



NEW CASTLE COUNTY COUNCIL COUNCIL MEETING

August 25, 2026
6:30 PM

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

REVISED AGENDA

A. Call to Order

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

B. Approval of Minutes

C. Announcements

D. Introduction of Ordinances

°26-104: AMEND THE GRANTS BUDGET: APPROPRIATE PROGRAM INCOME TO THE NCC FARMER'S MARKET GRANT, WHICH IS ADMINISTERED BY THE DEPARTMENT OF COMMUNITY SERVICES

Prime Sponsor(s): Mr. Hollins, Mr. Street

°26-105: TO AMEND *NEW CASTLE COUNTY CODE* CHAPTER 40 ("UNIFIED DEVELOPMENT CODE" OR "UDC"), ARTICLE 3 ("USE REGULATIONS"), AND ARTICLE 33 ("DEFINITIONS") REGARDING RETAIL MARIJUANA STORES, MARIJUANA CULTIVATION FACILITIES, AND MARIJUANA PRODUCT MANUFACTURING FACILITIES

Prime Sponsor(s): Mr. Tackett

°26-106: TO AMEND *NEW CASTLE COUNTY CODE* CHAPTER 40 ("UNIFIED DEVELOPMENT CODE" OR "UDC"), ARTICLE 14 ("IMPACT FEES") AND APPENDIX 2 ("FEES") REGARDING IMPACT FEES

Prime Sponsor(s): Mr. Tackett

°26-107: TO AMEND *NEW CASTLE COUNTY CODE* CHAPTER 2 ("ADMINISTRATION"), SECTION 2.05.507 ("HUMAN RESOURCES ADVISORY BOARD") REGARDING BOARD COMPOSITION

Prime Sponsor(s): Mr. Toole

°26-108: AMENDING *NEW CASTLE COUNTY CODE* CHAPTER 2 ("ADMINISTRATION"), ARTICLE 2 ("COUNTY COUNCIL") RELATING TO COUNTY COUNCIL POSITIONS AND

ELECTIONS THEREOF

Prime Sponsor(s): Ms. Durham

°26-109: TO AMEND *NEW CASTLE COUNTY CODE* CHAPTER 1 ("GENERAL PROVISIONS"), CHAPTER 2 ("ADMINISTRATION"), CHAPTER 4 ("ANIMALS"), CHAPTER 6 ("BUILDING CODE"), CHAPTER 7 ("PROPERTY MAINTENANCE"), CHAPTER 8 ("BUSINESSES"), CHAPTER 10 ("CIVIL EMERGENCIES"), CHAPTER 12 ("DRAINAGE"), CHAPTER 14 ("FINANCE AND TAXATION"), CHAPTER 19 ("RESIDENTIAL RENTAL PROPERTIES"), CHAPTER 20 ("LAW ENFORCEMENT"), CHAPTER 22 ("OFFENSES AND MISCELLANEOUS PROVISIONS"), CHAPTER 24 ("PARKS AND RECREATION"), CHAPTER 26 ("HUMAN RESOURCES"), CHAPTER 34 ("TRAFFIC AND VEHICLES"), CHAPTER 38 ("UTILITIES"), AND CHAPTER 40 ("UNIFIED DEVELOPMENT CODE") RELATING TO GENDER NEUTRAL LANGUAGE

Prime Sponsor(s): Mr. Toole

°26-110: AMEND THE GRANTS BUDGET: APPROPRIATE STATE FUNDS FROM THE DELAWARE OPIOID SETTLEMENT COMMISSION TO THE COORDINATED BEHAVIORAL HEALTH AND PREVENTION INFRASTRUCTURE INITIATIVE GRANT, TO BE ADMINISTERED BY THE DEPARTMENT OF PUBLIC SAFETY, DIVISION OF POLICE

Prime Sponsor(s): Mr. Toole, Mr. Caneco

°26-111: AMEND THE GRANTS BUDGET: APPROPRIATE \$160,000 FROM THE STATE OF DELAWARE FY2027 GRANT-IN-AID BILL TO THE FY2027 POLICE BEHAVIORAL HEALTH GRANT TO BE ADMINISTERED BY THE DEPARTMENT OF PUBLIC SAFETY, DIVISION OF POLICE

Prime Sponsor(s): Mr. Toole, Mr. Caneco

°26-112: AMEND THE GRANTS BUDGET: APPROPRIATE PROGRAM INCOME TO THE NEIGHBORHOOD STABILIZATION PROGRAM III GRANT, WHICH IS ADMINISTERED BY THE DEPARTMENT OF COMMUNITY SERVICES, DIVISION OF COMMUNITY DEVELOPMENT AND HOUSING

Prime Sponsor(s): Mr. Hollins, Mr. Street

°26-113: TO AMEND THE PAY PLAN AND RATES OF PAY FOR NON-UNION UNCLASSIFIED SERVICE EMPLOYEES OF THE EXECUTIVE OFFICE, TO CHANGE THE POSITION TITLE OF DIRECTOR OF REDEVELOPMENT TO DIRECTOR OF ECONOMIC DEVELOPMENT AND ADOPT THE REVISED CLASS SPECIFICATION

Prime Sponsor(s): Ms. Williams-Johns

E. Consent Calendar

R26-161: CELEBRATING THE LIFE OF JEFFREY FARON DURHAM AND OFFERING CONDOLENCES TO HIS FAMILY AND FRIENDS

Prime Sponsor(s): Mr. Cartier

R26-162: RECOGNIZING AND CELEBRATING THE CONTRIBUTIONS OF WORKERS ON LABOR DAY 2026

Prime Sponsor(s): Mr. Sheldon

Co-sponsor(s): Mr. Carter, Ms. George, Mr. Hollins, Ms. Killpatrick, Mr. Tackett, Mr. Toole, Mr. Caneco

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.

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

R26-163: URGING THE DELAWARE CONGRESSIONAL DELEGATION TO REJECT PROVISIONS OF THE SURFACE TRANSPORTATION REAUTHORIZATION, OR ACTS THAT WOULD RAISE TRUCK WEIGHT LIMITS, EXTEND TRUCK LENGTHS, OR AUTHORIZE PILOT PROGRAMS PERMITTING HEAVIER VEHICLES ON PUBLIC ROADS

Prime Sponsor(s): Mr. Caneco

Co-sponsor(s): Ms. Durham, Ms. George, Mr. Street

R26-164: TO RENAME THE APARTMENT COMPLEX KNOWN AS "HARBOR CLUB APARTMENTS" TO "BROOKBEND APARTMENTS;" APPLICATION NO. 2026-0504, COUNCIL DISTRICT NO. 9

Prime Sponsor(s): Mr. Sheldon

R26-165: TO AMEND NEW CASTLE COUNTY COUNCIL EMPLOYEE HANDBOOK, CHAPTER 6 ("BENEFITS") REGARDING CERTAIN LEAVE AND VACATION POLICIES

Prime Sponsor(s): Ms. George, Ms. Kilpatrick

R26-166: TO AMEND NEW CASTLE COUNTY COUNCIL PROCEDURAL RULE NO. 17 ("COUNCIL MEMBERS' DISTRICT OFFICE EXPENDITURES") RELATING TO EXPENDITURE OF FUNDS FROM DISTRICT OFFICES

Prime Sponsor(s): Mr. Caneco

G. Time Sensitive Congratulatory/Honorary Resolutions

R26-167: A RESOLUTION RECOGNIZING NATIONAL SENIOR CITIZENS DAY AND HONORING THE CONTRIBUTIONS OF OLDER ADULTS IN NEW CASTLE COUNTY

Prime Sponsor(s): Ms. Williams-Johns

H. Presentations**I. Consideration of Ordinances**

°26-092: AMEND THE PAY PLAN AND RATES OF PAY FOR THE CAPTAINS, MAJORS AND LIEUTENANT COLONEL, REPRESENTED BY THE FRATERNAL ORDER OF POLICE, NEW CASTLE COUNTY LODGE NO. 5

Prime Sponsor(s): Ms. Williams-Johns, Mr. Toole, Mr Caneco

°26-093: AMEND THE PAY PLAN AND RATES OF PAY FOR CLASSIFIED SERVICE EMPLOYEES REPRESENTED BY THE FRATERNAL ORDER OF POLICE, NEW CASTLE COUNTY LODGE NO. 5

Prime Sponsor(s): Ms. Williams-Johns, Mr. Toole, Mr. Caneco

°26-094: AMEND THE GRANTS BUDGET: APPROPRIATE STATE FUNDS FROM THE DELAWARE OPIOID SETTLEMENT COMMISSION TO THE PROJECT REACH OPIOID GRANT, TO BE ADMINISTERED BY THE DEPARTMENT OF PUBLIC SAFETY, DIVISION OF POLICE

Prime Sponsor(s): Mr. Toole, Mr. Caneco

°26-095: AMEND THE GRANTS BUDGET: APPROPRIATE STATE FUNDS FROM THE DELAWARE OPIOID SETTLEMENT COMMISSION TO THE OPIOID INTEGRATED PUBLIC SAFETY INITIATIVE GRANT, TO BE ADMINISTERED BY THE DEPARTMENT OF PUBLIC SAFETY, DIVISION OF POLICE

Prime Sponsor(s): Mr. Toole, Mr. Caneco

°26-096: AMEND THE GRANTS BUDGET: APPROPRIATE STATE FUNDING FROM THE STATE OF DELAWARE, DEPARTMENT OF SAFETY AND HOMELAND SECURITY TO THE

FY2027 STATE EMERGENCY RESPONSE COMMISSION (SERC) GRANT TO BE ADMINISTERED BY THE DEPARTMENT OF PUBLIC SAFETY

Prime Sponsor(s): Mr. Toole, Mr. Caneco

°26-097: AMEND THE GRANTS BUDGET: APPROPRIATE FUNDS 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 FISCAL YEAR 2025 WASTEWATER DHSS HIGH RISK SUBSTANCES TESTING OPIOID RESPONSE GRANT FOR THE DEPARTMENT OF PUBLIC WORKS

Prime Sponsor(s): Mr. Sheldon, Mr. Carter

°26-098: AMEND THE FY2027 APPROVED OPERATING BUDGET: APPROPRIATE FUNDING FROM THE RECORDER OF DEEDS TECHNOLOGY FEE ACCOUNT TO THE OFFICE OF THE RECORDER OF DEEDS FOR DOCUMENT TECHNOLOGY SYSTEMS CONTRACTED SERVICES

Prime Sponsor(s): Mr. Smiley, Mr. Cartier

°26-099: TO AMEND NEW CASTLE COUNTY CODE CHAPTER 2 ("ADMINISTRATION"), ARTICLE 3 ("OFFICERS AND EMPLOYEES"), TO MODIFY CERTAIN FEES CHARGED BY NEW CASTLE COUNTY OFFICE OF THE RECORDER OF DEEDS

Prime Sponsor(s): Mr. Smiley, Mr. Cartier

°26-100: TO AMEND NEW CASTLE COUNTY CODE CHAPTER 2 ("ADMINISTRATION") ARTICLE 2 ("COUNTY COUNCIL") RELATING TO REGISTRATION OF LEGISLATIVE AGENTS

Prime Sponsor(s): Ms. Durham, Mr. Caneco

Co-Sponsor(s): Mr. Toole, Mr. Cartier

°26-101: AMEND THE GRANTS BUDGET: APPROPRIATE ADDITIONAL STATE OF DELAWARE GRANT-IN-AID FUNDS TO THE ABSALOM JONES SENIOR CENTER FY2027 GRANT, WHICH WILL BE ADMINISTERED BY THE DEPARTMENT OF COMMUNITY SERVICES, COMMUNITY RESOURCES DIVISION

Prime Sponsor(s): Mr. Hollins, Mr. Street

Co-sponsor(s): Mr. Toole, Ms. Williams-Johns

°26-102: AMEND THE GRANTS BUDGET: APPROPRIATE STATE FUNDS FROM THE PRESCRIPTION OPIOID SETTLEMENT DISTRIBUTION COMMISSION TO THE HOPE CENTER RECOVERY AND HOUSING STABILIZATION INITIATIVE GRANT, TO BE ADMINISTERED BY THE DEPARTMENT OF COMMUNITY SERVICES

Prime Sponsor(s): Mr. Hollins, Mr. Street

°26-103: AMEND THE GRANTS BUDGET: FOR FY2026, APPROPRIATE FUNDS FROM THE STATE OF DELAWARE, DEPARTMENT OF STATE, DELAWARE DIVISION OF LIBRARIES AS A FEDERAL PASS-THROUGH GRANT FROM THE INSTITUTE OF MUSEUM AND LIBRARY SERVICES WITH FUNDING FROM THE FEDERAL LIBRARY SERVICES AND TECHNOLOGY ACT TO BE DISTRIBUTED EQUALLY TO THE TEN NEW CASTLE COUNTY LIBRARIES WHICH ARE ADMINISTERED BY THE DEPARTMENT OF COMMUNITY SERVICES, DIVISION OF LIBRARIES

Prime Sponsor(s): Mr. Hollins, Mr. Street

SUBSTITUTE NO. 1 TO °26-010: TO AMEND NEW CASTLE COUNTY CODE CHAPTER 2 ("ADMINISTRATION"), ARTICLE 2 ("COUNTY COUNCIL") AND ARTICLE 3 ("OFFICERS AND EMPLOYEES") RELATING TO REPRESENTING INTERESTS BEFORE NEW CASTLE COUNTY GOVERNMENT

Prime Sponsor(s): Mr. Caneco

Co-sponsor(s): Mr. Carter, Ms. Durham

- J. Introduction/Consideration of Emergency Ordinances
- K. Public Comment/Other
- L. Motion to Adjourn

REVISED AGENDA POSTED: August 19, 2026
AGENDA POSTED: August 18, 2026

** The agenda was revised on August 19, 2026, to include an additional ordinance under the Introduction of Ordinances updating the title and class specification for the Director of Economic Development. It is important that this legislation go forward at this time because this position is essential to the County's strategic and critically important economic development efforts, and the updates ensure the job specification accurately reflects the duties currently being performed.

*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  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://us02web.zoom.us/j/86973545695> 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.nccode.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.

ORDINANCE NO. 26-104

**AMEND THE GRANTS BUDGET:
APPROPRIATE PROGRAM INCOME TO THE NCC FARMER'S MARKET GRANT,
WHICH IS ADMINISTERED BY THE DEPARTMENT OF COMMUNITY SERVICES**

1 **WHEREAS**, the NCC Farmer's Market was established in 2014 as part of the
2 County initiative to provide convenient access to fresh local produce, meats, honey,
3 spices, and other hand-crafted local items. The NCC Farmer's Market Grant was
4 established beginning in May 2014 to provide the Department of Community Services the
5 means to use program income obtained from vendor fees charged to participate in the
6 NCC Farmers Markets to cover the cost of banking fees, supplies, contractual services,
7 and equipment specifically needed for the Farmer's Markets; and
8

9 **WHEREAS**, the actual program income collected from vendor fees, food
10 concessions, donations and raffle tickets at the NCC Farmer's Market will be appropriated
11 as needed for the cost of supplies, contractual services, advertising and equipment
12 specifically needed for the operation of each of the Farmer's Market; and
13

14 **WHEREAS**, the County Executive has determined that funds received are
15 sufficient to cover the increase in the Grants Budget as hereinafter amended; and
16

17 **WHEREAS**, the Council has determined that the provisions of this Ordinance
18 substantially advance, and are reasonably and rationally related to, legitimate
19 government interests (i.e., promoting the health, safety, morals, convenience, order
20 prosperity and/or welfare of the present and future inhabitants of this State).
21

22 **NOW, THEREFORE, THE COUNTY OF NEW CASTLE HEREBY ORDAINS:**
23

24 Section 1. The Grants Budget as adopted by Ordinance No. 75-173 is hereby
25 amended by adding the material underlined and deleting the matter stricken on the
26 attached "Exhibit A."
27

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

Adopted by County Council of
New Castle County on:

Williams-Johns

Monique
President of County Council
of New Castle County

Approved on:

Marcus Henry
County Executive
New Castle County

SYNOPSIS: This Ordinance, if approved, will appropriate \$15,955.25 in actual program income to the NCC Farmer's Market Grant. This funding will be used for supplies, contractual workers, advertising and equipment for Glasgow Park, Carousel Park, Middletown, and Bellevue Community Center Farmer's Markets.

The NCC Farmer's Market was established in 2014 as part of the County initiative to provide convenient access to fresh local produce, meats, honey, spices, and other hand-crafted local items. The NCC Farmer's Market Grant was established in June 2014 to provide the means to use program income from vendor fees, food concessions, donations, and raffle tickets to support the expenses directly related to operating the Farmer's Markets.

FISCAL NOTE: This Ordinance, if approved, will amend the Grants Budget by appropriating \$15,955.25 in actual program income to the NCC Farmer's Market Grant, which is administered by the Department of Community Services.

The fiscal impact of this Ordinance, if approved, will be an increase in the authorized spending authority of the Grants Budget of \$15,955.25. This increase will affect FY2027 and beyond since this is a continuous program. Previous program income funding was authorized in the amount of \$13,188.85. This appropriation will increase the aggregate amount to \$124,218.76. The Program Income balance after this appropriation will be \$0.

Acknowledged by the Chief Financial Officer July 30, 2026.

DEPARTMENT:	Community Services	EXHIBIT:	"A"
GRANT TITLE:	NCC Farmer's Market Grant	Ordinance No.	26-104
PROGRAM TITLE:	NCC Farmer's Market Grant		

Revenue	Current	Change	Revised
Federal	\$ -	\$ -	\$ -
State	\$ -	\$ -	\$ -
County	\$ -	\$ -	\$ -
Program Income	~~\$ 108,263.51~~	<u>\$ 15,955.25</u>	<u>\$ 124,218.76</u>
Other	\$ -	\$ -	\$ -
Total	~~\$ 108,263.51~~	<u>\$ 15,955.25</u>	<u>\$ 124,218.76</u>

Expense	Current	Change	Revised
Salaries and Wages	\$ -	\$ -	\$ -
Benefits	\$ -	\$ -	\$ -
Training/Civic Affairs	\$ -	\$ -	\$ -
Communication/Utilities	\$ -	\$ -	\$ -
Materials/Supplies	~~\$ 24,242.58~~	<u>\$ 10,000.00</u>	<u>\$ 34,242.58</u>
Contractual Services	~~\$ 78,265.93~~	<u>\$ 5,955.25</u>	<u>\$ 84,221.18</u>
Equipment	\$ 5,755.00	\$ -	\$ 5,755.00
Grants/Fixed Charges	\$ -	\$ -	\$ -
Land and Structures	\$ -	\$ -	\$ -
Contingency	\$ -	\$ -	\$ -
Operating Transfer Charges	\$ -	\$ -	\$ -
Operating Transfer Credits	\$ -	\$ -	\$ -
Total	~~\$ 108,263.51~~	<u>\$ 15,955.25</u>	<u>\$ 124,218.76</u>

SUPPLEMENTAL INFORMATION

Estimated Program Initiation:	5/1/2014
Estimated Program Completion:	ongoing
The Local Match:	Found in (ORG):
Ordinance Passed:	Date Revised:
21-068	4/28/2021
24-010	2/13/2024
<u>25-011</u>	<u>1/14/2025</u>

PROGRAM DESCRIPTION:

The NCC Farmer's Market grant was established as part of the County initiative to promote convenient access to healthy local foods and had-crafted items and to showcase local farmers.

ORDINANCE NO. 26-105

TO AMEND *NEW CASTLE COUNTY CODE* CHAPTER 40 (“UNIFIED DEVELOPMENT CODE” OR “UDC”), ARTICLE 3 (“USE REGULATIONS”), AND ARTICLE 33 (“DEFINITIONS”) REGARDING RETAIL MARIJUANA STORES, MARIJUANA CULTIVATION FACILITIES, AND MARIJUANA PRODUCT MANUFACTURING FACILITIES

1 **WHEREAS**, the State of Delaware adopted the Delaware Marijuana Control Act
2 on April 27, 2023; and
3

4 **WHEREAS**, the Delaware Marijuana Control Act does not permit New Castle
5 County to prohibit the operation of marijuana cultivation facilities, marijuana product
6 manufacturing facilities, marijuana testing facilities, or retail marijuana stores through
7 the enactment of an ordinance or through an initiated or referred measure; and
8

9 **WHEREAS**, the Delaware Marijuana Control Act permits New Castle County to
10 enact ordinances or regulations that do not conflict with Title 4, Chapter 13 of the
11 *Delaware Code*, or with regulations enacted by the State of Delaware’s Marijuana
12 Commissioner, governing the time, place, manner, and number of marijuana
13 establishment operations; and
14

15 **WHEREAS**, Senate Bill No. 75 (Amendments No. 1 & 2), provides maximum
16 distancing requirements for retail marijuana stores; and
17

18 **WHEREAS**, the County recognizes the importance of updating its development
19 regulations to be consistent with *Delaware Code*; and
20

21 **WHEREAS**, County Council has determined that the provisions of this Ordinance
22 substantially advance, and are reasonably and rationally related to, legitimate
23 government interests (i.e., promoting the health, safety, morals, convenience, order,
24 prosperity and/or welfare of the present and future inhabitants of this State).
25

26 **NOW, THEREFORE, THE COUNTY OF NEW CASTLE HEREBY ORDAINS:**
27

28 **Section 1.** *New Castle County Code* Chapter 40 (Unified Development Code or
29 “UDC”), Article 3 (“Use Regulations”), Division 40.03.110 (“Use table”), is hereby
30 amended by adding the material that is underscored, as set forth below:

Table 40.03.110A. General Use Table										Table 40.03.110B. General Use Table										Table 40.03.110C. General Use Table	
Zoning District (Urban and Suburban-Transition Character) Y=permitted, N=prohibited, L=limited use review, S=special use review, A=accessory										Zoning District (Suburban and Special Character)										Additional Standards (all districts)	
Land Use	TN ₁	ST	MM	ON	OR	CR	BP	I		CN	S ₃	SE	NC ₂	HI	EX	SR	P			Parking	Limited & Special Use Standards
Agricultural										Agricultural										Agricultural ...	
Commercial										Commercial										Commercial	
Adaptive reuse, historic building	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L			Table 40.03.522	Section 40.15.240 ...
Retail marijuana store * _	N	N	N	N	N	L	N	L	L	S	L	N	N	N	N	N	N	N		Table 40.03.522	Section 40.03.341 *Sites ~~must have been~~ established and operational as a medical marijuana dispensary before July 1, 2024, ~~are permitted uses not subject to Section 40.03.341~~ ...

Section 2. *New Castle County Code* Chapter 40 (Unified Development Code or “UDC”), Article 3 (“Use Regulations”), Division 40.03.300 (“Additional limited and special use standards”), is hereby amended by adding the material that is underscored and deleting the material that is stricken, as set forth below:

Sec. 40.03.341. Retail marijuana store.

A. Except for sites licensed by the State of Delaware and operating as medical marijuana dispensaries (NAICS 459991) before July 1, 2024, under the Medical Marijuana Act, as part of a complete submission, the property owner shall provide the Department with a copy of a document (available from the Department) that has been recorded in the New Castle County Office of the Recorder of Deeds certifying that no portion of the proposed retail marijuana store building and signage is located within:

1. One ~~(1)~~ half (1/2) mile of an existing retail marijuana store as verified by the State of Delaware.
2. Five hundred (500) feet of any parcel with any of the following uses: ~~a substance abuse treatment facility as verified by the State of Delaware.~~
 - a. A school (NAICS 6111) or institution of higher education (NAICS 6112, 6113); or
 - b. A child care facility licensed under Delaware State Code (Chapter 30A of Title 14); or
 - c. Governmental parkland; or
 - d. A residential treatment facility, as defined in Delaware State Code (§ 2203 of Title 16); or
 - e. A library.
3. ~~One thousand (1,000) feet of any parcel with an established day care center, school (NAICS 6111), college (NAICS 6112, 6113), place of worship (NAICS 813110), governmental parkland, governmental office building, or library.~~

B. When a retail marijuana store is in a mall or shopping center, internal customer access should be provided.

C. A retail marijuana store cannot serve as a home use (Section 40.33.221)...

Section 3. *New Castle County Code* Chapter 40 (Unified Development Code or “UDC”), Article 33 (“Definitions”), Division 40.33.200 (“Use definitions”), is hereby amended by adding the material that is underscored, as set forth below:

78 **Sec. 40.33.210. - Agricultural uses.**

79
80 A. *Agriculture.* These uses include crop production and animal production (NAICS
81 111 and 112) and a marijuana cultivation facility that is indoors and fully enclosed on
82 existing farm (NAICS 111419). These uses also include any other agricultural use
83 recognized by Delaware law. ...
84

85 **Sec. 40.33.270. - Industrial uses.**

86
87 A. *Compost operations (NAICS 325314).* ...
88

89 C. *Heavy industry.* This category includes construction, mining, manufacturing,
90 transportation, and public utilities due to the land use intensity impacts typically
91 associated with large industrial uses, their accessory outdoor storage uses, and large
92 building areas. The following uses are permitted:
93

94 Animal food, meat product, seafood product manufacturing (NAICS 3111, 3116,
95 3117)
96

97 Tobacco manufacturing (NAICS 3122)
98

99 Marijuana product manufacturing facility (as defined by Delaware State Code)
100

101 Breweries, wineries, distilleries other than brewery-pubs and craft alcohol
102 production establishments (NAICS 31212, 31213, 31214) ...
103

104 D. *Light industry.* This category is designed to accommodate limited intensity levels
105 of manufacturing and assembly activities, storage, warehousing, services, associated
106 offices and similar uses. This includes the following uses:
107

108 Construction of buildings (NAICS 236) ...
109

110 Crematories (NAICS 812220).
111

112 Marijuana cultivation facility that is indoors and fully enclosed not on existing farm
113 (NAICS 111419). ...
114

115 **Section 4. Consistent with Comprehensive Development Plan.** New Castle
116 County Council finds that the provisions of this Ordinance are consistent with the spirit
117 and intent of the New Castle County Comprehensive Development Plan.
118

119 **Section 5. Inconsistent Ordinances and Resolutions Repealed.** All
120 ordinances or parts of ordinances and all resolutions or parts of resolutions that may be
121 in conflict herewith are hereby repealed except to the extent they remain applicable to
122 land use matters reviewed under previous Code provisions as provided in Chapter 40 of
123 the *New Castle County Code*.

124 **Section 6. Severability.** The provisions of this Ordinance shall be severable. If
125 any provision of this Ordinance is found by any court of competent jurisdiction to be
126 unconstitutional or void, the remaining provisions of this Ordinance shall remain valid,
127 unless the court finds that that the valid provisions of this Ordinance are so essentially
128 and inseparably connected with, and so dependent upon, the unconstitutional or void
129 provision that it cannot be presumed that County Council would have enacted the
130 remaining valid provisions, without the unconstitutional or void one, or unless the court
131 finds that the remaining valid provisions, standing alone, are incomplete and incapable
132 of being executed in accordance with the County Council's intent. If any provision of this
133 Ordinance or any zoning map or portion thereof is found to be unconstitutional or void,
134 all applicable former ordinances, resolutions, zoning maps or portions thereof shall
135 become applicable and shall be considered as continuations thereof as not as new
136 enactments regardless if severability is possible.

137
138 **Section 7. Effective Date.** This Ordinance shall become effective immediately
139 upon its adoption by County Council and approval by the County Executive or as
140 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:

Marcus A. Henry
County Executive of New Castle County

SYNOPSIS: The following is a summary of the revisions contained in this ordinance
broken down by *New Castle County Code* Division or Section number.

Table 40.03.110. This amendment permits retail marijuana stores on land zoned for
commercial and industrial uses and changes the review standards for a retail marijuana
store in the Commercial Neighborhood (CN) from a Special Use to a Limited Use as
required by Senate Bill 75. This amendment also clarifies that a retail marijuana store is
a permitted use on a site that has established and operated a medical marijuana
dispensary before July 1, 2024, is not subject to the limitations of Section 40.03.341.

Sec. 40.03.341. This amendment revises the Limited Use standards to be consistent
with Senate Bill 75.

Sec. 40.33.210. This amendment defines a marijuana cultivation facility that is indoors and fully enclosed on existing farm is considered an agricultural use (NAICS 111419).

Sec. 40.33.270. This amendment defines marijuana product manufacturing facilities as Heavy Industry Uses and marijuana cultivation facilities that are indoors, fully enclosed and not on existing farm as a light industry use.

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

Prime Sponsor(s): Mr. Tackett
Requested by: Land Use
Date of introduction: August 25, 2026

ORDINANCE NO. 26-106

TO AMEND *NEW CASTLE COUNTY CODE* CHAPTER 40 (“UNIFIED DEVELOPMENT CODE” OR “UDC”), ARTICLE 14 (“IMPACT FEES”) AND APPENDIX 2 (“FEES”) REGARDING IMPACT FEES

1 **WHEREAS**, County Council adopted Substitute No. 2 to Ordinance No. 22-024
2 as amended by Floor Amendment No. 1 (“New Castle County Comprehensive Plan” or
3 “the Ordinance”), on July 26, 2022, and the County Executive approved the Ordinance
4 on August 4, 2022; and
5

6 **WHEREAS**, the New Castle County Comprehensive Plan recommends re-
7 evaluating the impact fee provisions to ensure the monies levied from new development
8 adequately address the impact of increased demand for parks, libraries, and fire, EMS
9 and police expansion and service; and
10

11 **WHEREAS**, County Council adopted Ordinance No. 25-045 on June 24, 2025,
12 and the County Executive approved the Ordinance on June 25, 2025, providing for
13 regular review and updating of the County’s Impact Fees to account for inflation and
14 increased costs in providing services necessary to support development; and
15

16 **WHEREAS**, New Castle County imposes impact fees to pay for a portion of
17 additional public services needed as the result of new development for which the County
18 would bear the additional or increased costs; and
19

20 **WHEREAS**, impact fees, when accurately maintained, can be an effective tool for
21 ensuring adequate infrastructure to accommodate future growth where and when it is
22 anticipated and preferred; and
23

24 **WHEREAS**, relocating the impact fees from Article 14 to Appendix 2 will
25 streamline the process for conducting the required updates to Impact Fees required by
26 Ordinance 25-045; and
27

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

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

33
34 **Section 1.** *New Castle County Code* Chapter 40 (Unified Development Code or
35 “UDC”), Article 14 (“Impact Fees”), Division 40.14.200 (“Impact Fees”), is hereby
36 amended by adding the material that is underscored and deleting the material that is
37 stricken, as set forth below:

38
39 **Division 40.14.200. Impact fees.**

40
41 **Sec. 40.14.210. Impact fees.**

42
43 Impact fee amounts are provided in ~~Table 40.14.210~~Appendix 2.

44
45
46

Table 40.14.210
IMPACT FEES (DOLLARS)

Service	Parks & Special Facilities	Libraries	County Facilities	EMS	Fire and Rescue	Law Enforcement	Total
Residential Per Housing Unit							
Single-family detached	\$492.00	\$207.00	\$168.00	\$10.50	\$765.00	\$93.00	\$1,736.00
Single-family attached	\$456.00	\$194.00	\$158.00	\$9.00	\$663.00	\$87.00	\$1,566.00
All other housing†	\$338.00	\$143.00	\$116.00	\$7.50	\$476.00	\$65.00	\$1,143.00
Nonresidential Per 1,000 Square Feet‡							
Commercial/shopping center (less than 60,000 sf. GFA)	na.	na.	\$191.00	\$12.00	\$315.00	\$63.00	\$581.00
Commercial/shopping center (60,000 sf. to 200,000 sf. GFA)	na.	na.	\$143.00	\$9.00	\$245.00	\$50.00	\$446.00
Commercial/shopping center (greater than 200,000 sf. GFA)	na.	na.	\$114.00	\$7.50	\$221.00	\$42.00	\$384.00
Office/institutional (less than 10,000 sf. GFA)	na.	na.	\$264.00	\$16.50	\$168.00	\$36.00	\$485.00
Office/institutional (10,000 sf. to 50,000 sf. GFA)	na.	na.	\$225.00	\$15.00	\$431.00	\$24.00	\$695.00
Office/institutional (greater than 50,000 sf. GFA)	na.	na.	\$213.00	\$13.50	\$408.00	\$21.00	\$656.00
Business park	na.	na.	\$180.00	\$12.00	\$348.00	\$21.00	\$561.00
Light industrial	na.	na.	\$132.00	\$7.00	\$255.00	\$10.50	\$405.00
Warehousing	na.	na.	\$71.00	\$4.50	\$141.00	\$6.00	\$222.00
Manufacturing	na.	na.	\$105.00	\$6.00	\$197.00	\$4.50	\$364.00
† Due to similar square footage, small single-family dwelling units (as defined in Division 40.33.300.—General definitions) 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.							

48 **Sec. 40.14.220. Payment of fees....**

49
50 **Sec. 40.14.230. Other necessary adjustments.**

51
52 A. All costs in the impact fee calculations are given in current dollars with no assumed
53 inflation rate over time. ~~Necessary cost adjustments will be made as part of an annual~~
54 ~~evaluation by the Office of Finance which shall be reported to County Council by~~
55 ~~February 1 of each year and include any proposed corresponding update of impact fees~~
56 ~~utilizing the Consumer Price Index since the most recent adjustments or another~~
57 ~~professionally recognized and documented method or study. Any impact fee~~
58 ~~adjustments shall be implemented upon approval by New Castle County Council.~~

59
60 B. Impact fees will be reviewed annually by the Office of Finance in coordination with
61 the Department of Land Use and will report to County Council by February 1 of each
62 year any proposed adjustments to the Impact Fees, based on the Consumer Price
63 Index. Starting in January 2027 and no more than every five (5) years thereafter, the
64 Office of Finance in coordination with the Department of Land Use, shall prepare or
65 have prepared, a study to review all impact fees. Such This studies shall be reviewed
66 by County Council as part of the Capital Budget for the fiscal year following its
67 completion. The study may propose any new or revised impact fees needed to provide
68 services to support new development, to reflect the higher costs of development in
69 State Strategy Levels 3 and 4, or to protect natural resources and shall advise County
70 Council of adjustments needed to account for land acquisition, construction cost, and
71 inflation based on the Consumer Price Index.

72
73 C. Any proposed new impact fee shall be reviewed for adherence to the methodology
74 in this Article and shall be implemented upon approval by New Castle County Council.
75 County Council's adoption of this subsection constitutes its approval of the annual
76 adjustment method established herein, and no separate ordinance shall be required to
77 implement an adjustment made in accordance with this subsection. County Council
78 may, by resolution adopted before July 1 in any year, waive, reduce, or set an alternate
79 amount for that year's adjustment.

80
81 **Section 2.** *New Castle County Code* Chapter 40 (Unified Development Code or
82 "UDC"), Appendix 2 ("Fees"), is hereby amended by adding the material that is
83 underscored and deleting the material that is stricken, as set forth below:

84
85 **APPENDIX 2. - FEES**

86
87 **1. Land Development and Rezoning Processing ...**

88
89 **4. Impact Fees**

<u>Service</u>	<u>Parks & Special Facilities</u>	<u>Libraries</u>	<u>County Facilities</u>	<u>EMS</u>	<u>Fire and Rescue</u>	<u>Law Enforcement</u>	<u>Total</u>
<u>Residential Per Housing Unit</u>							
<u>Single-family detached</u>	<u>\$537.41</u>	<u>\$226.11</u>	<u>\$183.51</u>	<u>\$11.47</u>	<u>\$835.61</u>	<u>\$101.58</u>	<u>\$1,896.23</u>
<u>Single-family attached</u>	<u>\$498.09</u>	<u>\$211.91</u>	<u>\$172.58</u>	<u>\$9.83</u>	<u>\$724.19</u>	<u>\$95.03</u>	<u>\$1,710.54</u>
<u>All other housing†</u>	<u>\$369.20</u>	<u>\$156.20</u>	<u>\$126.71</u>	<u>\$8.19</u>	<u>\$519.93</u>	<u>\$71.00</u>	<u>\$1,248.50</u>
<u>Nonresidential Per 1,000 Square Feet‡</u>							
<u>Commercial/shopping center (less than 60,000 sf. GFA)</u>	<u>na.</u>	<u>na.</u>	<u>\$208.63</u>	<u>\$13.11</u>	<u>\$344.07</u>	<u>\$68.81</u>	<u>\$634.63</u>
<u>Commercial/shopping center (60,000 sf. to 200,000 sf. GFA)</u>	<u>na.</u>	<u>na.</u>	<u>\$156.20</u>	<u>\$9.83</u>	<u>\$267.61</u>	<u>\$54.62</u>	<u>\$487.17</u>
<u>Commercial/shopping center (greater than 200,000 sf. GFA)</u>	<u>na.</u>	<u>na.</u>	<u>\$124.52</u>	<u>\$8.19</u>	<u>\$241.40</u>	<u>\$45.88</u>	<u>\$419.44</u>
<u>Office/institutional (less than 10,000 sf. GFA)</u>	<u>na.</u>	<u>na.</u>	<u>\$288.37</u>	<u>\$18.02</u>	<u>\$183.51</u>	<u>\$39.32</u>	<u>\$529.77</u>
<u>Office/institutional (10,000 sf. to 50,000 sf. GFA)</u>	<u>na.</u>	<u>na.</u>	<u>\$245.77</u>	<u>\$16.38</u>	<u>\$470.78</u>	<u>\$26.22</u>	<u>\$759.15</u>
<u>Office/institutional (greater than 50,000 sf. GFA)</u>	<u>na.</u>	<u>na.</u>	<u>\$232.66</u>	<u>\$14.75</u>	<u>\$445.66</u>	<u>\$22.94</u>	<u>\$716.55</u>
<u>Business park</u>	<u>na.</u>	<u>na.</u>	<u>\$196.61</u>	<u>\$13.11</u>	<u>\$380.12</u>	<u>\$22.94</u>	<u>\$612.78</u>
<u>Light industrial</u>	<u>na.</u>	<u>na.</u>	<u>\$144.18</u>	<u>\$7.65</u>	<u>\$278.54</u>	<u>\$11.47</u>	<u>\$442.38</u>
<u>Warehousing</u>	<u>na.</u>	<u>na.</u>	<u>\$77.55</u>	<u>\$4.92</u>	<u>\$154.01</u>	<u>\$6.55</u>	<u>\$242.49</u>
<u>Manufacturing</u>	<u>na.</u>	<u>na.</u>	<u>\$114.69</u>	<u>\$6.55</u>	<u>\$215.18</u>	<u>\$4.92</u>	<u>\$397.60</u>
† Due to similar square footage, small single-family dwelling units (as defined in Division 40.33.300. - General definitions) 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.							

