NEW CASTLE COUNTY COUNCIL
ADMINISTRATIVE-FINANCE COMMITTEE MEETING

Co-Chair George Smiley, Seventh District
Co-Chair John Cartier, Eighth District

July 8, 2025
4:00 PM

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

REVISED AGENDA II

A. Call To Order/Roll Call

B. Approval of Minutes - June 24, 2025

C. Review/Discussion of Resolution(s)

D. Review/Discussion of Ordinance(s)

°25-092: AMEND THE GRANTS BUDGET: APPROPRIATE UP TO $150,000 ANTICIPATED TO BE RECEIVED FROM THE U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES, SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES ADMINISTRATION THROUGH THE STATE OF DELAWARE, DELAWARE DEPARTMENT OF HEALTH AND SOCIAL SERVICES, DIVISION OF SUBSTANCE ABUSE AND MENTAL HEALTH TO THE WASTEWATER GRANT DHSS 2025 FOR THE DEPARTMENT OF PUBLIC WORKS
Prime Sponsor(s): Mr. Sheldon, Mr. Carter

°25-093: TO AMEND THE PAY PLAN AND RATES OF PAY FOR NON-UNION UNCLASSIFIED SERVICE EMPLOYEES OF COUNTY COUNCIL AND CREATE THE CLASS SPECIFICATION OF LEGAL ASSISTANT TO COUNSEL TO COUNCIL
Prime Sponsor(s): Ms. George, Ms. Kilpatrick

°25-082:TO AMEND NEW CASTLE COUNTY CODE CHAPTER 26 (“HUMAN RESOURCES”), ARTICLE 4 (“PENSIONS”) REGARDING PLAN CHANGES TO THE COUNTY 2011 PLAN
Prime Sponsor(s): Mr. Smiley, Mr. Cartier

E. New Castle County Grant Requests/Community Events

- 7/8/25 Grant Matrix

F. Expense and Revenue Round Table

G. Other

- Councilwoman Valerie George - Approval of Council/Staff training.

- Council President Williams-Johns: Travel Request - Congressional Black Caucus Legislative Conference

- Councilwoman Valerie George - Discussion of grant funding for Good Neighbors

H. Public Comment

I. Adjournment

REVISED AGENDA II POSTED: Tuesday, July 7, 2025**
REVISED AGENDA POSTED: Tuesday, July 7, 2025
AGENDA POSTED: Tuesday, July 1, 2025

**The Revised Agenda II was posted less than (7) seven days in advance of the meeting to include the addition of Ord. 25-082. This ordinance was inadvertently omitted from the original agenda. Council Rules requires that the ordinance be discussed in committee prior to County Council's consideration at the 7/8/25 Council Meeting.

*The revised agenda was posted less than (7) seven days in advance of the meeting to include the addition of "Discussion of grant funding for Good Neighbors" under Other. This item was added to provide time sensitive grant information to an outside entity. 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): Mr. Sheldon, Mr. Carter
Requested by: Public Works
Date of introduction: June 24, 2025

ORDINANCE NO. 25-092

AMEND THE GRANTS BUDGET: APPROPRIATE UP TO $150,000 ANTICIPATED TO BE RECEIVED FROM THE U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES, SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES ADMINISTRATION THROUGH THE STATE OF DELAWARE, DELAWARE DEPARTMENT OF HEALTH AND SOCIAL SERVICES, DIVISION OF SUBSTANCE ABUSE AND MENTAL HEALTH TO THE WASTEWATER GRANT DHSS 2025 FOR THE DEPARTMENT OF PUBLIC WORKS

WHEREAS, funding was previously approved by County Council via Ordinance 24-110 for $100,000 and Ordinance 25-021 for $100,000 from the U.S. Department of Health and Human Services, Substance Abuse and Mental Health Services Administration through the State of Delaware, Department of Health and Social Services, Division of Substance Abuse and Mental Health; and

WHEREAS, authorization is being sought to appropriate funding up to $150,000 which is anticipated to be received from the U.S. Department of Health and Human Services, Substance Abuse and Mental Health Services Administration through the State of Delaware, Department of Health and Social Services, Division of Substance Abuse and Mental Health to the Wastewater Grant DHSS 2025 Grant; and

WHEREAS, funding shall be used to collect samples from the sanitary sewer system to be analyzed and will be shared with the State of Delaware, Department of Health and Social Services and the New Castle County Police Department to track known overdoses with high-risk substance data to observe trends; and

WHEREAS, if funding is not received then testing will not occur; and

WHEREAS, the County Executive has determined that funds anticipated to be received are 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.

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.

Section 3. It is the intent of the County Council that the provisions of this Ordinance shall be effective retroactive to September 30, 2024.

Adopted by County Council of
New Castle County on:

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

Approved on:

____
Marcus Henry
County Executive
New Castle County

SYNOPSIS: This Ordinance, if approved, will appropriate up to $150,000 anticipated to be received from the U.S. Department of Health and Human Services, Substance Abuse and Mental Health Services Administration through the State of Delaware, Department of Health and Social Services, Division of Substance Abuse and Mental Health to the Wastewater Grant DHSS 2025 Grant. Funding shall be used to collect samples from the sanitary sewer system to be analyzed and will be shared with the State of Delaware, Department of Health and Social Services and the New Castle County Police Department to track known overdoses with high-risk substance data to observe trends.

It is the intent of the County Council that the provisions of this Ordinance shall be effective retroactive to September 30, 2024.

FISCAL NOTE: This Ordinance, if approved, will amend the Grants Budget by appropriating up to $150,000 anticipated to be received from the U.S. Department of Health and Human Services, Substance Abuse and Mental Health Services Administration through the State of Delaware, Department of Health and Social Services, Division of Substance Abuse and Mental Health to the Wastewater Grant DHSS 2025 Grant.

