelopment and brownfields on non-residential uses and sites.
- Including processing plans as minor subdivisions and allowing for additional gross floor area.
    - Redevelopment or brownfield development may repurpose a use that was exempt from or assessed minimal impact fees to a use that would have a much higher demand on services
- A waiver would be appropriate for redevelopment or brownfield development there would be no necessary increase in the capital costs needed to supply services
- Some redevelopment projects will increase the need for capital investments and services that are funded through impact fees.

Redevelopment (continued)

- Should NCC considering a Redevelopment Impact Fee where:
  - Assess a prorated impact fee based on the difference between the historical use and the proposed use.
  - If adopted, the new open space impact fee would be waived since this type of development supports infill and reuse of existing properties
  - Brownfields would be exempted

- **What is your opinion on the Redevelopment Impact Fee, as proposed?**

Recommendation 6 - Feedback

- Feedback received from the public workshop on the implementation of a Redevelopment Fee were also mixed with some respondents in favor and others opposed.

Final Recommendations

For Consideration by NCC Council

1. Implement a surcharge to cover the additional costs associated with development in Levels 3 and 4; NCC will conduct additional research to determine the actual cost of providing services to these areas and will modify proposed percentages accordingly.
2. Add the following new categories to the impact fee table:
   - Multi-use Residential (Apartments, Commercial Apartments, Apartment Conversions)
   - Institutional Uses (private)
   - Commercial Lodging
   - Restaurants
     - The County should consider whether multiple restaurant categories should be broken out to differentiate between fast-food restaurants and sit-down restaurants. Then analysis should be conducted to determine the appropriate fee level that should not be based on the number of cars visiting the facility since this is not a transportation/mobility impact fee, but instead the number of EMS visits and impact on capital infrastructure.

For Consideration by NCC Council

3. Establish a scale-based system based on the home price relative to the AMI.
    - >120% of AMI => 75%
    - 100 – 120% => 50%
    - 80 – 100% => 25%
    - <80% => No fee assessed
4. Consider increasing current Impact Fees in a phased approach of 10% per year for 3 years, then annually adjust the fee for ENR CCI.
5. Further explore the option of an additional impact fee category to fund Open Space as this would align with the County’s goal for dedicated Open Space funding.
6. Continue to work with developers to determine if the waiver on impact fees is a deciding factor in redevelopment and/or brownfield development. NCC should also consult with the Public Works Department and Emergency Services to determine actual losses to do upzoning redevelopment cases.

Prime sponsor(s): Mr. Cartier
Date of Introduction: November 19, 2024

RESOLUTION NO. 24-195

CELEBRATING THE 100TH ANNIVERSARY OF THE FOUNDING OF THE BRANDYWINE HUNDRED FIRE COMPANY NO. 1

WHEREAS, in 1923, residents of the Brandywine Hundred area became alarmed about the increasing number of fires and the lack of firefighting equipment in their community. After a series of meetings called to discuss the organization of a volunteer company, Martin Ainscow, Deputy Chief of the Wilmington Bureau of Fire, was invited to Bellefonte to outline plans for a new company. The meeting was attended by about a hundred people who contributed a dollar each to get the company started; and

WHEREAS, Brandywine Hundred Fire Company No.1 became incorporated on September 29, 1924. In 1925 the first chief elected was John Wigglesworth and the first president elected was Joshua Kelley; and

WHEREAS, the new company originally met each week, and the first motorized piece of apparatus owned was built by U.S. Fire Apparatus Company in Kirkwood Park, Wilmington. It was on a 1924 REO Speed Wagon chassis supplied by the fire company. The cost was $4,500. This apparatus was housed in a garage on Rosedale Avenue, rented from Chief Wigglesworth; and

WHEREAS, ground was purchased along Brandywine Boulevard and Rosedale Avenue and a building was constructed by residents of Bellefonte. It became the Bellefonte Community Hall. Later, the fire company purchased the community hall and added two engine bays to the building. Apparatus was moved out of Chief Wigglesworth's garage into this building. This addition was dedicated in 1930; and

WHEREAS, during World War II, BHFC Ladies Auxiliary members, who volunteered, were brought into membership of the fire company. They were trained and helped perform usual firefighting tasks of the men who became in short supply due to the war effort; and

WHEREAS, a new two-story fire house was built and dedicated on April 26, 1958. The cost was $200,000. The new fire house was built behind the old one, and the old community hall and fire house were torn down; and

WHEREAS, in 1974 Brandywine Hundred Fired Company No.1 celebrated its 50th anniversary with a huge homemade birthday cake built by members and a special banquet held at the Claymont Fire Company. The cake was featured in the Smyrna Delaware Volunteer Firefighters Association parade; and

WHEREAS, in 1998 major renovations to the building were completed. This building project allowed space for the most modern equipment required to serve the community well into the next century; and

WHEREAS, in 2023 the company responded to 2,199 ambulance calls and 1,097 fire calls. In addition to its current volunteers and ladies' auxiliary, as many as 25 career staff are employed for ambulance calls and sometimes to assist with fire calls as needed; and

WHEREAS, Brandywine Hundred Fire Company No.1 continues to be ready and able to respond into the future providing fire and ambulance service as well as hosting special community events.

NOW, THEREFORE, BE IT RESOLVED by and for the County Council of New Castle County that County Council hereby congratulates the Brandywine Hundred Fire Company No.1 on the 100th anniversary of its founding.

Adopted by County Council
of New Castle County on: November 19, 2024

____
Monique Williams-Johns
President of County Council
of New Castle County

SYNOPSIS: Same as title
FISCAL NOTE: There is no discernible fiscal impact with the adoption of this resolution.