92 **5. Other ...**

93
94 **Section 3. Consistent with Comprehensive Development Plan.** New Castle
95 County Council finds that the provisions of this Ordinance are consistent with the spirit
96 and intent of the New Castle County Comprehensive Development Plan.
97

98 **Section 4. Inconsistent Ordinances and Resolutions Repealed.** All
99 ordinances or parts of ordinances and all resolutions or parts of resolutions that may be
100 in conflict herewith are hereby repealed except to the extent they remain applicable to
101 land use matters reviewed under previous Code provisions as provided in Chapter 40 of
102 the *New Castle County Code*.
103

104 **Section 5. Severability.** The provisions of this Ordinance shall be severable. If
105 any provision of this Ordinance is found by any court of competent jurisdiction to be
106 unconstitutional or void, the remaining provisions of this Ordinance shall remain valid,
107 unless the court finds that that the valid provisions of this Ordinance are so essentially
108 and inseparably connected with, and so dependent upon, the unconstitutional or void
109 provision that it cannot be presumed that County Council would have enacted the
110 remaining valid provisions, without the unconstitutional or void one, or unless the court
111 finds that the remaining valid provisions, standing alone, are incomplete and incapable
112 of being executed in accordance with the County Council's intent. If any provision of this
113 Ordinance or any zoning map or portion thereof is found to be unconstitutional or void,
114 all applicable former ordinances, resolutions, zoning maps or portions thereof shall
115 become applicable and shall be considered as continuations thereof as not as new
116 enactments regardless if severability is possible.
117

118 **Section 6. Effective Date.** This Ordinance shall become effective immediately
119 upon its adoption by County Council and approval by the County Executive or as
120 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:

Marcus A. Henry
County Executive of New Castle County

SYNOPSIS: The following is a summary of the revisions contained in this ordinance broken down by New Castle County Code Division or Section number.

Sec. 40.14.210. This amendment removes the Impact Fee Table from Article 14.

Sec. 40.14.230. This amendment revises existing provisions to be consistent with recommendations by the Department of Land Use and Planning Board during the public process for Ordinance 25-045. The amendment also clarifies that the Impact Fee Study is considered by County Council with the Capital Budget, and that County Council may adjust Impact Fees relocated to Appendix 2 by resolution.

Appendix 2. This amendment relocates the Impact Fee Table to Appendix 2 and increases Impact Fees by 9.23% consistent with inflation based on the CPI.

FISCAL NOTE: This Ordinance, if approved, will result in an estimated increase in Impact Fee revenue of approximately \$160,000 per year with no discernable increase in expenses.

Acknowledged by the Acting Chief Financial Officer August 18, 2026.

ORDINANCE NO. 26-107

**TO AMEND *NEW CASTLE COUNTY CODE* CHAPTER 2 (“ADMINISTRATION”),
SECTION 2.05.507 (“HUMAN RESOURCES ADVISORY BOARD”)
REGARDING BOARD COMPOSITION**

1 **WHEREAS**, *New Castle County Code* Chapter 2 (“Administration”), Section
2 2.05.507 provides for the Human Resources Advisory Board (“HRAB”) in *New Castle*
3 *County Code*; and

4
5 **WHEREAS**, the HRAB is established under *Delaware Code* (9 *Del. C.* Section
6 1383); and

7
8 **WHEREAS**, the HRAB represents the public interest in the merit system, providing
9 advice and making recommendations to the Chief Human Resources Officer (“CHRO”);
10 and

11
12 **WHEREAS**, the HRAB, through studies, investigations, and recommendations,
13 advises the CHRO, the County Executive, and County Council on the improvement of
14 human resources administration in County employment; and

15
16 **WHEREAS**, the HRAB currently consists of only 3 members; and

17
18 **WHEREAS**, the HRAB will tangibly benefit from the addition of members to the
19 board, which will bring with it alternative and other views, which always leads to a healthy
20 challenge to existing policies and processes; and

21
22 **WHEREAS**, recently, the Delaware General Assembly by way of House Bill No.
23 334 updated the Human Resources Advisory Board; and

24
25 **WHEREAS**, House Bill No. 334 authorized New Castle County Council to make
26 additional conforming changes to *New Castle County Code* Section 2.05.507; and

27
28 **WHEREAS**, this Ordinance effectuates the authorized updates granted to County
29 Council by making the proposed revisions to *County Code*; and

30
31 **WHEREAS**, County Council has determined that the provisions of this Ordinance
32 substantially advance, and are reasonably and rationally related to, legitimate
33 government interests (*i.e.*, promoting the health, safety, morals, convenience, order,
34 prosperity and/or welfare of the present and future inhabitants of this State).

35
36 **NOW, THEREFORE, THE COUNTY OF NEW CASTLE HEREBY ORDAINS:**

37
38 Section 1. *New Castle County Code* Chapter 2 (“Administration”), Section 2.05.507
39 (“Human Resources Advisory Board”) is hereby amended by adding the material that is
40 underscored and deleting the material that is stricken, as set forth below.

Sec. 2.05.507. - Human Resources Advisory Board - Established; composition; appointment, term, qualifications, compensation of members, election of Chairperson Chair; meetings; quorum.

~~A. The Human Resources Advisory Board shall consist of three (3) members. The members of the Human Resources Advisory Board shall be appointed by the County Executive, with consent of County Council, for terms of six (6) years or until their successors are appointed and qualified. Appointees made upon the expiration of any Board member's term shall be for six (6) years from such expiration date. When vacancies occur, they shall be filled for the unexpired term. The members of the Board shall be residents of the County. They shall be persons of recognized character and ability whose experience provides knowledge of human resources practices and procedures and knowledge and support of merit principles as applied to public employment. No member of the Board shall be a member of any local, state or national committee of a political party or an officer or a member of a committee of any partisan or political group or shall hold or be a candidate for any political office, and no more than two (2) of the members shall be of the same political party.~~

~~B. Members of the Board shall be compensated according to Section 26.01.009.~~

~~C. One (1) of the members shall be elected Chairperson by the members of the Board. Meetings shall be called and held as shall be provided by rules to be adopted by the Board. Two (2) members shall constitute a quorum.~~

A. The Human Resources Advisory Board consists of 7 members.

1. Board members are appointed by the County Executive, with consent of County Council.

a. New appointments are for 4 years or until a successor is appointed.

b. Reappointments made upon expiration of a Board member's term shall be for 4 years from the expiration date.

c. When a vacancy occurs, it shall be filled for the unexpired term.

2. Board members:

a. Must be residents of the County.

b. Must be persons of recognized character and ability whose experience provides knowledge of human resources practices and procedures and support of merit principles as applied to public employment.

c. Must not be a member of any local, state or national committee of a political party or an office or a member of a committee of any partisan or political group or hold or be a candidate for any political office.

d. Must be registered voters of the County and no more than 4 members may be from the same political party.

e. Shall be compensated according to Section 26.01.009

83 3. Procedure. One (1) member shall be elected Chair by majority vote of the
84 Board. Meetings shall be called and held as provided by rules to be
85 adopted by the Board. Four members constitute a quorum.

86 ...

87 **Section 2. Effective Date.** This Ordinance shall become effective upon its
88 adoption by County Council and approval by the County Executive, or as otherwise
89 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:

Marcus A. Henry
County Executive
of New Castle County

SYNOPSIS: This Ordinance amends *New Castle County Code* Section 2.05.507 (“Human Resources Advisory Board” or “HRAB”) consistent with *State Code*, by increasing the composition of the HRAB from only 3 members to 7 members. The proposed increase in membership will tangibly benefit the board by bringing with this increase alternative and insightful views, which will lead to a healthy challenge to existing policies and processes and an influx of ideas.

FISCAL NOTE: TBD

ORDINANCE 26-108

**AMENDING NEW CASTLE COUNTY CODE CHAPTER 2 (“ADMINISTRATION”),
ARTICLE 2 (“COUNTY COUNCIL”) RELATING TO
COUNTY COUNCIL POSITIONS AND ELECTIONS THEREOF**

1 **WHEREAS**, New Castle County Council recently enacted *New Castle County*
2 *Code Section 2.02.110* to provide clarity and predictability to the procedure for Council to
3 follow in selecting committee co-chairs; and
4

5 **WHEREAS**, in addition to selecting committee co-chairs, the Council also selects
6 the position of President pro tempore, which is established under 9 *Del. C. Sec. 1145*;
7 and
8

9 **WHEREAS**, the *County Code* does not provide a clear and predictable procedural
10 framework for Council to follow in selecting the President pro tempore; and
11

12 **WHEREAS**, the lack of specificity and predictability in *Delaware Code* or *County*
13 *Code* regarding the process for electing the President pro tempore provides little
14 guidance, which could lead to confusion; accordingly, Council would benefit from clearly
15 articulated steps to follow in electing the President pro tempore; and
16

17 **WHEREAS**, New Castle County Council has determined that the provisions of this
18 Ordinance substantially advance, and are reasonably and rationally related to, legitimate
19 government interests.
20

21 **NOW, THEREFORE, THE COUNTY OF NEW CASTLE HEREBY ORDAINS:**
22

23 *Section 1. New Castle County Code Chapter 2 (“Administration”), Article 2*
24 *(“County Council”)* is hereby amended by adding the material that is underscored and
25 deleting the material that is stricken, as set forth below.
26

27 **Sec. 2.02.110. County Council committee co-chairs.**

28 Committees, which includes subcommittees, of County Council shall include ~~two~~ (2) 2
29 positions which are reserved for ~~two~~ (2) 2 chairs, known as co-chairs, who shall be elected
30 by a majority vote of Council. County Council shall elect the co-chairs for each Council
31 committee under the following procedures:
32

- 33 A. Subject to the limitations that follow, committee co-chair positions are to be
34 considered by Council following each general election, excepting a vacancy that
35 may arise for any reason which, dependent on the timing the vacancy is created,
36 may require a co-chair position to be filled prior to the next general election.
37 Notwithstanding the above, Council may consider an appointment to a co-chair

position prior to the next general election regardless of whether the basis for consideration is a challenge or a vacancy.

- B. Within ~~twenty (20)~~ 20 calendar days following a general election, ~~a vacancy arising or a challenge to a co-chair position,~~ the Council President shall email all Council members providing at least ~~fourteen (14)~~ 14 calendar days' notice prior to the public meeting which is to be scheduled for purposes of Council considering a new slate of committee co-chairs.
- C. Council members interested in being considered for a committee co-chair position must submit their name and the committee they seek to co-chair via email to the Council President and all Council members at least ~~ten (10)~~ 10 calendar days prior to the meeting scheduled under subsection B. Each submission must be acknowledged via email by the Council President within ~~two (2)~~ 2 calendar days of receipt of each member's submission; failure to timely confirm receipt of an applicant's submission does not impact the validity of the application.
- D. In situations where existing co-chairs of a committee have timely indicated via email to the Council President and all Council members their wishes to continue presiding over the committee and the co-chair positions have not been timely sought by another Council member, the Council President will confirm to all Council members via email that the co-chair positions have gone unchallenged. The Council President will thereafter prepare an independent ballot for these committee co-chair positions to be voted on by Council at the meeting scheduled under subsection B.
- E. In addition to any ballot prepared pursuant to subsection D, for any committee where the number of candidates does not exceed the number of ~~"open"~~ available co-chair positions, the Council President will prepare a ballot that, at minimum, identifies the name of each Council member who has timely indicated their interest to be a co-chair and the name of the applicable committee. A ballot may be prepared per individual committee or, as a matter of convenience, a single, omnibus ballot reflecting all applicable committees may be considered, at the discretion of Council. Notwithstanding the above, where a committee has more candidates than ~~"open"~~ available co-chair positions, then that committee may not be included as part of an omnibus ballot and, instead, the co-chairs must be determined ~~in a manner decided~~ by Council pursuant to a single, stand-alone ballot for that specific committee.
- F. The Council President shall email to all Council members a ballot or ballots, either omnibus or single, consistent with this Section, that identifies each Council member and the committee co-chair position they seek by no later than ~~seven (7)~~ 7 calendar days prior to the meeting at which the co-chair candidates will be considered by County Council. Ballots that are provided at this juncture are for

notice purposes only, and will not be voted on until the public meeting.

- G. Council will consider the candidates for committee co-chairs at the meeting scheduled under subsection B, subject to continuance to a later date at the discretion of Council, and may consider any necessary Rules of Procedure of Council not inconsistent with the above process.

Sec. 2.02.120. County Council President pro tempore.

Under 9 Del. C. § 1145 (President of the County Council; President pro tempore), County Council's President pro tempore is elected by a majority vote of County Council, which shall elect the President pro tempore pursuant to the following procedures:

- A. Every two years following each general election, or whenever needed to fill a vacancy, County Council shall elect by majority vote from among its members a President pro tempore who shall, during the absence of the President or a vacancy in the office of President, assume its rights and duties.
- B. Within 20 calendar days following a general election or from the time the President pro tempore position becomes vacant, the Council President shall email all Council members providing at least 14 calendar days' notice prior to the public meeting which is to be scheduled for purposes of Council considering a candidate for President pro tempore.
- C. All Council members interested in being considered for President pro tempore must timely submit their name by email to the Council President and all Council members at least 10 calendar days prior to the meeting scheduled under subsection (B). Each submission must be acknowledged via email by the Council President within 2 calendar days of receipt of each member's submission; failure to timely confirm receipt of an applicant's submission does not impact the validity of the application.
- D. The Council President shall email to all Council members a ballot that identifies each Council member who has timely self-nominated for the President pro tempore position by no later than 7 calendar days prior to the meeting at which the candidate(s) will be considered by County Council. Ballots that are provided at this juncture are for notice purposes only, and will not be voted on until the public meeting.
- E. Council will consider the candidate(s) for President pro tempore at the meeting scheduled under subsection B., subject to continuance to a later date at the discretion of Council, and may consider any necessary Rules of Procedure of Council not inconsistent with the above process.
- F. In situations where the existing President pro tempore has timely indicated via email to the Council President and all Council members their wishes to continue as President pro tempore and the President pro tempore position has not been timely

127 sought by another Council member, the Council President will confirm to all Council
128 members via email that the position has gone unchallenged. The Council President
129 will thereafter prepare a ballot to be voted on by Council at the meeting scheduled
130 under Subsection B.

131 **Section 2. Effective Date.** This Ordinance shall become effective immediately
132 upon its adoption by County Council and approval by the County Executive or as
133 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:

Marcus A. Henry
County Executive
of New Castle County

SYNOPSIS: This Ordinance makes non-substantive refinements to *New Castle County Code* Section 2.02.110 relating to County Council committee co-chairs. In addition, the Ordinance establishes a clearly defined process for the election of the President pro tempore of County Council. This Ordinance also makes technical corrections to conform *Code* provisions to current standards of legislative drafting requirements.

FISCAL NOTE: There is no discernible fiscal impact.

ORDINANCE NO. 26-109

TO AMEND *NEW CASTLE COUNTY CODE* CHAPTER 1 (“GENERAL PROVISIONS”), CHAPTER 2 (“ADMINISTRATION”), CHAPTER 4 (“ANIMALS”), CHAPTER 6 (“BUILDING CODE”), CHAPTER 7 (“PROPERTY MAINTENANCE”), CHAPTER 8 (“BUSINESSES”), CHAPTER 10 (“CIVIL EMERGENCIES”), CHAPTER 12, (“DRAINAGE”), CHAPTER 14 (“FINANCE AND TAXATION”), CHAPTER 19 (“RESIDENTIAL RENTAL PROPERTIES”), CHAPTER 20 (“LAW ENFORCEMENT”), CHAPTER 22 (“OFFENSES AND MISCELLANEOUS PROVISIONS”), CHAPTER 24 (“PARKS AND RECREATION”), CHAPTER 26 (“HUMAN RESOURCES”), CHAPTER 34 (“TRAFFIC AND VEHICLES”), CHAPTER 38 (“UTILITIES”), AND CHAPTER 40 (“UNIFIED DEVELOPMENT CODE”) RELATING TO GENDER NEUTRAL LANGUAGE

1 **WHEREAS**, replacing language in the *New Castle County Code* which is gender-
2 centric with gender “silent” language will help avoid word choices that may be biased or
3 discriminatory to others, often times unintentionally or innocently; and
4

5 **WHEREAS**, gender “silent” language helps to increase representation for
6 everyone, and helps to ensure all individuals are recognized, valued, and respected; and
7

8 **WHEREAS**, many other jurisdictions have taken steps to implement gender “silent”
9 language in their laws, including, for example, the Delaware General Assembly which has
10 adopted gender neutral language in the *Delaware Code* and even the Delaware
11 Constitution; and
12

13 **WHEREAS**, New Castle County hereby follows the positive lead of the General
14 Assembly to ensure that all residents of the County feel protected and acknowledged; and
15

16 **WHEREAS**, New Castle County Council finds that the provisions of this Ordinance
17 are rationally and reasonably related to and substantially advance the County’s goal of
18 protecting and preserving legitimate government interests, including equality, and the
19 protection and preservation of the public health, safety, welfare, and quality of life of New
20 Castle County and its residents.
21

22 **NOW, THEREFORE, THE COUNTY OF NEW CASTLE HEREBY ORDAINS:**
23

24 **Section 1.** *New Castle County Code* Chapter 1 (“General Provisions”), Chapter 2
25 (“Administration”), Chapter 4 (“Animals”), Chapter 6 (“Building Code”), Chapter 7
26 (“Property Maintenance”), Chapter 8 (“Businesses”), Chapter 10 (“Civil Emergencies”),
27 Chapter 12 (“Drainage”), Chapter 14 (“Finance and Taxation”), Chapter 19 (“Residential
28 Rental Properties”), Chapter 20 (“Law Enforcement”), Chapter 22 (“Offenses and
29 Miscellaneous Provisions”), Chapter 24 (“Parks and Recreation”), Chapter 26 (“Human
30 Resources”), Chapter 34 (“Traffic and Vehicles”), Chapter 38 (“Utilities”), and Chapter 40
31 (“Unified Development Code”) are hereby amended by adding the material that is

underlined and deleting the material that is stricken, as follows.

Chapter 1 – GENERAL PROVISIONS

Sec. 1.01.002. - Definitions and rules of construction.

Written and writing. The terms "written" and "writing," respectively, include printing and typewriting and reproductions of visual symbols by photographing, lithographing, multigraphing, multilithing, mimeographing, manifolding or otherwise; but in all cases where the written signature of any person is by law required, it shall be the proper handwriting of ~~such~~ the person or, if ~~he or she~~ they cannot write ~~his or her~~ their name, ~~his or her~~ their mark will suffice.

Chapter 2 – ADMINISTRATION

Sec. 2.01.004. - Authority for County Executive to institute condemnation proceedings.

C. In addition to the publication requirements provided for in Subsection B of this Section, actual notice shall be given to the person or corporation whose name appears on the County tax assessment rolls as being the owner of the property. ~~Such~~ The notice shall be in writing, describe the property, state that a resolution will be presented to County Council to authorize the County Executive to acquire the described property by eminent domain, give the date that the resolution will be presented and the place of the public hearing and state that the owner or ~~his or her~~ the owner's representative may appear and be heard at that time before County Council

Sec. 2.01.008. – Official County emblem on all County over-the-road vehicles; exception.

B. In lieu of the emblem referenced in Subsection A of this Section, the County Executive may direct that County vehicles assigned to ~~himself or herself~~ the County Executive, the Chief Administrative Officer, department managers, and authorized individuals, to display a license plate containing the phrase "County owned."

Sec. 2.01.010. - Removal of board members for failure to attend meetings.

A. Any member of a County board who fails to attend ~~three (3)~~ 3 consecutive, regularly scheduled meetings, except where ~~such~~ the absence is deemed by the board chairperson to be due to illness, incapacity or a family crisis, shall forfeit ~~his or her~~ their membership on ~~such~~ the board.

Sec. 2.02.302. - Registration with Clerk of County Council.

A. Every legislative agent shall register with the Clerk of County Council in a legislative agent docket and file, at that time, the authorization from ~~his or her~~ the

agent's employer as required by Section 2.02.303 of this Division. A person who qualifies as a legislative agent shall register prior to performing any acts as a legislative agent.

Sec. 2.02.403. – Committee Duties

...

f. Assist the Auditor with any problems encountered in the execution of his their duties, including any denial of full, free and unfettered access to local government employees, officials, records, vendor contracts and reports, by working with Council and the Executive branch to rectify the problem;

Sec. 2.03.102. - Definitions.

...

Business with which ~~he or she is~~ they are associated means any business in which the person is a director, officer, owner or employee; or a business in which a member of the person's immediate family is a director, officer, owner or has a financial interest.

Candidate means any individual who seeks nomination or election to County office by vote of the electorate, whether or not ~~such~~ the individual is nominated or elected. An individual shall be deemed to be seeking nomination or election to such office if ~~he or she has~~ they have taken the action necessary under the laws of the State to qualify ~~himself or herself~~ themselves for nomination or election to such office. The term shall include individuals nominated or elected as write-in candidates unless they resign ~~such~~ the nomination or elected office within ~~thirty~~ (30) 30 days of having been nominated or elected.

...

Contract means an agreement or arrangement for the acquisition, use or disposal by the County of consulting or other services or of supplies, materials, equipment land or other personal or real property. "Contract" shall not mean an agreement or arrangement between the County as ~~one~~ (1) 1 party and a County official or County employees as the other party concerning ~~his or her~~ their expense, reimbursement, salary, wage, retirement or other benefit, tenure or other matters in consideration of ~~his or her~~ their current public employment with the County.

...

Gift means anything that is received without consideration of equal or greater value. The term "gift" shall not include a political contribution otherwise reported as required by law or a commercially reasonable loan made in the ordinary course of business. A gift to a member of an official's or employee's immediate family, or a gift which is not personally accepted by an official or employee but is controlled by or directed by that person to another recipient, is considered to be a gift to the official or employee. Any gift of more than de minimis value accepted by a County official or employee, or by ~~his or her~~ their spouse or ~~dependant~~ dependent child because of the official or employee's holding public office or employment, must be promptly entered in a public gift log as a recordable gift by the employee or official. A gift is considered accepted upon receipt or control or direction unless it is promptly returned in its entirety. An email invitation, unless specifically accepted,

is not considered a gift.

...

Nonministerial action means an action to which the person exercises ~~his or her~~ their own judgment as to the desirability of the action taken.

Sec. 2.03.103. - Prohibitions relating to conflicts of interest.

A. Restrictions on exercise of official authority.

1. No County employee or official shall knowingly or willfully ~~shall~~ use the authority of ~~his or her~~ their office or employment or any confidential information received through ~~his or her~~ holding County office or employment for the personal or private benefit of ~~himself or herself~~ themselves, a member of ~~his or her~~ their immediate family or a business with which ~~he or she~~ they are is associated. This prohibition does not include an action having a de minimis economic impact or which affects to the same degree a class consisting of the general public or a subclass consisting of an industry, occupation, or other group which includes the County official or employee, a member of ~~his or her~~ their immediate family or a business with which ~~his or her~~ they or a member of ~~his or her~~ their immediate family is associated. There will be a rebuttable presumption of a knowing or willful violation of this Section if the action benefits the County official or employee, ~~his or her~~ their spouse, or ~~his or her~~ their dependent children (whether by blood or by law).
2. In any case where a person has a legal and/or statutory responsibility with respect to action or nonaction on any matter where the person has a personal or private interest and there is no provision for the delegation of such responsibility to another person, the person may exercise responsibility with respect to ~~such~~ the matter, provided that promptly after becoming aware of ~~such~~ a conflict of interest, the person files a written statement with the Commission fully disclosing the personal or private interest and explaining why it is not possible to delegate responsibility for the matter to another person. If the matter is one in which the legal and/or statutory responsibility requires the person to vote upon the issue, the written statement filed with the Commission shall be read into the public record prior to the time the person's vote is cast. Any person choosing to abstain from voting on an issue where ~~he or she has~~ they have a conflict shall state the reasons for ~~his or her~~ their conflict on the record; an abstaining voter need not file the written statement with the Commission required when acting on, rather than abstaining from, an issue involving a conflict.

B. Restrictions on representing another's interest before the County.

...

3. This Subsection shall not preclude any County employee or County official from appearing before the County or otherwise assisting any private enterprise with respect to any matter in the exercise of ~~his or her~~ their official duties.

176
177 C. *Restrictions on contracting with the County.* No County official or County
178 employee, ~~his or her~~ their spouse, child, parent, step-parent, or sibling of the whole
179 or half-blood or any business with which the County official or County employee or
180 ~~his or her~~ their spouse, child, parent, step-parent, or sibling of the whole or half-
181 blood is associated or who has a legal or equitable ownership of more than 5%
182 ~~five (5) percent~~ (more than 1% ~~one (1) percent~~ in the case of a corporation whose
183 stock is regularly traded on an established securities market) shall enter into any
184 contract with the County (other than an employment contract) or any subcontract
185 with a County contractor unless such contract or subcontract was made or let after
186 public notice and competitive bidding. Such notice and bidding requirements shall
187 not apply to a contract not involving more than ~~five hundred dollars (\$500.00)~~ \$500
188 per year if the terms of ~~such~~ the contract reflect arms' ~~arm's~~ length negotiations, if
189 the subcontractor is a sole source provider, or if there are exigent circumstances.
190 There will be a rebuttable presumption of a knowing and willing violation of ~~the~~ this
191 section only if the contract or subcontract is awarded to a spouse or child of the
192 County employee or official.

193
194 **Sec. 2.03.106. - Financial disclosure: statements required.**

195 ...

196
197 D. No County official, candidate for County office, or employee shall be allowed to
198 take the oath of office or enter or continue upon ~~his or her~~ their duties, nor shall ~~he~~
199 ~~or she~~ they receive compensation from County funds, unless ~~he or she has~~ they
200 have filed a statement of financial interests as required by this division.

201
202 **Division 2.03.200. - Indemnification of County officers and employees.**

203
204 **Sec. 2.03.201. - Right of representation and indemnification.**

205 ...

206 B. The County Attorney or ~~his or her~~ their designee shall undertake the
207 representation or defense without charge of any County officer or employee in a
208 legal proceeding, a civil or criminal investigation or in a civil action, arising out of or
209 related to the performance by ~~such~~ an officer or employee of ~~his or her~~ their public
210 duties as defined by the standards set forth in Section 2.03.201 C.1. through 5. or
211 may undertake in a criminal action arising from performance of ~~his or her~~ their duties
212 and which does not allege official misconduct, profiteering, bribery, receiving
213 unlawful gratuities, improper influence or other abuse of ~~his or her~~ their office or
214 employment. An officer or employee may select ~~his or her~~ their attorney with the
215 concurrence of the County Attorney and County Council. In the event that legal fees
216 for the representation of a County officer or employee in a civil or criminal
217 investigation or action exceed \$50,000 ~~fifty thousand dollars (\$50,000.00)~~, the
218 County Attorney shall seek the authorization of County Council to continue providing
219 legal representation in such matter at public expense. The County Attorney shall
220 seek the authorization of County Council to continue providing legal representation
221 in such matter at public expense for each additional expenditure of \$100,000 ~~one~~
222 ~~hundred thousand dollars (\$100,000.00)~~. It will not be considered to be a breach of
223 this Section or any other Code section if exigent circumstances preclude the County

Attorney from seeking and obtaining Council permission to exceed the threshold amounts. However, the County Attorney shall seek County Council approval to continue representation as soon as possible upon reaching or passing the threshold and shall explain the exigent circumstances, in writing, which explanation shall be a public document available from the County Attorney. "Exigent circumstances" shall mean conditions or contingencies that could not reasonably be foreseen and guarded against and which require immediate action.

...

E. County Council may, upon resolution, authorize the payment of reasonable legal fees (average mid-range fees charged by qualified New Castle County attorneys and excluding travel, lodging and other expenses incurred due to an officer or employee's selection of out of County attorneys and including only matters deemed essential to representation) incurred by a County officer or employee for representation in a legal proceeding, investigation, or in a criminal action, if the activities giving rise to the charge are determined by County Council to have arisen directly out of or in the course of County employment and if the activities giving rise to the charge, proceeding or investigation are determined by County Council to meet the criteria of Subsection 2.03.201.C.1. County Council may within ~~thirty (30)~~ 30 days of the request for reimbursement retain the services of an attorney to serve as Special Counsel to review the request for reimbursement and render recommendations to County Council on findings of fact and conclusions of law in accordance with Code criteria. ~~Such~~ The recommendations shall be rendered within ~~one hundred and twenty (120)~~ 120 days of Council's appointment of Special Counsel. County Council may remand questions to Special Counsel regarding Code criteria. Council shall consider the resolution at one of the next two meetings after the recommendations or after the response upon remand, whichever is later. The recommendations are not binding upon Council whose members shall retain their ability to exercise legislative discretion in deciding whether to grant or deny the request. In no event shall any payment under this Section be authorized where the officer or employee has pled, been adjudged or been found guilty, after trial and any appeal, of a crime involving a breach of public trust, including but not limited to, official misconduct, profiteering, bribery, receiving unlawful gratuities, improper influence or other abuse of ~~his or her~~ their office or employment. The County Council shall reimburse officers or employees for legal fees in criminal actions stemming from their job duties as set forth herein only if they are acquitted of all charges, or all charges are dismissed, including acquittal or dismissal of all lesser included or related charges. Requests for reimbursement may be submitted at the conclusion of an investigation, or ~~one (1)~~ 1 year after the County Attorney is notified of the investigation and every ~~six (6)~~ 6 months thereafter until the conclusion of the investigation and any trial, plea or appeal, and shall be considered by Council in accordance with the criteria contained in Section 2.03.201 C.1. through 5.

F. An official or employee who receives a payment for outside legal services, as outlined in Subsection B, or who is reimbursed for legal fees, as outlined in Subsection E, and has pled, been adjudged or found guilty, after trial and any appeal, of any misdemeanor or felonious criminal act relating to the activities giving

rise to the charge(s), proceeding(s) or investigation(s) for which outside legal services were provided or for which legal fees were reimbursed, shall repay those funds advanced or reimbursed unless the official or employee demonstrates to Council through an application that the officer or employee met the criteria of Subsections 2.03.201.C.1 through C.5. Council may, upon resolution, authorize the payment of fees in such instances. However, in no event shall any exemption for repayment be made where the officer or employee has pled, been adjudged, or been found guilty, after trial and any appeal, of a crime involving a breach of public trust including, but not limited to, official misconduct, profiteering, bribery, receiving unlawful gratuities, improper influence or other abuse of ~~his or her~~ their office or employment. The County Attorney shall collect any and all legal fees that are due to the County, as a result of this Section to include but not limited to the attachment of wages and pensions, placing of liens, initiation of legal action, and/or any other civil remedies available to ensure the collection of the debt owed.

Division 2.03.300. – New Castle County Employee Protection Act

...

Sec. 2.03.305. - Remedies

An employee who alleges ~~he or she has~~ they have suffered an adverse personnel action for reporting a violation or suspected violation of law or regulation to an elected public official may bring a civil action for appropriate injunctive relief, actual damages, or both, within ~~ninety (90)~~ 90 days after the occurrence of the alleged violation, as set forth in 29 Del. C. § 5115 (Protection of public employees reporting suspected violation of law) or its successor.

Sec. 2.03.404. - Penalties.

Any person who by ~~him or her~~ themselves or with others violates this Division shall be ineligible, for a period of ~~five (5)~~ 5 years, to hold any New Castle County office or position and, if ~~he or she~~ they are currently is an officer or employee of the County, shall immediately forfeit ~~his or her~~ their office or position.

Sec. 2.04.101. - Established; terms; prohibited acts; officers; quorum; compensation; staff.

...

C. Members shall continue to serve until their successors are appointed and qualified; provided, however, that no member shall hold over more than ~~six (6)~~ 6 months after the end of ~~his or her~~ their term.

...

E. Five ~~(5)~~ members of the Commission by resolution shall declare vacant the position on the Commission of any member who takes part in activities prohibited by Subsection D of this Section. An individual appointed to fill a vacancy occurring other than by the expiration of a term of office shall be appointed for the unexpired term of the member ~~he or she succeeds~~ they succeed and is eligible for appointment to ~~two (2)~~ 2 full ~~three (3)~~ 3 year terms thereafter. Any vacancy occurring on the Commission shall be filled within ~~thirty (30)~~ 30 days in the manner in which that position was originally filled.

320 **Sec. 2.04.102. - Powers and duties.**

321 In addition to other powers and duties prescribed by law, the Commission shall:

322 ...

323 O. Prepare and publish, prior to February 1 of each year, an annual report
324 summarizing the activities of the Commission for the previous year. That report shall
325 include, at a minimum, the number of requests for advice, complaints, and financial
326 disclosure reports received and reviewed, the number of investigations undertaken,
327 the number of hearings held pursuant to Section 2.04.103, the number and type of
328 opinions issued, the amount and type of training provided to the County's
329 employees, Council members, and board and commission members under the
330 Commission's jurisdiction, a summary of any changes made to County Ethics policy
331 pursuant to the Commission's authority to prescribe rules to carry out its
332 responsibilities, a listing of each Commission member and status of each
333 Commissioner's term, the Ethics Commission's budget and expenses for the current
334 fiscal year and requested budget for the next fiscal year, and any other information
335 deemed necessary and appropriate by the Commission. The report is not intended
336 to replace or supplant internal budget processes set by the County Administration
337 pursuant to 9 Del. C. § 1132. The report shall be filed with the County Executive and
338 County Council and shall be presented by the Ethics Commission Chair ~~(or his or~~
339 ~~her his/her~~ the Chair's designee) to the County Council after the Executive's budget
340 address to Council.

341
342 **Sec. 2.04.103. - Investigations.**

343 ...

344 K. *Prohibition on retaliation.* No County official or County employee shall discharge
345 an another official or employee, change ~~his or her~~ the individual's official rank,
346 grade or compensation, or deny ~~him or her~~ the individual a promotion or threaten
347 to do so for filing a complaint with or providing truthful information to the
348 Commission or testifying at any Commission proceeding.

349
350 **Sec. 2.04.104. - Sanctions.**

351 If the Ethics Commission determines that a violation of this Division or Division 2.03.100
352 has occurred, it may impose or recommend the following sanctions:

- 353
354 C. A reprimand shall be the appropriate sanction when the Commission finds that a
355 violation has been committed intentionally or through knowing disregard of this
356 Division or Division 2.03.100. The Commission may reprimand any County official
357 or County employee covered by this Division or Division 2.03.100. A reprimand
358 directed to a County official shall also be sent to the governmental body on which
359 ~~he or she~~ the official serves. A reprimand directed to a County employee shall be
360 sent to the head of the agency or department where ~~he or she~~ the employee is
361 employed and included in ~~his or her~~ the employee's personnel file.
- 362 D. A recommendation of removal from office or employment, a recommendation of
363 suspension from office or employment, and/or a recommendation for prohibition
364 on future appointment or employment, as well as a recommendation for length of
365 suspension, shall be the appropriate sanction when the Commission finds a
366 serious or repeated violation of this Division or Division 2.03.100 has been
367 committed intentionally or through knowing disregard of this Division or Division

2.03.100 by a nonelected official or County employee. The final authority to carry out ~~such~~ the recommendations with respect to nonelected County officials shall be with the appointing authority of the governmental body on which ~~he or she~~ the official serves. The final authority to carry out ~~such~~ the recommendations with respect to County employees shall be with the head of the department in which ~~he or she~~ the employee is employed. Appeals from the decision of the appointing authority of the governmental body or, for County employees, of the department head following the sanction referred to in this Subsection shall be as described in this Division, including any grievance procedure contained in any applicable collective bargaining agreement.

Sec. 2.05.101. - Functions

...

2. Determine whether an applicant is properly entitled to the license which ~~he or she seeks~~ they seek.

Sec. 2.05.202. - Fire and Ambulance Advisory Board - Composition; Chairperson; fire districts.

A. The Fire and Ambulance Board shall be composed of ~~seven (7)~~ 7 members. One ~~(1)~~ member shall be appointed from each fire district and shall represent ~~his or her~~ their district and may not be a full-time County employee. The Chairperson shall be ~~one (1)~~ 1 of the nominees submitted from the fire districts and shall be appointed by the County Executive.

Sec. 2.05.203. - Fire and Ambulance Advisory Board - Organization; appointment; terms; Vice-chairperson; duties and powers.

...

4. A member of the Fire and Ambulance Advisory Board shall be removed by the County Executive for dereliction of duty upon the recommendation of the Fire and Ambulance Advisory Board with the concurrence of the district concerned or for non-attendance per Section 2.01.010. ~~His or her~~ The member's replacement shall be made through the same process as prescribed in Subsection A.1.

Sec. 2.05.303. - Purchasing of contract construction.

...

11. Prevailing Wage

...

d. The County is authorized to monitor all contract construction for compliance with this Section and/or investigate all claims that the prevailing wage rates as provided for under this Section are not being or have not been paid. Upon finding that an employer has not paid or is not paying the prevailing wage rates, the County shall provide the employer with a written notice of alleged violation(s) by personal service or by certified mail and shall make an effort to obtain compliance. The notice of violation shall describe the violation(s), in addition to stating applicable sanctions and/or penalties. Upon failure to obtain compliance within ~~ten (10)~~ 10 business days from the date the letter was received by the employer, the County may

withhold so much of accrued payments as may be considered necessary to pay to laborers and mechanics the difference between the rates of wages required by the contract to be paid laborers and mechanics on the work and the rates of wages received by ~~such~~ the laborers and mechanics, and the accrued payments will be distributed upon resolution of the matter. An employer who disputes the alleged violation(s), sanctions or penalties may, within ~~ten (10)~~ 10 days from receipt of the notice of violation, file a written request for a hearing before the General Manager of the Department of Public Works or ~~his/her~~ their designee. The General Manager shall issue a final order within ~~two (2)~~ 2 business days from the conclusion of the hearing. If no hearing is requested, the notice shall become a final order upon expiration of the ~~ten (10)~~ 10 day period. Payment of the penalty is due when a final order is issued or when the notice becomes a final order. Failure to provide timely payment shall constitute a separate violation of this Section. Any sum collected as a fine or penalty pursuant to this Section shall be applied toward enforcement and administration costs of the Department of Public Works.

Sec. 2.05.305. - Alcohol and drug testing of employees of contractors and subcontractors working on public works projects and jobsites.

...