The fiscal impact of this Ordinance, if approved, will be an increase in the authorized spending authority of the Grants Budget of $150,000. This increase will impact FY2025 and FY2026, since the targeted program completion date of this award is September 29, 2025. The grant period is September 30, 2024 through September 29, 2025 to align with federal funding award but testing covers July to December 2025 with all invoices prepaid by September 29, 2025. Budget will only be appropriated once funding is received. If funding is not received then testing will not occur.

Acknowledged by the Chief Financial Officer June 11, 2025.

DEPARTMENT:	Public Works	**EXHIBIT:**	"A"
GRANT TITLE:	Wastewater DHSS High Risk Substances Testing	**Ordinance No.**	25-092
PROGRAM TITLE:	Wastewater DHSS High Risk Substances Testing		

Revenue	Current	Change	Revised
Federal	$ 150,000.00	$ -	$ 150,000.00
State	$ -	$ -	$ -
County	$ -	$ -	$ -
Program Income	$ -	$ -	$ -
Other	$ -	$ -	$ -
Total	$ 150,000.00	$ -	$ 150,000.00

Expense	Current	Change	Revised
Salaries and Wages	$ -	$ -	$ -
Benefits	$ -	$ -	$ -
Training/Civic Affairs	$ -	$ -	$ -
Communication/Utilities	$ -	$ -	$ -
Materials/Supplies	$ -	$ -	$ -
Contractual Services	$ 150,000.00	$ -	$ 150,000.00
Equipment	$ -	$ -	$ -
Grants/Fixed Charges	$ -	$ -	$ -
Land and Structures	$ -	$ -	$ -
Contingency	$ -	$ -	$ -
Operating Transfer Charges	$ -	$ -	$ -
Operating Transfer Credits	$ -	$ -	$ -
Total	$ 150,000.00	$ -	$ 150,000.00

SUPPLEMENTAL INFORMATION

Estimated Program Initiation: 9/30/2024

Estimated Program Completion: 9/29/2025

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

Ordinance Passed: **Date Revised:**

PROGRAM DESCRIPTION:

New Castle County will collect samples from the sanitary sewer system. The samples will be analyzed and shared with the State of Delaware, Department of Health and Social Services and NCC Police Departments. NCC will track known overdoses with high-risk substance data to observe trends.

6/24/2025

Prime Sponsor(s): Ms. George, Ms. Kilpatrick
Date of introduction: June 24, 2025

ORDINANCE NO. 25-093

TO AMEND THE PAY PLAN AND RATES OF PAY FOR NON-UNION UNCLASSIFIED SERVICE EMPLOYEES OF COUNTY COUNCIL AND CREATE THE CLASS SPECIFICATION OF LEGAL ASSISTANT TO COUNSEL TO COUNCIL

WHEREAS, Counsel to Council has been fulfilling a dual role for County Council, that of General Counsel and Policy Advisor, regularly researching policy and crafting resulting ordinances, in addition to various other assignments and roles; and

WHEREAS, Council feels that the volume of work performed by Counsel to Council warrants a support position; and

WHEREAS, currently, the position of Paralegal is part of County Council's position structure; however, in light of the amount of work done by Counsel to Council, including policy, legislation, opinions, among other things, a position better suited to support Counsel to Council with legislation, functions similar in nature to a paralegal, and policy work is that of Legal Assistant to Counsel to Council; and

WHEREAS, due to the complexity of the work, the skill set necessary to perform the work, and the sensitive nature of the work performed, County Council feels a Pay Grade 27 is the level most commensurate with this position.

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

Section 1. The Pay Plan and Rates of Pay for Non-Union Unclassified Service Employees of the County Council are hereby amended by the deletion of stricken material and the addition of the underscored material as set forth in Exhibit A.

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*. Section 1156.

Adopted by County Council
of New Castle County on:

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

Approved on:

____
Marcys Henry
County Executive
New Castle County

SYNOPSIS: This Ordinance adopts the class specification of Legal Assistant to Counsel to Council. It also amends the pay plan and rates of pay for County Council by adding the position of Legal Assistant to Counsel to Council to the pay plan structure at Pay Grade 27.

FISCAL NOTE: This Ordinance, if adopted, will have no fiscal impact on the adopted County Council Budget. County Council currently has 32 positions, all of which are funded. There are 3 vacant positions. The position of Legal Assistant to Counsel to Council would now be funded instead of Council's Policy Director position. The Policy Director is funded at Pay Grade 30, and Legal Assistant to Counsel to Council would be funded at Pay Grade 27, below that of which is currently budgeted.

PAY PLAN AND RATES OF PAY FOR UNCLASSIFIED EMPLOYEES OF COUNTY COUNCIL

CLASSIFICATION	PAY GRADE	1	2	3	4	5	6	7	8	9	10	11
ADMINISTRATIVE AIDE TO COUNTY COUNCIL	19	41,445	43,517	45,693	47,978	50,377	52,896	55,540	58,317	61,233	64,295	67,510
PARALEGAL ASSOCIATE AUDITOR	24	52,897	55,542	58,319	61,235	64,297	67,512	70,888	74,432	78,153	82,061	86,164
LEGISLATIVE AIDE TO COUNTY COUNCIL PRESIDENT LEGISLATIVE ASSISTANT TO COUNTY COUNCIL	25	55,544	58,321	61,237	64,299	67,514	70,890	74,434	78,156	82,064	86,167	90,475
LEGAL ASSISTANT TO COUNSEL TO COUNCIL STAFF AUDITOR	27	61,237	64,299	67,513	70,889	74,434	78,155	82,063	86,166	90,474	94,998	99,748
POLICY DIRECTOR DEPUTY CLERK OF COUNCIL SENIOR STAFF AUDITOR	30	70,890	74,434	78,156	82,063	86,167	90,475	94,999	99,749	104,736	109,973	115,472
FINANCIAL ADVISOR CLERK OF COUNCIL	32	78,158	82,066	86,169	90,477	95,001	99,751	104,739	109,976	115,475	121,248	127,311
COUNTY AUDITOR	35	90,477	95,001	99,751	104,738	109,975	115,474	121,248	127,310	133,676	140,359	147,377
COUNSEL TO COUNCIL	39	109,976	115,475	121,249	127,312	133,677	140,361	147,379	154,748	162,485	170,610	179,140