C. Employee alcohol and drug testing documentation requirements.

1. The following documentation requirements apply:

a. *At bid submission.* A solicitation for a public works contract relating to a public works project must require each contractor to submit with their bid a signed affidavit certifying that the contractor and each subcontractor has in place or will implement during and for the entire term of the contract a mandatory alcohol and drug testing program that complies with this Section.

b. At least ~~five (5)~~ 5 business days prior to contract execution, the contractor that has been awarded the public works contract shall provide the General Manager ~~and/or his/her~~ their designee with a copy of the program for the contractor and for each subcontractor.

c. *During contract execution.* A contractor that subsequently employs additional subcontractors on the jobsite may do so only after submitting a copy of the subcontractor's program. Neither the contractor nor any subcontractor may commence work until the General Manager ~~and/or his or her~~ their designee has determined that the program complies with Subsection C.2., as indicated by the affidavit(s) submitted by the contractor.

d. In the event of an emergency, a contractor may employ additional subcontractors on the jobsite prior to submitting a copy of the subcontractor's program, provided that evidence of the program is submitted to the General Manager ~~and/or his/her~~ their designee as soon as practicable thereafter.

e. It shall, at all times, be the sole responsibility and obligation of each contractor and each subcontractor to timely comply in all respects with the requirements and obligations established pursuant to this Section. ~~Such compliance~~ Compliance will

be indicated, for example, by the timely submission of an affidavit to the General Manager and/or his/her their designee by each contractor certifying to such compliance, including certification of compliance on behalf of each of its subcontractors.

...

E. Drug testing requirements; frequency of testing; types of tests.

...

3. *Reasonable suspicion testing.* An employee will be required to take an alcohol and/or drug test at any time his/her their contractor, subcontractor or the owner reasonably believes that the employee has an impairment caused by alcohol and/or drugs. Further, an employee shall be required to take an alcohol and/or drug test at any time the contractor, subcontractor or the owner finds drug paraphernalia and/or open alcohol containers at the jobsite and it is reasonably believed that ~~such~~ the drug paraphernalia and/or open alcohol containers are associated with the employee. Each contractor and subcontractor shall inform their employees that they may be subject to reasonable suspicion testing.

...

4. Owner initiated testing.

...

c. If an employee leaves the jobsite upon learning or determining that ~~such~~ testing is or will take place during his/her their work shift, or refuses to submit to testing, the employee will be reported as a "refusal to test" and will be subject to applicable disciplinary measures in this Section.

...

5. Accident-triggered testing.

...

d. An employee who is subject to post-accident testing who fails to remain readily available for ~~such~~ the testing, including notifying a supervisor of his/her their location if ~~he/she leaves~~ they leave the scene of the accident prior to submission to a test, shall be deemed to have refused to submit to testing. Additionally, if an employee intentionally fails or refuses to be tested, ~~he/she~~ the employee must be removed from the jobsite. In both instances, the employee shall be subject to consequences set forth in Subsection F.

e. Nothing herein shall be construed to require the delay of necessary medical attention for anyone injured following an accident, or to prohibit an employee from leaving the scene of an accident for only the period necessary to obtain assistance in responding to the accident, or to obtain necessary emergency medical care. However, the employee must make reasonable efforts to notify his/her their supervisor prior to leaving the jobsite.

...

507 *G. Contractor and subcontractor certification of compliance.*

508 ...

509 4. Any positive test result of an employee working on a jobsite, including the
510 employee's name and action taken in response by a contractor or a
511 subcontractor, must be reported by each contractor and subcontractor to
512 the General Manager of the Department and/or his/~~her~~ their designee in
513 writing within ~~twenty-four (24)~~ 24 hours of the contractor or subcontractor
514 receiving the test results, subject to all necessary privacy precautions while
515 balancing necessary safety precautions.

516 5. The General Manager of the Department and/or his/~~her~~ their designee
517 shall have the right to periodically audit all contractor and subcontractor test
518 results at each contractor's and subcontractor's office or by other means
519 necessary to make the data available for inspection by the General
520 Manager and/or his/~~her~~ their designee, subject to all necessary privacy
521 precautions.

522 ...

523 *J. Training.*

524 ...

526 3. Records of individuals trained must be maintained by each contractor and
527 subcontractor and must be made available to the General Manager of the
528 Department and/or his/~~her~~ their designee to allow for auditing for
529 compliance with this Section, subject to all necessary privacy precautions.

530 **Sec. 2.05.405. - Powers of housing authority and slum clearance and**
531 **redevelopment authority.**

532 ...

533 ~~H.~~ H. *Execution of contracts by the General Manager.* Any contract, instrument or
534 document, including an instrument purporting to convey any right, title or interest
535 in property, may be executed by the General Manager of the Department, and the
536 signature of the General Manager, properly acknowledged, shall be conclusive
537 evidence of his/~~or her~~ their authority.

538
539 **Sec. 2.05.406. - Housing advisory board - Established; composition; terms of office;**
540 **qualification of members; duties and powers.**

541
542 ~~2. The members~~ Members of the New Castle County Housing Advisory Board shall
543 be appointed by the County Executive with the advice and consent of County
544 Council. All members shall serve at the pleasure of the County Executive. The
545 Advisory Board members shall be appointed for a ~~three (3)~~ 3 year term to begin on
546 the date of the appointment. ~~Each Members member~~ shall continue to serve until
547 their successor is appointed and qualified; provided, however, that no member shall
548 hold over more than ~~six (6)~~ 6 months after the end of his/~~or her~~ their term. Members
549 may be reappointed by the County Executive with the advice and consent of County
550 Council.

551
552 **Sec. 2.05.502. - Purchasing of supplies and contractual services...**

553 *11. Formal bidding and contract procedures.*

...

A. Generally

f. Bid deposits. ~~The agency or Chief of Technology and Administrative Services may at his or her discretion~~ At the discretion of the Chief of Technology and Administrative Services, the Office of Technology and Administrative Services may require that bids be accompanied by a deposit of either a good and sufficient bond to the County for the benefit of the agency involved with corporate surety authorized to do business in this State, the form of the bond and the surety to be approved by the agency, or accompanied by a security of the bidder assigned to the agency for a sum equal to at least ~~ten (10) percent~~ 10% of the bid. The security of the unsuccessful bidder shall be returned to ~~such the~~ the unsuccessful bidder immediately upon the awarding of the contract or the rejection of all bids, but not later ~~than thirty (30)~~ than 30 days after the opening of the bids. Upon the execution of a formal contract, the security shall be returned to the successful bidder, but a successful bidder shall forfeit any security required by the Chief of Technology and Administrative Services or agency upon failure of the successful bidder to enter into a contract within ~~twenty (20)~~ 20 days after the award. The agency or Chief of Technology and Administrative Services shall not require that bid or performance deposits be required in any amount on contracts for fungible supplies or contractual services, if the contract is for an estimated amount of ~~seventy-five thousand dollars (\$75,000.00)~~ \$75,000 or less and performance is to occur within ~~one hundred twenty (120)~~ 120 days.

...

B. Professional services purchases and contracts.

...

4. Procurement of professional services by purchase order or contract.

...

f.

...

ii.

...

(b) The Chief of Technology and Administrative Services and the agency shall then interview at least one of the qualified firms. The Chief of Technology and Administrative Services and the agency may negotiate with one firm without terminating negotiations with another firm and may negotiate with one or more firms during the same period. At any point in the negotiation process, the Chief of Technology and Administrative Services and the agency may, at ~~his or her~~ their discretion, terminate negotiations with any or all firms.

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

b. Terms. Members of the Diversity Commission shall serve for terms of ~~two (2)~~ 2 years, except that members shall continue to serve until their successors are

appointed and qualified; provided, however, that no member shall hold over more than ~~six (6)~~ 6 months after the end of ~~his or her~~ the member's term.

Sec. 2.05.511. - County Compensation Commission - Established.

There is established a commission known as the New Castle County Compensation Commission consisting of ~~seven (7)~~ 7 members. With the advice and consent of County Council, the County Executive shall appoint ~~three (3)~~ 3 members of the Commission, ~~one (1)~~ 1 of whom will be designated by the County Executive as the Chairperson. County Council shall appoint ~~four (4)~~ 4 members with the advice and consent of the County Executive, ~~one (1)~~ 1 of whom shall be the Director of the Institute for Public Administration of the University of Delaware, or ~~his/her~~ the Director's designee. The term of each commissioner shall be ~~four (4)~~ 4 years, commencing on the date of appointment. The appointees shall ~~be persons not holding any of the offices, for which compensation for which is set by the Commission, nor and shall they be persons not employed substantially~~ full time with compensation paid by the County while serving on the Commission. Any ~~Each~~ member shall be eligible for reappointment.

Chapter 4 – ANIMALS

Sec. 4.02.001. - Licenses; restraint; impoundment; destruction; nuisances; enforcement generally...

B. Dog license...

2. License requirements.

...

c. When by or pursuant to the laws of the state of the owner's primary residence, a person licenses ~~his or her~~ their individual dog in ~~his or her~~ their state or county of residence, then ~~such~~ that dog shall not need an additional license in the County.

...

C. Restraint and control of animals.

...

2. No owner shall fail to exercise proper care and control of ~~his or her~~ their animal to prevent it from becoming a public nuisance.

...

G. *Right of entry of animal control officers.* An animal control officer shall have the right to enter upon any outside premises at all reasonable times for the purpose of discharging ~~his or her~~ their duties, where deemed necessary for the welfare of an animal or the public safety.

Sec. 4.02.003. - Dog or cat excrement.

A. Every owner of or person responsible for 1 ~~one (1)~~ or more dogs or cats shall take all reasonable measures to prevent accumulation of animal excreta in the area in which ~~such~~ the animals are customarily kept. No ~~such~~ owner shall allow animal excreta to accumulate so as to create obnoxious or offensive odors. Any person who fails to correct a violation of this Subsection within ~~twenty-four (24)~~ 24 hours following receipt of notice of ~~such~~ violation and order by the Code Enforcement Division ~~Office of Complaints~~ or any person who opposes or

impedes an officer or authorized agent or employee of the Code Enforcement Division Office of Complaints in the execution of ~~his or her~~ their duties under this Subsection shall be deemed to have violated this Section.

Chapter 6 – BUILDING CODE

Sec. 6.02.001. - Definitions.

Code Official means the Department of Land Use employee designated by the General Manager who has the authority to administer and enforce this Chapter, or ~~his or her~~ the Code Official's duly authorized representative.

Design professional means an architect or engineer duly registered by the applicable State of Delaware professional association, and who, by reason of ~~his or her~~ their special knowledge, experience, and education is qualified to practice in that particular area of expertise. A design professional shall only practice or engage in those areas in which ~~he or she has~~ they have adequate knowledge of the facts and competence in the subject matter. The Code Official shall have the authority to request that the design professional provide credentials indicating ~~his or her~~ their knowledge, experience, and education.

Sec. 6.03.001. - Requirements for a contractor license.

A. ...

1. Application..

...

iv. The names and addresses of any construction business that each principal operated during the last ~~five (5)~~ 5 years, or that ~~he or she~~ they currently ~~operates~~ operate.

6. *Verification*. The applicant must sign the application certifying that the contents ~~thereof of the application~~ are true and correct to the best of ~~his or her~~ the applicant's knowledge. Any person who falsifies any information on any application made with the Office of the Code Official shall be subject to criminal proceedings under Title 11, Chapter 5, Subchapter III, Subpart F of the *Delaware Code*, in addition to other remedies provided for in this Chapter.

...

C. *Permanent revocation or denial*. The Code Official shall deny or revoke a contractor license and limited contractor license to any applicant who has been convicted of a crime or offense relating to fraudulent or dishonest conduct within the past ~~five (5)~~ 5 years, or as a licensed contractor or otherwise, in the practice of ~~his or her~~ their profession, knowingly engaged in an act of consumer fraud or deception.

Sec. 6.03.003. - No lending of contractor licenses.

All licensed contractors shall be ultimately responsible for the work done. A licensed contractor shall not allow ~~his or her~~ their contractor license endorsement to be used by any other person, or party, directly or indirectly, either for the purpose of obtaining permits or for doing work under ~~his or her~~ their contractor license or permit contractor endorsement. Lending of a contractor license or permit contractor endorsement to do business without ~~such~~ the licensed contractor's direct involvement is a violation of this

Chapter.

Sec. 6.03.004. - Unlicensed contractors.

B. Licensed contractors who violate this Section shall be subject to the following penalties:

2. For the second and subsequent offenses, violators shall be subject to administrative penalties and fees established in this Chapter and/or revocation of ~~his or her~~ their contractor license or permit contractor endorsement for up to ~~three (3)~~ 3 years.

Sec. 6.03.006. – Regulations for building contractors.

A. *New home warranty program.* A building contractor who engages in the general construction of new residential dwellings to be sold to the public, including condominiums, must present proof that ~~he or she is a~~ they are a member of an approved new home warranty program. The building contractor shall supply the Office of the Code Official with confirmation that the dwelling is enrolled in an approved warranty program and must provide the warranty for the dwelling to the new home buyer within ~~thirty (30)~~ 30 days after the certificate of occupancy is issued. The County's role is limited to remedying code violations and will not include remediation of any violations of the new home minimum warranty standards.

Sec. 6.03.007. - Regulations for mechanical contractors.

B. *Requirements for mechanical contractor license.* Any applicant who desires to be licensed as a mechanical contractor must submit a copy of ~~his or her~~ their State HVACR license issued by the State of Delaware, Division of Professional Regulation for the applicable category.

Sec. 6.03.008. - Regulations for plumbing contractors.

B. *Requirements for plumbing contractor license.* Any applicant who desires to be licensed as a plumbing contractor must submit a copy of ~~his or her~~ their State plumber's license issued by the State of Delaware, Division of Professional Regulation.

Sec. 6.03.011. - Duties and powers of the Code Official.

A. *Responsibility for enforcement.* All rules and regulations described in this Chapter shall be enforced by the County Attorney, Office of the Code Official, or code enforcement constables except that the regulations for cleaning sewer laterals contained in this Chapter may be enforced by the General Manager of the Department of Public Works; or ~~his or her~~ their designee, pursuant to Article 3, Chapter 38.

G. *Inspections.* The Code Official; or ~~his or her~~ their duly authorized representatives, shall make all of the required inspections, or the Code Official shall have the authority to accept reports of inspection by approved agencies or individuals.

743 Reports of ~~such~~ these inspections shall be in writing and be certified by a
744 responsible officer of ~~such an~~ approved agency or by the responsible individual.
745 The Code Official is authorized to engage ~~such an~~ expert opinion as deemed
746 necessary to report upon unusual technical issues that arise.

747
748 **Sec. 6.03.012. - Permits.**

749 A. *Required...*

750 3. *Owner-occupier single-family dwelling permit.* A one-time exemption from
751 the licensure requirements for an owner-occupier who acts as ~~his or her~~ their
752 own new home builder for the construction of the owner-occupier's single-
753 family dwelling shall be permitted.

754 a. ~~The Code Official must approve an~~ The application for ~~such~~ an exemption
755 must be approved by the Code Official. The exemption application shall
756 contain a certification that the owner-occupier will act as ~~his or her~~ their own
757 new home builder until the project is completed. If ~~he~~ the Code Official
758 determines that an owner-occupier is not acting completely as ~~his or her~~
759 their own new home builder, the exemption granted under this Section may
760 be revoked.

761 ...

762 I. *Other required approvals...*

763 6. *NCCPW.* Grease traps shall be located outside the building and easily
764 accessible for inspection, cleaning, and maintenance. Written approval for
765 all grease traps is required from the General Manger of the Department of
766 ~~Special Services, Public Works~~ or ~~his or her~~ their designee. All grease traps
767 shall comply with the discharge restrictions delineated in Chapter 38 of this
768 Code.

769
770 **Sec. 6.03.013. - Submittal documents. ...**

771 B. *Construction documents. ...*

772 1. *Information on...*

773 e. *Minimum design requirements...*

774 12. Grease/oil interceptors to include venting. Note: Grease traps shall be
775 located outside the building and easily accessible for inspection,
776 cleaning, and maintenance. All grease traps shall have a storage
777 capacity of ~~one thousand (1,000)~~ 1,000 gallons and each shall be an
778 internally baffled tank constructed of concrete or fiberglass, unless
779 otherwise approved or required by the General Manager of the
780 Department of Public Works, or ~~his or her~~ their designee. The applicant
781 ~~of such~~ for the work shall provide written approval from the Department
782 of Public Works. All grease traps shall comply with the discharge
783 restrictions delineated in Chapter 38 of this Code.

784 ...

785 3. *Examination of documents...*

786 a. *Approval of construction documents.* When the Code Official issues a permit,
787 the construction documents shall be approved, in writing or by stamp, as
788 "Approved New Castle County, Department of Land Use," and dated. Approved
789 construction documents shall be returned to the applicant. One set of approved

construction documents shall be kept at the worksite of work and shall be open to inspection by the Code Official or ~~his or her~~ their authorized representative.

Sec. 6.12.002. - Enforcement.

A. *Criminal enforcement.* Any person violating the provisions of this Chapter may be subject to a criminal proceeding instituted by the Code Official or the County Attorney, or ~~his or her~~ their designee. It is unnecessary to prove the defendant's state of mind with regard to offenses which constitute violations as the legislative purpose is to impose strict liability for ~~such~~ those offenses.

1. *Dismissal charges.* Any person subject to criminal prosecution under this Chapter may avoid ~~the same~~ prosecution upon presenting sufficient evidence to establish that the alleged violation has been remedied. At the discretion of the County Attorney, or ~~his or her designee~~ their designee, and if sufficient evidence is presented prior to trial, the charges may be *nolle prosequi* with or without prejudice.

C. *Administrative enforcement...*

1. *Code violations...*

c. *Pre-deprivation show cause hearing.* If ~~such~~ the violations are not remedied within the time specified, the Code Official shall schedule a show cause hearing and provide the person an opportunity to defend ~~his, her, or its~~ their conduct at the ~~Hearing~~ hearing prior to any penalty being imposed. After ~~such~~ the show cause hearing the Code Official shall render a written decision within ~~twenty (20)~~ 20 days, informing the person of ~~his or her~~ the decision and ~~detail~~ detailing the reasons for any adverse action taken against the person. The show cause decision shall be delivered pursuant to the method of service provisions of this Article.

2. *Stop work order...*

e. *Post-deprivation show cause hearing.* If action is taken pursuant to this Subsection, the Code Official shall schedule a show cause hearing and provide the person to whom the permit was issued, the owner, or the person responsible for the property with the reasons for the action. The person shall be provided an opportunity to defend ~~his or her~~ their conduct and to mitigate liability for ~~damage~~ damages or costs incurred by the County or its agents to remediate the violation or unsafe condition. After ~~such~~ the show cause hearing, the Code Official may institute penalties in addition to costs previously incurred. The Code Official shall issue a written decision within ~~twenty (20)~~ 20 days informing the owner or person responsible for the property of the decision and detailing the reasons for any adverse action taken against the person. The show cause decision shall be delivered pursuant to the method of service provisions of this Article.

3. *Unsafe buildings, structures, and equipment...*

c. *Post-deprivation show cause hearing.* If action is taken pursuant to this Subsection, the Code Official shall schedule a show cause hearing and provide the owner or person responsible for the property with the reasons for the action. The owner or person responsible for the property shall be provided an opportunity to defend ~~his, her, or its~~ their conduct to mitigate liability for damage or costs incurred by the County or its agents to remediate the violation or unsafe condition. After ~~such~~ the show cause hearing, the Code Official may institute penalties in addition to costs previously incurred. The Code Official shall issue a written decision within ~~twenty (20)~~ 20 days and inform the owner or person responsible for the property of ~~his or her~~ their decision detailing the reasons for any adverse action taken against the person. The show cause decision shall be delivered pursuant to the method of service provisions of this Article.

Chapter 7 – PROPERTY MAINTENANCE

Sec. 7.01.002. – Amendments to the 2024 International Property Maintenance Code.

... CHAPTER 1. SCOPE AND ADMINISTRATION

...
101.7 *Representation and indemnification.* The code official, employees charged with administration and enforcement of this code, and members of the Board of License, Inspection and Review who are subject to a civil or criminal action arising from the performance of ~~his or her~~ their duties shall have a right to representation and indemnification pursuant to *New Castle County Code* § 2.03.200 ("Indemnification of County officers and employees").

CHAPTER 3. GENERAL REQUIREMENTS

...
302.8.6.1 *Temporary Permit.* A person visiting a lot owner or occupant may park ~~his or her~~ their recreational vehicle on the driveway or approved hardened and treated surface of the lot for a period not to exceed 14 days, except as provided in this code for temporary emergency housing as the result of a declared natural disaster in which case the temporary permit and the time periods shall be as set forth in Section 108 ("Stop Work Order"), provided a temporary permit from the Department is obtained. The temporary permit shall designate the individual to whom the permit is issued, the recreational vehicle to be parked, and the expiration date of the permit.

...
302.9.2.3 A minor who is an employee of a person who or an entity which is a vendor of graffiti implements may, during ~~his or her~~ their duties, possess such implements, for purposes of lawful sale or transfer, but shall not purchase or obtain possession of the same for any other purpose.

...
302.13.1 Any person who is the owner of, or has responsibility for, 1 or more dogs or cats shall take all reasonable measures to prevent accumulation of animal excreta in the area in which such animals are customarily kept. No owner shall allow animal excreta to accumulate to create obnoxious or offensive odors.

Any person who fails to correct a violation of this subsection within 24 hours following receipt of notice of such violation and order by the code official or any person who opposes or impedes an officer or authorized agent or employee of the Department in the execution of ~~his or her~~ their duties under this subsection shall be deemed to have violated this section.

...

308.4 Commercial business. Every owner, operator or occupant of a commercial business producing garbage or rubbish shall provide, and always cause to be utilized, approved leak proof containers provided with close-fitting covers for the storage of such materials until removed from the premises for disposal. It shall be unlawful for any person to cause or allow unsightly litter or potentially dangerous materials to remain on any property under ~~his or her~~ their control.

Chapter 8 – BUSINESSES

...

Sec. 8.02.002. - Application for license.

The applicant for a license required by Section 8.02.001 shall file with the Department of Land Use an application ~~therefor~~ in writing and under oath, giving all the facts in regard to ~~such~~ the sale and particularly the place and manner of advertising and conducting the sale and the proposed period of time during which ~~such~~ the sale will be conducted. At the time application is made, the applicant shall submit to the Department of Land Use an inventory containing a complete and accurate list of the stock of goods to be offered for sale or to be sold at any sale for which a license is hereby required, together with an itemized schedule of the wholesale prices of the goods covered by such inventory, and a statement of the name and address of the person from whom ~~such~~ the goods were purchased or secured. The inventory, schedule, and statement shall be signed by the person applying for ~~such~~ the license or by an authorized agent and, by affidavit at the foot thereof, ~~he or she~~ the applicant or ~~such~~ the applicant's agent shall swear or affirm that the information therein given is full, complete, and true and known by such affiant to be full, complete, and true.

Sec. 8.02.009. - Applicability of Article to sales by public or court officer.

This Article shall not apply to trustees selling under deeds of assignment or to sheriffs, constables or other public or court officers or to any person acting under the direction or authority of any State or federal court selling goods in the course of ~~his or her~~ their official duties.

Sec. 8.03.001. - Definitions.

The following words, terms and phrases, when used in this Article, shall have the meanings ascribed to them in this Section, except where the context clearly indicates a different meaning:

Secondhand dealer in precious metals means any person who, because ~~he or she~~ the person trades in secondhand precious metals, is licensed as a junk dealer under 24 Del. C. § 2301- 2317 et seq., and any person who purchases secondhand precious metals for either collection or resale. A secondhand dealer in precious metals shall be required to

933 obtain a license from the Clerk of the Peace. Any person who desires to dispose of ~~his or~~
934 ~~her~~ their personal property, consisting of items including precious metals, which belong
935 to ~~him or her~~ that person for ~~his or her~~ that person's personal use and enjoyment and
936 which have not been kept by ~~him or her~~ that person as a merchant in the ordinary course
937 of business for sale at wholesale or retail, shall be excluded from this definition.

938
939 **Sec. 8.03.002. - Time period for retention of goods.**

- 940 A. Every secondhand dealer of precious metals must retain for a period of at least
941 ~~fifteen (15)~~ 15 days all goods, merchandise and other items purchased or received
942 in the course of ~~his or her~~ their business from any person. These items shall be
943 retained either at the place of business listed on the secondhand precious metal
944 dealer's license or at ~~such~~ another location within the State as agreed to in writing
945 by the Police Department.

946
947 **Sec. 8.03.004. - Purchases from minors.**

948 No secondhand dealer of precious metals shall purchase any secondhand article
949 containing a precious metal from any minor without the written consent of ~~his or her~~ the
950 minor's parents or legal guardian.

951
952 **Chapter 10 – CIVIL EMERGENCIES**

953
954 **ARTICLE 2 – COUNTY STATE OF EMERGENCY**

955
956 **Sec. 10.02.001. – Issuance of proclamations; imposition of restraints**

957 Upon a determination by the County Executive that there is a clear and present
958 danger to the health, life or safety of the people or property in any part of the County, the
959 County Executive may issue a proclamation declaring a state of emergency and may
960 impose ~~such~~ restraints and requirements, including but not limited to periods of curfew or
961 limitations upon the congregating of persons in streets, roads, parks or public open
962 spaces as in ~~his or her~~ their judgment are proper in order to protect and preserve the
963 health, life and safety of the people and property in the County. During an emergency or
964 disaster...

965 ...
966
967 **CHAPTER 12 – DRAINAGE**

968
969 **Sec. 12.01.003. – Definitions.**

970 ...
971 *Code Official* means the General Manager of the Department of Land Use or ~~his or her~~
972 the General Manager's designee, the General Manager of the Department of Public
973 Works or ~~his or her~~ the General Manager's designee.

974
975
976 **CHAPTER 14 – FINANCE AND TAXATION**

977
978 **Sec. 14.01.001. – Monthly financial reports.**

- 979 A. By the second Tuesday of each month, the Chief Administrative Officer or ~~his or~~
980 ~~her~~ their designee shall forward to each member of County Council reports and

information concerning the status of the financial and other affairs of the County so as to keep County Council informed as to all offices, departments, and agencies receiving appropriations from the County treasury. The monthly report shall include, but is not limited to, the following items: (1) intradepartmental line item variations; (2) ordinances appropriating new revenues; (3) Council contingency funds; (4) Executive contingency funds; and (5) grant closings.

- B. On a monthly basis, the Chief Financial Officer or ~~his or her~~ their designee shall post on the County's website the information contained in Subsection A., the General Fund checkbook report and the Sewer Fund checkbook report. Checkbook reports shall include, but are not limited to, the following items: (1) available financial reserves; (2) projected revenues; and (3) projected expenditures for the month.

Sec. 14.01.003. – Variations restricted.

The Chief Administrative Officer or ~~his or her~~ their designee is hereby authorized to grant intradepartmental variations from the budgeted amounts for the line items entitled "Salaries and Wages, Employee Benefits, Travel and Civic Affairs, Communications and Utilities, Materials and Supplies, Contractual Services, Equipment, Grants and Fixed Charges, Land and Structures, and Debt Service" as contained in the annual operating budget and grants budget provided that: ...

Sec. 14.01.006. – Authority to accept and appropriate grants and gifts to County...

- A. The Chief Administrative Officer or ~~his or her~~ their designee is hereby authorized to accept, enter in an appendix to the grants budget, and authorize expenditures from grants, program fees, and gifts received by the County in amounts of ~~twenty-five thousand dollars (\$25,000.00)~~ \$25,000.00 or less.
- B. The Chief Administrative Officer or ~~his or her~~ their designee is hereby authorized to accept on behalf of the Department of Police all vehicles and property forfeited to the State under 11 *Del. C.* § 2311 (Disposition of property validly seized) and 11 *Del. C.* § 2325 (Disposition of seized vehicles) that the State determines shall be turned over to the County Department of Police by reason of that Department's involvement in the seizure of such property or vehicles. Such property or vehicles shall be tendered to the Department of Police for its use in law enforcement activities. If the Department of Police has no need for or can make no use of the property or vehicles, the property or vehicles shall then be declared surplus and disposed of in accordance with governing State and County law.

Sec. 14.01.007. – Fiscal Notes on proposed ordinances and resolutions.

- A. The Chief Financial Officer or ~~his or her~~ their designee shall attach a fiscal note to each proposed ordinance and resolution prior to its introduction by County Council. The fiscal note shall reflect a ~~three (3)~~ 3-year fiscal projection of the proposed legislation which shall include details concerning the origin of the funding, whether from reserves, a grant, a revolving fund, operating funds or some other source. A Council member may proceed to introduce legislation without a fiscal note if ~~such a~~ a note is not received within ~~ten (10)~~ 10 business days of forwarding the legislation to the Office of Finance; provided that for an emergency ordinance that may be passed at the same meeting at which it is introduced, the sponsor shall seek a fiscal note, but the ~~ten (10)~~ 10 business-day waiting period does not apply and the

1029 sponsor may proceed to introduce the ordinance if the fiscal note is not received
1030 prior to the meeting. Further, the sponsor may obtain a fiscal note from another
1031 source if the fiscal note is not timely provided and may under any circumstances
1032 append a fiscal note from an additional source if desired.

1033 **Sec. 14.01.010. – Nondiscrimination.**

1034 No department, division, section, office, or board of the County shall expend
1035 County funds or Federal funds administered by the County to pay for or reimburse any
1036 County officer or employee for the expense of food, drink, or related services obtained at
1037 or from any dining establishment, drinking establishment, caterer, club, or other
1038 organization or establishment that has a policy of excluding from its membership or
1039 service any person on the basis of race, color, sex, religion, or national origin. It shall be
1040 the duty of each general manager in the County to enforce this Section within ~~his or her~~
1041 their department. No general manager shall approve any request for payment or
1042 reimbursement of any expenditure occurred in violation of this Section.

1043
1044 **Sec. 14.01.019. – New Castle County Financial Advisory Council.**

1045 ...
1046 C. Members shall continue to serve until their successors are appointed and qualified;
1047 provided, however, that no member shall hold over more than ~~six (6)~~ 6 months after the
1048 end of ~~his or her~~ their term.

1049
1050 **Sec. 14.02.001. – Interim assessments.**

1051 ...
1052 B. Prior to the issuance of a certificate of occupancy by the Department of Land Use
1053 for new construction or for improvements to existing structures and prior to the
1054 recordation of any deed to a property on which is erected a structure not
1055 theretofore valued or assessed for tax purposes, the owner of ~~such~~ that property
1056 shall deliver to the Assessment Division an affidavit stating ~~his or her~~ their good
1057 faith estimate of the current fair market value of the improvement, as defined
1058 in Section 14.02.002. That estimate of value shall be used as the basis for
1059 determining the interim assessment.

1060
1061 **Sec. 14.05.001. – Applications required.**

1062 Prior to the granting of any abatement, whether of penalty or principal, a written
1063 application must be filed with the Office of Finance, together with documentation
1064 supporting the requested abatement. The Chief Financial Officer or ~~his or her~~ their
1065 designee is hereby authorized to approve any qualified application for abatement of
1066 penalty pursuant to Subsection 14.05.002_A or 14.05.002_E, to deny any abatement of
1067 penalty in situations not warranting abatement pursuant to Subsections 14.05.002_A and
1068 14.05.002_E, to deny any abatement of penalty in situations not warranting abatement
1069 pursuant to Subsection 14.05.002_B, except where permitted under Subsection
1070 14.05.002_E, and to refrain from imposing penalties for the delineated exceptions for proof
1071 of timely payment in Subsection 14.05.002_B.1. The Chief Financial Officer, with the
1072 concurrence of the County Attorney, shall review the circumstances of each application
1073 for abatement of tax principal pursuant to Subsection 14.05.002_C., and, if both concur,
1074 the request for relief shall be processed after notification of the Council member in whose
1075 district the taxpayer resides. Monthly reporting requirements to County Council on these
1076 abatements are as set forth in Subsection 14.03.002_D.

1077
1078 **Sec. 14.05.002. – Eligibility.**

1079 *A. Abatement of penalties...*

- 1080 1. Where the taxpayer or a member of ~~his or her~~ their immediate family has
1081 suffered death or a serious sudden illness within ~~sixty (60)~~ 60 days of the date
1082 upon which payment is due.
- 1083 2. ...
- 1084 3. Where the taxpayer reasonably relied to ~~his or her~~ their detriment upon
1085 erroneous information furnished to ~~him or her~~ them by County officials or
1086 employees. The taxpayer must provide documentation to support a claim that
1087 County officials or employees provided erroneous information.
- 1088 4. Where the taxable is on active duty service in the United States armed forces
1089 during a period when the United States is involved in a war or conflict
1090 authorized by the Congress of the United States, the abatement extending to
1091 unpaid penalty on property taxes that accrue on ~~his or her~~ their principal
1092 residence during the period of active duty service, after filing the appropriate
1093 application form with the Office of Finance, until ~~one hundred twenty (120)~~ 120
1094 days after ~~such~~ the active duty terminates, to the extent of ~~his or her~~ their
1095 ownership interest in the property.

1096 ...

1097 *E. COVID-19 Exception.* Notwithstanding any other provision of this Article to the
1098 contrary, upon receipt of an application containing the applicant's certification that
1099 untimely payment was attributable to a COVID-19 financial hardship, the Chief
1100 Financial Officer, or ~~his or her~~ their designee, is authorized to abate up to ~~six (6)~~ 6
1101 months of penalties charged for late payment of County taxes billed in the Fiscal Year
1102 2021 tax bill due September 30, 2020. Penalties for Fiscal Year 2021 school taxes
1103 and for unpaid balances of any County or school taxes billed prior to Fiscal Year 2021
1104 will continue to accrue.

1105 ...

1106 **Sec. 14.06.302. - Qualifications for and amount of elderly exemption.**

1107 ...

1108 *G. Transfer of elderly exemption.* If a person who qualifies for the Section
1109 14.06.302, *A.* elderly exemption transfers ~~his or her~~ their property for which the
1110 exemption was granted and acquires a new property (which is the principal
1111 residence), the person may transfer ~~his or her~~ their exemption to the new residence
1112 upon the submission of a new application for exemption, accompanied by proper
1113 documentation of ~~such~~ the transfer.

1114
1115 **Sec. 14.06.303. - Qualifications for and amount of disability exemption.**

1116 *A. County tax disability exemption...*

1117 *e. ...*

- 1118 i. This durational residency requirement shall be waived for a person who is
1119 totally and permanently disabled, who incurred ~~his or her~~ their disability as
1120 a result of, and while in, the service of the United States armed services,
1121 who has been honorably discharged, and who provides documentation of
1122 the foregoing when submitting the application.

1123 ...

1124 *H. Transfer of disability exemption.* If a person who qualifies for the disability exemption

pursuant to Subsection A. or B. transfers ~~his or her~~ their property for which the exemption was granted and acquires a new property (which is the principal residence), the person may transfer ~~his or her~~ their exemption to the new residence upon the submission of a new application for exemption, accompanied by proper documentation of ~~such~~ the transfer.

Sec. 14.06.305. - Full taxation of property after termination of exemption.

...

B. It shall be the obligation of the property owner receiving an exemption, ~~his~~ their heirs, successors, or assigns, to provide timely notice to the County of any factor that renders the property no longer eligible for exemption under this Division. If the owner or ~~his~~ their representative fails to provide ~~such~~ timely notice to the County, the County may back-bill the account in accordance with the provisions of Section 14.06.1110.

Division 14.06.400. - Tenants in common or joint tenants.

Sec. 14.06.401. - Exemption specifications.

A. Where title to property on which an exemption is claimed is held by a claimant and another or others, either as tenants in common or as joint tenants, the claimant shall not be allowed an exemption against ~~his or her~~ their interest in the property in excess of the assessed valuation of ~~his or her~~ their proportionate share in the property, which proportionate share shall be deemed to be equal to that of each of the other tenants, unless it is shown on a recorded instrument of title that the interests in question are not equal, in which event the claimant's proportionate share shall be as shown.

B. Nothing in this Section shall preclude more than ~~one (1)~~ 1 tenant, whether title shall be held in common or joint tenancy, from claiming exemption against the property so held, but not more than the equivalent of ~~one (1)~~ 1 full exemption in regard to ~~such~~ the property shall be allowed in any year; and, if the claimants cannot agree as to the apportionment thereof, the exemption shall be apportioned between or among them in proportion to their interest. Property held by husband and wife as tenants by the entirety shall be deemed wholly owned by each tenant, but not more than ~~one (1)~~ 1 exemption in regard to ~~such~~ the property shall be allowed in any year.

...

Sec. 14.06.1106. - Signature on application; false statements; fee; inspection.

A. All applications under this Article shall be signed by the applicant or by ~~his or her~~ their authorized agent, and any person who shall knowingly make any false statement in an application shall be guilty of a misdemeanor and subject to punishment under Section 1.01.009.

...

Sec. 14.06.1110. - Revocation of exemption

If, after the approval of an exemption of any property, the County shall determine that the exemption or part thereof was approved or renewed as the result of inaccurate or incomplete information from the applicant or ~~his or her~~ the applicant's authorized agent, the exemption or part thereof shall be revoked and taxes plus penalties at the prevailing

rates shall be levied against ~~such~~ the property for the years affected, not to exceed five (5) 5 years.

...

Sec. 14.08.310. – Approval of applications.

If the Review Committee shall make the findings required by Section 14.08.309, the Executive or Executive's designee shall so notify the applicant and shall transmit ~~such~~ the application and other documents, together with any additional recommendations, to County Council so that a project resolution may be introduced. If the Review Committee disapproves the application, the Executive or ~~his or her~~ the Executive's designee shall so report to County Council. Council may enact a project resolution despite ~~such~~ a negative recommendation, provided it makes the findings and determinations required by Section 14.08.309 and includes such findings in the project resolution.

...

Sec. 14.10.001. – Definitions; transfers.

C. First-time homebuyers; conveyances of land for agricultural, horticultural or forest use.

1....

a....

i. A natural person who has at no time held any direct legal interest in residential real estate, wherever located, and who intends to occupy the property being conveyed as ~~his or her~~ their principal residence within ~~ninety (90)~~ 90 days following the transaction;

...

2. Any conveyance of land that, at the time of transfer, is being valued, assessed, and taxed by the County pursuant to 9 *Del. C.* §§ 8330 (Agricultural use land) through 8337 (State Farmland Evaluation Advisory Committee) and that the purchaser intends to use for agricultural, horticultural or forest use, as those terms are defined in 9 *Del. C.* Ch. 83 (Valuation and Assessment of Property), for as long as ~~he or she~~ they owns the property; but if the property is put to any other use within ~~three (3)~~ 3 years after sale, then the otherwise exempted transfer tax shall immediately become due and be payable by the then-current owner.

...

Sec. 14.10.011. - Failure to pay tax; determination; redetermination; review; interest.

A. *Determination.* If any person shall fail to pay any realty transfer tax for which ~~he or she is~~ they are liable, the Office of Finance may make a determination of additional tax, penalty, and interest due ~~by such person~~, based upon any information within its possession or that shall come into its possession. All ~~such~~ determinations shall be made so that notice thereof shall be mailed to the liable parties ~~against whom~~ made within ~~three (3)~~ 3 years after the date of the recording of the document, or, if no document was recorded, within ~~three (3)~~ 3 years after the date of the transaction.

...

Sec. 14.13.001. - Prequalification required.

...

E. Certifications shall be made under penalty of perjury by the purchaser or a person authorized by the purchaser.

1. If the purchaser is a business entity, the person completing the application shall certify that ~~he or she has~~ they have authority to make the certifications required herein on behalf of the business entity.

Sec. 14.14.004. - Failure to pay tax; determination; redetermination; review; additional penalty.

A. *Determination.* If any operator fails to pay any lodging tax for which ~~he or she is~~ they are liable, the ~~New Castle County~~ Office of Finance may determine the additional tax and penalty due by ~~such~~ that person or entity, based upon any information within its possession or that shall come into its possession. All such determinations shall be made so that notice thereof shall be mailed to the person or entity against whom the determination was made within ~~three (3)~~ 3 years after the date the lodging tax became due.

Chapter 19 – RESIDENTIAL RENTAL PROPERTIES

Sec. 19.02.001. – Definitions.

Code Official means the Department of Land Use employee designated by the General Manager who has the authority to administer and enforce this Chapter, or ~~his or her~~ the *Code Official's* authorized representatives.

Sec. 19.04.002. - Enforcement.

2. Show cause hearing. If ~~such~~ the violations are not remedied within the time specified, the Code Official or Code Enforcement Officer shall schedule a show cause hearing and provide the person an opportunity to defend ~~his, her, or its~~ their conduct at the hearing prior to any penalty being imposed. After ~~such a~~ show cause hearing, the Code Official or Code Enforcement Officer shall render a written decision within ~~twenty (20)~~ 20 days, informing the person of ~~his or her~~ their decision and detailing the reasons for any adverse action taken against the person. The show cause decision shall be delivered pursuant to the method of service provisions of this Article.

Chapter 20 – LAW ENFORCEMENT

Sec. 20.02.001. - Appointment of police of incorporated cities and towns as County Police Officers.

C. When Police Officers employed by incorporated cities and towns of the County are operating in the County, they shall be under the general supervision of the Chief of Police or ~~his or her~~ the Chief of Police's designee.

D. The actions of a Police Officer not employed by the County shall be coordinated, when operating in the County, by the Chief of Police or ~~his or her~~ the Chief of

Police's designee and by the official holding the position, in the government which employs the Police Officers, corresponding to the position of Chief of Police or the designee of such an that official.

E. ...

F. Nothing in this Section shall authorize any Police Officer not ordinarily employed by the County to perform any activity in the County other than in the course of duties as assigned by the official holding the position corresponding to the position of Commissioner or Director of Public Safety in the government by which the Police Officer is ordinarily employed or ~~his or her~~ their designee.

G. Liability for the acts of a Police Officer shall rest with the government by which ~~he or she~~ the officer is ordinarily employed, and ~~such~~ that government shall be responsible for providing any and all insurance necessary to protect itself, its employees, and any other parties.

Sec. 20.02.005. – Firearms Authorization.

...

B. In order to be authorized to carry a firearm while acting in ~~his or her~~ their official capacity, an employee must be certified by the Chief of Police as having been qualified in the proper use of the firearm ~~he or she~~ they will carry. ~~Such~~ The certification must be renewed annually.

C. Procedures for certification shall be established by the Chief of Police and shall be subject to ~~his or her~~ their revision at any time.

...

Sec. 20.03.002. – Disposition of property.

A. Whenever any personal property of any kind, except money and bicycles, comes into the custody of the Police Department and the person entitled to possession of the property cannot be located and fails to claim the property for a period of ~~six (6)~~ 6 months, the Chief of Police may dispose of the property at public sale at some place which shall be convenient and accessible to the public. The time, place and terms of ~~such~~ the sale, together with a description of the personal property, shall be inserted in ~~one (1)~~ 1 or more daily newspapers published in the County at least once each week for ~~two (2)~~ 2 successive weeks prior to ~~such~~ the sale. The Chief of Police shall in ~~his or her~~ their discretion fix the terms of sale and may employ an auctioneer to make the sale. If the property is of the kind for which a certificate of title or registration shall or should have been issued by any commissioner, commission or department, whether State or federal, the Chief of Police shall cause notice by registered mail to be sent at least ~~ten (10)~~ 10 days prior to the sale to the owner and lienholder, if any, shown on the records of such commissioner, commission or department or to the person entitled to the possession thereof, if ~~his or her~~ their address is known or if it can be ascertained by the exercise of reasonable diligence; if the address cannot be so ascertained, ~~such~~ the notice shall not be required to be given.

...

D. The certification of the Chief of Police that ~~he or she has~~ they have sold personal property to a purchaser as provided in this Section can constitute sufficient evidence of title to any property so sold in order to enable any ~~such~~ purchaser to obtain a certification of title and registration from the commissioner, commission or department which shall recognize ~~such~~ the certificate of the Chief of Police as

sufficient authority for the issuance of a certification of title and the registration.

..

G. As used in this Article, the term "persons entitled to possession of the property" includes owners, bailees, lessees or finders. Any person who can prove ownership or a bailee's, lessee's or finder's interest in found property in police custody shall have a right to possession of the property superior to that of the Police Department. Any property that is given over to the custody of the County Police by a finder shall be returned to the finder if ~~he or she claims~~ they claim the property and no owner, bailee or lessee of the property has been located within ~~six (6)~~ 6 months or located within ~~ninety (90)~~ 90 days if the property is a bicycle. A finder of personal property unclaimed by other parties entitled to possession may take possession of the property ~~six (6)~~ 6 months after the police obtain custody of it. A finder who intends to claim found property placed in the custody of the County Police must file a written claim to the property with the police within ~~six (6)~~ 6 months after the date on which the property was placed in police custody. Failure to file a written claim within ~~six (6)~~ 6 months will result in a forfeiture by the finder of ~~his or her~~ their right to the property. After having possession of the property for ~~one (1)~~ 1 year, the finder's title to the property shall be superior to that of all but the true owner. After ~~three (3)~~ 3 year's possession, the finder's title shall be superior to the owner's.

Sec. 22.02.003. - Loitering.

...

2. Loiters or remains in or about a school building or grounds, not having reason or relationship involving custody of or responsibility for a pupil or any other specific or legitimate reason for being there, unless ~~he or she has~~ they have written permission from the principal;

...

B. *Opportunity to dispel alarm.* Unless flight by the person in question or any other circumstances makes it impracticable, a Police Officer, prior to any arrest for an offense under this Section, shall afford the person in question an opportunity to dispel any alarm which would otherwise be warranted by requesting ~~him or her to identify himself or herself~~ they identify themselves and explain ~~his or her~~ their presence and conduct. No person shall be convicted of an offense under this Section if the Police Officer did not comply with the preceding sentence or if it appears that the explanation given to the person in question was true, and, if believed by the Police Officer at the time, would have dispelled the alarm.

C. *Warning to disperse.* If, after affording the person in question an opportunity to identify ~~himself or herself~~ themselves and to explain ~~his or her~~ their presence or conduct, the Police Officer has reason to believe the alarm which prompted ~~him or her~~ the officer to approach the individual in question has not been dispelled, ~~he or she~~ the officer shall tell ~~him or her~~ the individual to disperse or to move on. The officer shall also tell the person how the person has violated this law and shall warn the person that if ~~he or she continues~~ they continue to act in violation of this law ~~he or she~~ they will be arrested and will be liable to the fines and other penalties described in Subsection E. This warning shall continue in effect for ~~forty-five (45)~~ 45 days following the day on which it is given and shall be entered into the computer, and within that time no additional warning shall be required in order to

make an arrest under Subsection D.

Chapter 22 - OFFENSES AND MISCELLANEOUS PROVISIONS

Sec. 22.02.006. - Disorderly premises.

A. It shall be unlawful for any owner, owner's agent, manager, caretaker or person occupying a premises to allow, suffer or permit in any residence or upon any premises occupied by ~~himself or herself~~ the individual(s) any conduct which causes public inconvenience, annoyance, alarm to a reasonable person, or disrupts the quiet and good order of adjoining and surrounding properties including, but not limited to, engaging in fighting or in violent, tumultuous, or threatening behavior, making unreasonable noise or an offensively coarse utterance, gesture or display or addressing abusive language to any person present, obstructing vehicular traffic or pedestrian traffic, or creating a hazardous or physically offensive condition which serves no legitimate purpose. Any person who fails to obey the order of a Police Officer to dispel and disperse or otherwise discontinue the disturbing activity may be cited for an additional violation of this Section.

Chapter 24 – PARKS AND RECREATION

Sec. 24.01.003. – Temporary closing or curtailment of activities.

The General Manager of the Department of Public Works, or ~~his/her~~ their designee, may temporarily close or curtail activities upon any lands or waters or any portions thereof when it has been deemed to be in the best interest of public safety, conduct, health or order.

Sec. 24.01.010. – Open Fires.

No person in any park shall make or kindle any open fire except in fireplaces and grills provided for this purpose or in private portable grills, approved as safe by the Department of Public Works. Grills provided for public use shall be on a first come, first served basis. Special exception may be granted to controlled groups with authorization from the General Manager of the Department of Public Works or ~~his/her~~ their designee.

Sec. 24.01.014. – Possession of certain knives; discharge of weapons.

No person shall carry a knife upon ~~his or her person~~ having a blade ~~three (3)~~ 3 inches or longer in length or have possession of or discharge a BB gun, air rifle, pistol, firearm, paint ball gun, bow and arrow or any other type of lethal weapon in any park.

Chapter 26 – HUMAN RESOURCES

Sec. 26.01.004. - County Human Resources Office.

A. There shall be and is hereby created, in and for the County, a Human Resources Office, the Executive Manager of which shall be the Chief Human Resources Officer ("CHRO") who shall be charged with and responsible for the administration of the merit system hereby created, pursuant to the rules set forth in this Chapter.

Sec. 26.01.010. – Appeals by employees to the Human Resources Advisory Board.

Upon completion of ~~his or her~~ their probationary period, any employee who is dismissed, demoted, suspended or otherwise disciplined, in accordance with Article 3 of this Chapter or the New Castle County discipline policy, may appeal to the Human Resources Advisory Board for review thereof, in accordance with the grievance procedures set forth in the rules and regulations...

Sec. 26.01.006. - Duties of Chief Human Resources Officer.

E. Make an annual report regarding the work of the Office and prepare and adopt such forms, reports and procedures as ~~he or she~~ they may consider necessary and desirable to carry out the purposes and provisions of this Chapter;

Sec. 26.01.012. - Duties of County officers and employees.

All officers and employees of the County shall comply with and aid in all proper ways in carrying out this Chapter and the rules and regulations under this Chapter. All officers and employees shall furnish any records or information which the Chief Human Resources Officer or the Human Resources Advisory Board may request for any purpose of this Chapter and which are not otherwise privileged. The Chief Human Resources Officer may institute and maintain any action or proceeding at law or in equity that ~~he or she considers~~ they may consider necessary or appropriate to secure compliance with this Chapter and the rules and regulations under this Chapter.

Sec. 26.01.013. - Certification of payrolls.

B. A department general manager or other official may add an employee to the payroll, change ~~his or her~~ an employee's salary or change ~~his or her~~ an employee's status only upon receipt of the properly completed personnel action form designated and approved by the Chief Human Resources Officer. The Chief Human Resources Officer shall be supplied with the required payroll computer printouts and other information to verify that all employees listed have been hired in accordance with the merit system.

D. Any person appointed or employed in contravention of any section of this Chapter or of any rule, regulation or order thereunder who performs service for which ~~he or she is~~ they are not paid may maintain an action against the officer who purported to so appoint or employ ~~him or her~~ them to recover the agreed pay for such services or the reasonable value thereof if no pay was agreed upon. No officer shall be reimbursed by the County at any time for any sum paid to such person on account of such services.

Sec. 26.01.018. - Prohibitions and penalties.

A. The following...

4. No person shall defeat, deceive or obstruct any person in ~~his or her~~ their right to examination, eligibility, certification or appointment under this

Chapter or furnish to any person any special or secret information for the purpose of affecting the rights or prospects of any person with respect to employment in the classified service.

B. Any person who by ~~himself or herself~~ themselves or with others willfully violates this Section shall be guilty of a misdemeanor and upon conviction thereof shall be punished as provided in Section 1.01.009. Any person convicted under this Section shall be ineligible, for a period of ~~five (5)~~ 5 years thereafter, to hold any County office or position and, if ~~he or she is~~ they are an officer or employee of the County, ~~he or she~~ they shall immediately forfeit ~~his or her~~ their office or position.

Sec. 26.01.019. - Political prohibitions and penalties.

B. The following...

1. No employee in the classified or unclassified service shall, during regular working hours, take part in the management or affairs of any political party or in any political campaign or perform any service for any political party other than of an incidental nature to the official job description of the employee, except to exercise ~~his or her~~ their right as a citizen privately to express ~~his or her~~ their opinion and to cast ~~his or her~~ their vote.

2. No employee in the classified or unclassified service shall at any time use or attempt to use ~~his or her~~ their position with the County as a means of implementing or promoting the solicitation of any assessment, subscription, contribution or service for any political party.

C. Any person who by ~~himself or herself~~ themselves or with others willfully or corruptly violates any of the subsections of this Section shall be guilty of a misdemeanor and shall be ineligible for a period of ~~one (1)~~ 1 year to hold any County office or position. If ~~he or she~~ they are currently an officer or employee of the County, ~~he or she~~ they shall immediately forfeit ~~his or her~~ their office or position.

D. Any officer or employee of the County whose principal employment is in connection with an activity which is financed in whole or in part by loans or grants made by the United States or a federal agency may be subject to the coverage, restrictions and penalties of the Hatch Act, and ~~he or she~~ they shall be so informed by the County.

Sec. 26.01.021. - Workforce diversity and equal employment opportunity.

E. All sections of this Chapter notwithstanding, appeal rights shall be granted to any individual who believes ~~he or she has~~ they have been discriminated against because of race, color, religion, gender, age, national origin, physical disability, political affiliation or other nonmerit factors and has been denied equal opportunity in recruitment, selection, appointment, promotion, training, discipline and related managerial areas because of the same. ~~Such appeal~~ Appeal rights shall be exercised in accordance with the grievance procedure set forth in this Chapter and the rules and regulations under which the Human Resources Advisory Board shall render the final decision, should appeal to that body become necessary.

1506
1507 ...
1508 **Sec. 26.03.002. - Purposes.**
1509 ...

1510 E. Each employee shall be encouraged to render ~~his or her~~ their best service to
1511 the County.

1512 ...
1513 **Sec. 26.03.102. - Responsibility for administration.**

1514 The Chief Human Resources Officer shall be responsible for administering the
1515 classification plan under this Article. The Chief Human Resources Officer may assign
1516 other officials or employees to assist ~~him or her~~ in this activity.

1517
1518 **Sec. 26.03.103. - Allocation of new positions.**

1519 The department general manager shall complete a position description covering
1520 the duties and responsibilities of each proposed position. The ~~Chief Human Resources~~
1521 ~~Officer~~ CHRO shall then allocate the position to ~~one (1)~~ 1 of the classes in the
1522 classification plan. If a suitable class does not exist, ~~he or she~~ the CHRO shall recommend
1523 the establishment of a new class and, after adoption of the new class by the Human
1524 Resources Advisory Board and approval by the County Council, ~~he or she~~ the CHRO
1525 shall allocate the position to the new class.

1526
1527 **Sec. 26.03.104. - Review of position classification.**

1528 If an employee has facts which indicate ~~to him or her~~ that ~~his or her~~ their position
1529 is improperly allocated, ~~he or she~~ the employee may ask the ~~Chief Human Resources~~
1530 ~~Officer~~ CHRO to review the allocation of ~~his or her~~ their position provided that no such
1531 review has been made during the previous ~~twelve (12)~~ 12 months. Such request shall be
1532 submitted in writing and shall contain a statement of justification as well as the properly
1533 completed forms required by the Human Resources Office for such a review. The ~~Chief~~
1534 ~~Human Resources Officer~~ CHRO shall then review the employee's request, including an
1535 audit of the position if necessary, and respond to the employee in writing within ~~sixty (60)~~
1536 60 days. The Human Resources Office shall determine the effective date of a
1537 reclassification.

1538
1539 **Sec. 26.03.105. - Maintenance of plan.**

1540 ...
1541 B. Each time a department or division is reorganized, position descriptions for all
1542 affected employees shall be submitted to the ~~Chief Human Resources Officer~~
1543 CHRO for ~~his or her~~ review.

1544 C. The ~~Chief Human Resources Officer~~ CHRO may require departments or
1545 employees to submit position descriptions on a periodic basis or at any time ~~he or~~
1546 ~~she~~ has the CHRO has reason to believe that there has been a change in the
1547 duties and responsibilities of ~~one (1)~~ 1 or more positions.

1548 ...
1549 E. The ~~Chief Human Resources Officer~~ CHRO shall conduct reviews of the
1550 classification plan as needed to maintain an updated classification plan. This may
1551 be accomplished by reviewing a portion of the classes each year as long as all
1552 classes will have been reviewed by the end of a ~~five (5)~~ 5 year period.

1554 **Sec. 26.03.202. - Composition of pay plan.**

1555 ...

1556 B. *New appointees.* A new employee shall be paid the minimum rate of pay for his
1557 or her the employee's class. However, if a new employee exceeds the minimum
1558 qualifications, ~~he or she~~ they may be started at a higher salary; provided, however,
1559 that such exceptions on starting salaries require the written prior approval of the
1560 ~~Chief Human Resources Officer~~ CHRO. All such cases shall be thoroughly
1561 analyzed and measured against objective standards. Generally, every effort shall
1562 be made to recruit a qualified employee who will accept appointment at the
1563 minimum rate of the class.

1564 C. *Promotion.* If the employee is paid according to a pay schedule that provides
1565 for steps within grades, the employee will be placed in the step of ~~his or her~~ their
1566 newly assigned salary grade which will provide the next highest increment of pay
1567 above ~~his or her~~ the employee's current rate and which is commensurate with that
1568 employee's knowledge, skills and abilities.

1569 D. *Transfers.* Any employee transferred shall be paid the minimum rate of the new
1570 salary range or ~~his or her~~ their present rate, whichever is higher.

1571 E. *Demotions.*

1572 1. When an employee is demoted for cause from ~~one (1)~~ 1 class to another
1573 having a lower pay grade, the ~~Chief Human Resources Officer~~ CHRO shall
1574 determine the pay rate in the lower salary range at which the employee shall
1575 be paid. A written statement of the reasons for any such demotion for cause
1576 shall be furnished to the affected employee by ~~his or her~~ the employee's
1577 department general manager and a copy filed with the ~~Chief Human~~
1578 ~~Resources Officer~~ CHRO at least ~~five (5)~~ 5 days prior to the proposed
1579 effective date of the action.

1580 2. When an employee is demoted at ~~his or her~~ their own request, ~~he or she~~
1581 the employee shall be placed in the lower salary range at a level
1582 commensurate with ~~his or her~~ their performance and experience.

1583 3. When an employee is demoted for administrative purposes through no
1584 fault of ~~his or her~~ their own, including reductions in force, the employee shall
1585 be placed at a rate in the lower range equivalent to ~~his or her~~ their current
1586 rate or, if ~~his or her~~ their rate is above the maximum for the lowest grade,
1587 ~~he or she~~ the employee shall receive the maximum of the lower grade.

1588 F. *Reinstated employees.* A reinstated employee, i.e., an employee who has been
1589 discharged for cause and later returned to County employment after appeal of his
1590 or her their discharge, shall be paid at a rate of pay commensurate with conditions
1591 of the reinstatement decision.

1592 ...

1593 H. *Payroll period.* The payroll period shall cover ~~fourteen (14)~~ 14 consecutive days
1594 beginning at 12:01 a.m. on Monday and ending at 12:01 a.m. on Monday, ~~fourteen~~
1595 ~~(14)~~ 14 days later. The regular workday for salaried employees shall consist of
1596 ~~seven (7)~~ 7 hours and the regular workweek shall consist of ~~thirty-five (35)~~ 35
1597 hours, Monday through Friday, inclusive, with ~~one (1)~~ 1 hour each day for lunch.
1598 The regular workday for hourly employees shall consist of ~~eight (8)~~ 8 hours, and
1599 the regular workweek shall consist of ~~forty (40)~~ 40 hours, Monday through Friday,
1600 inclusive. Actual starting times and ending times for employees will be based on
1601 the needs of the department to which the employee is assigned.

1602 I. *Overtime.*

1603 1. All overtime or arrangements for overtime shall be approved in advance
1604 by the department general manager or ~~his or her~~ the department general
1605 manager's designee.

1606 ...

1607 3. The County reserves the right to increase the workweek up to ~~forty (40)~~
1608 40 hours at straight time rates, if conditions in the government require such
1609 action. Time and one-half (1½) shall be paid for hours worked in excess of
1610 ~~forty (40)~~ 40 hours per week. Time and one-half (1½) shall be paid for work
1611 performed on Saturday and Sunday when ~~forty (40)~~ 40 hours have already
1612 been worked during the first ~~five (5)~~ 5 working days. Compensatory time
1613 may be granted to an employee in lieu of overtime pay in keeping with
1614 established administrative policy and the Fair Labor Standards Act (FLSA).
1615 Compensatory time shall be granted to ~~thirty-five (35)~~ 35 hour work-week
1616 employees who work in excess of ~~thirty-five (35)~~ 35 hours, up to ~~forty (40)~~
1617 40 hours. For purposes of overtime, hours worked shall not include
1618 vacation, sick, furlough, administrative leave time, or any other paid time
1619 when the employee has not actually worked. This subsection shall apply to
1620 non-union unclassified service employees and non-union classified service
1621 employees except as otherwise provided in this subsection.

1622 J. *Professional time.*

1623 1. Those employees holding the position of Police Captain, Police Major
1624 and Police Chief are not entitled to the overtime compensation as set forth
1625 in Subsection I. Police Captain, Police Major and Police Chief may be
1626 entitled to professional time because of the managerial, administrative and
1627 professional nature of the positions. The employee is responsible for
1628 fulfilling the duties of ~~his or her~~ their position regardless of the hours of work
1629 or the schedule of hours that may be necessary. The individual employee
1630 must exercise professional judgment in the management of the work load
1631 and work schedule, subject to the goals and objectives of the Department
1632 as established by the employee's supervisor. Any time in excess of the
1633 normal hours in a day or week shall not qualify for additional compensation
1634 in any way. Similarly, any time less than the normal hours in the day or
1635 week, not covered by paid leave, shall not be deducted from annual
1636 compensation; provided, however, that it is the responsibility of the
1637 supervisor to assure that subordinates work at least the normal hours on
1638 average for their department and that any blocks of time in excess of ~~three~~
1639 ~~(3)~~ 3 hours not worked and not covered by paid leave must be approved in
1640 advance in writing by the Chief of Police. Further, failure to secure such
1641 approval will result in loss of pay and/or disciplinary action.

1642 2. In order to take professional time under this Section it is the responsibility
1643 of the employee to inform ~~his or her~~ their supervisor or supervisor's
1644 designee as to:

- 1645 a. When the employee is leaving;
1646 b. When the employee is returning;
1647 c. How the employee can be reached.

1648 **Sec. 26.03.203. - In-grade pay increment.**

...
C. The work performance of an employee will be evaluated by ~~his or her~~ their supervisor and approved by ~~his or her~~ the employee's department general manager in accordance with Division 26.03.800.

Sec. 26.03.204. - Responsibility for administration.

The Chief Human Resources Officer shall be responsible for administering the pay plans for all positions. ~~He or she~~ The CHRO shall be responsible for working out arrangements which will ensure the administration of the plans for all employees on an equitable basis.

Sec. 26.03.205. - Review and amendment of pay plans.

A. Prior to the annual consideration of the budget, the Chief Human Resources Officer shall have completed a review of the pay plans and submitted ~~his or her~~ their recommendations to the County Executive, who in turn shall submit ~~his or her~~ their recommendation to the County Council for adoption or amendment in accordance with Section 26.01.009.

Sec. 26.03.305. - Rejection of applications.

The Chief Human Resources Officer may reject any application which indicates that the applicant does not meet all of the requirements as specified in the official job announcement or did not satisfactorily complete the prescribed application forms. An applicant also may be rejected if ~~he or she fails~~ they fail to qualify on the County's preemployment medical examination making the individual unable to perform the essential functions of the position (if a reasonable accommodation is necessary to enable the applicant to perform the essential functions of the job, reasonable attempts will be made to adjust the situation through such accommodation), if ~~he or she~~ the applicant is addicted to the habitual excessive use of drugs or intoxicating liquor, if ~~he or she has~~ they have ever been convicted of a felony which directly affects job qualifications, if ~~he or she has~~ they have ever been dismissed from the public service for delinquency or misconduct, if ~~he or she has~~ they have made false statements of any material fact, if ~~he or she is~~ they are a member of any organization which advocates the overthrow of the government of the United States by force or violence, if ~~he or she has~~ they have practiced or attempted to practice any deception or fraud in ~~his or her~~ their application, or if ~~his or her~~ their past employment record is unsatisfactory as determined by the Chief Human Resources Officer CHRO. Whenever an application is rejected, notice of such rejection shall be mailed to the applicant by the ~~Chief Human Resources Officer~~ CHRO stating the reason. An applicant, upon certification of ~~his or her~~ their rejection, may appeal ~~his or her~~ their rejection within ~~fifteen (15)~~ 15 days to the Human Resources Advisory Board which shall make the final decision.

Sec. 26.03.307. - Promotional examinations.

D. An employee who does not successfully complete a promotional probationary period shall not be eligible to apply for a promotional opportunity in the same class for a period of ~~six (6)~~ 6 months from the date of return to ~~his or her~~ their former permanent position and until the date of the next promotional examination for the

1698 same class.

1699 ...

1700 **Sec. 26.03.309. - Notification of examination results.**

1701 Each person who takes an examination shall be given written notice as to whether
1702 or not ~~he or she~~ they qualified on such examination and as to ~~his or her~~ their relative
1703 standing on the list or of ~~his or her~~ their failure to attain a place on the list.

1704
1705 **Sec. 26.03.310. - Inspection of papers.**

1706 The Chief Human Resources Officer shall keep the papers and other documents
1707 of candidates for examination available for their inspection for a period of ~~ten (10)~~ 10 days
1708 after the date of notification of test results. Each person in an examination shall be entitled
1709 to inspect ~~his or her~~ their rating and examination papers, but examination papers shall
1710 not be open to the general public. Such inspection shall be permitted only during regular
1711 business hours and at the office of the ~~Chief Human Resources Officer~~ CHRO. The ~~Chief~~
1712 ~~Human Resources Officer~~ CHRO may permit the extension of the period during which
1713 papers may be examined but ~~he or she~~ the CHRO shall not permit the inspection of test
1714 papers between the time of announcements and holding another test for a similar
1715 position.

1716
1717 **Sec. 26.03.311. - Correction of ratings.**

1718 Candidates for examinations may appeal to the ~~Chief Human Resources Officer~~
1719 CHRO for correction of their ratings upon presentation of proof that their examinations
1720 have been incorrectly rated. If the individual is not satisfied with the decision of the ~~Chief~~
1721 ~~Human Resources Officer~~ CHRO, ~~he or she~~ the candidate may appeal the case to the
1722 Human Resources Advisory Board, which shall make the final decision.

1723 ...

1724 **Sec. 26.03.401. - Re-employment lists.**

1725 A. An ordinary reemployment list is composed of permanent employees who were
1726 separated from service by resignation. A permanent employee separated from the
1727 service by resignation may, at ~~his or her~~ the employee's request, be placed on an
1728 ordinary reemployment list for the class from which ~~he or she~~ the employee was
1729 separated. If the separation was by resignation, it must include a positive
1730 recommendation for reemployment from the employee's department general
1731 manager at the time of resignation in order to make the employee eligible to be
1732 placed on the reemployment list.

1733 B. A preferred reemployment list is composed of permanent employees laid off as
1734 a result of reduction in force or position abolishment or who retired on disability
1735 retirement because of a service-related disability. The name of such a permanent
1736 employee shall be placed on a preferred reemployment list for the class of position
1737 which ~~he or she~~ they ~~occupied~~ occupied at the time of separation. An employee
1738 on disability retirement who requests rehire must be certified by the designated
1739 County medical facility as able to return to ~~his or her~~ their former employment.

1740 ...

1741 D. An individual's opportunity to be reemployed in accordance with this Section
1742 shall expire ~~one (1)~~ 1 year after the date of ~~his or her~~ their separation from the
1743 service.

1744 ...

1745 **Sec. 26.03.404. - Availability of eligibles.**

1746 It shall be the responsibility of eligibles, i.e., persons who have successfully
1747 qualified on competitive examinations, to notify the Chief Human Resources
1748 Officer in writing of any change of address or other changes affecting availability
1749 for employment. Whenever an eligible submits a verbal or written statement
1750 restricting the conditions under which ~~he or she~~ they will be available for
1751 employment, ~~his or her~~ their name may be withheld from all certification which does
1752 not meet the conditions so specified.

1753 ...
1754 **Sec. 26.03.406. - Removal of name from lists.**

1755 ...
1756 4. Filing of a statement by the eligible that ~~he or she is~~ they are not
1757 willing to accept appointment. Such statement of unwillingness may
1758 be restricted to a limited period of time or to geographic locations or
1759 positions involving other conditions of employment, as specified. The
1760 name of the eligible shall then be treated as not available and shall
1761 be passed over in certification to fill the vacancy under the conditions
1762 specified as though such name did not appear on the list. Any eligible
1763 may renew ~~his or her~~ their eligibility by filing a new statement as to
1764 the time, place or other conditions under which appointment will be
1765 accepted.

1766 ...
1767 7. Notice by postal authorities of the inability to locate the candidate
1768 at ~~his or her~~ their last known address.

1769 ...
1770 **Sec. 26.03.407. - Restoration of names to lists.**

1771 Any eligible whose name is removed from an eligible list, as provided in Section
1772 26.03.406, may make a written request to the Chief Human Resources Officer for the
1773 restoration of ~~his or her~~ their name to the list. Such request shall be made within ~~five (5)~~
1774 5 days after notification that the applicant's name was removed and must include reasons
1775 as to why ~~he or she believes his or her~~ they believe their name should be restored. If the
1776 Chief Human Resources Officer finds the reasons for restoration acceptable, the Chief
1777 Human Resources Officer may restore the applicant's name to the eligible list in a place
1778 deemed appropriate to the Chief Human Resources Officer.

1779 ...
1780 **Sec. 26.03.507. - Appropriate eligible lists.**

1781 Certification shall ordinarily be made from a list established for the particular class
1782 in which the vacancy exists. However, if no such list exists or the list contains an
1783 insufficient number of eligibles for certification purposes, the Chief Human Resources
1784 Officer may, at ~~his or her~~ their discretion, certify names from another appropriate eligible
1785 list if such a list is available. Such a list shall be for a class of the same or higher pay level
1786 with the qualification requirements equal to or superior to the class in which the vacancy
1787 exists.

1788 ...
1789 **Sec. 26.03.509. - Emergency appointments.**

1790 When an emergency makes it impossible to fill a position in the classified service
1791 by the normal procedure, the department general manager or other appointing authority
1792 may appoint any qualified person to such position in order to prevent stoppage of public
1793 business or loss or serious inconvenience to the public. Any such person shall be

employed only during such emergency and for a period not exceeding ~~thirty (30)~~ 30 days in any ~~twelve (12)~~ 12 month period. A vacancy of which the department general manager has had a reasonable notice of or an employment condition of which ~~he or she~~ they had or might with due diligence have had previous knowledge shall not be considered an emergency under this Section.

Sec. 26.03.510. - Limited-term appointments.

Vacancies created by any authorized leave of absence without pay shall be filled by a limited-term appointment by certification from an eligible list in the same manner as is used for other appointments. A person holding a limited-term appointment shall be laid off when the person ~~he or she is replacing~~ they are replacing returns to the position. Transfers from limited term to permanent status can be made. If the person being replaced fails to return after the termination of ~~his or her~~ their leave, the limited-term position shall be filled through the normal competitive process provided in this Article. Except for permanent status, employees holding limited-term appointments shall have the same rights and privileges as permanent employees.

...

Sec. 26.03.601. - Promotion policy.

Vacancies in higher positions in the classified service may be filled by promotions from lower classes. When the Chief Human Resources Officer determines that there is an insufficient number of well-qualified eligibles within the service, ~~he or she~~ the CHRO may direct that the competitive examination of such positions shall be open to all qualified persons. Eligible lists which are established which contain the names of both promotional candidates and open-competitive candidates shall not give priority to promotional candidates.

Sec. 26.03.602. - Promotional examinations.

The Chief Human Resources Officer shall conduct competitive promotional examinations in accordance with the personnel rules and regulations. In competitive promotional examinations, the Chief Human Resources Officer shall admit to the examination all employees who meet the qualification requirements which will be clearly stated on the formal job announcement. In unassembled examinations, ~~he or she~~ the CHRO may establish rating schedules that weigh experience, training, service ratings and other relative factors.

Sec. 26.03.603. - Intradepartmental transfers.

A. The appropriate department general manager may, at any time, transfer an employee under ~~his or her~~ their jurisdiction from ~~one (1)~~ 1 position to another in the same class in the same department. An intradepartmental transfer to a position of another class of the same pay grade shall be made only with the approval of the Chief Human Resources Officer.

B. A permanent employee, properly transferred from ~~one (1)~~ 1 position to another in the same class, shall retain ~~his or her~~ their permanent status and shall not be subject to a probationary period in ~~his or her~~ their new position.

Sec. 26.03.604. - Interdepartmental transfers.

A. A transfer of an employee from ~~one (1)~~ 1 department to another must ~~have the approval of~~ be approved by both department general managers involved and

the Chief Human Resources Officer. Requests for such transfers shall show how the employee concerned meets the qualification requirements of the class to which the transfer is proposed. In order to be considered for filling a vacancy by transfer within the same occupational classification, any permanent employee requesting such transfer must have ~~his or her~~ their application in a continuing file in the Human Resources Office on a form available from the Chief Human Resources Officer. Eligible employees having filed shall be given consideration in filling such vacancies without written examination. The applicant will be certified singly to the appointing authority and considered, provided ~~his or her~~ the employee's most recent performance evaluation does not have an overall rating of less than satisfactory. No more than ~~one (4) 1~~ transfer within a ~~twelve (12) 12~~ month period shall be is permitted.

B. A permanent employee, properly transferred from ~~one (4) 1~~ position to another in the same class, shall retain ~~his or her~~ their permanent status and shall not be subject to a probationary period in ~~his or her~~ their new position.

Sec. 26.03.605. - Demotions.

An employee may be demoted at ~~his or her~~ the employee's own request for cause or for administrative purposes to a position in a lower class subject to the approval of the department general manager and the Chief Human Resources Officer. The Chief Human Resources Officer shall determine whether the employee is qualified to perform the duties and responsibilities of the lower classification.

...

Sec. 26.03.701. - Objectives.

The probationary period shall be regarded as an integral part of the examination process and shall be utilized for closely observing the employee's work, for securing the most effective adjustment of a new employee to ~~his or her~~ their position and for rejecting any employee whose performance is not satisfactory.

Sec. 26.03.703. - New employees.

A. At any time during the probationary period, a department general manager, with approval of the Chief Human Resources Officer, may remove an employee if in ~~his or her~~ the general manager's opinion the working test indicates that such employee is unable to perform the duties of the position satisfactorily or that ~~his or her~~ the employee's habits or lack of dependability do not merit ~~his or her~~ their continuance in the service. Upon such removal, the appointing department general manager shall forthwith report to the Chief Human Resources Officer and to the employee removed the action and the reasons.

B. If a probationary employee has committed an offense which is considered cause for disciplinary action, ~~he or she~~ the employee may be disciplined or dismissed without prior notice and without severance pay.

...

Sec. 26.03.704. - Promotional appointments.

The probationary period shall be used in connection with promotional appointments in the same manner as it is used for original entrance appointments. At any time during the probationary period, a department general manager, with approval of the Chief Human Resources Officer, may remove an employee if in ~~his or her~~ the general manager's opinion the working test indicates that such employee is unable to perform the

duties of the position satisfactorily or that ~~his or her~~ the employee's habits and lack of dependability do not merit ~~his or her~~ continuance in the position. If a person is removed during the probationary period following a promotion, ~~he or she~~ the employee shall be entitled to return to ~~his or her~~ their former classification, provided no disciplinary action has been taken against the employee. The probationary period for promotional appointments shall be ~~twelve (12)~~ 12 months unless otherwise provided for by a collective bargaining agreement.

Sec. 26.03.705. - Layoff.

If an employee is laid off during a probationary period and subsequently reappointed in the same department from the same eligible list, ~~he or she~~ the employee shall be given credit for the portion of the probationary period completed before ~~he or she~~ was they were laid off.

Sec. 26.03.707. - Restoration of dismissed employee to appropriate list.

If an employee is removed from ~~his or her~~ their position during or at the end of the probationary period, and if the Chief Human Resources Officer determines that ~~he or she~~ the employee is qualified for appointment to another position, ~~his or her~~ their name may be restored to the list from which it was certified, provided such list has not expired.

Sec. 26.03.710. - Completion of probationary period in another class.

If an employee is transferred to another position in the same or closely related class while serving a probationary period, the Chief Human Resources Officer may, at ~~his or her~~ the CHRO's discretion, determine that the time served in the employee's present position will count toward the probationary period for the new position.

Sec. 26.03.802. - Period of evaluation.

...
B. Employees absent for any reason for ~~thirty (30)~~ 30 consecutive days or more prior to the time they are scheduled for an annual evaluation shall have their evaluation delayed until ~~thirty (30)~~ 30 days after their return to work. If as a result of this delay the evaluation is made subsequent to the employee's anniversary date, the merit increase, if any, for which the employee would normally be eligible on ~~his or her~~ their anniversary date shall be delayed until the date of the evaluation.

Sec. 26.03.804. - Confidentiality.

Performance evaluations shall be confidential and shall be made available only to the following:

- A. The employee evaluated or ~~his or her~~ the employee's representative;
- B. ~~His or her~~ The employee's supervisor, division manager or department general manager;
- C. The Chief Human Resources Officer or ~~his or her~~ The Chief Human Resources Officer's representative
- D. The Human Resources Advisory Board;
- E. The Chief Administrative Officer;
- F. The County Executive; and

G. The appointing authority considering the employee for a position in ~~his or her~~ their department.

Sec. 26.03.901. - Resignation.