Effective: 7/1/2025 (Ordinance 23-082)
Revised: xx/xx/xxxx (Ordinance 25-xxx)

Council appointees who have completed at least twelve (12) months at the tenth (10th) step of their current pay grade and have been continuously employed by County Council for a minimum of twelve (12) years automatically will move to the eleventh (11th) step as of the effective date of this ordinance unless they provide a written request for exemption from the increase to the Clerk or Deputy Clerk of Council seven (7) days from the signing of this ordinance and/or thirty (30) days in advance of the beginning of each subsequent fiscal year; other council employees will also be eligible through this increase process.

PAY PLAN AND RATES OF PAY FOR
UNCLASSIFIED EMPLOYEES OF COUNTY COUNCIL

CLASSIFICATION	PAY GRADE	1	2	3	4	5	6	7	8	9	10	11
ADMINISTRATIVE AIDE TO COUNTY COUNCIL	19	42,481	44,605	46,835	49,177	51,636	54,218	56,929	59,775	62,764	65,902	69,197
PARALEGAL ASSOCIATE AUDITOR	24	54,220	56,931	59,777	62,766	65,904	69,200	72,660	76,293	80,107	84,113	88,318
LEGISLATIVE AIDE TO COUNTY COUNCIL PRESIDENT LEGISLATIVE ASSISTANT TO COUNTY COUNCIL	25	56,933	59,779	62,768	65,907	69,202	72,662	76,295	80,110	84,115	88,321	92,737
LEGAL ASSISTANT TO COUNSEL TO COUNCIL STAFF AUDITOR	27	62,768	65,906	69,201	72,661	76,294	80,109	84,115	88,320	92,736	97,373	102,242
POLICY DIRECTOR DEPUTY CLERK OF COUNCIL SENIOR STAFF AUDITOR	30	72,662	76,295	80,110	84,115	88,321	92,737	97,374	102,242	107,355	112,722	118,358
FINANCIAL ADVISOR CLERK OF COUNCIL	32	80,112	84,117	88,323	92,739	97,376	102,245	107,357	112,725	118,361	124,280	130,493
COUNTY AUDITOR	35	92,739	97,376	102,245	107,357	112,725	118,361	124,279	130,493	137,017	143,868	151,062
COUNSEL TO COUNCIL	39	112,726	118,362	124,280	130,494	137,019	143,870	151,063	158,617	166,547	174,875	183,619

Effective: 7/1/2026 (Ordinance 23-082)
Revised: xx/xx/xxxx (Ordinance 25-xxx)

Council appointees who have completed at least twelve (12) months at the tenth (10th) step of their current pay grade and have been continuously employed by County Council for a minimum of twelve (12) years automatically will move to the eleventh (11th) step as of the effective date of this ordinance unless they provide a written request for exemption from the increase to the Clerk or Deputy Clerk of Council seven (7) days from the signing of this ordinance and/or thirty (30) days in advance of the beginning of each subsequent fiscal year; other council employees will also be eligible through this increase process.

NEW CASTLE COUNTY COUNCIL

CLASS SPECIFICATION Page 1 of 1

Title: LEGAL ASSISTANT TO COUNSEL TO COUNCIL **Approved:**

GENERAL STATEMENT OF DUTIES: Provides a wide variety of assistance to Counsel to Council, requiring a high degree of confidentiality, including conducting legal research and analysis; assisting with drafting legislation and performing related research and analysis; performing public policy research and analysis; providing policy support; general research and analysis; preparing legal memoranda, as needed; in addition to related work and assignments as required by Counsel to Council

DISTINGUISHING FEATURES OF THE CLASS: (Illustrative only)

Responsibilities include: Performs research utilizing electronic systems (such as LexisNexis and the Internet, generally, and other jurisdictions' sites) and hard copy resources (such as treatises); composes and prepares drafts of legislation; assists in responding to legal queries posed to Counsel to Council on legal issues; maintains a working familiarity with the Freedom of Information Act, Robert's Rules of Order, County Council's Procedural Rules, and County laws in order to respond to queries from Council Members in conjunction with and in support of Counsel to Council; assists in organizing and maintaining the subject files, research and other materials in Counsel to Council's office and elsewhere; assists Counsel to Council in responding to and advising Council Members on various legal matters and areas of interest; assists Counsel to Council in preparing legal memoranda, opinions and other documents, in supplying information to other sources as requested, and in other administrative duties.

REQUIRED KNOWLEDGE, SKILLS AND ABILITIES: Knowledge of legal research techniques and analytical skills; strong writing skills and ability to compose written analysis and correspondence; thorough knowledge of the legislative process; strong legislative drafting skills; proven ability to work independently and proactively; proficiency in use of various research tools; knowledge of and capability to access and utilize automated research programs and other informational sources on the Internet; quick to grasp new concepts/skills; knowledge of and proven skills in public policy and/or administration and proficiency in related research; ability to function as a research assistant; ability to attend and speak, as needed, at meetings at the direction of Counsel to Council; strong ability to effectively communicate, both verbally and in writing; ability to transmit necessary information to the public, as requested by Counsel to Council; excellent organizational skills; ability to pass a Class Ill County physical examination.

ACCEPTABLE EXPERIENCE AND TRAINING: Possession of a Bachelor's Degree from an accredited college or university; possession of a Master's Degree and/or coursework in public policy and/or administration from an accredited college or university; substantial experience drafting legislation; any equivalent combination of experience and/or training which provides the required knowledge, skills and abilities.

HISTORY OF REVISIONS:
Established:

Prime Sponsor(s): Mr. Smiley, Mr. Cartier
Requested by: Administration/Finance
Date of introduction: June 10, 2025

ORDINANCE NO. 25-082

TO AMEND *NEW CASTLE COUNTY CODE* CHAPTER 26 ("HUMAN RESOURCES"), ARTICLE 4 ("PENSIONS") REGARDING PLAN CHANGES TO THE COUNTY 2011 PLAN

WHEREAS, New Castle County, led by the Office of Finance, performed a competitive market review of services and fees offered by its third-party administrator for the 457(b) deferred compensation plan and the 401(a) defined contribution benefit of the County 2011 Plan due to the impending expiration of its contract with MetLife; and

WHEREAS, in response to the County's solicitation of third-party administrative services, Empower, a financial services company and retirement plan provider, submitted a competitive proposal for recordkeeping and administrative services; and

WHEREAS, included in the proposal is Empower's obligation to provide pre-approved plan documents that are compliant with provisions of the Internal Revenue Code (IRC) of 1986, as amended, tax regulations, and official tax guidance for tax-qualified status and those documents will be maintained and updated by Empower as changes to the law and interpretation of the law occur; and

WHEREAS, Empower has identified certain participation provisions of 401(a) defined contribution benefit of the County 2011 Plan that are inconsistent with Empower's pre-approved plan documents; and

WHEREAS, the Office of Finance has identified certain other provisions of the 401(a) defined contribution benefit of the County 2011 Plan that require amendment to allow for more efficient administration; and

WHEREAS, pursuant *New Castle County Code* § 2.05.505, the responsibility for the direction and operation of the County's pension program is vested with the Employees' Retirement System Board of Trustees (the "Pension Program Board of Trustees"); and

WHEREAS, the Pension Program Board of Trustees has reviewed and considered the provisions identified by Empower and the Office of Finance and has requested that certain changes be made to the 401(a) defined contribution benefit of the County 2011 Plan; and

WHEREAS, County Council, in concert with the Pension Program Board of Trustees, finds that these reforms are necessary to facilitate the proper administration of the County's pension program.

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

Section 1. *New Castle County Code* Chapter 26 ("Human Resources"), Article 4 ("Pensions"), Division 26.04.700 ("County 2011 Plan"), Section 26.04.717 ("Defined contribution benefit") is hereby amended by adding the material that is underscored and deleting the material that is stricken, as set forth below:

Division 26.04.700. County 2011 Plan.

Sec. 26.04.717. Defined contribution benefit.

A. In addition to the benefits provided in Sections 26.04.701-26.04.716, the County shall make a~~n~~ ~~annual~~ nonelective contribution of one (1) percent of each member's base salary to a defined contribution plan account on behalf of each member. In addition, the County shall make a~~n~~ ~~annual~~ matching contribution on behalf of each member of one hundred (100) percent of each member's contribution to the Section 457 Plan maintained by the County up to a maximum of two (2) percent of such member's base salary. The County's contributions shall be made on a schedule determined by the Office of Finance but shall occur on no less than an annual basis.

B. A member shall become one hundred (100) percent vested in the County's nonelective contribution, the County's matching contribution, and the earnings thereon upon the ~~earlier~~ earliest of any of the following occurrences. ~~date when the member:~~

1. ~~(i)~~ The member completes ten (10) years of credited service.

   (a) For the purposes of this section, credited service shall exclude only those periods of leave that exceed twelve (12) consecutive months.

   (b) Where credited service is reduced pursuant to subsection (a), the member shall receive credit for service that is not otherwise excluded in Section 26.04.705.

2. The member reaches age 65.

3. ~~(ii)~~ The member dies.~~; or~~

4. ~~(iii)~~ The member becomes disabled. For purpose of this provision, a member shall be considered disabled if the member meets the definition of disabled in Section 26.04.708 E.

C. The defined contribution of the County 2011 Plan shall be an individual account plan. The Board shall establish and maintain an account in the name of each member to which shall be credited as of each valuation date, all amounts allocated to a particular account of each such member as set forth herein. The County contributions for each such plan year shall be allocated ~~as of~~ by the last day of such plan year (even though receipt of the County contributions may take place after the close of such year) according to the County contributions set forth in paragraph A of this Section 26.04.717.

Section 2. This Ordinance shall apply only to those members of the County 2011 Plan that are employed by New Castle County on or after the date that the provisions of this Ordinance become effective.

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. The provisions of this Ordinance shall become effective concurrent with the effective date of the Master Service Agreement ("MSA") for New Castle County pertaining to third-party administrator services provided by Empower Retirement, LLC. The effective date of the MSA shall be noticed by resolution.

Adopted by County Council of
New Castle County on:

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

Approved on:

____
Marcus Henry
County Executive
New Castle County

SYNOPSIS: This Ordinance, if approved, amends Section 26.04.717 to incorporate IRC plan participation requirements for nonexempt, tax-qualified pension plans. Specifically, the IRC requires a member's service credit to include absences of up to twelve consecutive months and a plan to include accelerated vesting for members at age 65. The credited service provisions of section 26.04.705 will also apply. Thus, if a member is on leave for 12 consecutive months or greater, the member will get a service credit for any portion of that time that would not be excluded pursuant to section 26.04.705. This ordinance also allows the Office of Finance to make required County contributions to a member's individual account plan on a schedule that occurs more frequently than once annually. This would allow, for example, contributions to be made concurrent with a member's weekly or biweekly pay cycle.