To resign in good standing, an employee shall give ~~his or her~~ the employee's division manager or department general manager at least ~~two (2)~~ 2 weeks' advance written notice unless recommended by the department general manager with approval of the Chief Human Resources Officer. Failure to comply with this rule shall be entered on the service record of the employee, shall result in a denial of placement on the reemployment list and shall result in no pay for either sick leave or vacation leave that has accrued during the current year. The employee is entitled to be paid for any sick leave or vacation balance from prior years to the extent that the employee is eligible in accordance with Section 26.03.1405 and other applicable policies. However, nothing contained in this Section shall prohibit the rehiring or reemployment of an individual who has previously resigned on such terms that are not inconsistent with this Section. No matters relative to resignation, including any form of severance pay, will be processed until a written resignation is received.

Sec. 26.03.903. - Reductions in force.

...

C. In the exercise of a layoff, due consideration shall be given to the classification of work and the ability of the employee to qualify. County seniority within the occupational classification shall be considered but shall not be the sole factor, provided the employee has the knowledge, skills and ability to perform the work with minimal additional training. Any employee who is displaced from ~~his or her~~ their job under this Section shall have the option of applying for an existing vacancy in the same classification. If work in the employee's occupational classification becomes available in ~~his or her~~ their former department within a ~~one (1)~~ 1 year period, before any new employee or employee with less seniority may be placed therein, the employee shall be given the option of returning. If the employee elects to remain in the new department, all rights to return are forfeited. The option set forth in this subsection shall also apply to employees transferred to an occupational classification other than their own following such reduction of force or departmental discontinuance.

...

F. An employee laid off will be entitled to payment for unused vacation. ~~He or she~~ The employee shall also be paid for sick leave as outlined and eligible for under Section 26.03.1405.

Sec. 26.03.904. - Disability in course of employment.

A. A permanent, probationary or limited term non-union unclassified service employee or non-union classified service employee who is temporarily disabled in the line of duty after June 30, 2011 shall receive full pay for the first ~~three (3)~~ 3 months of ~~his or her~~ the employee's disability without charge against ~~his or her~~ their vacation or sick leave, subject to the following conditions:

...

2. If incapacitated for ~~his or her~~ their regular employment, the employee may be given other duties with the County government for the period of

recuperation. Unwillingness to accept such an assignment as directed by the department general manager or the Chief Human Resources Officer will make the employee ineligible for disability leave during the time involved.

...

B. If, in the opinion of a physician selected by the County, the disability of an employee injured in the line of duty cannot be corrected so as to enable the employee to return to ~~his or her~~ their position, the appointing authority shall attempt to place the employee in another funded and available position for which the employee is qualified, and which ~~he or she is~~ they are able to perform. The appointing authority shall not be subject to the posting and examination requirements set forth in Division 26.03.301. If that placement cannot be accomplished successfully, the appointing authority shall take steps to separate the employee from County service, preferably through retirement or layoff.

Sec. 26.03.905. - Non-work-related disability.

A department general manager may direct any employee under ~~his or her~~ their jurisdiction to be examined by a physician designated by the County. If a disability of any kind is discovered which impairs the effectiveness of the employee or makes ~~his or her~~ their continuance on the job a danger to ~~himself or herself~~ the employee or others, the following action shall be taken:

...

B. If, in the opinion of a physician selected by the County, the disability of an employee with a non-work-related disability cannot be corrected so as to enable the employee to return to ~~his or her~~ their position, the appointing authority shall attempt to place the employee in another funded and available position for which the employee is qualified and which ~~he or she is~~ they are able to perform. Notwithstanding the provisions of Section 26.03.301, the appointing authority shall not be subject to the posting and examination requirements set forth in Section 26.03.301. If that placement cannot be accomplished successfully, the appointing authority shall take steps to separate the employee from County service, preferably through retirement or layoff.

Sec. 26.03.906. - Loss of job requirements.

Any employee who is unable to ~~do his or her job~~ adequately fulfill the duties of their position because of loss of a necessary license or other requirement shall be separated by a layoff, leave of absence or dismissal, at the discretion of the Chief Human Resources Officer. Prior to any action being taken by the County, every effort will be made to allow the employee to remedy the situation in a reasonable time. Failure of an employee to report such loss shall be cause for disciplinary action.

Sec. 26.03.907. - Dismissals.

Dismissals are discharges or separations made for delinquency, misconduct, inefficiency or inability to perform the work of the position satisfactorily. All dismissals are made upon the recommendation of the appropriate department general manager through the Chief Human Resources Officer. No dismissal of a permanent employee shall take effect until an opportunity for a pretermination hearing is given the employee and the department general manager gives to ~~such~~ the employee a written statement setting forth the reasons therefor and files a copy of such statement with the Chief Human Resources

Officer. An employee who has been dismissed shall be paid for ~~his or her~~ their accumulated vacation but shall not be paid for accumulated sick leave and shall not be eligible for reemployment by the County. An employee shall be dismissed if ~~he or she~~ they have been convicted of a crime against the County.

Sec. 26.03.908. - Retirement.

...

B. Subsection A. shall permit a full-time County employee to become seasonal or part-time upon reaching age ~~seventy (70)~~ 70. This does not apply to retired employees receiving a pension who subsequently are appointed by the County Council to serve as judgment commissioners. The compulsory retirement age for a police officer shall be ~~his or her fifty-seventh (57th)~~ the officer's 57th birthday. Notwithstanding any provision of this Division to the contrary, any sworn police officer of the New Castle County Police Department who reaches age ~~fifty-five (55)~~ 55 prior to obtaining ~~twenty (20)~~ 20 years of credited service will be considered retired by the County upon reaching age ~~fifty-five (55)~~ 55 and shall receive a service retirement pension if said member notifies the County prior to May 1, 2025 that ~~he/she elects~~ they elect to be covered by the prior mandatory retirement age of ~~fifty-five (55)~~ 55 as previously set forth in this Division.

C. Upon ~~his or her~~ an employee's retirement, ~~an employee~~ they shall be paid accumulated vacation. The employee shall also be paid sick leave as outlined and eligible for under Section 26.03.1405. In addition to accumulated vacation, upon retirement an employee shall be paid for the current year vacation, which shall be computed on the following basis:

1. For any employee who would be entitled to ~~ten (10)~~ 10 days of vacation if ~~he or she~~ they worked until the following December 31st, ~~one (1)~~ 1 day of vacation for each completed month of accumulated service after the preceding December 31st, to a maximum of ~~ten (10)~~ 10 days.

2. For an employee who would be entitled to ~~fifteen (15)~~ 15 days of vacation if ~~he or she~~ they worked until the following December 31st, ~~one and one-half (1½)~~ 1½ days of vacation for each completed month of accumulated service after the preceding December 31st, to a maximum of ~~fifteen (15)~~ 15 days.

3. For an employee who would be entitled to ~~twenty (20)~~ 20 days of vacation if ~~he or she~~ they worked until the following December 31st, ~~two (2)~~ 2 days of vacation for each completed month of accumulated service after the preceding December 31st, to a maximum of ~~twenty (20)~~ 20 days.

4. For an employee who would be entitled to ~~twenty-five (25)~~ 25 days of vacation if ~~he or she worked~~ they worked until the following December 31st, ~~two and one-half (2½)~~ 2½ days of vacation for each completed month of service after the preceding December 31st, to a maximum of ~~twenty-five (25)~~ 25 days.

Sec. 26.03.910. - Retiree health care insurance.

....

B. For employees hired before June 30, 2011, health coverage to be provided by New Castle County shall be as follows:

1...

2082 Regardless of the date of retirement, when a retiree or ~~his or her~~ a retiree's
2083 spouse/domestic partner becomes eligible for Medicare, the County's
2084 insurance will cease. Upon verification of enrollment in Medicare Parts A
2085 and B, the County will pay the full cost of providing the retiree and ~~his or her~~
2086 the retiree's spouse/domestic partner with Standard Medicfil coverage or its
2087 equivalent insurance. In the event of the retiree's death, the County will not
2088 assume the cost of providing coverage for the surviving spouse/domestic
2089 partner.

2090 ...

2091 E. Further...

2092 ...

2093 Regardless of the date of retirement, when a retiree or ~~his or her~~ a retiree's
2094 spouse/domestic partner becomes eligible for Medicare, the County's
2095 insurance will cease. Upon verification of enrollment in Medicare Parts A
2096 and B, the County will pay the full cost of providing the retiree and ~~his or her~~
2097 the retiree's spouse/domestic partner with Standard Medicfil coverage or its
2098 equivalent insurance. In the event of the retiree's death, the County will not
2099 assume the cost of providing coverage for the surviving spouse/domestic
2100 partner.

2101 ...

2102 **Sec. 26.03.1001. - Dismissals and suspensions.**

2103 Reference Section 26.03.907 for dismissals. A department general manager may,
2104 for disciplinary purposes, suspend without pay any employee in ~~his or her~~ their
2105 department for a length of time not to exceed ~~thirty (30)~~ 30 days in any ~~twelve (12)~~ 12
2106 month period. A department general manager must provide to the employee written notice
2107 of the suspension as well as the reasons for the suspension. A copy of such notice shall
2108 be filed with the Chief Human Resources Officer.

2109
2110 **Sec. 26.03.1002. - Demotions.**

2111 With the prior approval of the Chief Human Resources Officer, a department
2112 general manager may demote an employee for cause. A written statement of reasons for
2113 any such action shall be furnished to the affected employee by ~~his or her~~ their department
2114 general manager and a copy filed with the Chief Human Resources Officer at least five
2115 ~~(5)~~ 5 days prior to the proposed effective date of the action.

2116 ...

2117
2118 **Sec. 26.03.1004. - Written reprimands.**

2119 A department general manager or ~~his or her~~ their designee may issue to an
2120 employee a written reprimand for any action or behavior which ~~he or she~~ the general
2121 manager or the general manager's designee deems inappropriate or unsatisfactory. The
2122 written reprimand shall describe the action or behavior for which the employee is being
2123 cited. A copy of the written reprimand shall be transmitted to the Chief Human Resources
2124 Officer and made a part of the employee's personnel file and records.

2125 ...

2126
2127 **Sec. 26.03.1101. - Complaints and grievances.**

2128 ...

2129 B...

1 . *Step One—department general manager.* No later than ~~ten (10)~~ 10 working days after an event or ~~ten (10)~~ 10 working days after an employee becomes aware of an event that leads to a grievance, the employee shall present the grievance to the department general manager. Such grievance shall be reduced to writing on forms provided by the County and signed by the employee involved. The department general manager shall give ~~his or her~~ their decision in writing within ~~five (5)~~ 5 working days after the grievance has been submitted with ~~his or her~~ their conclusions clearly written thereon.

2. *Step Two—Chief Administrative Officer, Chief Human Resources Officer.* If the department general manager's written decision as set forth in Step One shall be unsatisfactory, the grievant shall promptly deliver ~~his or her~~ their copy to the Chief Human Resources Officer in writing within ~~five (5)~~ 5 working days after the department general manager's decision has been given in Step One. The Chief Administrative Officer and Chief Human Resources Officer or their representatives shall meet within ~~seven (7)~~ 7 working days with the grievant to discuss the appealed grievance. At the conclusion of the discussion, the Chief Administrative Officer and Chief Human Resources Officer shall submit their decision in writing, on the grievance form, within ~~five (5)~~ 5 working days and shall affix their signatures thereto.

3. *Step Three—Human Resources Advisory Board.* If the decision of the Chief Administrative Officer and Chief Human Resources Officer shall be unsatisfactory, the grievant shall have the right to appeal to the Human Resources Advisory Board for a hearing of the case. Request for such a hearing before the Human Resources Advisory Board must be made to the Chief Human Resources Officer, in writing, who shall forward a copy to the members of the Human Resources Advisory Board within ~~five (5)~~ 5 working days after the decision has been submitted by the Chief Administrative Officer and Chief Human Resources Officer to the grievant. The Chief Human Resources Officer shall arrange a meeting of the Human Resources Advisory Board to hear the appealed grievance at the earliest possible date; however, the hearing with the Human Resources Advisory Board shall be scheduled to be held within ~~thirty (30)~~ 30 working days from the date the Chief Human Resources Officer receives the request for the hearing. The hearing shall be attended by the grievant and ~~his or her~~ their representative and any other individuals who have information which may be pertinent to the facts of the case. The Chief Human Resources Officer or ~~his or her~~ the Chief Human Resources Officer's representative shall present the County's position to the Human Resources Advisory Board. The Human Resources Advisory Board shall submit their decision, in writing, to the grievant with a copy to the County within ~~fifteen (15)~~ 15 working days following the closing of the appealed hearing and affix their signatures thereto. The Human Resources Advisory Board shall limit their decision strictly to the application and interpretation of this Article and Article 1 of this Chapter and shall be without power to make any decision contrary or inconsistent with the terms of this Chapter nor shall the Human Resources Advisory Board modify or vary, in any way, the terms of this Chapter.

C...

2178 1. Not later than ~~ten (10)~~ 10 working days after a person seeking
2179 employment receives notice of an employment action that ~~he or she~~
2180 believes they believe is a denial of equal opportunity as set forth in
2181 Subsection 26.01.021(E), the person seeking employment shall provide
2182 written notice to the Chief Human Resources Officer for New Castle County
2183 of ~~his or her~~ their desire to appeal the employment related action to the
2184 Human Resources Advisory Board.

2185 ...
2186 3. The hearing shall be attended by the person seeking employment, who
2187 may bring a representative. The Chief Human Resources Officer or ~~his or~~
2188 ~~her~~ the Chief Human Resource Officer's representative shall present the
2189 County's position to the Human Resources Advisory Board. The Human
2190 Resources Advisory Board shall submit its decision, in writing, to the person
2191 seeking employment with a copy to the County within ~~fifteen (15)~~ 15 working
2192 days following the closing of the appealed hearing and affix appropriate
2193 signatures thereto. The Human Resources Advisory Board shall limit its
2194 decision strictly to the application and interpretation of this Article and Article
2195 1 of this Chapter and shall be without power to make any decision contrary
2196 to or inconsistent with the terms of this Chapter; nor shall the Human
2197 Resources Advisory Board modify or vary, in any way, the terms of this
2198 Chapter. If the Human Resources Advisory Board determines that a person
2199 seeking employment was denied equal opportunity, it shall refer the matter
2200 to the Chief Human Resources Officer for resolution.

2201 ...
2202 **Sec. 26.03.1402. - Attendance.**

2203 A. Each department general manager shall be responsible for the attendance of
2204 all persons in ~~his or her~~ their department. Leave shall be authorized in units of
2205 days, hours and increments of one-quarter ($\frac{1}{4}$) hour only.

2206 B. An employee shall be expected to report to work at the designated starting time
2207 and remain on the job until the designated quitting time, unless otherwise
2208 authorized by ~~his or her~~ the employee's supervisor.

2209 C. An employee shall be required to contact ~~his or her~~ their supervisor as soon as
2210 possible if ~~he or she~~ the employee is unable to report for work. Except in
2211 extenuating circumstances, employees should report their inability to report for
2212 work prior to the scheduled starting time.

2213 ...
2214 **Sec. 26.03.1404. - Vacation.**

2215 A. Permanent full-time employees of the County shall be eligible for vacations with
2216 pay in accordance with this Section. In all cases, service requirements for vacation
2217 are based on service accumulated as of December 31st of the year prior to
2218 receiving vacation, except that any employee attaining ~~his or her~~ a fifth, tenth or
2219 fifteenth service anniversary and each service anniversary in excess of ~~fifteen (15)~~
2220 15 years shall be eligible for the additional increment in vacation days during the
2221 year in which ~~he or she attains such service~~ they attain such service.

2222 ...
2223 D. Vacations with pay shall vest as of December 31st of the calendar year
2224 preceding the vacation year. Employees falling under the scope of this Section
2225 who qualify for vacation on the vesting date and are terminated from the payroll of

the County before taking vacation shall receive vacation allowance at the time of termination in lieu of vacation time off. If an employee voluntarily resigns, ~~he or she~~ they shall be required to give ~~two (2)~~ 2 weeks' advance written notice of such intention in order to be eligible for the benefits accruing under this Section.

Sec. 26.03.1405. - Sick leave.

...

A. An employee hired on or before June 30, 1977, upon retirement or involuntary separation from County service for reasons other than for cause shall be paid for any sick leave time ~~he or she has~~ accumulated not to exceed ~~one hundred (100)~~ 100 workdays. Payment shall be paid made based on ~~one (1)~~ 1 day paid for each day accrued. Employees in good standing who resign after giving ~~two (2)~~ 2 weeks' advance written notice to the department general manager shall be paid accumulated sick leave not to exceed ~~twenty (20)~~ 20 workdays based on ~~one (1)~~ 1 day paid for each day accrued.

B. An employee hired on or after July 1, 1977, upon retirement or involuntary separation from County service (for reasons other than cause), shall be paid for any sick leave time ~~he or she has~~ they have accumulated not to exceed ~~one hundred (100)~~ 100 workdays. Payment shall be paid based on ~~one (1)~~ 1 day paid for each ~~two (2)~~ 2 days accrued. Employees in good standing, who resign after giving adequate notice to the department general manager (which in no case shall be less than ~~two (2)~~ 2 weeks), shall be paid accumulated sick leave not to exceed ~~twenty (20)~~ 20 workdays based on ~~one (1)~~ 1 day paid for each ~~two (2)~~ 2 days accrued.

C. Sick leave...

...

2. Medical, dental or optical appointments which cannot be scheduled in after-duty hours, provided that the employee has made every possible attempt to arrange such appointments at a time before or after ~~his or her~~ their regular workday.

...

4. Illness requiring intensive care of a member of the immediate family defined as father, mother, brother, sister, son, daughter, husband, wife, parent-in-law or any relative residing in the same home or any person with whom the employee has made ~~his or her~~ their home. The limit is ~~four (4)~~ 4 working days per illness.

D. To receive compensation while absent on sick leave, it is the employee's responsibility to report ~~his or her~~ their inability to be on duty and the reason at as early an hour as practical, but in any event prior to or within ~~one (1)~~ 1 hour before the time set for the beginning of ~~his or her~~ the employee's daily duties.

...

G. For an extended illness where an employee has exhausted all of ~~his or her~~ their accumulated sick leave and vacation time, the employee may request that an advancement of unearned sick leave be loaned to the employee. The matter shall be brought to the attention of the Chief Human Resources Officer who shall determine whether the employee meets the eligibility requirements for a sick leave loan as indicated in this subsection. An employee with ~~two (2)~~ 2 years' service shall be granted a sick leave loan up to ~~ten (10)~~ 10 days, provided that a written

statement from ~~his or her~~ the employee's physician has been submitted which indicates the reason for the extended illness. Recommendations for a sick leave loan beyond ~~ten (10)~~ 10 days must be approved by the County Executive. Such advancement of unearned sick leave shall be considered a loan and shall be repayable to the County. When the employee returns from ~~his or her~~ their extended illness and begins to accumulate sick leave, ~~one-half (1/2)~~ 1/2 day of sick leave per month shall be deducted from the employee's balance until the entire sick leave loan has been repaid; the employee may elect to repay the sick leave loan in excess of ~~one-half (1/2)~~ 1/2 day per month. All such loans must be reimbursed to the County before any request for an additional sick leave loan will be granted. When an employee who has received an advance loan leaves the County service and the loan has not been repaid, the County will be reimbursed for the remaining sick leave balance, except in the case of death or full disability.

H. Sick leave shall be certified by each department general manager upon forms prescribed by the Human Resources Office which shall maintain complete and accurate leave records. Records of sick leave accumulated and taken shall be available to the employee or ~~his or her~~ the employee's representative.

I. Title 29, Chapter XIV, Part 1604 of the Code of Federal Regulations...

1. An employee shall be permitted to continue working beyond the end of the seventh month of pregnancy, ~~providing~~ provided that a statement is furnished by ~~her~~ the employee's physician certifying that the employee is physically able to perform ~~her~~ their regular job duties.

2. An employee may request a leave of absence without pay as set forth in Section 26.03.1410 to cover disabilities relating to pregnancy, childbirth and recovery therefrom. The leave must be for a definite period of time so that the substitute may know ~~his or her~~ their status. The employee must return at the close of ~~her~~ their leave or forfeit ~~her~~ their position and ~~her~~ their seniority.

Sec. 26.03.1408. - Jury duty.

...

B. An employee who is granted such leave for jury duty shall be entitled to ~~his or her~~ their regular salary for the hours of ~~his or her~~ such absence, provided that the employee agrees in advance to remit all jury fees received to the County. Those fees specifically allowed for mileage and expenses will not be remitted. If an employee's jury fees exceed ~~his or her~~ their regular salary, the difference shall be reimbursed by the County after ~~his or her~~ the jury fees have been remitted as stipulated under this Subsection.

Sec. 26.03.1409. - Educational leave.

A. A full-time permanent employee may be given educational leave with full or partial pay for the purpose of taking courses directly related to ~~his or her~~ the employee's work, as determined by the appropriate department general manager and the Chief Human Resources Officer. Requests for such leave must be approved in advance by the County Executive, and they may not exceed a total of ~~twenty (20)~~ 20 days or ~~one hundred sixty (160)~~ 160 hours in any ~~one (1)~~ 1 calendar year.

2322 **Sec. 26.03.1410. - Leave without pay generally.**

2323 A. A department general manager, with the approval of the County Executive and
2324 for good and proper reasons, may grant a permanent employee a leave of absence
2325 without pay not to exceed ~~two (2)~~ 2 years. Failure of an employee to return to duty
2326 upon expiration of ~~his or her~~ their leave without pay shall be interpreted as a
2327 resignation. Leave without pay shall be granted only when it will not result in harm
2328 to the interests of the County as an employer beyond any benefits to be realized.

2329 B. Should the position of any employee on approved leave without pay be
2330 abolished or consolidated, ~~he or she~~ the employee shall, upon return from the
2331 leave, be given employment in a comparable position or, if that is not possible, in
2332 a lower position; provided, however, that the name of ~~such~~ the employee shall be
2333 placed on a reemployment list for ~~his or her~~ the employee's original class. When
2334 an employee is placed in a lower class under these conditions, the action shall
2335 constitute an administrative demotion.

2336
2337 **Sec. 26.03.1411. - Leave without pay for participating in political campaigns.**

2338 An employee may be granted...

2339 A. The employee shall inform ~~his or her~~ their immediate supervisor and the
2340 department general manager in writing of ~~his or her~~ their intention to take such
2341 leave.

2342 B. The employee's immediate supervisor shall make a determination as to whether
2343 the employee's absence would adversely affect the operation of the department.
2344 The supervisor shall notify the department general manager of ~~his or her~~ their
2345 determination.

2346 ...
2347 **Sec. 26.04.702. - Definitions.**

2348 ...
2349 *Date of disability* means the date when the injury causing the disability occurred.
2350 However, if the member returns to work able to perform the duties and responsibilities of
2351 any job description assigned to ~~him or her~~ the member or, for a County police officer, all
2352 the duties and responsibilities of ~~his or her~~ their job description with no medical limitations,
2353 the term means the date when the prior injury was aggravated which causes the disability.

2354 ...
2355 *Premium pay* means any special rate of pay for work during special periods, such
2356 as but not limited to holidays and weekends, and any increase in pay, within an
2357 employee's pay plan, as the result of any temporary promotion. Any increase in pay as
2358 the result of being appointed in an acting director capacity or acting general manager
2359 capacity shall be considered premium pay for the first ~~six (6)~~ 6 months that the employee
2360 holds that position. After ~~six (6)~~ 6 months, if the employee is still serving in the capacity
2361 of acting director or acting general manager, the salary received by that employee shall
2362 be considered ~~his or her~~ their regular salary for purposes of this Article, including
2363 determining the amount of the employee's contributions and the amount of the
2364 employee's final average salary.

2365 **Sec. 26.04.703. - Membership.**

2366 A. Any eligible employee who first becomes an employee in the classified service
2367 on or after November 1, 2011, other than a County police officer or school crossing guard,
2368 shall become a member of the County 2011 Plan as a condition of employment upon
2369 completion of ~~six (6)~~ 6 months of service. Those employees hired on or after November

1, 2011, who are excluded from compulsory membership (i.e., elected and appointed employees) in the County 2011 Plan shall become members upon completion of ~~six (6)~~ 6 months of service, provided that at the date of completion of such period of service such person has not indicated in writing that ~~he or she has~~ they have elected not to become a member. Each member of the County 2011 Plan, other than a County Emergency Medical Services Division employee or a County Emergency Communications Division employee, shall have ~~three (3)~~ 3 percent of ~~his or her~~ their base salary after the completion of ~~six (6)~~ 6 months of service withheld and contributed to the defined benefit portion of this County 2011 Plan. A County Emergency Medical Services Division employee or a County Emergency Communications Division employee shall have ~~five (5)~~ 5 percent of ~~his or her~~ their base salary after the completion of ~~six (6)~~ 6 months of service withheld and contributed to the defined benefit portion of this County 2011 Plan. Such contributions shall be treated as pickup contributions under Section 414(h)(2) of the Code.

Sec. 26.04.704. - Proof of age.

A. No person shall become eligible for benefits under the County 2011 Plan until ~~he or she has~~ they have provided to the Pension Board proof of age establishing ~~his or her~~ their eligibility for benefits in accordance with the requirements of this Section. Any applicant for benefits who fails to provide the required proof of age to the Board shall remain ineligible until ~~he or she has~~ they have provided such to the Board, but nothing in this Section shall be construed to deny an applicant the full amount of ~~his or her~~ their benefits, retroactive to ~~his or her~~ their eligibility date, once the requisite proof of age has been provided.

B. The term "proof of age," as used in this Section, shall be construed to mean: (i) a certified copy of an official birth certificate; or (ii) a sworn affidavit and supporting documentation from the applicant, setting forth ~~his or her~~ their age and such other facts as the Board deems relevant and sufficient to establish the applicant's age.

Sec. 26.04.705. - Credited service.

...

C. Service with a state and/or any political subdivision and/or municipality of a state (hereinafter "local government") not previously "bought-in" other than concurrent service rendered to the state and/or local government while a County employee. The buy-in amount for previous governmental service, as defined in Section 26.04.702 (Definitions), will be the full actuarial cost upon the employee's retirement. Any member seeking to exercise ~~his or her~~ their right to buy into the County 2011 Plan in accordance with this Section must provide to the Board and the County proof satisfactory of the (i) dates of service to a state and/or local government and the amount of compensation received for such service; and (ii) forfeiture of any pension rights associated with the prior governmental service for which credit is sought. Service bought in under this Subsection at retirement will be used for determining the amount of a member's retirement benefit but will not be used to determine a member's level of vesting or eligibility for retirement.

Sec. 26.04.706. - Eligibility for service pension.

A. A member of the County 2011 Plan shall become eligible to receive a service pension, beginning the first day of the month after ~~he or she~~ the member has terminated employment, if:

1. ~~He or she~~ The member has ~~ten (10)~~ 10 years of credited service and has attained the age of ~~sixty-five (65)~~ 65; or

...

B. A member of the County 2011 Plan shall become eligible to receive a reduced service pension, beginning the first day of the month after ~~he or she~~ the member has terminated employment, if ~~he or she~~ the member has ~~fifteen (15)~~ 15 years of credited service and has attained age ~~fifty-five (55)~~ 55; the amount of the service pension payable to such an employee shall be reduced as follows:

Sec. 26.04.707. - Vested right to service pension.

...

C. A member with a vested right to a service pension shall become eligible to receive such pension, computed in accordance with the terms of the County 2011 Plan in effect when ~~he or she~~ the member ceased to be an employee, beginning the first day of the month after ~~his or her~~ attainment of age ~~sixty-five (65)~~ 65. A member who is a County Emergency Medical Services Division employee or a County Emergency Communications Division employee with a vested right to a service pension shall become eligible to receive such pension, computed in accordance with the terms of the County 2011 Plan in effect when ~~he or she~~ the member ceased to be an employee, beginning the first day of the month after ~~his or her~~ attainment of age ~~sixty (60)~~ 60 or upon ~~twenty-five (25)~~ 25 years of credited service regardless of age.

Sec. 26.04.708. - Eligibility for disability pension.

A. A member who has ~~ten (10)~~ 10 years of credited service and becomes totally and permanently disabled while an active employee of the County shall become eligible to receive a disability pension. Such individual shall cease to be eligible to receive a disability pension at the end of the month in which ~~he or she~~ the member recovers from the disability and is again offered employment as an employee of the County, if such recovery and offer of employment occur prior to ~~his or her~~ the member attaining age ~~sixty-five (65)~~ 65 or, in the case of a County Emergency Medical Services Division employee or a County Emergency Communications Division employee, age ~~sixty (60)~~ 60.

Sec. 26.04.709. - Amount of service or disability pension.

A. The amount of the monthly service or disability pension payable to a member, other than a County Emergency Medical Services Division employee or a County Emergency Communications Division employee, shall be ~~one (1.0)~~ 1 percent of ~~his or her~~ the member's final average salary multiplied by the number of years and partial years of credited service taken to the nearest month. The amount of the monthly service or disability pension payable to a County Emergency Medical Services Division employee or a County Emergency Communications Division employee shall be ~~one point two (1.2)~~ 1.2 percent of ~~his or her~~ the member's final average salary multiplied by the number of years and partial years of credited service taken to the nearest month.

...

Sec. 26.04.710. - Payment of service pension.

Service pension payments shall be made to a retired member beginning with the

first day of the month after the retired member ~~he or she~~ becomes eligible to receive such the pension and ending on the last day of the month in which ~~he or she~~ the retired member dies.

Sec. 26.04.711. - Payment of disability pension.

A. Disability pension payments shall be made to a retired employee for each month beginning with the first day of the month after ~~he or she~~ the employee becomes eligible to receive such pension and ending the last day of the month in which ~~he or she~~ the employee ceases to be eligible or dies.

B. Any member who is receiving a disability pension who has not attained age ~~sixty-five (65)~~ 65 or, in the case of a County Emergency Medical Services Division employee or a County Emergency Communications Division employee, age ~~sixty (60)~~ 60, shall report to the Board of Trustees under this Division by April 30th each year, on a form prescribed by the Board, ~~his or her~~ the member's total earnings from any gainful occupation or business in the preceding calendar year. The excess of such earnings over ~~one-half (1/2)~~ 1/2 of the annual base salary received by such employee before ~~he or she~~ they became disabled shall be deducted from ~~his or her~~ the employee's disability pension during the ~~twelve (12)~~ 12 months beginning in July of the year following the calendar year for which earnings are reported, in a manner determined by the Board. If any person received a disability pension for less than ~~twelve (12)~~ 12 months in the calendar year for which earnings are reported, the deduction, if any, shall be determined on a pro rata basis.

Sec. 26.04.712. - Survivor's pension.

A. Upon the pre-retirement death of a member who has ~~ten (10)~~ 10 years of credited service, a monthly survivor's pension shall be payable to ~~his or her~~ the member's eligible survivor equal to ~~one-half (1/2)~~ 1/2 of the actuarial equivalent of the member's accrued benefit at the time of the member's death.

B. Upon the death of a member receiving a service or disability pension at the time of ~~his or her~~ their death, a monthly survivor's pension shall be payable to ~~his or her~~ the member's eligible survivor equal to ~~one-half (1/2)~~ 1/2 of such service or disability pension.

...

Sec. 26.04.714. - Refund of contributions.

Upon withdrawal from service or upon being mandated to participate in the Delaware County and Municipal Police/Firefighter Pension Plan, pursuant to Section 26.04.501, the member's accumulated contributions to the defined benefit portion of the County 2011 Plan, without interest, may be paid to the former employee or beneficiary and all rights to a pension or survivor benefit shall be forfeited. However, if such this person again becomes a member of the County 2011 Plan and continues as such for at least ~~two (2)~~ 2 years, all such rights and credits for previous service may be reinstated to the member's account if ~~he or she~~ the member repays the amount of the refunds together with interest at the rate assumed for actuarial valuation purposes that is in effect at date of repayment.

...

Sec. 26.04.716. - Fraud.

Any person who knowingly makes any false statement or falsifies or knowingly permits to be falsified any record of the County 2011 Plan, in an attempt to defraud the

pension/retirement program, shall be guilty of a misdemeanor. The pension/retirement program and the County shall have the right to recover by setoff or otherwise any payments made as a result of such false representation. If any ~~such~~ that person shall be a member or the eligible survivor of a member, ~~he or she~~ that person shall forfeit all rights to further participation in any of the benefits under this Article.

Sec. 26.04.719. - Timing and method of distribution.

E. If the distribution of the member's interest has begun in accordance with the preceding paragraph and the member dies before ~~his or her~~ their entire interest has been distributed to ~~him~~, the remaining portion of such interest shall be distributed at least as rapidly as under the method of distribution used as of ~~his or her~~ the member's date of death.

F. If the member dies before distribution commences, ~~his or her~~ their entire interest will be distributed no later than December 31st of the calendar year containing the ~~fifth (5th)~~ 5th anniversary of the member's death except to the extent an election is made to receive distributions in accordance with Subsections 1 and 2 below.

4. Such election must be made by the member (or ~~his~~ the member's beneficiary, if the member dies without having made such an election) on or before the earlier of the date by which distribution must commence absent such election and the date distribution must commence assuming such election has been made.

Sec. 26.04.721. - Roll over of benefits.

C. The foregoing rules regarding eligible rollovers includes distributions to an employee or former employee. They also apply to, the employee's or former employee's surviving spouse and the employee's or former employee's spouse or former spouse who is the alternate payee under a qualified domestic relations order, as defined in Section 414(p) of the Code, with regard to the interest of the spouse or former spouse. These rules shall further apply the designated beneficiary of a member who is not the surviving spouse of a member but only with respect to eligible rollover distributions to an individual retirement account described in Section 408(a) of the Code or an individual retirement annuity described in Section 408(b) of the Code. If the member dies before ~~his or her~~ their required beginning date and the non-spouse beneficiary rolls over to an IRA the maximum amount eligible for rollover, the beneficiary may elect to use either the ~~five (5)~~ 5 year rule or the life expectancy rule, pursuant to Treas. Reg. § 1.401(a)(9)-3, A-4(c), in determining the required minimum distributions from the IRA that receives the non-spouse beneficiary's distribution.

Sec. 26.04.722. - Amendment and termination.

Employees shall have no right to earn future benefits under the County 2011 Plan. County Council may amend, alter, revise or terminate the County 2011 Plan at any time; provided, however, that accrued vested benefits at the time of such amendment, alteration, revision or termination shall not be reduced. Accrued vested benefits are those benefits that a member would be entitled to receive at age ~~sixty-five (65)~~ 65 or, in the case of a County Emergency Medical Services Division employee or a County

Emergency Communications Division employee, age ~~sixty (60)~~ 60, as if ~~he or she~~ the member had terminated employment on the day before the day on which any amendment, alteration, revision or termination is effective. Amendments, alterations, revisions or termination of the County 2011 Plan as described above may be effectuated by vote of a simple majority of New Castle Council, except that Council may not modify in any manner (i.e., reduce, increase or discontinue) the County's nonelective and matching contributions (as described in Subsection 26.04.717(A)) without a supermajority (~~nine (9)~~ 9 Council members) vote.

Sec. 26.04.723. - Employment of pensioners.

A. An individual shall not receive a service or disability pension under this Article for any month during which ~~he or she is~~ they are an employee unless ~~he or she is~~ they are an official elected by popular vote.

B. An individual other than an elected official receiving a service pension under this Article may continue to receive such pension upon reemployment with the County only if the individual has at least a six-month separation of service from his ~~or her~~ their effective date of retirement, in accordance with written policy of the Office of Human Resources and in compliance with applicable federal tax laws and guidance. An elected official who retires and seeks reemployment with the County is subject to the six-month separation of service requirement set forth herein.

C. This provision shall not preclude an individual who has received a distribution of his ~~or her~~ their defined contribution benefits under Section 26.04.717 from being reemployed by the County.

Chapter 34 – TRAFFIC AND VEHICLES

Sec. 34.03.003. - Obedience to police officers.

...

B. No driver shall, having received a visual or audible signal from a police officer to bring his ~~or her~~ their vehicle to a stop, operate his ~~or her~~ their vehicle in disregard of the signal or interfere with or endanger the operation of the police vehicle or ~~shall increase his or her speed or extinguish his or her lights~~ increase the speed or extinguish the lights of their vehicle and attempt to flee or elude the police officer.

Chapter 38 - UTILITIES

...

Sec. 38.02.011. - Discretionary extensions of sewer system—Septic elimination projects.

...

2. Environmental concerns may allow the General Manager of the Department of Public Works, in his ~~or her~~ their sole discretion, to prioritize a particular Septic Elimination Project over other projects. The General Manager must submit his ~~or her~~ their reasoning for advancing the priority of a Septic Elimination Project to the County Council and receive Council approval before authorizing a project under this exception.

...

Sec. 38.02.306. - Searches for existing sewer permit liens.

A. Any attorney may inspect the County sewer lien docket at the office of the General Manager of the Department of Public Works during the hours of 8:00 a.m.

to 4:00 p.m. on Monday through Friday, except on legal holidays. The General Manager of the Department of Public Works shall not be responsible for any misinterpretations of such records by any attorney or the failure of the attorney to find lien records, nor shall the General Manager of the Department of Public Works be responsible for any verbal statement of clerks in ~~his or her~~ the General Manager's office, past or present.

Sec. 38.02.505. - Estimated EDU charges and measurement of water for consumption charges.

E. *Metering of sewage.* If any person liable to pay sewer service charges makes a written application to the Chief Financial Officer requesting that the sewer service charge on any real property connected to the sewer system be determined by the amount of sewage actually entering the sewer system from the real property rather than by the amount of water consumed on the real property, the Chief Financial Officer may grant such request, provided that the user furnishes and installs at ~~his or her~~ their sole cost and expense a sewage meter of a type and at such location as may be approved in advance in writing by the Chief Financial Officer and subject to such rules and regulations as the Office may promulgate. The Office may charge a fee for any inspection or reading required under this Subsection as permitted by an administrative policy that shall be available to the public from the Department of Public Works.

Sec. 38.02.507. - Liens.

D. Any attorney may inspect the service charge account for existing service charge liens at the Department of Finance during the hours of 9:00 a.m. to 5:00 p.m. on Monday through Friday, except on legal holidays. The Chief Financial Officer shall not be responsible for any misinterpretation of such records by any attorney or the failure of the attorney to find service charge account records nor shall the Chief Financial Officer be responsible for any verbal statements of County employees in ~~his or her~~ the Chief Financial Officer's office, past or present.

Sec. 38.02.701. - Definitions.

C. If the user is a Federal, State, or local governmental facility: a director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility, or ~~his or her~~ their designee.

General Manager means the General Manager of the Department of Public Works or ~~his or her~~ their representative.

Sec. 38.02.704. - Wastewater discharge permits.