FISCAL NOTE: Recommended changes to Chapter 26 for the defined contribution portion of the 2011 Pension Plan include accelerated vesting for 401(a) match contributions. A retroactive analysis shows this would have cost approximately $39,000 since 2011—deemed de minimis, or insignificant in cost impact. The recommended change to credited service calculations updates the leave exclusion threshold from 30 days to 12 consecutive months meaning only extended absences over a year would affect credited service, providing more favorable terms for participants. The defined benefit vesting provisions remain unchanged.

Acknowledged by the Chief Financial Officer April 30, 2025.

NEW CASTLE COUNTY GOVERNMENT EMPLOYEES' PENSION PROGRAM
MINUTES of April 16, 2025

The regular meeting of the Board of Trustees was held on April 16, 2025, via Zoom video conference in the Government Center, 87 Reads Way, New Castle, DE 19720.

Rollcall Taken. The meeting was called to order at 8:16 a.m.

TRUSTEES PRESENT: Daniel McFadden, Chairperson Brian Bradford, Trustee, Local 3911 Daryl Brown, Trustee Michael Finnigan, Trustee, Retirees Michael McGowan, FOP Lodge #5 Jill Floore, CFO Dusty Blakey, CHRO Paul Frese, Trustee Non-Union Members Ronald Hladney, Trustee, Local #459	**TRUSTEES ABSENT:** LaPorsha Lopez, Local #3109 Regis Yurcich, Trustee, Local #1607 Terry Stone, Trustee **OTHERS PRESENT:** Cyril Espanol, w/Intelligence Stephanie Scola, NCC/Finance Christine Piekarski, NCC/Finance Carla Geiersbach, NCC/Finance Patricia Purnell, NCC/Human Resources Toni Frieson-Jones, NCC/Accounts Payable Rinku Banerji, NCC/Audit Robert Wasserbach, County Auditor A.J. Flynn, NCC/Audit
STAFF PRESENT: Grace Dehel, Pension Administrator Daniel Mann, Pension Program Analyst Mary Jacobson, First Assistant County Attorney Rowena P. Liles, Program Analyst	**INVITED GUESTS:** Michael Sullivan, NEPC Stuart Sclater-Booth, Stone Harbor Simon Little, Stone Harbor Zachary Boyer, Nuveen Real Estate Income Stephen Kohut, Nuveen Real Estate Income Ben Kerl, Nuveen Real Estate Income Leo A. Reed, Nuveen Real Estate Income

APPROVAL OF THE MINUTES

The minutes from the March 19, 2025, meeting are attached for approval.

> **A motion was made by Dary Brown and seconded by Michael Finnigan to approve the minutes from the March 19, 2025, meeting.**
> *THE MOTION WAS ADOPTED UNANIMOUSLY.

APPROVAL OF THE INVOICES

CoHo	$39,279.10	1st Quarter 2025
JP Morgan	$38,117.96	4th Quarter 2024
LDR Capital Management	$15,088.99	1st Quarter 2025
Loomis Sayles	$53,298.21	1st Quarter 2025
Peregrine	$36,908.62	1st Quarter 2025

> **A motion was made by Daryl Brown and seconded by Michael Finnigan to approve the payment of invoices.**
> *THE MOTION WAS ADOPTED UNANIMOUSLY.

DISTRIBUTION OF FEES

- Loomis Sayles $29,164.83 03/17/2025 (Erroneous fee schedule)

COORDINATOR'S REPORT

- Gross Payroll and Employer Contributions for the month of February 2025.
- Pension Trust Asset Summary – February 2025
- Pension Payments – March 2025
  - Payees for March 1,636
    - DelPen (ret) 116
  - Active Participants 1,410
    - DelPen 379
  - Benefits total $4,373,483.13

CAPITAL CALLS

➢ Brookfield Capital Partners V, LP	$42,857.48	03/25/2025
➢ Backcast Credit Opp Fund II, LP	$360,669.00	03/31/2025
➢ King Street Opp Credit Fund L.P.	$3,173,424.00	04/16/2025

DISTRIBUTION OF CAPITAL

➢ Kennedy Lewis	$92,196.00	03/24/2025
➢ Sixth Street Opportunities Partners II (A), LP	$23,310.00	03/28/2025
➢ HarbourVest Partners IX-Venture Fund LP	$348,063.00	03/31/2025
➢ TA Realty Assoc. Fund XII UTP, LP	$261,751.00	04/10/2025
➢ Backcast Credit Opportunities Fund II, LP	$41,595.00	04/11/2025

APPROVAL OF THE APPLICATIONS FOR BENEFITS

Service Retirements

(08887)	$4,608.67	04/29/2025	RetGen
(06597)	$3,256.26	04/18/2025	RetGen
(05670)	$320.00	01/22/2025	SCGPen
(08842)	$1,919.35	05/15/2025	RetGen
(06712)	$300.00	03/25/2025	SCGPen

Non-Service Disability Retirement

(09621)	$1,656.26	10/29/2024	RetGen

Refund Benefits

(14362)	$22,644.69	04/01/2025	CPGen

A motion was made by Daryl Brown and seconded by Michael Finnigan to approve the Coordinator's Report, Service Retirements, and Refund benefit.
*THE MOTION WAS ADOPTED UNANIMOUSLY.