F. *Duration of permit.* All wastewater permits shall contain a statement of duration. Permits shall be issued for a specified time period, not to exceed ~~five (5)~~ 5 years. A permit shall be issued for a period of not less than a year or may be stated to expire on a specific date. The terms and conditions of the permit may be subject to modifications and change by the General Manager during the life of the permit

as limitations or requirements are modified and changed. The user shall be informed of any proposed changes in the permit at least ~~ninety (90)~~ 90 calendar days prior to the effective date of change. Every user shall be allowed a comment period relating to any of the proposed changes in ~~his or her~~ their permit and which shall be the first ~~forty-five (45)~~ 45 calendar days of the ~~ninety (90)~~ 90 calendar day period prior to the effective date of change. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance.

Sec. 38.02.705. - Pretreatment.

...

B. Where treatment equipment is required for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at ~~his or her~~ the owner's expense. To aid the General Manager, the owner, subsequent to the commencement of operation of any pretreatment facilities, shall make periodic reports to the General Manager setting forth data upon which ~~he or she~~ they may determine the effectiveness and adequacy of such facility in reducing the concentrations of constituents to acceptable limits. Any approval by the General Manager of type, kind or capacity of a facility shall not relieve the owner of the responsibility of revamping, enlarging or otherwise modifying a facility to accomplish its intended purpose to the degree necessary to comply with the rules and regulations or of the requirements of a discharge permit.

Sec. 38.02.706. - Compliance monitoring.

At all times and at ~~his or her discretion,~~ their discretion, the General Manager shall have the power to take samples or require sampling of any user's discharge to the public sewers in accordance with the following:

A. *Inspections.* The General Manager and other duly authorized employees of the County, bearing proper credentials and identification, shall be permitted to enter all premises at a reasonable hour for the purpose of inspection, observation, measurement, sampling and testing in accordance with this Division. The user shall not be held liable for any unsafe acts performed by the General Manager or ~~his or her~~ their representative while on the user's premises, and any loss to the user as a direct result of any unsafe acts performed by the General Manager or ~~his or her~~ their representative while on the user's premises shall be the responsibility of the General Manager. Where a user has security measures in force which require proper identification and clearance before entry into its premises, the user shall make necessary arrangements with its security guards so that, upon presentation of suitable identification, the General Manager or ~~his or her~~ their representative shall be permitted to enter without delay for the purposes of performing specific responsibilities.

...

Sec. 38.03.002. - Enforcement.

A. *Responsibility for enforcement.* All rules and regulations described in this Chapter and adopted by the Department in the Enforcement Response Plan shall be enforced by the General Manager of the Department of Public Works or ~~his or her~~ their authorized representative.

B. *Right of entry.* The General Manager of the Department of Public Works or his ~~or her~~ their representatives, or an authorized representative of the POTW, if not the County, may go upon any land for the purpose of making surveys for sewers, sewer systems, sewage disposal plants or pumping plants, or for rights-of-way or other property rights, or periodic inspections and monitoring to determine compliance required for the sewers, sewer systems, sewage disposal plants and pumping plants.

1. The Manager or ~~his or her~~ their representatives may inspect at reasonable hours any premises, dwelling or other building in the vicinity of a County sewer to determine if it is connected to the County sewer, to determine if the sewer connection has been made or is being maintained in accordance with the regulations of the County, or to determine compliance.
2. Whoever refuses to permit inspections and surveys at reasonable hours shall be fined not less than ~~one hundred dollars (\$100.00)~~ \$100 for every such refusal.

C. *Notice of violation.* When the General Manager of the Department of Public Works has reasonable cause to believe that any person has violated or is violating this Chapter or a permit or an order issued under this Chapter, the General Manager ~~of the Department of Public Works~~ or his ~~or her~~ their agent may serve upon such person a written notice of violation. Within ~~ten (10)~~ 10 business days of receipt of this notice, the person shall submit to the General Manager ~~of the Department of Public Works~~ an explanation of the violation and a plan for satisfactory correction and prevention of potential future violations, including specific required actions. Submission of this plan shall not relieve the person of liability for any violation occurring before or after the receipt of the notice of violation.

...

E. *Administrative order.* When the General Manager ~~of the Department of Public Works~~ has reasonable cause to believe that any person has violated or continues to violate this Chapter or a permit or an order issued under this Chapter, ~~he or she~~ the General Manager may issue an order to the person responsible for the discharge directing that, following a specified time period, sewer service shall be discontinued unless adequate pretreatment facilities, devices, or other related appurtenances have been installed and are properly operated. Orders may also contain such other requirements as might be reasonably necessary and appropriate to address the violation.

Sec. 38.03.004. - Means of appeal.

A. *Fines.* Persons disputing fines shall send within ~~ten (10)~~ 10 business days of receipt of notification of the fine a written request to the General Manager for reconsideration. Where the General Manager believes the dispute has merit, ~~he or she~~ the General Manager shall convene a show cause hearing on the matter within ~~thirty (30)~~ 30 working days of receiving the request.

Chapter 40 – UNIFIED DEVELOPMENT CODE

...

Sec. 40.03.410. - Accessory uses, residential.

...

4. The property owner shall occupy and reside in either the principal dwelling unit or the ADU as ~~his or her~~ the owner's principal legal residence. An affidavit (available from the Department) of owner occupancy shall accompany the application for a building permit for the ADU.

Sec. 40.03.420. - Accessory uses, residential home uses.

a. Additional non-resident, on-site employees or independent contractors are permitted if the operator executes a Conditional Home Occupation Agreement, hereinafter "the agreement." Upon execution of the agreement with the County, the operator may employ up to ~~two (2)~~ 2 full-time non-resident employees or independent contractors at a time or up to ~~four (4)~~ 4 part-time employees or independent contractors, provided only ~~two (2)~~ 2 are on the premises at one time. The agreement shall be on a form provided by the Department, disclose the name and date of birth of all additional non-resident employees and/or independent contractors and shall be filed with the County Code Enforcement Office. All information on the written agreement is of a continuing nature. Any changes in the information on the agreement shall be in writing and mailed or otherwise submitted to the County Code Enforcement Office within ~~thirty (30)~~ 30 days of the change. The person applying for the agreement shall sign the agreement and represent that the contents of the certificate are true and correct to the best of ~~his or her~~ the person's knowledge. Any person who falsifies any information on any agreement made with the Department shall be subject to criminal proceedings under 11 Del. C. § 861 through § 880 (Offenses Involving Falsification of Records). The agreement is not required for home occupations, professional office or studios, which as of December 31, 1997, legally employed no more than ~~two (2)~~ 2 persons to provide secretarial, clerical or similar assistance.

Sec. 40.03.430. – Accessory uses, nonresidential.

I. *On-site residence.* In the ON, OR, CR, CN, I, BP, HI, P Districts a building may be used, erected or altered for residential purposes for an owner, caretaker, ~~watchman~~ security guard, janitor or employee employed on the premises.

Sec. 40.03.440. - Sale of motor vehicles as an accessory use.

B. Notwithstanding any other provision of this Chapter, whenever the Department or Code Enforcement Officer determines that there has been a violation of this Chapter or has reasonable grounds to believe that a violation has occurred, notice shall be given to the owner of the property where the vehicle is illegally displayed and to the owner of the vehicle illegally displayed. The notice shall be in writing, contain the property address and description of the vehicle sufficient for identification, include a clear statement of why the notice is being issued, and

include a correction order providing ~~ten (10)~~ 10 working days for compliance with the order. Notice required by this Section shall be satisfied where a copy of the notice is delivered to the property owner or vehicle owner personally, mailed by regular United States mail and addressed to the property and/or vehicle owner, at ~~his or her~~ the property and/or vehicle owner's last known addresses as reflected on New Castle County and/or motor vehicle records, or posted on the vehicle and/or property affected by such notice. Only ~~one (1)~~ 1 written notice to any property owner or vehicle owner is required in a ~~twenty-four (24)~~ 24 month period. Subsequent vehicles displayed on a property where the property owner has received notice within a ~~twenty-four (24)~~ 24 month period and subsequent vehicles illegally displayed by an individual owning a vehicle who previously was provided written notice within a ~~twenty-four (24)~~ 24 month period will not require additional written notice. No notice is required when safety is threatened by displaying a vehicle in the right-of-way.

Sec. 40.10.302. - Basis for establishing special flood hazard areas.

1. Where the specific ~~one hundred (100)~~ 100 year elevation cannot be determined using the sources established in this Subsection, the applicant for the proposed development shall submit ~~his or her~~ their suggested determination of this elevation in accordance with accepted hydrologic and hydraulic engineering techniques. Hydrologic and hydraulic analysis shall be performed only by a professional engineer with a background in hydraulics and hydrology, who shall certify to the Department that the technical methods used correctly reflect currently accepted technical concepts. The applicant shall submit studies, analyses, computations, etc. in sufficient detail to allow a thorough technical review. The studies shall designate the ~~one hundred (100)~~ 100 year flood elevations established by the County based on existing applicable codes. It is the applicant's responsibility to incorporate or refute the findings of any flood study previously accepted by the County into an updated submission.

Sec. 40.10.311. - Floodplain permits required.

B. Application required. Application for a permit shall be made by the owner of the property or ~~his/her~~ the owner's authorized agent, herein referred to as the applicant, prior to the actual start of construction. An application shall include the contents delineated in Appendix I of this Chapter. For applications for buildings and structures, these required minimum contents of the application are in addition to the requirements of the building code.

Sec. 40.27.150. - Duty to inform home buyer.

In residential home sales, the seller of a lot, or ~~his or her~~ the seller's authorized agent, has an affirmative duty to inform the purchaser about maintenance corporation membership and educate the purchaser about members' responsibilities. This duty requires the seller to provide the buyer with a copy of the maintenance declaration and

bylaws. A written acknowledgment stating that the seller has fulfilled ~~his or her~~ their duty under this section shall be signed by the purchaser.

Sec. 40.27.610. - Process.

C. Each director serving on behalf of the developer shall hold ~~his or her~~ their office until a successor is duly elected. Each director serving on behalf of the developer shall actively participate in the transfer process by calling the meeting and following the procedures for turnover delineated in the maintenance corporation's governing documents.

Division 40.27.800. - Compliance.

The owner or developer of a subdivision, or any part thereof, at the time of recording the record plan, and any subsequent owners thereof, shall be subject to the provisions of this Article and may be compelled by any available action at law or in equity to comply therewith. Additionally, any individual, corporation, partnership, joint venture or other legal entities in which any principal of the owner or developer, or any of ~~his or her~~ their successors or assigns, shall become associated with shall also be subject to the denial of building permits and certificates of occupancy until violations of this Article have been corrected. Any remedy available under this Chapter shall apply to this Article.

Sec. 40.30.341. - Membership rules for administrative boards.

B. *Removal from office.* In the event that any member is no longer a resident of the County; is convicted of a felony or an offense involving moral turpitude while in office; violates rules of the board; fails to attend any ~~three (3)~~ 3 consecutive, regularly scheduled meetings except where such absence is deemed by the ~~chairman~~ chair to be due to illness, incapacity, or a family crises; or, has ~~three (3)~~ 3 unexcused absences in ~~one (1)~~ 1 year, that member shall forfeit ~~his/her~~ membership on such board. "Regularly scheduled meeting" shall mean a meeting at which a board member is expected to be present. The ~~chairman~~ chair of each County board shall forward a letter to the County Executive and the County Council President stating that a vacancy exists on the board and the name of the member who held the forfeited position. The County Executive shall terminate the appointment of such person with the consent of the County Council.

Sec. 40.30.410. - Department of Land Use.

The General Manager of the Department and such other employees as ~~he or she~~ designates the General Manager designates shall constitute the Department. The Department shall present its recommendations to County Council, the Planning Board, the Board of Adjustment or the Historic Review Board. The Department shall have the following jurisdiction, authority and duties under this Code:

F. The Department...

9. When floodproofing techniques are utilized for a particular nonresidential structure, the General Manager of the Department or ~~his~~ the General Manager's designee shall require certification from a registered

professional engineer or architect.

...

Sec. 40.30.440. - Floodplain Administrator.

A. The General Manager of the Department of Land Use, or ~~his or her~~ the General Manager's designee, is hereby designated as the Floodplain Administrator under this Code.

...

Sec. 40.30.450. - Design Review Advisory Committee (DRAC).

...

B. The Committee shall...

...

3. In the event that any member is no longer a resident of the County; is convicted of a felony or an offense involving moral turpitude; violates rules of the board; fails to attend any ~~three (3)~~ 3 consecutive, regularly scheduled meetings except where such absence is deemed by the ~~chairman~~ chair to be due to illness, incapacity, or a family crises; or, has ~~three (3)~~ 3 unexcused absences in ~~one (1)~~ 1 year, that member shall forfeit ~~his/her~~ membership on such committee. "Regularly scheduled meeting" shall mean a meeting at which a committee member is expected to be present. The ~~chairman~~ chair of each committee shall forward a letter to the County Executive stating that a vacancy exists on the board and the name of the member who held the forfeited position. The County Executive shall terminate the appointment of such person with the consent of the County Council.

...

Sec. 40.30.520. - Constructing improvements, selling land prior to approval.

...

B. No person shall:

...

2. Record a deed in the Office of the Recorder of Deeds for a conveyance that is exempt from the subdivision regulations pursuant to the agricultural exemption set forth in this Chapter and 9 Del. C. § 3001(10)(a) (Definition of Subdivision) unless accompanied by an affidavit reciting the exemption and the transferee's intent that ~~he or she intends~~ they intend to devote the transferred property to agricultural use. The affidavit shall be an exhibit to the deed and be recorded with the deed. The affidavit shall be in the following form:

...

Sec. 40.31.230. - Property line adjustments.

...

C. *Department review.* If the property line adjustment survey complies with the requirements of this section, the General Manager of the Department or ~~his or her~~ the General Manager's designee shall sign the survey.

...

Sec. 40.31.291. - License transferability.

...

B. Whomever intentionally uses, permits the use, or attempts to use or permit the use of a license issued under this Chapter by or on behalf of a person other than the licensee or ~~his or her~~ the licensee's employee shall be fined under Division

2946 40.31.900.

2947 ...

2948 **Sec. 40.31.297. - Forfeiture of bond.**

2949 ...

2950 D. *Operation after the forfeiture of bond.* No owner or operator may conduct
2951 extractive operations within the County if ~~he or she~~ the owner has previously
2952 forfeited any bond posted pursuant to an extractive use operation, unless, on
2953 application by the applicant, ~~he or she~~ the owner or operator repays the County the
2954 cost of reclamation if the County has restored the land.

2955 ...

2956 **Sec. 40.31.320. - Applications generally.**

2957 ...

2958 F. *Public notice of land development plans*

2959 ...

2960 2. *Posted notice...*

2961 a. *Location...*

2962 d. *Proof of posting.* The applicant shall provide the Department with
2963 photographic proof of posting and a signed affidavit. The Department
2964 will not commence review of the plan until such proof is provided. In
2965 addition, the application shall be considered withdrawn if the required
2966 affidavit is not received by the Department within ~~twenty (20)~~ 20 days
2967 of the accepted initial exploratory sketch plan submission. Failure of
2968 any such posted notice to remain in place after the notice has been
2969 posted shall not be deemed a failure to comply with these standards
2970 or be grounds to challenge the validity of any decision made on the
2971 application unless the notice was removed by the applicant or at his
2972 or her the applicant's direction.

2973 ...

2974 **Sec. 40.31.340. - Notice of public hearings.**

2975 ...

2976 B. *Other applications...*

2977 ...

2978 4. *Posted notice....*

2979 ...

2980 d. *Proof of posting.* The applicant shall provide the Department with
2981 photographic proof of posting and a signed affidavit prior to the public
2982 hearing. Failure of any such posted notice to remain in place after the
2983 notice has been posted shall not be deemed a failure to comply with
2984 these standards or be grounds to challenge the validity of any
2985 decision made on the application unless the notice was removed by
2986 the applicant or at his or her the applicant's direction.

2987 ...

2988 ...
2989 **Sec. 40.31.910. - Notice to owner or to any responsible person of code violations.**

2990 ...

2991 B. *Method of service...*

2992 ...

2993 2. Mailed by regular United States mail and addressed to the owner or

responsible person at ~~his or her~~ owner or responsible person's last known address as reflected by the County's records; or..

Sec. 40.31.920. - Enforcement.

A. Administrative enforcement.

1. Pre-deprivation show cause hearing: Except as provided in Subsections 2. and 3. below, if such violations are not remedied within the time specified in the notice, the General Manager ~~of the Department or his or her~~ the General Manager's designee, shall schedule a rule to show cause hearing and provide the person an opportunity to defend ~~his, her, or its~~ their conduct at a show cause hearing prior to any penalty being imposed. After such rule to show cause hearing, the General Manager of the Department or ~~his or her~~ the General Manager's designee, shall render a decision within ~~ten (10)~~ 10 days and send a written letter to the person informing ~~him, or her of his or her~~ them of the decision and detail the reasons for any adverse action taken.

2. The General Manager, or ~~his or her~~ the General Manager's designee, may issue a citation that imposes a civil penalty for violation of any code provision delineated herein. A pre-deprivation show cause hearing shall not be required prior to the issuance of the citation if the property owner or responsible party is provided an opportunity to contest the citation within ~~ten (10)~~ 10 business days of its issuance.

c. After the property owner or responsible party has an opportunity to contest the citation through an administrative appeal process, the violation shall constitute a continuing violation if it is not remedied. A notice of violation shall not be required for a continuing violation and the General Manager, or ~~his or her~~ the General Manager's designee, may issue a citation and impose an additional ~~fifty dollars (\$50.00)~~ \$50 penalty each day the violation continues.

d. The owner...

i. Request a show cause hearing as described in Subsection A. Requests shall be made in writing to the General Manager, or ~~his or her~~ the General Manager's designee, unless a different method is delineated in the notice of violation or citation.

ii. Submit a detailed written explanation of the grounds for the appeal to the General Manager, or ~~his or her~~ the General Manager's designee.

g. The General Manager, or ~~his or her~~ the General Manger's designee, shall issue a written decision affirming, modifying, reversing, revoking or vacating the citation. The decision may be appealed pursuant to Division 40.31.500.

4. Post-deprivation show cause hearing: Whenever the General Manager ~~of the Department or his or her~~ the General Manager's designee, determines that work on any premises is being done in an unsafe or dangerous manner,

jeopardizes the health, safety or welfare of the public, or is being done (or was done) in the absence of necessary approval(s), plan(s), or permit(s), such work shall be immediately stopped by the issuance of a stop work order. In addition to the notice requirements contained in Section 40.31.910, the notice shall require the person notified to appear within no more than ~~ten~~ (10) 10 days at a specified time in the office of the General Manager of the Department or his or her the General Manager's designee, to show cause why the work should be allowed to continue. The General Manager of the Department or his or her the General Manager's designee, shall render a decision within ~~ten~~ (10) 10 days and send a written letter to the person informing them of his or her their decision and detail the reasons for any adverse action taken.

a. When a stop work order has been issued on work being performed in an unsafe or dangerous manner, or that jeopardizes the health, safety or welfare of the public, the General Manager of the Department or his or her the General Manager's designee, may also place a stop work order on all other work being performed by such person in order to ascertain whether the person is in violation of this Code on other work sites.

...

5. Penalties...

a. *Refusal to issue any further building permits or certificates of occupancy.* The General Manager of the Department or his or her the General Manager's designee, may refuse to grant any further building permits or certificates of occupancy to the applicant, to any corporation, partnership, joint venture, or other legal entity with which the applicant has a controlling interest (controlling interest means the acquisition of sufficient dominance to determine the operational and financial policies of a corporation, partnership, committee, club or other organization, holding company, joint stock company, receivership, trust, or any legal entity organized for profit, including disposition of its assets or any interest representing more than ~~five~~ (5) 5 percent of a corporation, partnership, committee, club or other organization, holding company, joint stock company, receivership, trust, or any legal entity organized for profit), or to any business entity formed by the applicant in an attempt to circumvent the effect of this penalty. The General Manager of the Department or his or her the General Manager's designee, is authorized to withhold additional permits only until the applicant remedies outstanding Code violations.

...

c. *Administrative fines.* Notwithstanding any other section of this Chapter, the General Manager of the Department, or his or her the General Manager's designee, may assess a civil penalty to the property owner or person responsible for the property for violation of any code provision delineated in is Chapter, or violation of any permit, certificate, approved plan, or directive of the General Manager, or his or her the General Manager's designee. The civil penalty may be up to ~~one to one hundred dollars (\$100.00)~~ \$1-\$100 for each day the

3090 violation continues. The General Manager of the Department, or his
 3091 or her the General Manager's designee, may also assess the
 3092 property owner or person responsible for the property any expense
 3093 incurred by the County for the removal, abatement or correction of
 3094 such violation. If the amount is not paid within such time stated in a
 3095 notice, decision, order or directive of the General Manager, or his or
 3096 her the General Manager's designee, such amount, together with a
 3097 penalty of ~~ten (10)~~ 10 percent of expenses incurred and interest of
 3098 ~~six (6)~~ 6 percent per annum shall be assessed against the land or
 3099 improved premises.

3100 ...

3101 **Sec. 40.33.240. - Commercial uses.**

3102 ...

3103 *C. Bed and breakfast.* (NAICS 721191) This is any place of lodging in which there
 3104 are no more than ~~eight (8)~~ 8 guestrooms, or suites of rooms, available for temporary
 3105 occupancy for varying lengths of time, with compensation to the owner, by the
 3106 general public, and in which meals may be prepared for them, provided that no
 3107 meals may be sold to persons other than such guests, and that the owner resides
 3108 therein as ~~his or her~~ the owner's principal place of residence.

3109 ...

3110 **Division 40.33.290. – Temporary uses.**

3111 ...

3112 *B. Contractor's office.* This includes watchman's security guard's trailers,
 3113 construction equipment sheds, contractor's trailers and similar uses incidental to a
 3114 construction project. Sleeping and/or cooking facilities may also be permitted.

3115 ...

3116 **Division 40.33.300. - General definitions.**

3117 ...

3118 *Building Official.* General Manager of the Land Use Department or ~~his or her~~ the
 3119 General Manager's designee.

3120 ...

3121 ...

3122 **APPENDIX 1. – APPLICATION AND PLAN REQUIREMENTS**

3123 ...

3124 **A. Plan Requirements.**

3125 Land Development

3126 EX – Exploratory plan

3127 RE – Record plan

3128 ...

3129 ...

X	X	-	-	14. Sanitary disposal method or source to include proposed sewer connection points and flows with the following note: "Sewerage is subject to the approval of the New Castle County Department of Public Works. At the time of approval of this plan, sewer capacity existed to accommodate the anticipated flows generated by this additional development. New Castle County has committed to provide sewer service in accordance with the Land Development Improvement Agreement for this development. The owner of this property, <u>his</u> <u>their</u>
---	---	---	---	--

				successors or assigns, shall be responsible for extending sewer service to each lot shown on or created by this plan."
--	--	--	--	--

APPENDIX 5. – DOCUMENTS

1. Maintenance Corporation Agreement.

MAINTENANCE DECLARATION OF

[PLAN NAME] MAINTENANCE CORPORATION

THIS DECLARATION, made this ____ day of _____, ____, by [name of property owner], [a corporation of the State of Delaware], hereinafter referred to as Declarant.

WHEREAS, Declarant is the owner of a certain parcel of land situate in _____ Hundred, New Castle County, State of Delaware, being _____ acres, as shown on the Record Major Land Development of [Plan Name] prepared by [name of engineering firm], dated _____ and revised to _____, ____, which land is designated for the construction of [types of uses] with appurtenant common facilities; and

WHEREAS, Declarant desires to impose upon said lands and to bind itself, its successors, and assigns, who is the owner of said parcel of land, to certain covenants.

NOW, THEREFORE, KNOW ALL ~~MEN~~ PERSONS BY THESE PRESENTS:

That the Declarant does covenant and declare that it shall hold and stand seized of all that certain parcel of land situate in [name of hundred] New Castle County and State of Delaware, as it appears on the Record Major Land Development of [Plan Name] under and subject to the following covenants and agreements which shall be covenants running with the land and which shall be binding upon the Declarant, its successors and assigns, for the benefit of all owners of lots appearing on said Plan of [Plan Name], and for the benefit of New Castle County.

1. In order that the private open spaces and common facilities, as set forth on said Plan, shall be maintained according to the provisions of New Castle County, State and federal law, there shall be organized as provided in Paragraph 2 hereof, a maintenance corporation, hereinafter referred to as "Corporation," whose members shall be the record owners of lots shown on said Plan.

(a) The purchaser of any lot of land by the acceptance of a deed to said land, obligates and binds ~~himself or herself, his or her~~ themselves, their heirs and assigns to become a member of the aforesaid Corporation and to be bound by all of its rules and regulations and to be subject to all of the duties and obligations imposed by membership in said Corporation.

(b) Each owner of any lot, by acceptance of a deed therefor, is deemed to covenant and agree to pay to the Corporation, when necessary, annual assessments or charges, such assessments to be fixed, established and collected from time to time as hereinafter provided; provided, that all assessments must be fixed at a uniform rate for all lots. However, such obligation to pay any annual assessment or charge to said Corporation shall

not commence until such time that the Board of Directors of said Corporation is comprised of homeowners of [Plan Name]. The owner of any lot agrees, at the time of settlement for the purchase of said lot, to sign a confession of judgment obligating ~~him or her~~ them to pay to the maintenance corporation ~~his or her~~ the owner's share of the costs associated with the maintenance of the common facilities within the subdivision. The assessments levied by the Corporation shall be used exclusively for the purpose of maintaining said open space and common facilities and any other allowable purpose as stated in the Bylaws of said Corporation.

(c) An annual assessment, if necessary, shall be set by a majority vote of the members who are voting in person or by proxy at the annual meeting, and any special assessments shall be set by a majority vote of the members who are voting in person or by proxy at the annual meeting or at a meeting duly called for this purpose.

(d) Any assessments which are not paid when due shall be delinquent. If the assessment is not paid within 30 days after the due date, the assessment shall bear interest from the date of delinquency at any rate of [] per centum (%) per annum, and the maintenance corporation may bring an action at law against the owner personally obligated to pay the same or foreclose the lien against the property, and interest, costs and reasonable attorney's fees of any such action shall be added to the amount of such assessment. No owner may waive or otherwise escape liability for the assessments provided for herein by nonuse of the open space or common facilities or abandonment of ~~his or her~~ owner's lot.

(e) It is expressly agreed that the assessments referred to above shall be a lien or encumbrance on the land in respect to which said assessments are made and it is expressly stated that by acceptance of title to any of the land included in said tract the owner (not including mortgagee) from the time of acquiring title thereto shall be held to have covenanted and agreed to pay said assessments to the Corporation, including prior unpaid assessments.

(f) By ~~his or her~~ owner's acceptance of title, each owner shall be held to vest in the maintenance corporation the right and power in its own name to take and prosecute all actions or suits, legal, equitable or otherwise, which may be, in the opinion of the Corporation, necessary or advisable for the collection of such assessments...

...

BE IT REMEMBERED that on this ____ day of _____, ____, personally appeared before me, the Subscriber, a notary public for the State of Delaware, _____, President of _____, a corporation existing under the laws of the State of Delaware, party to this Indenture, known to me personally to be such, and acknowledged this Indenture to be ~~his or her~~ the signatory's act and deed and the act and deed of said corporation, that the signature of the President thereto is in ~~his or her~~ the President's own proper handwriting and seal affixed is the common and corporate seal of said corporation, and that ~~his or her~~ their act of sealing, executing and delivering said Indenture was duly authorized by a resolution of the Board of Directors of said corporation.

2. Bylaws of Maintenance Corporation.

...

3224 **ARTICLE III**
3225 **MEETING OF MEMBERS**

3226 ...

3227 **Section 4. Notice of meetings.** Except as otherwise noted herein, written notice
3228 of each meeting of the members shall be given by, or at the direction of, the Secretary or
3229 person authorized to call the meeting, by mailing a copy of the notice, postage prepaid, at
3230 least ~~fifteen (15)~~ 15 days before the meeting to each member entitled to vote at the
3231 meeting, addressed to the member's address last appearing on the books of the
3232 Corporation, or supplied by the member to the Corporation for the purpose of notice. The
3233 notice shall specify the place, day and hour of the meeting and, in the case of a special
3234 meeting, the purpose of the meeting. No change in the time or place of a meeting for the
3235 election of Directors, as fixed by these Bylaws, shall be made within ~~ten (10)~~ 10 next
3236 before the day on which such election is to be held. In case of any change in such time or
3237 place for such election of Directors, notice thereof shall be given to each member entitled
3238 to vote in person, or mailed to ~~his or her~~ the member's last known post office address, at
3239 least ~~ten (10)~~ 10 days before the election is held.

3240 ...

3241 **ARTICLE IV**
3242 **BOARD OF DIRECTORS: SELECTION; TERM OF OFFICE**

3243 ...

3244 **Section 3. Removal.** Any Director may be removed from the Board, with or without
3245 cause, by a majority vote of the members of the Corporation. In the event of death,
3246 resignation or removal of a Director, a successor shall be selected by the remaining
3247 members of the Board, though less than a quorum, by majority vote, and shall serve for
3248 the unexpired term of ~~his or her~~ their predecessor.

3249 **Section 4. Compensation.** No Director shall receive compensation for any service
3250 rendered to the Corporation. However, ~~any a~~ a Director may be reimbursed for actual
3251 expenses incurred in the performance of ~~his or her~~ their duties.

3252 ...

3253 **ARTICLE VIII**
3254 **OFFICERS OF THE CORPORATION**

3255 ...

3256 **Section 1. Duties of the President.** The President shall be the chief executive
3257 officer of the Corporation. It shall be ~~his~~ the President's duty to provide at all meetings of
3258 the members and Directors; to have general and active management of the business and
3259 the Corporation; to see that all orders and resolutions of the Board of Directors are carried
3260 into effect; to execute all agreements and other instruments in the name of the
3261 Corporation, and to affix the corporate seal thereto when authorized by the Board of
3262 Directors.

3263
3264 ~~He~~ The President shall have the general supervision and direction of the other
3265 officers of the Corporation and shall see that their duties are properly performed.

3266
3267 ~~He~~ The President shall submit a report of the operations of the Corporation for the
3268 year to the Directors at their meeting next preceding the annual meeting of the members
3269 and to the members at their annual meeting.

3270 ~~He~~ The President shall be ex-officio a member of all committees and shall have the
3271 general duties and powers of supervision and management usually vested in the office of

the President of a corporation.

Section 2. Vice-President. The Vice-President or Vice-Presidents, in the order designated by the Board of Directors, shall be vested with all powers and required to perform all the duties of the President in his their absence or disability and shall perform such other duties as may be prescribed by the Board of Directors.

...
Section 4. Secretary. The Secretary shall attend all meetings of the Corporation, the Board of Directors, and any committee meetings. ~~He~~ The Secretary shall act as clerk thereof and shall record all of the proceedings of such meetings in a book kept for that purpose. ~~He~~ The Secretary shall give proper notice of meetings of members and Directors and shall perform such other duties as shall be assigned to him by the President or the Board of Directors.

Section 5. Treasurer. The Treasurer shall have custody of the funds and securities of the Corporation and shall keep full and accurate accounts of receipts and disbursements in books belonging to the Corporation and shall deposit all monies and other valuable effects in the name and to the credit of the Corporation in such depositories as may be designated by the Board of Directors.

~~He~~ The Treasurer shall disburse the funds of the Corporation as may be ordered by the Board or President, taking proper vouchers for such disbursements, and shall render to the President and Directors, whenever they may require it, an account of all his transactions as Treasurer, and of the financial condition of the Corporation, and at the regular meeting of the Board next preceding the annual members' meeting, a like report for the preceding year.

~~He~~ The Treasurer shall keep an account of the members of record in such manner and subject to such regulations as the Board of Directors may prescribe.

~~He~~ The Treasurer shall give the Corporation a bond, if required by the Board of Directors, in sum and in form and with corporate security satisfactory to the Board of Directors for the faithful performance of the duties of his their office and the restoration to the Corporation, in case of his death, resignation or removal from office, of all books, papers, vouchers, money and other property of whatever kind in his their possession, belonging to the Corporation. Such bond and security shall, if required, be provided at the Corporation's expense. ~~He~~ The Treasurer shall perform such other duties as the Board of Directors may from time to time prescribe or require.

Section 6. Delegation of duties. In case of the absence or disability of any officer of the Corporation or for any other reason deemed sufficient by the majority of the Board, the Board of Directors may delegate his their powers or duties to any other officer or to any Director for the time being.

ARTICLE IX ASSESSMENTS

...
Section 5. Uniform rate. Both annual and special assessments must be fixed at

a uniform rate for all lots.

Section 6. Remedies for non-payment of assessments. Any assessments which are not paid when due shall be delinquent. If the assessment is not paid within ~~thirty~~ 30 days after the due date, the assessment shall bear interest from the date of delinquency at the rate of [] per centum (%) per annum, and the Corporation may bring an action at law against the owner personally obligated to pay the same or foreclose the lien against the property, and interest, costs and reasonable attorney's fees of any such action shall be added to the amount of ~~such~~ the assessment. No owner may waive or otherwise escape liability for the assessments provided for herein by nonuse of the common area or abandonment of ~~his or her~~ their lot.

...

ARTICLE XIV DURATION

The Corporation shall exist perpetually.

THE UNDERSIGNED, being the Incorporator for the purpose of forming a corporation in pursuance of Title 8, Chapter 1, of the Delaware Code entitled "General Corporation Law", and the acts amendatory thereto and supplemental thereto, if any, makes and files these Articles of Incorporation, hereby declaring and ratifying that the facts herein are true, and accordingly, has set ~~his or her~~ their hand and seal the _____ day of _____, ____.

...

Section 2. It is the intent of New Castle County Council, hereby embodied in this Ordinance, to establish gender-neutral language throughout *New Castle County Code*. To effectuate this amendment, and to ensure consistency throughout, among other things County Council expressly authorizes the Clerk of Council to amend any terms in need of amendment to conform with the other provisions and such intent herein that are discovered subsequent to enactment of this legislation in order to ensure consistency and to conform with the intent of this 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:

Marcus Henry

County Executive
of New Castle County

SYNOPSIS: This Ordinance amends *New Castle County Code* with the intent and goal of making *County Code* gender neutral, throughout. Replacing language in the *County Code* which is currently gender-centric with gender “silent” language helps avoid word choices that may be biased, offensive, or potentially discriminatory to others, often times unintentionally or innocently. Moreover, gender “silent” language helps to increase representation for everyone, and helps to ensure all County citizens are recognized, valued, and respected.

Adopting the neutral amendments proposed in this Ordinance will make New Castle County consistent with other jurisdictions including, for example, the Delaware General Assembly which has taken steps to implement gender “silent” language in the Delaware Code and the Delaware Constitution. Finally, enacting the amendments proposed by this Ordinance will ensure that all residents of the County feel protected, acknowledged, and heard.

Furthermore, this Ordinance authorizes the Clerk of Council to amend any terms that may be discovered subsequent to enactment of the Ordinance to ensure consistency and conformity with the intent and provisions of this Ordinance.

Finally, this Ordinance also makes technical corrections to conform *Code* provisions with the standards of current legislative drafting.

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

ORDINANCE NO. 26-110

AMEND THE GRANTS BUDGET:

**APPROPRIATE STATE FUNDS FROM THE DELAWARE OPIOID SETTLEMENT
COMMISSION TO THE COORDINATED BEHAVIORAL HEALTH AND PREVENTION
INFRASTRUCTURE INITIATIVE GRANT, TO BE ADMINISTERED BY THE DEPARTMENT
OF PUBLIC SAFETY, DIVISION OF POLICE**

1 **WHEREAS**, state funding in the amount of \$165,484.20 has been awarded from the
2 Delaware Opioid Settlement Commission to the Coordinated Behavioral Health and Prevention
3 Infrastructure Initiative Grant; and
4

5 **WHEREAS**, this funding will provide critical funding for the Department of Public Safety,
6 Division of Police in its efforts to create a centralized area for core behavioral health units
7 within the New Castle County Police Division; and
8

9 **WHEREAS**, the purpose of the funding is to implement new workspaces for various
10 core behavioral health units within Gilliam Building, and fund overtime for employees within
11 New Castle County core behavioral health units, and acquire new equipment and technology
12 within the new workspace; and
13

14 **WHEREAS**, the County Executive has determined that funds received are sufficient to
15 cover the increase in the Grants Budget as hereinafter amended; and
16

17 **WHEREAS**, Council has determined that the provisions of this Ordinance substantially
18 advance, and are reasonably and rationally related to, legitimate government interests (i.e.,
19 promoting the health, safety, morals, convenience, order prosperity and/or welfare of the
20 present and future inhabitants of this State).
21

22 **NOW, THEREFORE, THE COUNTY OF NEW CASTLE HEREBY ORDAINS:**
23

24 Section 1. The Grants Budget as adopted by Ordinance No. 75-173 is hereby amended
25 by adding the material that is underscored and deleting the material that is bracketed and
26 stricken on the attached "Exhibit A."
27

28 Section 2. This Ordinance shall become effective immediately upon its adoption by
29 County Council and approval by the County Executive, or as otherwise provided by 9 *Del. C.* §
30 1156.
31

32 Section 3. It is the intent of the County Council that the provisions of this Ordinance
33 shall be effective retroactive to August 1, 2026.

Adopted by County Council of
New Castle County on:

Monique Williams-John
President of County Council

Approved on:

Marcus Henry
County Executive
New Castle County

SYNOPSIS: This Ordinance, if approved, will appropriate \$165,484.20 in state funding from the Delaware Opioid Settlement Commission to the Coordinated Behavioral Health and Prevention Infrastructure Initiative Grant. These funds will be used by the New Castle County Department of Public Safety, Division of Police for implementing new workspaces within the Gilliam Building, providing a centralized location for communication and resources, and fund overtime for Department of Public Safety employees.

It is the intent of the County Council that the provisions of this Ordinance shall be effective retroactive to August 1, 2026.

FISCAL NOTE: This Ordinance, if approved, will appropriate \$165,484.20 in state funding from the Delaware Opioid Settlement Commission to the Coordinated Behavioral Health and Prevention Infrastructure Initiative Grant.

The fiscal impact of this Ordinance, if approved, will be an increase in the authorized spending authority of the Grants Budget of \$165,484.20. This increase will affect FY2027 and FY2028 since the targeted completion date is July 31, 2027. The fiscal impact on the Operating Budget will be \$15,373.42 to cover benefits for overtime not covered by the grant. This will be covered within the Department of Public Safety, Division of Police Approved Operating Budget.

Acknowledged by the Acting Chief Financial Officer August 4, 2026.

DEPARTMENT:	Public Safety	EXHIBIT:	"A"
GRANT TITLE:	Coordinated Behavioral Health & Prevention Infrastructure Initiative	Ordinance No.	26-110
PROGRAM TITLE:	Coordinated Behavioral Health & Prevention Infrastructure Initiative		

Revenue	Current	Change	Revised
Federal	\$ -	\$ -	\$ -
State	\$ 165,484.20	\$ -	\$ 165,484.20
County	\$ -	\$ -	\$ -
Program Income	\$ -	\$ -	\$ -
Other	\$ -	\$ -	\$ -
Total	\$ 165,484.20	\$ -	\$ 165,484.20

Expense	Current	Change	Revised
Salaries and Wages	\$ 28,392.00	\$ -	\$ 28,392.00
Benefits	\$ -	\$ -	\$ -
Training/Civic Affairs	\$ 15,000.00	\$ -	\$ 15,000.00
Communication/Utilities	\$ -	\$ -	\$ -
Materials/Supplies	\$ 5,926.20	\$ -	\$ 5,926.20
Contractual Services	\$ 13,031.00	\$ -	\$ 13,031.00
Equipment	\$ 103,135.00	\$ -	\$ 103,135.00
Grants/Fixed Charges	\$ -	\$ -	\$ -
Land and Structures	\$ -	\$ -	\$ -
Contingency	\$ -	\$ -	\$ -
Operating Transfer Charges	\$ -	\$ -	\$ -
Operating Transfer Credits	\$ -	\$ -	\$ -
Total	\$ 165,484.20	\$ -	\$ 165,484.20

SUPPLEMENTAL INFORMATION

Estimated Program Initiation: 8/1/2026

Estimated Program Completion: 7/31/2027

Operating Budget Impact \$ 15,373.42 **Found in (ORG):** 10200304 - Police Admin

Ordinance Passed: **Date Revised:**

PROGRAM DESCRIPTION:

Funding from the Delaware Opioid Settlement Commission will support overtime and infrastructure expansion of the working space of the Behavioral Health Unit, operational field deployment and capacity scaling.

8/25/2026

Prime Sponsor(s): Mr. Toole, Mr. Caneco
Requested by: Public Safety
Date of introduction: August 25, 2026

ORDINANCE NO. 26-111

**AMEND THE GRANTS BUDGET:
APPROPRIATE \$160,000 FROM THE STATE OF DELAWARE FY2027
GRANT-IN-AID BILL TO THE FY2027 POLICE BEHAVIORAL HEALTH GRANT TO BE
ADMINISTERED BY THE DEPARTMENT OF PUBLIC SAFETY, DIVISION OF POLICE**

1 **WHEREAS**, the Department of Public Safety, Division of Police has been awarded
2 \$160,000 in funding from the State of Delaware FY2027 Grant in Aid Bill (153rd General
3 Assembly, Senate Bill 337, signed into law July 15, 2026); and
4

5 **WHEREAS**, the funding will be used to continue to support the mental health team
6 by funding a mental health clinician through Christiana Care, overtime when necessary for
7 the assigned police officers and related operating expenses; and
8

9 **WHEREAS**, the County Executive has determined that grants received will be
10 sufficient to cover the increase in the Grants Budget as hereinafter amended; and
11

12 **WHEREAS**, Council has determined that the provisions of this Ordinance
13 substantially advance, and are reasonably and rationally related to, legitimate government
14 interests (i.e., promoting the health, safety, morals, convenience, order, prosperity and/or
15 welfare of the present and future inhabitants of this State).
16

17 **NOW, THEREFORE, THE COUNTY OF NEW CASTLE HEREBY ORDAINS:**
18

19 Section 1. The Grants Budget as adopted by Ordinance No. 75-173 is hereby
20 amended by adding the material on the attached Exhibits "A" which shall be considered
21 underscored in their entirety.
22

23 Section 2. This Ordinance shall become effective immediately upon its adoption by
24 County Council and approval by the County Executive, or as otherwise provided in 9 *Del.*
25 *C. § 1156.*
26

27 Section 3. It is the intent of the County Council that the provisions of this Ordinance
28 shall be effective retroactive to July 1, 2026.

Adopted by County Council of
New Castle County on:

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

Approved on:

Marcus Henry
County Executive
New Castle County

SYNOPSIS: This Ordinance, if approved, will appropriate \$160,000 from the State of Delaware FY2027 Grant in Aid Bill (153rd General Assembly, Senate Bill 337, signed into law July 15, 2026) to the FY2027 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.

It is the intent of the County Council that the provisions of this Ordinance shall be effective retroactive to July 1, 2026.

FISCAL NOTE: This Ordinance, if approved, will appropriate \$160,000 from the State of Delaware FY2027 Grant in Aid Bill (153rd General Assembly, Senate Bill 337, signed into law July 15, 2026) to the FY2027 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 FY2027 only as the program end date is June 30, 2027. There is no anticipated fiscal impact on the Operating Budget.

Acknowledged by the Acting Chief Financial Officer August 3, 2026.

DEPARTMENT:	Public Safety	EXHIBIT:	"A"
GRANT TITLE:	FY2027 Police Behavioral Health	Ordinance No.	26-111
PROGRAM TITLE:	FY2027 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	\$ 16,218.29	\$ -	\$ 16,218.29
Benefits	\$ 8,781.71	\$ -	\$ 8,781.71
Training/Civic Affairs	\$ 26,000.00	\$ -	\$ 26,000.00
Communication/Utilities	\$ 9,000.00	\$ -	\$ 9,000.00
Materials/Supplies	\$ 5,000.00	\$ -	\$ 5,000.00
Contractual Services	\$ 95,000.00	\$ -	\$ 95,000.00
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: 7/1/2026

Estimated Program Completion: 6/30/2027

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

Ordinance Passed: **Date Revised:**

PROGRAM DESCRIPTION:

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.

8/25/2026

Prime Sponsor(s): Mr. Hollins, Mr. Street
Requested by: Community Services
Date of introduction: August 25, 2026

ORDINANCE NO. 26-112

**AMEND THE GRANTS BUDGET:
APPROPRIATE PROGRAM INCOME TO THE NEIGHBORHOOD STABILIZATION
PROGRAM III GRANT, WHICH IS ADMINISTERED BY THE DEPARTMENT OF
COMMUNITY SERVICES, DIVISION OF COMMUNITY DEVELOPMENT AND
HOUSING**

1 **WHEREAS**, authorization is being sought for the appropriation of \$22,800 in
2 program income to the Neighborhood Stabilization Program III Grant; and
3

4 **WHEREAS**, these funds will be used to pay the salary of the Neighborhood
5 Stabilization Program administrator who is a part-time contractual employee; and
6

7 **WHEREAS**, program income received is sufficient to cover the increase in the
8 Grants Budget as hereinafter amended; and
9

10 **WHEREAS**, Council has determined that the provisions of this Ordinance
11 substantially advance, and are reasonably and rationally related to, legitimate
12 government interests (i.e., promoting the health, safety, morals, convenience, order,
13 prosperity and/or welfare of the present and future inhabitants of this State).
14

15 **NOW, THEREFORE, THE COUNTY OF NEW CASTLE HEREBY ORDAINS:**
16

17 Section 1. The Grants Budget as adopted by Ordinance No. 75-173 is hereby
18 amended by adding the material on the attached Exhibit "A," which shall be considered
19 underscored in their entirety.
20

21 Section 2. This Ordinance shall become effective immediately upon its adoption
22 by County Council and approval by the County Executive, or as otherwise provided in 9
23 *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:

Marcus Henry
County Executive
New Castle County

SYNOPSIS: This Ordinance, if approved, will appropriate \$22,800 in program income to the Neighborhood Stabilization Program III Grant. This funding will be used to pay the salary of the Neighborhood Stabilization Program administrator who is a part-time contractual employee.

FISCAL NOTE: This Ordinance, if approved, will amend the Grants Budget by appropriating \$22,800 in program income to the Neighborhood Stabilization Program III Grant. This program income will be in addition to federal funding that was previously appropriated from the U.S. Department of Housing and Urban Development via the Dodd-Frank Wall Street Reform and Consumer Protection Act of 2010.

These funds will continue to allow New Castle County to work with community partners to sufficiently fund the rehabilitation of homes and residential properties that have been abandoned or foreclosed upon in order to sell, rehabilitate, or redevelop such homes and properties.

The fiscal impact of this Ordinance, if approved, will be an increase in the authorized spending authority of the Grants Budget by \$22,800. The increase will affect FY2027 and beyond since the program is now ongoing, without expiration date, until the entire grant award plus program income, has been expended.

Acknowledged by the Acting Chief Financial Officer August 5, 2026.

DEPARTMENT:	Community Services	EXHIBIT:	"A"
GRANT TITLE:	Neighborhood Stabilization Program III	Ordinance No.	26-112
PROGRAM TITLE:	Neighborhood Stabilization Program III		

Revenue	Current	Change	Revised
Federal	\$ -	\$ -	\$ -
State	\$ -	\$ -	\$ -
County	\$ -	\$ -	\$ -
Program Income	\$ 622,489.12	\$ 22,800.00	\$ 645,289.12
Other	\$ -	\$ -	\$ -
Total	\$ 622,489.12	\$ 22,800.00	\$ 645,289.12

Expense	Current	Change	Revised
Salaries and Wages	\$ -	\$ -	\$ -
Benefits	\$ -	\$ -	\$ -
Training/Civic Affairs	\$ -	\$ -	\$ -
Communication/Utilities	\$ 7,428.17	\$ -	\$ 7,428.17
Materials/Supplies	\$ -	\$ -	\$ -
Contractual Services	\$ 494,324.05	\$ 22,800.00	\$ 517,124.05
Equipment	\$ -	\$ -	\$ -
Grants/Fixed Charges	\$ -	\$ -	\$ -
Land and Structures	\$ 120,736.90	\$ -	\$ 120,736.90
Contingency	\$ -	\$ -	\$ -
Operating Transfer Charges	\$ -	\$ -	\$ -
Operating Transfer Credits	\$ -	\$ -	\$ -
Total	\$ 622,489.12	\$ 22,800.00	\$ 645,289.12

SUPPLEMENTAL INFORMATION

Estimated Program Initiation: 8/16/2012

Estimated Program Completion: ongoing

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

Ordinance Passed/Date Revised:

12-092	9/19/2012	15-036	4/14/2015
12-110	11/14/2012	17-112	11/16/2017
13-030	5/15/2013	<u>23-017</u>	<u>1/24/2023</u>
14-093	9/8/2014		

PROGRAM DESCRIPTION:

The New Castle County Neighborhood Stabilization Program III (NSP3) works with community partners to directly acquire properties. New Castle County and/or its partners resell, rehabilitate and/or redevelop such properties for homeownership. Partners reimburse New Castle County with the sale proceeds of the property once the property is successfully reintegrated into the market as owner occupied.

~~1/24/2023~~

8/25/2026

Primary Sponsor(s): Ms. William-Johns
Requested by: Administration/HR
Date of Introduction: August 25, 2026

ORDINANCE NO. 26-113

**TO AMEND THE PAY PLAN AND RATES OF PAY FOR NON-UNION UNCLASSIFIED
SERVICE EMPLOYEES OF THE EXECUTIVE OFFICE, TO CHANGE THE POSITION TITLE
OF DIRECTOR OF REDEVELOPMENT TO DIRECTOR OF ECONOMIC DEVELOPMENT
AND ADOPT THE REVISED CLASS SPECIFICATION**

1 **WHEREAS**, the Office of the County Executive has determined it necessary that the class
2 specification for the Director of Redevelopment needed to be revised to reflect the work currently
3 being performed to include changing the job class title to Director of Economic Development to
4 better describe the classification; and

5
6 **WHEREAS**, the Office of Human Resources determined that this change does not require
7 review by the Human Resources Advisory Board; and

8
9 **WHEREAS**, the Chief Human Resources Officer reviewed and recommended to change
10 the job class title of Director of Redevelopment to Director of Economic Development on the Pay
11 Plan and Rates of Pay for Non-Union Unclassified Service Employees of the Executive Office
12 and adopt the revised class specifications.

13
14 **NOW, THEREFORE, THE COUNTY OF NEW CASTLE HEREBY ORDAINS:**

15
16 Section 1. The revised Class Specification for Director of Economic Development is
17 adopted as set forth in Exhibit "A" as amended by adding the material that is underscored and
18 deleting the material that is stricken.

19
20 Section 2. The Pay Plan and Rates of Pay for Non-Union Unclassified Service Employees
21 of the Executive Office, effective July 1, 2026 as set forth in Exhibit "B", is hereby amended by
22 adding the material that is underscored and deleting the material that is stricken.

23
24 Section 3. This Ordinance shall become effective immediately upon its adoption by
25 County Council and approval by the County Executive, or as otherwise provided in 9 *Del. C. §*
26 1156.

Adopted by Council of
New Castle County on:

Monique Williams-Johns
President of Council
of New Castle County

Approved on:

Marcus Henry
County Executive
New Castle County

SYNOPSIS: This Ordinance, if approved, updates the position title of Director of Redevelopment to Director of Economic Development on the Pay Plan and Rates of Pay for Non-Union Unclassified Service Employees of the Executive Office and adopts the revised class specification as reviewed and recommended by the Chief Human Resources Officer.

FISCAL NOTE: This Ordinance, if approved, updates the position title of Director of Redevelopment to Director of Economic Development on the Pay Plan and Rates of Pay for Non-Union Unclassified Service Employees of the Executive Office and adopts the revised class specification as reviewed and recommended by the Chief Human Resources Officer.

There is no discernible fiscal impact as this is a change to job class title only with no change to the Pay Grade.

Acknowledged by the Acting Chief Financial Officer August 4, 2026.

NEW CASTLE COUNTY GOVERNMENT

Number 0190

Page 1 of 2

Date 06/09/05

CLASS SPECIFICATION

Title: Director of ~~Redevelopment~~ Economic Development

Approved:

~~GENERAL STATEMENT OF DUTIES: Directs the operations of the New Castle County Redevelopment Office; does related work as required.~~

DISTINGUISHING FEATURES OF THE CLASS:

This is an appointed position that serves at the pleasure of the County Executive. Under the general direction of the County Executive and the Chief Administrative Officer, an employee in this class manages the daily activities of the county Office of Economic Development ~~Redevelopment Office~~.

The Director of Economic Development is responsible for leading the County's economic development strategy, programs, and partnerships to attract, retain, and expand businesses, diversify the local economy, promote job creation, and support long-term growth.

EXAMPLES OF WORK (Illustrative Only):

- Manage economic development strategy, programs, including incentives, grants, redevelopment projects, and small business support.
- Identify and pursue federal, state, and philanthropic funding opportunities.
- Conduct and oversee research on economic trends, workforce conditions, industry clusters, and redevelopment opportunities.
- Coordinate with planning, transportation, housing, and workforce agencies to align development goals.
- Support redevelopment projects, including brownfields, business parks, mixed-use development, and strategic corridors.
- Prepare reports, presentations, and policy recommendations for county leadership and elected officials.
- Represent the county at public meetings, community forums, and regional economic development organizations.
- Collaborates with county land use, planning, transportation, housing, workforce development and finance departments to ensure coordinated policy implementation;
- Oversee the Office of Economic Development budget, staff, consultants, and contract management.

- ~~Promotes the redevelopment and revitalization of existing properties as a preferred alternative to the conversion of, in preference to the development of open space and farmlands;~~
- ~~Develops and implements strategies, programs, and initiatives that support small business growth, attract new investment, retain and expand existing businesses, diversify the local economy, and promote job creation throughout New Castle County;~~
- ~~Serves as a constructive advocate for responsible and sustainable positive voice encouraging responsible development in throughout New Castle County;~~
- ~~Works cooperativelyCollaborates with agencies throughout New Castle County and the State of Delaware, including the Department of Natural Resources and Environmental Control (DNREC) and the Delaware Economic Development Office (DEDO), and the New Castle County Economic Development Council to identify, develop, and leverage resources that support for redevelopment initiatives;~~
- ~~Acts Functions as the primary economic development liaison for New Castle County;~~
- ~~Guides Encourages and directs development toward sites with existing infrastructure and public services;~~
- ~~Coordinates title and environmental review of brownfield sites;~~
- 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 other related equipment in the course of the work.
- Performs other duties as assigned.

REQUIRED KNOWLEDGE, SKILLS, AND ABILITIES:

- Knowledge of principles and practices of management and of the services provided by New Castle County;
- ~~k~~Knowledge of economic development financing including tax incentives, loans, grant programs, etc.;
- ~~k~~Knowledge of environmental clean-up issues;
- ~~a~~Strong Ability to communication, negotiation and relationship-building skills, communicating ~~e~~ courteously and effectively, both verbally and in writing;
- ~~a~~Ability to make effective presentations before groups;
- ~~a~~Experience Ability to establish and develop effective working with and serves as primary point of contact for relationships with associates, government entities, elected officials, the businesses, developers, chambers of commerce, community and private organizations, agencies,

~~private organizations, and the public and to~~
~~Ability to promote promote an ongoing attitude of dedication to excellent~~
~~customer service;~~

- ~~a~~Advanced strategic, analytical, evaluative and critical thinking skills.

~~NEW CASTLE COUNTY GOVERNMENT~~

~~Number~~ 0190

~~Page~~ 2 of 2

~~Date~~ 06/09/05

~~CLASS SPECIFICATION~~

~~Title:~~ Director of Redevelopment

~~Approved:~~

~~skills;~~

- ~~a~~Ability to make reliable recommendations; ~~ability to pass a Class III~~
~~County physical examination.~~

ACCEPTABLE EXPERIENCE AND TRAINING:

- ~~At least~~ seven ~~ten~~ years of experience related to economic development,
~~or redevelopment,~~ or business development activities. ~~and~~
- ~~p~~Possession of at least a Bachelor's Degree from an accredited college or
 university with major course work in business, economics, urban planning,
public -administration or a related field;
- ~~o~~Or any equivalent combination of experience and training which provides
 the required knowledge, skills, and abilities.
- Ability to operate a motor vehicle.

PHYSICAL REQUIREMENTS:

- Prolonged periods of sitting at a desk and working on a computer (up to 8
hours per day).
- Frequent use of hands and fingers to operate a computer keyboard,
mouse, and other standard office equipment.
- Ability to view computer monitors and read printed materials for extended
periods.
- Ability to communicate effectively in person, over the phone, and via
virtual platforms.
- Regular standing, walking, bending, or reaching within the office
environment as well as out of the office attending meetings, site visits,
facility tours..

- Ability to lift and carry light items (typically up to 15 pounds), such as files, documents, or office supplies.
- Ability to maintain concentration and focus in a standard office setting.

~~Ability to operate a motor vehicle.~~

HISTORY OF REVISIONS:

Established: 06/09/05

Established: DRAFT

**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 LAW ENFORCEMENT TECHNICIAN	26 26	59,781	62,770	65,909	69,203	72,664	76,296	80,111	84,117	88,323	92,738	97,375
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 STAFF DIRECTOR	30 30	72,664	76,296	80,111	84,117	88,323	92,738	97,377	102,244	107,357	112,725	118,361
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 DIRECTOR OF COMMUNICATIONS EXECUTIVE ASSISTANT IV	34 34 34	88,324	92,739	97,378	102,245	107,358	112,726	118,361	124,280	130,493	137,017	143,868
<u>DIRECTOR OF ECONOMIC DEVELOPMENT</u> ~~DIRECTOR OF REDEVELOPMENT~~ SENIOR ASSISTANT COUNTY ATTORNEY	36	97,378	102,245	107,358	112,726	118,361	124,280	130,493	137,017	143,867	151,061	158,614
CHIEF HUMAN RESOURCES OFFICER CHIEF OF TECHNOLOGY AND ADMIN SERVICES COMMUNITY SERVICES DEPT. GEN. MANAGER	38 38 38	107,359	112,727	118,362	124,281	130,495	137,019	143,871	151,064	158,618	166,550	174,877
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 CHIEF OF STAFF COUNTY ATTORNEY DEPUTY CHIEF ADMINISTRATIVE OFFICER DIRECTOR OF PUBLIC SAFETY LAND USE DEPARTMENT GENERAL MANAGER POLICY DIRECTOR FOR THE COUNTY EXECUTIVE PUBLIC WORKS DEPARTMENT GENERAL MGR.	40 40 40 40 40 40 40 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 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 MEMBER, AGRICULTURAL LAND PRESERVATION ADVISORY COMMITTEE MEMBER, AUDIT COMMITTEE MEMBER, BOARD OF ADJUSTMENT MEMBER, BOARD OF ASSESSMENT REVIEW		\$9.25 PER HOUR \$100 PER REGULAR MEETING/SPECIAL MEETING FOR ELIGIBLE MEMBERS PER NCC CODE 2.05.106 \$100 PER REGULAR MEETING/SPECIAL MEETING FOR ELIGIBLE MEMBERS PER NCC CODE 2.02.402 \$100 PER REGULAR MEETING/SPECIAL MEETING PER NCC CODE 40.30.341 \$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 \$35 PER HOUR FOR REFEREES HEARING RESIDENTIAL APPEALS/\$50 PER HOUR FOR REFEREES HEARING NON-RESIDENTIAL APPEALS/\$50 PER HOUR FOR BOARD MEMBERS - SHALL ONLY APPLY TO APPEALS OF JULY 1, 2024 GENERAL REASSESSMENT VALUES FILED BY MARCH 14, 2025										
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/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/SPECIAL MEETING PER NCC CODE 40.30.341										
MEMBER, POLICE ACCOUNTABILITY BOARD		\$100 PER REGULAR MEETING/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: 07/01/2026 (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: 12/10/2024 (Ordinance 24-170) - Board Member Compensation

Revised: 01/13/2025 (Ordinance 25-014) - Board of Assessment Compensation for Appeals

RESOLUTION NO. 26-161

**CELEBRATING THE LIFE OF JEFFREY FARON DURHAM AND OFFERING
CONDOLENCES TO HIS FAMILY AND FRIENDS**

1 **WHEREAS**, Jeffrey Faron Durham of Wilmington, Delaware passed away
2 peacefully on July 29, 2026, leaving behind a legacy of creativity, curiosity, laughter,
3 and love; and
4

5 **WHEREAS**, born in 1960 and raised in the Brandywine Valley by his parents
6 Davis and Harriet Durham, Jeff was a proud member of the Wilmington Friends
7 School Class of 1978. Possessing an exceptional intellect and an insatiable curiosity, he
8 was often described – accurately – as "too smart for his own good"; and
9

10 **WHEREAS**, Jeff co-founded and was co-owner of Aztec Printing & Design, with
11 his lifelong friend and business partner Ed Dwornik, where he spent decades helping
12 businesses, organizations, and friends bring their ideas to life. His commitment to
13 quality, attention to detail, and innovative thinking earned him the respect of clients and
14 colleagues alike. He especially loved supporting a wide array of charities in Wilmington
15 and beyond with pro bono design and printing services; and
16

17 **WHEREAS**, beyond his professional accomplishments, Jeff enthusiastically
18 embraced life. He was an avid traveler whose favorite destination was the island of St.
19 Lucia, a place he considered his second home. Whether enjoying its beaches, sunsets,
20 or simply its slower pace of life, Jeff found peace and happiness there and eagerly
21 anticipated every return visit; and
22

23 **WHEREAS**, he was an accomplished home chef and true connoisseur in the
24 kitchen. He delighted in preparing memorable meals for family and friends, believing
25 that good food was best enjoyed around a table filled with conversation, laughter, and
26 the people he loved most; and
27

28 **WHEREAS**, Jeff was always surrounded by multiple adored cats that luckily
29 found their way into his life and a mutual admiration society; and

30 **WHEREAS**, above all, Jeff treasured his family. He is survived by his beloved
31 wife, Linda Lundstrom; his cherished "adopted" children, Olivia and Will; his sister-in-
32 law, Lisa Bryson with Roger Bryson and their daughter, Isabel; his siblings, Dee (aka
33 Mud) (husband Barry Evans) and James (wife Sandy Beckwith), with fond memories of
34 his predeceased older brother, Davis (wife Pansy Allen Durham), along with nieces and
35 nephews Matt, Lindsay, Lauren, Ryan, Eliza and Jack. He also leaves behind many
36 lifelong friends, former colleagues from Aztec and beyond, and countless others whose
37 lives were enriched by his generosity, humor, and friendship; and

38
39 **WHEREAS**, Jeff will be remembered for his quick wit, sharp mind, adventurous
40 spirit, and unwavering loyalty. His bedrock values of fairness and care for all humans
41 regardless of origin, status or color were a personal testament to Quaker origins. His
42 ability to make people laugh, challenge conventional thinking, and prepare an
43 extraordinary meal made him one of a kind. He leaves behind memories that will
44 continue to bring smiles to others for years to come.

45
46 **NOW, THEREFORE, BE IT RESOLVED** by and for the County Council of New
47 Castle County that County Council hereby celebrates the life of Jeffrey Faron Durham
48 and offers condolences to his family and friends.

Adopted by County Council
of New Castle County on:

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: Mr. Sheldon
Co-sponsor(s): Mr. Carter, Ms. George,
Mr. Hollins, Ms. Kilpatrick,
Mr. Tackett, Mr. Toole,
Mr. Caneco
Date of introduction: August 25, 2026

RESOLUTION NO. 26-162

RECOGNIZING AND CELEBRATING THE CONTRIBUTIONS OF WORKERS ON LABOR DAY 2026

1 **WHEREAS**, the first Labor Day holiday was celebrated on September 5, 1882, in
2 New York City; and
3

4 **WHEREAS**, by 1894, over 23 States had adopted Labor Day as a State holiday;
5 that same year, President Grover Cleveland signed legislation making Labor Day a
6 Federal holiday; and
7

8 **WHEREAS**, Labor Day remains a significant holiday that recognizes and
9 celebrates the hard work, dedication, and invaluable contributions of the diverse workforce
10 across our nation and the labor movement, which fought for better working conditions, fair
11 wages, and the establishment of labor unions; and
12

13 **WHEREAS**, workers have played a pivotal role in the development, progress, and
14 prosperity of our society, contributing to economic growth, innovation, and the overall well-
15 being of our communities; and
16

17 **WHEREAS**, the accomplishments and achievements of workers from diverse
18 industries and sectors deserve recognition, as they have shaped the fabric of our nation
19 and helped establish a foundation for a brighter future; and
20

21 **WHEREAS**, it is essential to demonstrate appreciation for the commitment and
22 resilience demonstrated by workers, particularly during challenging times when their
23 efforts have been paramount in ensuring the stability and continuity of essential services
24 in our country; and
25

26 **WHEREAS**, Labor Day presents an opportunity to reflect upon the significance of
27 job security, fair wages, decent working conditions, and the protection of workers' rights;
28 and
29

30 **WHEREAS**, through their collective power and unwavering dedication, workers
31 have consistently advocated for the betterment of the quality of life for all individuals; and
32

33 **WHEREAS**, we celebrate the workers of America and our County - - the best in the
34 world - - and recognize their contributions and; and
35

36 **WHEREAS**, this annual celebration offers leaders in business, government, labor,
37 education, and other partners the opportunity to show their support for our workers in the
38 local community, and this show of solidarity is especially important with the many growing
39 pressures squeezing on our labor force; and
40

41 **WHEREAS**, in honor of Labor Day, New Castle County Council reaffirms its
42 commitment to safeguarding workers' rights, continual improvement of workplace
43 conditions and ensuring fair treatment for all employees, regardless of their occupation or
44 background; encourages all employers to foster a safe and healthy work environment,
45 implementing policies that prioritize the well-being and personal development of their
46 workforce; and is a strong supporter of workers and their rights and bears witness to the
47 valuable contributions to developing the workforce and fostering economic development
48 in our County.

49
50 **NOW, THEREFORE, BE IT RESOLVED**, by and for the County Council of New
51 Castle County, that County Council hereby honors and recognizes the contributions of
52 workers on Labor Day 2026, expressing gratitude for their relentless efforts in promoting
53 growth and prosperity in our County.

Adopted by County Council of
New Castle County on: 8/25/26

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. Caneco
Co-sponsor(s): Ms. Durham, Ms. George
Mr. Street
Date of introduction: August 25, 2026

RESOLUTION NO. 26-163

URGING THE DELAWARE CONGRESSIONAL DELEGATION TO REJECT PROVISIONS OF THE SURFACE TRANSPORTATION REAUTHORIZATION, OR ACTS THAT WOULD RAISE TRUCK WEIGHT LIMITS, EXTEND TRUCK LENGTHS, OR AUTHORIZE PILOT PROGRAMS PERMITTING HEAVIER VEHICLES ON PUBLIC ROADS

1 **WHEREAS**, New Castle County Council is concerned with the welfare of our
2 residents and motorists, along with the cost, quality and reliability of New Castle County's
3 infrastructure, as well as the development of new warehouses and facilities that will bring
4 additional commercial truck traffic to our communities; and
5

6 **WHEREAS**, the Delaware Department of Transportation (DelDOT) maintains
7 roughly 2,600 lane miles of roads and 534 bridges throughout the County and strives to
8 maximize safety and the integrity of this infrastructure; and
9

10 **WHEREAS**, the 91,000-pound "Pilot Project", as amended into the recent federal
11 surface transportation funding package (H.R. 8870), poses a threat to the safety of New
12 Castle County residents, motorists, and public infrastructure by allowing heavier
13 configurations found to have a 47% higher crash rate in a study by the U.S. Department
14 of Transportation (USDOT); and
15

16 **WHEREAS**, longer double-trailer trucks across the National Highway System that
17 have been proposed in Congress would further endanger motorists, and the USDOT
18 concluded that multi-trailer trucks have an 11-percent higher fatal crash rate than single-
19 trailer trucks; and
20

21 **WHEREAS**, allowing heavier or longer trucks on the National Highway System
22 would threaten the safety of the traveling public because heavier and longer trucks would
23 be more difficult to control, increase wear and tear on truck safety systems such as brakes,
24 steering and tires, and increase crash severity; and
25

26 **WHEREAS**, according to the Federal Motor Carrier Safety Administration
27 (FMSCA), 306 large truck crashes were recorded in New Castle County in 2025 alone,
28 resulting in 145 injuries and 2 fatalities; and
29

30 **WHEREAS**, Delaware has 498 bridges that are rated as in either "poor" or "fair"
31 condition, or 57% percent of all bridges statewide, according to the Federal Highway
32 Administration (FHWA); and
33

34 **WHEREAS**, the Coalition Against Bigger Trucks evaluated the FHWA bridge
35 inventory to determine the number of local bridges that would be put at risk by 91,000-
36 pound trucks using inspection data for local bridges in each state. For New Castle County,
37 local, non-interstate bridges would be at risk of needing replacement with a total cost
of over \$306 million; and

38 **WHEREAS**, traffic crashes in Delaware imposed a total of \$1.7 billion in economic
39 costs in 2024. The Road Information Program (TRIP) estimates that a lack of adequate
40 roadway safety features, while not the primary factor, was likely a contributing factor in
41 approximately one-third of all fatal traffic crashes, resulting in \$582 million in economic
42 costs in the state in 2024. These costs include work and household productivity losses,
43 property damage, medical costs, rehabilitation costs, legal and court costs, congestion
44 costs, and emergency services, according to the TRIP 2026 Delaware Report; and
45

46 **WHEREAS**, highway cost allocation studies show that increases in truck size and
47 weight would exacerbate the existing underpayment of highway maintenance costs by
48 heavy trucks and increase their subsidization by municipalities and counties, amounting
49 to an unfunded mandate; and
50

51 **WHEREAS**, Interstate 95, Interstate 295, Interstate 495, US Route 9, US Route 13
52 (Dupont Highway/Governor Printz), US Route 40 (Pulaski Highway), US Route 202
53 (Concord Pike), US Route 301 (Summit Bridge Road), and at least a dozen state routes
54 would all be affected by the truck size and weight increases, recognizing that no semi-
55 truck trip starts and ends on a limited access highway.
56

57 **NOW, THEREFORE, BE IT RESOLVED** by the County Council of New Castle
58 County that the Council opposes any increases in truck size or weight by Congress,
59 including the 91,000-pound pilot project inserted into the 5-year funding plan for highways;
60 and
61

62 **BE IT FURTHER RESOLVED** that the Delaware Congressional Delegation is
63 urged to reject any provision of the Surface Transportation Reauthorization or any other
64 federal legislation that would raise truck weight limits, extend truck lengths, or authorize
65 pilot programs permitting heavier vehicles on public roads; and
66

67 **BE IT FURTHER RESOLVED** that the Clerk of County Council or her designee is
68 directed to transmit a certified copy of this Resolution to the Delaware Congressional
69 Delegation.

Adopted by County Council of
New Castle County on: 8/25/26

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. Sheldon
Date of introduction: August 25, 2026

RESOLUTION NO. 26-164

TO RENAME THE APARTMENT COMPLEX KNOWN AS “HARBOR CLUB APARTMENTS” TO “BROOKBEND APARTMENTS;” APPLICATION NO. 2026-0504, COUNCIL DISTRICT NO. 9

1 **WHEREAS**, the owner of record petitioned New Castle County to rename the
2 apartment complex known as “Harbor Club Apartments” to “Brookbend Apartments;”
3 and
4

5 **WHEREAS**, the Department of Land Use contacted the 911 Center and the
6 United States Post Office, per New Castle County Code Section 40.31.715, which offer
7 no objection to this renaming.
8

9 **NOW, THEREFORE, BE IT RESOLVED** by and for the County Council of New
10 Castle County that County Council hereby renames the apartment complex recorded as
11 “Harbor Club Apartments,” to “Brookbend Apartments,” pursuant to the Department of
12 Land Use Application No. 2026-0504.

Adopted by County Council of
New Castle County on:

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

SYNOPSIS: Same as title.

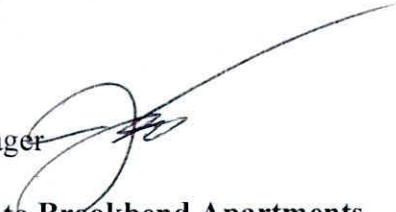
FISCAL NOTE: There is no discernible fiscal impact with the adoption of this Resolution.



New Castle County Department of Land Use

MEMORANDUM

TO: Clerk of Council

FROM: Joseph F. Day III, Acting General Manager 

RE: To Rename **Harbor Club Apartments** to **Brookbend Apartments**

DATE: June 14, 2026

Upon request of the Councilman for this District for the above renaming; this department contacted the 911 Center and the Post Office per Section 40.31.715 of the New Castle County Code. Those agencies have no objection to the renaming. The department, therefore, requests that a Resolution of Approval be considered by County Council. The suggested title, synopsis and fiscal note for the resolution are as follows:

RESOLUTION NO. 26-

TO RENAME THE APARTMENT COMPLEX known as “Harbor Club Apartments” to “Brookbend Apartments”.

No addresses will change.

Synopsis: Same as Title.

Fiscal Note: This resolution will have no immediately discernible fiscal impact on the County.

cc: Councilman Sheldon

Prime Sponsors: Ms. George
Ms. Kilpatrick
Date of introduction: August 25, 2026

RESOLUTION NO. 26-165

**TO AMEND NEW CASTLE COUNTY COUNCIL EMPLOYEE HANDBOOK,
CHAPTER 6 (“BENEFITS”) REGARDING CERTAIN
LEAVE AND VACATION POLICIES**

1 **WHEREAS**, from time to time, it becomes necessary for New Castle County
2 Council to update or amend the New Castle County Council Employee Handbook
3 (“Handbook”); and
4

5 **WHEREAS**, policies and procedures in the Handbook are subject to adoption and
6 revision upon at least a majority vote of County Council; and
7

8 **WHEREAS**, County Council historically has incorporated by reference or by
9 express adoption certain policies of the Administration reflected in the New Castle County
10 Personnel Policy or elsewhere; and
11

12 **WHEREAS**, New Castle County Personnel Policy 3.04 provides a vacation and
13 leave policy that applies to only Executive branch appointed employees, however the
14 policy does not expressly apply to employees of the Legislative branch of government.
15 Accordingly, the changes proposed by this Resolution largely mirror the policies for
16 Executive employees identified in New Castle County Personnel Policy 3.04; and
17

18 **WHEREAS**, as a matter of fairness and equality, County Council believes the
19 benefits of this policy should also apply to Council employees; and
20

21 **WHEREAS**, the provisions of this Resolution are retroactive to December 31,
22 2025.
23

24 **NOW, THEREFORE, BE IT RESOLVED** that New Castle County Council hereby
25 amends the New Castle County Council Employee Handbook, Chapter 6 by deleting
26 language as indicated by strike throughs and adding language as indicated by underlines
27 below.
28

29 **Chapter 6. Benefits.**
30

31 **6.6. Vacation and administrative leave**

32 Requests to take use vacation time must be approved by the ~~staff member's~~ employee's
33 direct supervisor in consultation with and ~~by~~ the Clerk of Council. *New Castle County*
34 *Code § 26.03.1404* provides that vacation with pay shall vest as of December 31 of the
35 calendar year preceding the vacation year. Generally mirroring New Castle County
36 Personnel Policy Number 3.04, and shall vacation and administrative leave shall accrue

as follows:

at 15 days for years 2 through 9, 20 days for years 10 through 14 and 25 at year 15.

<u>Years of Service</u>	<u>Days of Vacation /Administrative Leave</u>
<u>1</u>	<u>10 (Administrative Leave)*</u>
<u>2</u>	<u>20 (Vacation days accrued during Year 1 and any balance of Administrative Leave)</u>
<u>3</u>	<u>20 (Vacation)</u>
<u>4-9</u>	<u>25 (Vacation)</u>
<u>10-14</u>	<u>30 (Vacation)</u>
<u>15 and upward</u>	<u>30 (Vacation)**</u>

Employees on the County payroll of the ~~County~~ as of December 31 of a given year who have not completed 12 months of prior service will be eligible for vacation in the following year (after completing 12 months of employment) ~~for one day having accrued 1.66 days~~ of vacation for each completed month of accumulated service, to a maximum of 40 20 vacation days.

~~Since t~~This means that an employee who commenced employment on began January 5, for example, cannot ~~take use~~ vacation time at all until January 1 of the following year. To provide balance, administrative leave of ~~five (5)~~ 10 days may be granted during the first year if approved by the employee's supervisor in consultation with the Clerk of Council and Council President, as applicable. ~~This will be granted only if no compensatory time has accrued.~~

The "vacation year" shall begin January 1 and end December 31. Vacation must be applied for and, upon approval, taken during this time period. However, by approval of the supervising Council member, a maximum of 50 work days or 350 hours of vacation may be accumulated and carried over, provided at least ~~two (2)~~ 2 weeks of vacation are is taken in each vacation year. Notwithstanding the above, mirroring New Castle County Personnel Policy 3.18, a new Council employee in their first 4 years of employment is exempt from the mandatory requirement of using a minimum of 2 weeks of vacation per year. If a holiday falls within an approved vacation period, the employee shall be entitled to an additional day of vacation.