OLD BUSINESS

➢ Grace Dehel - Pension Technology Software launch to NCC employees – *The Pension Division rolled out the PTG Employee Self-Service platform for pension estimates at the beginning of April. We received positive feedback from the employees who are excited to have access to run their own estimates. We are hopeful that this will significantly reduce the volume of requests we receive for estimates. This was just an update on the software.*

OLD BUSINESS (Cont'd)

- Grace Dehel - 401(a) Third-Party Administrator Transition to Empower - *This item will be postponed until the CFO is present in the room.*
- Grace Dehel - GRS Annual Pension Plan Review revised report – *The Annual Valuation Report from GRS was revised due to an error in the Contribution Rate applied by the County starting in July 2024. They applied the rate of 37.32% which represented the total rate including the School Crossing Guards. The rate should have been 35.10% The County has corrected its contributions and the actuary has provided an adjusted rate for fiscal year 2026. On page 15 of the report, the old rate the total was 34.15% and the net was 33.84%. The new rate, as seen here, is 34.26% and net 33.94% which is a difference in the net of .10%. It's not much of a difference, but we did want to make sure it was correctly adjusted so that the Contribution Rate for FY 2026 was correct. We will require a new vote to accept the updated rates.*

> **A motion was made by Daryl Brown and seconded by Michael McGowan to accept the revised rates as indicated from the GRS 2025 Pension Plan Review Report.**
> *THE MOTION WAS ADOPTED UNANIMOUSLY.

NEW BUSINESS

- Michael Sullivan, NEPC - *Reviewed and discussed the Preliminary Investment Performance "Flash" report for the period ending March 31, 2025.*
    - *Review of the Asset Allocation Mixes (Pg 7 of the Flash Report)*

OLD BUSINESS (Cont'd)

- Stone Harbor - Account Review Emerging Market Debt presentation by Stuart Sclater-Booth and Simon Little.

The board requested the revised Stone Harbor presentation booklet to be distributed after the meeting.

A discussion was held on the asset class with the manager.

> **A motion was made by Daryl Brown and seconded by Michael Finnigan to accept the Stone Harbor presentation.**
> *THE MOTION WAS ADOPTED UNANIMOUSLY.

- Nuveen Real Asset Income - New Strategy for Consideration.

A discussion was held on including the asset class with Nuveen Real Asset Income.

The board recommended NEPC look at where there may be any overlap in investments and ask the research team about the in-flows at Stone Harbor and how they are compensated. After reviewing the information, a vote on the Nuveen allocation at a future meeting.

OLD BUSINESS (Cont'd)

- Grace Dehel - 401(a) Third-Party Administrator Transition to Empower – *This is a follow-up from last months discussion on the transition from MetLife to Empower. There are five items that require the boards approval, for each I will go over the main points. How the Deferred Compensation Committee) voted for 457(B) and what the recommendation of the administration is. Would you like to vote on them individually or wait until the end?*

Daryl – *I would say wait until the end.*

Grace – I will get started and hopefully this will be quick.

Plan Provisions

- **Stable Value Funds**
    - Due to the MetLife stable value fund not being transferrable to Empower, there will be unavoidable Market Value Adjustments (MVAs) and Surrender Charges on these accounts
    - The *estimated* MVAs and Surrender Charges for the 401(a) Plan from MetLife (current quote good through 5/26/25) are:

<u>OLD BUSINESS (Cont'd)</u>

<u>Plan Provisions</u>

- **Stable Value Funds**
  - MVAs: $1,390.86
  - Surrender Charges: $342.41
  - Empower can do a Back-End Load (BEL) Restoration to offset Surrender Charges and MVAs at the cost of 5.5 basis points for 5 years
  - The DCC approved this provision for the 457b at the April 10th committee meeting

  The Administration recommends the Board approve Empower's Back-End Load (BEL) Restoration to offset Surrender Charges and MVAs, at the cost of 5.5 basis points for 5 years.

- **Continuation of outside advisors Lisa Rydzefski and Stephanie Rinschler Trentowski**
  - Keeping them on will ensure continuity of service and familiar faces, minimizing disruption to the employees and retirees
  - The cost to do so is 8 basis points
  - The DCC approved this continuation of service for the 457b at the April 10th committee meeting

  The Administration recommends the Board approve continuation of these outside advisors for a minimum of 12 months

- **Force-Out Provisions**
  - A force-out provision forces accounts out of our plan when the employee terminates or retires
  - Employees will have 60 days after official notification to either roll over or cash out their account. Otherwise, accounts less than $1,000 will be cashed out; accounts between $1,000 and $7,000 will be transferred to an Empower IRA (not managed by NCCo).
  - This provision is in compliance with County code 26.04.717 which states that the 401a accounts "shall be paid to the member … in one (1) lump sum as soon as administratively feasible following the last day of the plan year in which the member's employment with the County terminates for any reason."
  - $7,000 is currently the max balance allowable for the force out provision per federal regulation
  - The DCC approved this force out provision for the 457b at the April 10th committee meeting

  The Administration recommends approval of forcing out accounts of terminated employees at $7,000 or less.

- **In Service Distributions**
  - The DCC voted to approve a number of in-service distribution provision changes for the 457b, including distributions at Age 59 ½ , Qualified Birth and Adoption Distributions (QBADs), Domestic Abuse Distributions, Terminal Illness Distributions, and Qualified Disaster Recovery Distributions (QDRDs)
  - These provisions require a change to County Code 26.03.206 Deferred Compensation Plan, which is currently in process.
  - As the intent of the 401a is to serve as a part of the employees' pension benefit upon retirement, *the Administration recommends the approval of in-service distributions for Terminal Illness only.*

Empower's Required Plan Provisions for Vesting

  - These provisions are required if we intend to use Empower's plan documents for the 401a plan.
  - If we do NOT use Empower's provisions, we are responsible for having outside Counsel write and maintain the plan documents for the 401a plan at Empower.
  - **In addition, please note that adopting these provisions will require a change to the County Code 26.04.717 Defined Contribution**

- Elapsed Time Method
  - The current definition of credited service specifically excludes any period where the employee is on unpaid leave for at least 30 consecutive days.
  - Empower's vesting method does not allow adjustments to credited service unless the period of leave is 12 consecutive months or greater

OLD BUSINESS (Cont'd)
Plan Provisions

Empower's Required Plan Provisions for Vesting (Cont'd)

- Accelerated Vesting at Normal Retirement Age (Defined as 65)
  - Accepting this provision would mean that any employee who reaches age 65 while in County employment would automatically vest in the 401a.
  - It also means that any employee who is age 65 or older upon hire would be automatically vested in the plan
  - The current County Code states that a member only becomes vested when they complete 10 years of credited service, die, or become disabled.
  - A review of terminated, non-vested members by age suggests that the cost of this provision to date would have been an estimated $39,000 if instituted at the onset of the plan in 2011

The Administration recommends the Board approve Empower's Required Plan Provisions for Vesting

A motion was made by Michael McGowan and seconded by Jill Floore to accept the administrator's recommendation on the Plan Provisions as discussed.
*THE MOTION WAS ADOPTED UNANIMOUSLY.

COMMENTS
- None

ADJOURNMENT
A motion was made by Daryl Brown and seconded by Jill Floore to adjourn the meeting at 10:42 a.m.
*THE MOTION WAS ADOPTED UNANIMOUSLY.

MARCUS HENRY
COUNTY EXECUTIVE

JILL FLOORE
CHIEF FINANCIAL OFFICER

87 READS WAY
NEW CASTLE, DE 19720
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OFFICE OF FINANCE

EMPLOYEES' RETIREMENT SYSTEM
BOARD OF TRUSTEES
RECOMMENDATION
REGARDING
ORDINANCE 25-082

Sponsors:	Councilmember George Smiley (District 12), Councilmember John Cartier
Description:	To Amend New Castle County Code Chapter 26 ("Human Resources"), Article 4 ("Pensions") Regarding Plan Changes to the County 2011 Plan
To:	Nellie Hill, Clerk of County Council
From:	Daniel McFadden, Chair Employees' Retirement System Board of Trustees
Date:	June 18, 2025

Referral for Recommendation

Ordinance No. 25-082 (the "Ordinance"), introduced on June 10, 2025, has been referred to the Employees' Retirement System Board of Trustees ("Pension Board") for recommendation pursuant to the requirements of *New Castle County Code* Sec. 2.05.505(C). The Pension Board considered the Ordinance at its June 18, 2025 meeting and provides this recommendation of approval.

Background

The Office of Finance is preparing to transfer third-party administrative services of the County 2011 Plan (the "Plan") defined contribution benefits to Empower, a financial services company. The Pension Board requested that certain changes be made to the Plan to facilitate the administration of the Plan by Empower and the Ordinance reflects these Plan changes. The Plan changes will become effective concurrent with Empower's Master Service Agreement.

Ordinance 25-082 Amendments

The Ordinance amends the defined contribution benefit provisions of the Plan in two ways.

First, County contributions to a member's defined contribution plan account ("401(a) account") are currently required to be made on an annual basis. The Ordinance will allow the Office of Finance to determine the schedule in which County contributions to a member's 401(a) account will occur, but the funds must transfer no less than annually. The Office of Finance will have flexibility to develop a schedule wherein contributions are made more frequently. For example, County contributions to a member's 401(a) account may occur concurrent with a member's weekly or biweekly pay. This change will allow the member to realize potential growth and gains from the County's contributions much sooner than if contributions were made on an annual basis.

Second, the Ordinance amends member vesting provisions to be consistent with Internal Revenue Code plan participation requirements for non-exempt tax qualified pension plans. These changes are necessary for the efficient and consistent administration of plan benefits by Empower. There are two changes to the current vesting requirements for the County's 401(a) contributions. First, the Ordinance provides that a member will vest at age 65 regardless of how many years of credited service the member has. Currently, ten (10) years of credited service are required for vesting and this requirement will continue for other members. The Ordinance, however, changes the lapses in service that can be deducted from credited service. The Ordinance allows the exclusion of lapses in service that exceed twelve months wherein lapses in service of thirty days or more are currently excluded. If credited service is adjusted for lapses in service of greater than 12 months, the Ordinance allows credit for service not otherwise excluded in the definition of credited service. This will allow, for example, a member to receive credit for periods of paid leave.

Recommendation for Approval

The Pension Board finds that the changes proposed by Ordinance 25-082 will benefit the members of the County 2011 Plan, are necessary for the efficient and consistent administration of the Plan, and will have negligible or zero impact on the fiscal health of the County's pension program. For these reasons, the Pension Board recommends approval of Ordinance 25-082.

Motion (J. Floore): To recommend approval of Ordinance No. 25-082. Seconded (P. Lopez).

Vote: 10-0 (In Favor: D. McFadden, D. Brown, P. Frese, R. Hladney, D. Blakey, P. Lopez, B. Bradford, J. Floore, T. Stone, R. Yurcich. Against: None. Absent: M. Finnigan, M. McGowan).

Motion carries.

/s/ Daniel McFadden
Daniel McFadden, Chair
Employees' Retirement System Board of Trustees

REVISED
Grant Matrix
7/8/25

GRANT APPLICANT	AMOUNT REQUESTED / AMOUNT PROPOSED	INTENDED USE OF GRANT	Standard Accounting Practices/ Non-Discrimination Policy	PRIOR COUNCIL GRANTS IN CURRENT FISCAL YEAR	COUNCIL MEMBER
Claymont Community Center Summer Program	$2500/$2500	Funds will be used for their summer camp program	Yes/Yes	No -previous funds were received in FY25	Cartier
Village of Ardencroft	$2000/$2000	Funds will be used for their 75th anniversary celebration. Part of the funds will be used for their guest speaker	Yes/Yes	No -Previous Funds were received in FY25	Cartier
Rockwood Park Preservation Society, Inc.	$2500/$1500	Funds will be used for the remediation of English Ivy and Japanese Knott Weed in the park and along the connecting trails	Yes/Yes	No	Cartier
YMCA of Delaware – Brandywine Branch	$5400/$3900	Funds will be used for their Water Wise Program held at Claymont Elementary on July 11-August 15 for 54 swimmers from the Claymont Community Center and Brandywine Childcare	Yes/Yes	No	Cartier
Brookstone Maintenance Corporation	$45,000/$1500	Funds will be used for updating their community playground and gathering space.	Yes/No	No	Cartier
Grooming to Greatness, Inc.	$3000/$3000	Funds will be used for the Groom to Greatness Level Up Academy hosted at the Claymont Community Center's Empowered Youth Program, Summer Camp	Yes/Yes	No	Cartier
New Castle County Fraternal Order of Police Lodge #5	$5000/$1000	Funds will be used to support their 1st Annual Charity Golf Outing on October 16, 2025.	Yes/Yes	No	Toole
Sportsman Association Prices Run Originals (SAPRO)	$2000/$500	Funds will be used for their 3rd Annual "Originals" Neighborhood Festival on August 16, 2025	Yes/No	No	Williams-Johns

Delaware Sexuality and Gender Collective	$1500/$1500	Funds will be used to support the expenses associated with the Historic New Castle Pride Market	Yes/Yes	No	Caneco
Hope Dining Room, Inc.	$2500/$2500	Funds will be used for utilities/rent and to purchase supplies needed to serve meals.	No/Yes	No	Sheldon
Centreville Civic Association	$4555/$2500	Funds will be used to trim and remove dead tree limbs over their community park and to purchase an evergreen tree.	Yes/No	No	Durham
Western District Advisory Council**	$2500/$2500	Funds will be used to supply food, drinks, giveaways, face painters, photo booths, etc. at NCCPD Community Services Unit events.	Yes/No	No – Previous funds were received in FY25	Tackett
The August Quarterly Festival Committee, Inc.	$4500/$1000	Funds will be used for a two-day festival at Tubman-Garrett Riverfront on 8/30 and 8/31.	Yes/Yes	No Previous funds were received in FY25	Street

***Funds for the Western District Advisory Council Grant were earmarked in Council's FY26 Budge and will come out of Council's Community Event line.*

NEW CASTLE COUNTY
TRAVEL & TRAINING EXPENSE FORM

EMPLOYEE NAME	Monique Williams-Johns	TELEPHONE	302-395-8340
TITLE	Congressional Black Caucus Legislative Conference	DEPARTMENT	County Council
DESTINATION	Washington, DC	OCA - GRANT/PROJECT	10101013
DATES	9/24/25 through 9/28/25		
PURPOSE	Attend the annual Congressional Black Caucus Legislative Confernece		

Dates	9/24/2025	9/25/2025	9/26/2025	9/27/2025	9/28/2025			TOTALS	Obj Lvl
TRANSPORTATION									
Airfare								-	2001
Trainfare								-	2002
Taxi & Shuttle	20.00	20.00	20.00	20.00	20.00			100.00	2003
Tolls								-	2005
Parking	40.00	40.00	40.00	40.00	40.00			200.00	2006
Total	$ 60.00	$ 60.00	$ 60.00	$ 60.00	$ 60.00	$ -	$ -	$ 300.00	
MILEAGE									
Actual miles	121				121.00				
Allowable Rate	0.700	0.700	0.700	0.700	0.700	0.700	0.700		
Total	$ 84.70	$ -	$ -	$ -	$ 84.70	$ -	$ -	$ 169.40	2004
LODGING									
Hotel	$425	425.00	425.00	425.00				1,700.00	2010
Telephone								-	2030
Total	$ 425.00	$ 425.00	$ 425.00	$ 425.00	$ -	$ -	$ -	$ 1,700.00	
MEALS									
Number of days (overnight travel):			Rate per day:		Maximum meal allowance:				
Actual meal costs	$69	92.00	92.00	92.00	69.00			414.00	
Less than full day:									
Breakfast								-	
Lunch								-	
Dinner								-	
Total	$ 69.00	$ 92.00	$ 92.00	$ 92.00	$ 69.00	$ -	$ -	$ 414.00	2020
MISCELLANEOUS									
Conference Fees	200.00							200.00	2101
Seminar Fees								-	2102
ATM Fees								-	2007
Tips								-	2007
Books, Tapes, Etc								-	4101
Auto Rental								-	2008
Other								-	
Total	$ 200.00	$ -	$ -	$ -	$ -	$ -	$ -	$ 200.00	
SUMMARY	**$ 838.70**	**$ 577.00**	**$ 577.00**	**$ 577.00**	**$ 213.70**	**$ -**	**$ -**	**$ 2,783.40**	

Expense Explanations:	Less Pre-payments:	
Per diem is being utilzed for meals per Council Rules	Less Charges paid by NCC:	
	Due Employee:	**$ 2,783.40**

Explanation continued on attachment: yes( ) no( )

I hereby certify that these expenses, incurred by me on official New Castle County business, are reimbursable in accordance with current policies and have not been reimbursed, except where indicated.

REVIEW AND APPROVAL:

Supervisor's Signature **Date**

Employee Signature **Date**

I certify that all expenses are in compliance with all policies and Executive Orders.

General Manager's Signature **Date**

Type or print legibly - - Attach approval, receipts and original brochures.
Reference Administrative Policy #1
Form updated March 2006.

VENDOR NUMBER:

VOUCHER NUMBER: **VE**