*Administrative leave time which is approved may be carried over but must be used by the end of the second year of employment.

**An additional day is added for each successive year of accumulated service. Employees who have completed more than 15 years of accumulated service earn an additional day of vacation for each successive year of accumulated service. For example, 16 years of service accrues 30 vacation days plus one, and upward.

...

These updates to the New Castle County Council Employee Handbook are retroactive to

84 December 31, 2025.

Adopted by County Council
of New Castle County on:

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

SYNOPSIS: This Resolution provides for updates to New Castle County Council's Employee Handbook, Section 6.6 regarding vacation and administrative leave, largely mirroring New Castle County Personnel Policy Number 3.04 (with the exception of the increase in the first year of employment, going from 5 days to 10 days). In addition, the revisions proposed by this Resolution are retroactive to December 31, 2025.

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

RESOLUTION NO. 26-166

**TO AMEND NEW CASTLE COUNTY COUNCIL PROCEDURAL RULE NO. 17
("COUNCIL MEMBERS' DISTRICT OFFICE EXPENDITURES")
RELATING TO EXPENDITURE OF FUNDS FROM DISTRICT OFFICES**

1 **WHEREAS**, from time to time, it becomes necessary to update and revise New
2 Castle County Council's Procedural Rules; and

3
4 **WHEREAS**, the proposed revisions provide updated guidelines regarding
5 expenditures from Council Members' Accounts during an election year.

6
7 **NOW, THEREFORE, BE IT RESOLVED**, that New Castle County Council
8 recognizes the importance of establishing clear protocol relating to mailings and
9 expenditures connected therewith, and hereby amends Rule No. 17 of County Council's
10 Procedural Rules, using strikethroughs to represent deletions and underlines to represent
11 additions, as set forth below.
12

13 **RULE NO. 17. COUNCIL MEMBERS' DISTRICT OFFICE EXPENDITURES**
14

15 17.1 During any fiscal year, a Council member may, without further approval, expend
16 a maximum of \$2,500 for items exhibiting the New Castle County Logo,
17 including items such as shirts, jackets, ties, calendars, mugs, etc.
18

19 17.2 The Council member and/or Legislative Assistant is responsible for placing
20 orders and arranging delivery with the New Castle County Office of Procurement
21 (the "Office"). Any issues or concerns related to an order will be resolved
22 between the Council member and the Office.
23

24 17.3 The Council Clerk and/or Council Deputy Clerk would facilitate the required
25 purchase order and payment transfer from the Council member's office account.
26 The Council member should maintain an accurate accounting of their
27 expenditures.
28

29 17.4 **Individual office expenditures.** Copy and mailing expenditures connected with
30 a specific District Council member's office shall be expended from the District
31 Council member's individual office account.
32

33 17.4.1. During any year in which a primary and/or general election is held for
34 members of County Council, the cumulative number of mailed letters from
35 individual office accounts shall not exceed 200 within 90 days of the
36 election(s).
37

Adopted by County Council
of New Castle County on:

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

SYNOPSIS: This proposed amendment to County Council's Procedural Rules assigns copy and mailing expenditures by the respective District Office to the individual accounts of Council members. Additionally, this Resolution proposes a maximum of 200 letters to be sent using District Office funds within 90 days of either a primary or general election.

FISCAL NOTE: There is no fiscal impact as a result of this Resolution.

RESOLUTION NO. 26-167

**A RESOLUTION RECOGNIZING NATIONAL SENIOR CITIZENS DAY AND
HONORING THE CONTRIBUTIONS OF OLDER ADULTS IN NEW CASTLE COUNTY**

1 **WHEREAS**, National Senior Citizens Day is observed annually on August 21st
2 as an opportunity to recognize, honor, and celebrate the invaluable contributions of
3 older adults and senior citizens throughout our communities; and
4

5 **WHEREAS**, the senior citizens of New Castle County represent generations of
6 wisdom, experience, sacrifice, perseverance, faith, leadership, and service that have
7 helped shape the communities in which we live today; and
8

9 **WHEREAS**, many of our seniors spent their lives working, raising families,
10 serving their communities, building businesses, educating our children, protecting our
11 nation, caring for loved ones, and giving of themselves so that future generations could
12 have greater opportunities; and
13

14 **WHEREAS**, the opportunities, freedoms, institutions, neighborhoods, and
15 traditions enjoyed by today's generation were built, in significant part, through the hard
16 work and sacrifices of those who came before us; and
17

18 **WHEREAS**, our senior citizens have served as parents, grandparents,
19 caregivers, teachers, mentors, neighbors, volunteers, community leaders, veterans,
20 faith leaders, and advocates, sharing their knowledge and experiences with generations
21 that follow; and
22

23 **WHEREAS**, we must never forget that the wisdom and lessons of our older
24 adults are valuable treasures that cannot be replaced; and
25

26 **WHEREAS**, senior citizens should be treated with respect, honor, dignity,
27 compassion, and love, not only on National Senior Citizens Day, but throughout every
28 day of the year; and
29

30 **WHEREAS**, we have a responsibility as a community to listen to our seniors,
31 learn from their experiences, appreciate their accomplishments, and ensure that they
32 know that their lives, voices, and contributions continue to matter; and
33

34 **WHEREAS**, honoring our seniors means more than recognizing what they have
35 accomplished in the past. It means standing beside them today, supporting their well-
36 being, protecting their dignity, addressing their needs, and making sure they remain
37 valued and active members of our community; and
38

39 **WHEREAS**, families and communities are strengthened when younger
40 generations take the time to sit with, listen to, care for, and learn from older adults,
41 creating meaningful connections between generations and preserving the history and
42 values of our community; and
43

44 **WHEREAS**, President Monique Williams-Johns of New Castle County Council
45 recognizes that every senior citizen deserves to age with dignity, security,
46 independence, purpose, companionship, and the knowledge that their community
47 appreciates and cares for them; and

48 **WHEREAS**, we encourage all residents of New Castle County to take this
49 opportunity to thank the senior citizens in their lives and to recognize the sacrifices they
50 made, the challenges they overcame, the families they raised, and the communities
51 they helped build; and
52

53 **WHEREAS**, the best way to honor those who came before us is to carry forward
54 the values of service, kindness, responsibility, perseverance, and compassion that they
55 demonstrated throughout their lives.
56

57 **NOW, THEREFORE, BE IT RESOLVED**, that the ***President Monique Williams-***
58 ***Johns*** of New Castle County Council hereby recognizes August 21st as National Senior
59 Citizens Day in New Castle County and proudly honors the senior citizens who have
60 contributed so much to our families, neighborhoods, and communities; and
61

62 **BE IT FURTHER RESOLVED**, that ***President Monique Williams- Johns*** calls
63 upon all residents to treat our senior citizens with the respect, honor, dignity,
64 compassion, and love they have earned and deserve, recognizing that they helped lay
65 the foundation upon which today's generation stands; and
66

67 **BE IT FURTHER RESOLVED**, that we encourage families, schools, community
68 organizations, businesses, faith communities, and public agencies to create
69 opportunities for generations to come together, listen to one another, share
70 experiences, and celebrate the remarkable lives and accomplishments of our older
71 adults; and
72

73 **BE IT FURTHER RESOLVED**, that ***President Monique Williams-Johns*** of New
74 Castle County Council expresses her sincere gratitude to the senior citizens of our
75 community for their lifetime of service, sacrifice, wisdom, and love, and recognizes that
76 their contributions will continue to inspire and benefit generations yet to come; and
77

78 **BE IT FURTHER RESOLVED**, that a suitable copy of this Resolution be
79 presented to representatives of the senior citizen community as a lasting expression of
80 the gratitude and appreciation of the New Castle County Council.

Adopted by County Council of
New Castle County on:

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): Ms. Williams-Johns
Mr. Toole, Mr. Caneco
Requested by: Administration/HR
Date of Introduction: July 28, 2026

ORDINANCE NO. 26-092

**AMEND THE PAY PLAN AND RATES OF PAY FOR THE
CAPTAINS, MAJORS AND LIEUTENANT COLONEL, REPRESENTED
BY THE FRATERNAL ORDER OF POLICE, NEW CASTLE COUNTY LODGE NO. 5**

1 **WHEREAS**, the County Executive has recommended amendments to the Pay Plans and
2 Rates of Pay for the Captains, Majors, and Lt. Colonel represented by the Fraternal Order of
3 Police, Lodge No. 5 (hereinafter "FOP") to reflect wage increases agreed to during collective
4 bargaining negotiations.

5
6 **NOW, THEREFORE, THE NEW CASTLE COUNTY COUNCIL HEREBY ORDAINS:**

7
8 Section 1. The Pay Plans and Rates of Pay for the Captains, Majors and Lt. Colonel
9 represented by the FOP, for the period July 1, 2026 through June 30, 2029, as set forth in Exhibit
10 "A", all of which shall be considered underscored, is hereby adopted in its entirety effective on
11 July 1, 2026.

12
13 Section 2. This Ordinance shall be effective upon adoption by New Castle County Council
14 and approval of 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
New Castle County

Approved on:

Marcus Henry
County Executive

SYNOPSIS: This Ordinance, if approved, amends the Pay Plan and Rates of Pay to implement the wage increases resulting from the County's collective bargaining negotiations with the FOP on behalf of the Captains, Majors and Lt. Colonel.

This three-year agreement defines the wages and other terms of employment for the bargaining unit effective July 1, 2026. The agreement provides for a 2.5% wage increase for the period July 1, 2026 through June 30, 2027; a revised pay plan for the period July 1, 2027 through June 30, 2028; and a 3.0% wage increase for the period July 1, 2028 through June 30, 2029. Additionally, effective July 1, 2026, an additional Step 23 was added, and effective July 1, 2028, Steps 25 and 27 have been added to the pay plan.

FISCAL NOTE: This Ordinance approves and adopts a new pay plan and rates of pay for the Captains, Majors, and Lt. Colonel represented by the FOP.

The estimated fiscal impacts (Salaries/Wages and Employee Benefits) of the Collective Bargaining agreement for the period of July 1, 2026 through June 30, 2029 are as follows:

FY2027	\$94,000
FY2028	\$469,000 (\$375,000 incremental from FY2027)
FY2029	\$668,000 (\$199,000 incremental from FY2028)

The fiscal impact is calculated on the premise that wage levels would have continued unchanged for an additional three years in the absence of this contract's approval. The financial implications associated with this agreement have already been reflected in the FY2027 Approved Operating Budget.

Acknowledged by the Chief Financial Officer July 17, 2026.

7/1/2026										Completion of		
		1	2	3	4	5	6	7		Year 18	Year 21	Year 23
Police Captain	1	130,449	143,494	150,669	158,202	166,112	174,418	183,139		188,633	194,292	200,121
Police Major	2	143,494	150,669	158,202	166,112	174,418	183,139	192,296		198,065	204,007	210,127
Deputy Chief of Police	3	150,669	158,202	166,112	174,418	183,139	192,296	201,911		207,968	214,207	220,633

7/1/2027										Commencement of		
		1	2	3	4	5	6	7		Year 18	Year 21	Year 23
Police Captain	1	151,008	166,109	174,414	183,135	192,292	201,907	212,002		218,362	224,913	231,660
Police Major	2	166,109	174,414	183,135	192,292	201,907	212,002	222,602		229,280	236,158	243,243
Deputy Chief of Police	3	174,414	183,135	192,292	201,907	212,002	222,602	233,732		240,744	247,966	255,405

7/1/2028										Commencement of				
		1	2	3	4	5	6	7		Year 18	Year 21	Year 23	Year 25	Year 27
Police Captain	1	155,538	171,092	179,647	188,629	198,060	207,963	218,361		224,912	231,659	238,609	245,767	253,140
Police Major	2	171,092	179,647	188,629	198,060	207,963	218,361	229,279		236,157	243,242	250,539	258,055	265,797
Deputy Chief of Police	3	179,647	188,629	198,060	207,963	218,361	229,279	240,743		247,965	255,404	263,066	270,958	279,087

Prime Sponsor(s): Ms. Williams-Johns
Mr. Toole, Mr. Caneco
Requested by: Administration/HR
Date of Introduction: July 28, 2026

ORDINANCE NO. 26-093

**AMEND THE PAY PLAN AND RATES OF PAY FOR CLASSIFIED SERVICE EMPLOYEES
REPRESENTED BY THE FRATERNAL ORDER OF POLICE, NEW CASTLE COUNTY
LODGE NO. 5**

1 **WHEREAS**, the County Executive has recommended amendments to the Pay Plans and
2 Rates of Pay for Classified Employees represented by the Fraternal Order of Police, Lodge No.
3 5 (hereinafter "FOP") to reflect wage increases agreed to during collective bargaining
4 negotiations.

5
6 **NOW, THEREFORE, THE NEW CASTLE COUNTY COUNCIL HEREBY ORDAINS:**

7
8 Section 1. The Pay Plans and Rates of Pay for Classified Service Employees
9 represented by the FOP, for the period July 1, 2026 through June 30, 2029 as set forth in Exhibit
10 "A", all of which shall be considered underscored, is hereby adopted in its entirety effective on
11 July 1, 2026.

12
13 Section 2. This Ordinance shall be effective upon adoption by New Castle County Council
14 and approval of 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
New Castle County

Approved on:

Marcus Henry
County Executive

SYNOPSIS: This Ordinance, if approved, amends the Pay Plan and Rates of Pay to implement the wage increases resulting from the County's collective bargaining negotiations with the FOP.

This three-year agreement defines the wages and other terms of employment for the bargaining unit effective July 1, 2026. The agreement provides for a 2.5% wage increase for the period July 1, 2026 through June 30, 2027; a revised pay plan for the period July 1, 2027 through June 30, 2028; and a 3.0% wage increase for the period July 1, 2028 through June 30, 2029. Additionally, effective July 1, 2026, an additional Step 23 was added, and effective July 1, 2028, an additional increase to Steps 25 and 27 have been added to the pay plan.

FISCAL NOTE: This Ordinance approves and adopts a new pay plan and rates of pay for the Classified Employees represented by the FOP.

The estimated fiscal impacts (Salaries/Wages and Employee Benefits) of the Collective Bargaining agreement for the period of July 1, 2026 through June 30, 2029 are as follows:

FY2027	\$1,400,000
FY2028	\$10,100,000 (\$8,700,000 incremental from FY2027)
FY2029	\$11,500,000 (\$1,400,000 incremental from FY2028)

The fiscal impact is calculated on the premise that wage levels would have continued unchanged for an additional three years in the absence of this contract's approval. The financial implications associated with this agreement have already been reflected in the FY2027 Approved Operating Budget. There is a companion resolution to approve the collective bargaining agreement.

Acknowledged by the Chief Financial Officer July 14, 2028.

COLA 2.5%

Effective 7/1/2026

CLASSIFICATION	PAY GRADE											Completion of		
		1	2	3	4	5	6	7	8	9	10	Year 18	Year 21	Year 23
POLICE OFFICER	24	76,314	76,314	76,314	76,314	80,130	84,137	88,344	92,761	97,399	102,269	105,337	108,497	111,752
CORPORAL	25	76,314	76,314	76,314	80,130	84,137	88,344	92,761	97,399	102,269	107,382	110,603	113,921	117,339
SENIOR CORPORAL	26	76,314	76,314	80,130	84,137	88,344	92,761	97,399	102,269	107,382	112,751	116,134	119,618	123,207
MASTER CORPORAL	27	76,314	80,130	84,137	88,344	92,761	97,399	102,269	107,382	112,751	118,389	121,941	125,599	129,367
SERGEANT	29	84,136	88,343	92,760	97,398	102,268	107,381	112,750	118,388	124,307	130,522	134,438	138,471	142,625
SR. SERGEANT	30	88,343	92,760	97,398	102,268	107,381	112,750	118,388	124,307	130,522	137,048	141,159	145,394	149,756
LIEUTENANT	31	92,760	97,398	102,268	107,381	112,750	118,388	124,307	130,522	143,574	150,753	155,276	159,934	164,732
SR. LIEUTENANT	32	97,398	102,268	107,381	112,750	118,388	124,307	130,522	143,574	150,753	158,291	163,040	167,931	172,969

COLA 0.0%

Effective 7/1/2027

CLASSIFICATION	PAY GRADE											Commencement of		
		1	2	3	4	5	6	7	8	9	10	Year 18	Year 21	Year 23
POLICE OFFICER	24	76,314	80,130	84,137	88,344	92,761	97,399	102,269	107,382	112,751	118,389	121,941	125,599	129,367
CORPORAL	25	80,130	84,137	88,344	92,761	97,399	102,269	107,382	112,751	118,389	124,308	128,037	131,878	135,834
SENIOR CORPORAL	26	84,137	88,344	92,761	97,399	102,269	107,382	112,751	118,389	124,308	130,523	134,439	138,472	142,626
MASTER CORPORAL	27	88,344	92,761	97,399	102,269	107,382	112,751	118,389	124,308	130,523	137,049	141,160	145,395	149,757
SERGEANT	29	97,399	102,269	107,382	112,751	118,389	124,308	130,523	137,049	143,901	151,096	155,629	160,298	165,107
SR. SERGEANT	30	102,269	107,382	112,751	118,389	124,308	130,523	137,049	143,901	151,096	158,651	163,411	168,313	173,362
LIEUTENANT	31	107,382	112,751	118,389	124,308	130,523	137,049	143,901	151,096	166,206	174,516	179,751	185,144	190,698
SR. LIEUTENANT	32	112,751	118,389	124,308	130,523	137,049	143,901	151,096	166,206	174,516	183,242	188,739	194,401	200,233

COLA 3.0%

Effective 7/1/2028

CLASSIFICATION	PAY GRADE											Commencement of				
		1	2	3	4	5	6	7	8	9	10	Year 18	Year 21	Year 23	Year 25	Year 27
POLICE OFFICER	24	78,603	82,533	86,660	90,993	95,543	100,320	105,336	110,603	116,133	121,940	125,598	129,366	133,247	137,244	141,361
CORPORAL	25	82,533	86,660	90,993	95,543	100,320	105,336	110,603	116,133	121,940	128,037	131,878	135,834	139,909	144,106	148,429
SENIOR CORPORAL	26	86,660	90,993	95,543	100,320	105,336	110,603	116,133	121,940	128,037	134,439	138,472	142,626	146,905	151,312	155,851
MASTER CORPORAL	27	90,993	95,543	100,320	105,336	110,603	116,133	121,940	128,037	134,439	141,161	145,396	149,758	154,251	158,879	163,645
SERGEANT	29	100,320	105,336	110,603	116,133	121,940	128,037	134,439	141,161	148,219	155,630	160,299	165,108	170,061	175,163	180,418
SR. SERGEANT	30	105,336	110,603	116,133	121,940	128,037	134,439	141,161	148,219	155,630	163,412	168,314	173,363	178,564	183,921	189,439
LIEUTENANT	31	110,603	116,133	121,940	128,037	134,439	141,161	148,219	155,630	171,193	179,753	185,146	190,700	196,421	202,314	208,383
SR. LIEUTENANT	32	116,133	121,940	128,037	134,439	141,161	148,219	155,630	171,193	179,753	188,741	194,403	200,235	206,242	212,429	218,802

Prime Sponsor(s): Mr. Toole, Mr. Caneco
Requested by: Public Safety
Date of introduction: July 28, 2026

ORDINANCE NO. 26-094

**AMEND THE GRANTS BUDGET:
APPROPRIATE STATE FUNDS FROM THE DELAWARE OPIOID SETTLEMENT
COMMISSION TO THE PROJECT REACH OPIOID GRANT, TO BE ADMINISTERED BY
THE DEPARTMENT OF PUBLIC SAFETY, DIVISION OF POLICE**

1 **WHEREAS**, state funding in the amount of \$30,000 has been awarded from the
2 Delaware Opioid Settlement Commission to the Project Reach Opioid Grant; and
3

4 **WHEREAS**, this program provides critical funding for the Division of Police in its
5 efforts to combat opioid awareness and prevention; and
6

7 **WHEREAS**, this funding will be used by the New Castle County Department of
8 Public Safety, Division of Police and Division of Emergency Medical Services for overtime
9 for officers and paramedics for outreach purposes; and
10

11 **WHEREAS**, the County Executive has determined that funds received are sufficient
12 to cover the increase in the Grants Budget as hereinafter amended; and
13

14 **WHEREAS**, Council has determined that the provisions of this Ordinance
15 substantially advance, and are reasonably and rationally related to, legitimate government
16 interests (i.e., promoting the health, safety, morals, convenience, order prosperity and/or
17 welfare of the present and future inhabitants of this State).
18

19 **NOW, THEREFORE, THE COUNTY OF NEW CASTLE HEREBY ORDAINS:**
20

21 Section 1. The Grants Budget, as adopted by Ordinance No. 75-173, is hereby
22 amended by adding the material on the attached "Exhibit A," which is considered to be
23 underscored in its entirety, which is attached hereto and made a part hereof.
24

25 Section 2. This Ordinance shall become effective immediately upon its adoption by
26 County Council and approval by the County Executive, or as otherwise provided by 9 *Del.*
27 *C. § 1156.*
28

29 Section 3. It is the intent of the County Council that the provisions of this Ordinance
30 shall be effective retroactive to July 1, 2026.

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 \$30,000 in state funding from the Delaware Opioid Settlement Commission to the Project Reach Opioid Grant. These funds will be used by the New Castle County Department of Public Safety, Division of Police and Division of Emergency Medical Services for overtime of police officers and paramedics for outreach purposes to include educational sessions, resource kits, and training students.

It is the intent of the County Council that the provisions of this Ordinance shall be effective retroactive to July 1, 2026.

FISCAL NOTE: This Ordinance, if approved, will appropriate \$30,000 in state funding from the Delaware Opioid Settlement Commission to the Project Reach Opioid Grant.

The fiscal impact of this Ordinance, if approved, will be an increase in the authorized spending authority of the Grants Budget of \$30,000. This increase will impact FY2027 only as the estimated program completion date is June 30, 2027. The fiscal impact on the Operating Budget will be \$12,946.93 to cover benefits for overtime not covered by the grant. This will be covered within the Department of Public Safety Approved Operating Budget.

Acknowledged by the Chief Financial Officer July 15, 2026.

DEPARTMENT:	Public Safety	EXHIBIT:	"A"
GRANT TITLE:	Project REACH Opioid	Ordinance No.	26-094
PROGRAM TITLE:	Project REACH Opioid		

Revenue	Current		Change		Revised
Federal	\$	-	\$	-	\$ -
State	\$	30,000.00	\$	-	\$ 30,000.00
County	\$	-	\$	-	\$ -
Program Income	\$	-	\$	-	\$ -
Other	\$	-	\$	-	\$ -
Total	\$	30,000.00	\$	-	\$ 30,000.00

Expense	Current		Change		Revised
Salaries and Wages	\$	27,823.12	\$	-	\$ 27,823.12
Benefits	\$	2,176.88	\$	-	\$ 2,176.88
Training/Civic Affairs	\$	-	\$	-	\$ -
Communication/Utilities	\$	-	\$	-	\$ -
Materials/Supplies	\$	-	\$	-	\$ -
Contractual Services	\$	-	\$	-	\$ -
Equipment	\$	-	\$	-	\$ -
Grants/Fixed Charges	\$	-	\$	-	\$ -
Land and Structures	\$	-	\$	-	\$ -
Contingency	\$	-	\$	-	\$ -
Operating Transfer Charges	\$	-	\$	-	\$ -
Operating Transfer Credits	\$	-	\$	-	\$ -
Total	\$	30,000.00	\$	-	\$ 30,000.00

SUPPLEMENTAL INFORMATION

Estimated Program Initiation:	7/1/2026
Estimated Program Completion:	6/30/2027
Operating Budget Impact	\$ 12,946.93
Found in (ORG):	10200304 - Police 10200202 - EMS
Ordinance Passed:	
Date Revised:	

PROGRAM DESCRIPTION:

Funding from the Delaware Opioid Settlement Commission will support Project REACH, a program designed to address the growing opioid crisis by increasing awareness of opioid misuse and overdose risk among high school students throughout New Castle County.

7/28/2026

ORDINANCE NO. 26-095

**AMEND THE GRANTS BUDGET:
APPROPRIATE STATE FUNDS FROM THE DELAWARE OPIOID SETTLEMENT
COMMISSION TO THE OPIOID INTEGRATED PUBLIC SAFETY INITIATIVE GRANT, TO
BE ADMINISTERED BY THE DEPARTMENT OF PUBLIC SAFETY,
DIVISION OF POLICE**

1 **WHEREAS**, state funding in the amount of \$518,710 has been awarded from the
2 Delaware Opioid Settlement Commission to the Opioid Integrated Public Safety Initiative
3 Grant; and
4

5 **WHEREAS**, this program provides critical funding for the Department of Public
6 Safety in its efforts to enhance opioid addiction awareness, resources, assist current
7 Behavioral Health Unit; and
8

9 **WHEREAS**, this funding will be used by the New Castle County Department of
10 Public Safety implementing a co-responder team within the 9-1-1 operations, and
11 purchasing resources and material/supplies for opioid prevention; and
12

13 **WHEREAS**, the County Executive has determined that funds received are sufficient
14 to cover the increase in the Grants Budget as hereinafter amended; and
15

16 **WHEREAS**, Council has determined that the provisions of this Ordinance
17 substantially advance, and are reasonably and rationally related to, legitimate government
18 interests (i.e., promoting the health, safety, morals, convenience, order prosperity and/or
19 welfare of the present and future inhabitants of this State).
20

21 **NOW, THEREFORE, THE COUNTY OF NEW CASTLE HEREBY ORDAINS:**
22

23 Section 1. The Grants Budget, as adopted by Ordinance No. 75-173, is hereby
24 amended by adding the material on the attached "Exhibit A," which is considered to be
25 underscored in its entirety, which is attached hereto and made a part hereof.
26

27 Section 2. This Ordinance shall become effective immediately upon its adoption by
28 County Council and approval by the County Executive, or as otherwise provided by 9 *Del.*
29 *C. § 1156.*
30

31 Section 3. It is the intent of the County Council that the provisions of this Ordinance
32 shall be effective retroactive to July 1, 2026.

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 \$518,710 in state funding from the Delaware Opioid Settlement Commission to the Opioid Integrated Public Safety Initiative Grant. These funds will be used by the New Castle County Department of Public Safety to implement an additional co-respondent team to include contractors who are Peer Specialist, Mental Health Professionals, and Case Managers/Advocates within the 911 Center, to purchase medical supplies and Ipads/Tablets for use for Right to Refusal program, and cabinets for holding AED/defibrillators.

It is the intent of the County Council that the provisions of this Ordinance shall be effective retroactive to July 1, 2026.

FISCAL NOTE: This Ordinance, if approved, will appropriate \$518,710 in state funding from the Delaware Opioid Settlement Commission to the Opioid Integrated Public Safety Initiative Grant.

The fiscal impact of this Ordinance, if approved, will be an increase in the authorized spending authority of the Grants Budget of \$518,710. This increase will impact FY2027 and FY2028 as the estimated program completion date is June 30, 2028. The fiscal impact on the Operating Budget will be \$20,521.05 to cover benefits for overtime not covered by the grant. This will be covered within the Department of Public Safety Approved Operating Budget.

Acknowledged by the Chief Financial Officer July 15, 2026.

DEPARTMENT:

GRANT TITLE:

PROGRAM TITLE:

Public Safety

Opiod Integrated Public Safety Initiative

Opiod Integrated Public Safety Initiative

EXHIBIT:

Ordinance No.

26-095

"A"

Revenue	Current		Change		Revised	
Federal	\$	-	\$	-	\$	-
State	\$	518,710.00	\$	-	\$	518,710.00
County	\$	-	\$	-	\$	-
Program Income	\$	-	\$	-	\$	-
Other	\$	-	\$	-	\$	-
Total	\$	518,710.00	\$	-	\$	518,710.00

Expense	Current		Change		Revised	
Salaries and Wages	\$	44,100.00	\$	-	\$	44,100.00
Benefits	\$	3,450.38	\$	-	\$	3,450.38
Training/Civic Affairs	\$	-	\$	-	\$	-
Communication/Utilities	\$	-	\$	-	\$	-
Materials/Supplies	\$	22,150.00	\$	-	\$	22,150.00
Contractual Services	\$	389,946.00	\$	-	\$	389,946.00
Equipment	\$	59,063.62	\$	-	\$	59,063.62
Grants/Fixed Charges	\$	-	\$	-	\$	-
Land and Structures	\$	-	\$	-	\$	-
Contingency	\$	-	\$	-	\$	-
Operating Transfer Charges	\$	-	\$	-	\$	-
Operating Transfer Credits	\$	-	\$	-	\$	-
Total	\$	518,710.00	\$	-	\$	518,710.00

SUPPLEMENTAL INFORMATION

Estimated Program Initiation:

7/1/2026

Estimated Program Completion:

6/30/2028

Operating Budget Impact

\$20,521.05

Found in (ORG):

10200304 - Police

10200501 - 911

Ordinance Passed:

Date Revised:

PROGRAM DESCRIPTION:

DEPARTMENT:	Public Safety	EXHIBIT:	"A"
GRANT TITLE:	Opioid Integrated Public Safety Initiative	Ordinance No.	26-
PROGRAM TITLE:	Opioid Integrated Public Safety Initiative		

Funding from the Delaware Opioid Settlement Commission will support the expansion of the multi-tiered overdose prevention and behavioral health response program. This initiative enhances frontline emergency response infrastructure and improves coordination between public safety systems and behavioral health services for high-need communities throughout New Castle County.



ORDINANCE NO. 26-096

**AMEND THE GRANTS BUDGET:
APPROPRIATE STATE FUNDING FROM THE STATE OF DELAWARE,
DEPARTMENT OF SAFETY AND HOMELAND SECURITY TO THE FY2027 STATE
EMERGENCY RESPONSE COMMISSION (SERC) GRANT TO BE ADMINISTERED
BY THE DEPARTMENT OF PUBLIC SAFETY**

1 **WHEREAS**, authorization is being sought for the appropriation of \$78,936 in
2 state funding from the State of Delaware, Department of Safety and Homeland Security;
3 and
4

5 **WHEREAS**, the grant award will be used to support part of the salaries and
6 benefits associated with one (1) Emergency Preparedness Planner along with training,
7 and other expenses related to hazardous incidents; and
8

9 **WHEREAS**, these funds will provide support to enhance state and local
10 emergency response and preparedness capabilities related to hazardous materials
11 incidents through better coordination and planning; and
12

13 **WHEREAS**, the County Executive has determined that grants anticipated to be
14 received from the State of Delaware, Department of Safety and Homeland Security are
15 sufficient to cover the increase in the Grants Budget as hereinafter amended; and
16

17 **WHEREAS**, Council has determined that the provisions of this Ordinance
18 substantially advance, and are reasonably and rationally related to, legitimate
19 government interests (i.e., promoting the health, safety, morals, convenience, order,
20 prosperity and/or welfare of the present and future inhabitants of this State).
21

22 **NOW, THEREFORE, THE COUNTY OF NEW CASTLE HEREBY ORDAINS:**
23

24 Section 1. The Grants Budget as adopted by Ordinance No. 75-173 is hereby
25 amended by adding the material on the attached Exhibit "A," which is considered to be
26 underscored in its entirety.
27

28 Section 2. This Ordinance shall become effective immediately upon its adoption
29 by County Council and approval by the County Executive, or as otherwise provided by 9
30 *Del. C. § 1156*.
31

32 Section 3. It is the intent of the County Council that the provisions of this
33 Ordinance shall be effective retroactive to July 1, 2026.

Adopted by County Council of
New Castle County on:

Monique Williams-Johns
President of County Council

Approved on:

Marcus Henry
County Executive
New Castle County

SYNOPSIS: This Ordinance, if approved, will appropriate \$78,936 in state funding from the State of Delaware, Department of Safety and Homeland Security to the FY2027 State Emergency Response Commission Grant. This funding will support part of the salaries and benefits associated with one (1) Emergency Preparedness Planner along with training, and other expenses related to hazardous incidents.

It is the intent of the County Council that the provisions of this Ordinance shall be effective retroactive to July 1, 2026.

FISCAL NOTE: This Ordinance, if approved, will amend the Grants Budget by appropriating \$78,936 in state funding from the State of Delaware, Department of Safety and Homeland Security to the FY2027 State Emergency Response Commission Grant.

The fiscal impact of this Ordinance, if approved, will be an increase in the authorized spending authority of the Grants Budget of \$78,936. This increase will only affect FY2027 only since the targeted program completion date is June 30, 2027.

Acknowledgment by the Chief Financial Officer July 15, 2026.

DEPARTMENT:	Public Safety	EXHIBIT:	"A"
GRANT TITLE:	FY27 State Emergency Response Commission	Ordinance No.	26-096
PROGRAM TITLE:	FY27 State Emergency Response Commission		

Revenue	Current		Change		Revised	
Federal	\$	-	\$	-	\$	-
State	\$	78,936.00	\$	-	\$	78,936.00
County	\$	-	\$	-	\$	-
Program Income	\$	-	\$	-	\$	-
Other	\$	-	\$	-	\$	-
Total	\$	78,936.00	\$	-	\$	78,936.00

Expense	Current		Change		Revised	
Salaries and Wages	\$	45,710.00	\$	-	\$	45,710.00
Benefits	\$	24,751.00	\$	-	\$	24,751.00
Training/Civic Affairs	\$	1,000.00	\$	-	\$	1,000.00
Communication/Utilities	\$	1,250.00	\$	-	\$	1,250.00
Materials/Supplies	\$	500.00	\$	-	\$	500.00
Contractual Services	\$	5,725.00	\$	-	\$	5,725.00
Equipment	\$	-	\$	-	\$	-
Grants/Fixed Charges	\$	-	\$	-	\$	-
Land and Structures	\$	-	\$	-	\$	-
Contingency	\$	-	\$	-	\$	-
Operating Transfer Charges	\$	-	\$	-	\$	-
Operating Transfer Credits	\$	-	\$	-	\$	-
Total	\$	78,936.00	\$	-	\$	78,936.00

SUPPLEMENTAL INFORMATION

Estimated Program Initiation: 7/1/2026

Estimated Program Completion: 6/30/2027

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

Ordinance Passed: **Date Revised:**

PROGRAM DESCRIPTION:

The primary focus of the State Emergency Response Commission (SERC) grant is to enhance state and local emergency response and preparedness capabilities related to hazardous materials incidents through better coordination and planning.

7/28/2026

ORDINANCE NO. 26-097

**AMEND THE GRANTS BUDGET:
APPROPRIATE FUNDS 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 FISCAL YEAR 2025
WASTEWATER DHSS HIGH RISK SUBSTANCES TESTING OPIOID
RESPONSE GRANT FOR THE DEPARTMENT OF PUBLIC WORKS**

1 **WHEREAS**, funding has been awarded from the U.S. Department of Health and Human
2 Services, Substance Abuse and Mental Health Services Administration through the State of
3 Delaware, Department of Health and Social Services, Division of Substance Abuse and Mental
4 Health to the FY2025 Wastewater DHSS High Risk Substances Testing Opioid Response Grant;
5 and
6

7 **WHEREAS**, funding shall be used to collect samples from the sanitary sewer system to
8 be analyzed and will be shared with the State of Delaware, Department of Health and Social
9 Services and the New Castle County Police Department to track known overdoses with high-risk
10 substance data to observe trends; and
11

12 **WHEREAS**, the County Executive has determined that funds received are sufficient
13 to cover the increase in the Grants Budget as hereinafter amended; and
14

15 **WHEREAS**, Council has determined that the provisions of this Ordinance substantially
16 advance, and are reasonably and rationally related to, legitimate government interests (*i.e.*,
17 promoting the health, safety, morals, convenience, order, prosperity, and/or welfare of the
18 present and future inhabitants of this State).
19

20 **NOW, THEREFORE, THE COUNTY OF NEW CASTLE HEREBY ORDAINS:**
21

22 Section 1. The Grants Budget, as adopted by Ordinance No. 75-173, is hereby amended
23 by adding the material on the attached "Exhibit A," which is considered to be underscored in its
24 entirety.
25

26 Section 2. This Ordinance shall become effective immediately upon its adoption by
27 County Council and approval by the County Executive, or as otherwise provided by 9 *Del. C.* §
28 1156.
29

30 Section 3. It is the intent of the County Council that the provisions of this Ordinance shall
31 be effective retroactive to September 30, 2025.

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 \$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 to the FY25 Wastewater DHSS High Risk Substances Testing Opioid Response 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, 2025.

FISCAL NOTE: This Ordinance, if approved, will amend the Grants Budget by appropriating \$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 to the FY25 Wastewater DHSS High Risk Substances Testing Opioid Response Grant.

The fiscal impact of this Ordinance, if approved, will be an increase in the authorized spending authority of the Grants Budget of \$100,000. This increase will impact FY2026 and FY2027, since the targeted program completion date of this award is September 29, 2026.

Acknowledged by the Chief Financial Officer July 15, 2026.

DEPARTMENT:	Public Works	EXHIBIT:	"A"
GRANT TITLE:	FY25 Wastewater DHSS High Risk Substances Testing Opioid Response	Ordinance No.	26-097
PROGRAM TITLE:	FY25 Wastewater DHSS High Risk Substances Testing Opioid Response		

Revenue	Current	Change	Revised
Federal	\$ 100,000.00	\$ -	\$ 100,000.00
State	\$ -	\$ -	\$ -
County	\$ -	\$ -	\$ -
Program Income	\$ -	\$ -	\$ -
Other	\$ -	\$ -	\$ -
Total	\$ 100,000.00	\$ -	\$ 100,000.00

Expense	Current	Change	Revised
Salaries and Wages	\$ -	\$ -	\$ -
Benefits	\$ -	\$ -	\$ -
Training/Civic Affairs	\$ -	\$ -	\$ -
Communication/Utilities	\$ -	\$ -	\$ -
Materials/Supplies	\$ -	\$ -	\$ -
Contractual Services	\$ 100,000.00	\$ -	\$ 100,000.00
Equipment	\$ -	\$ -	\$ -
Grants/Fixed Charges	\$ -	\$ -	\$ -
Land and Structures	\$ -	\$ -	\$ -
Contingency	\$ -	\$ -	\$ -
Operating Transfer Charges	\$ -	\$ -	\$ -
Operating Transfer Credits	\$ -	\$ -	\$ -
Total	\$ 100,000.00	\$ -	\$ 100,000.00

SUPPLEMENTAL INFORMATION

Estimated Program Initiation:	9/30/2025
Estimated Program Completion:	9/29/2026
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.

7/28/2026

ORDINANCE NO. 26-098

**AMEND THE FY2027 APPROVED OPERATING BUDGET:
APPROPRIATE FUNDING FROM THE RECORDER OF DEEDS TECHNOLOGY FEE
ACCOUNT TO THE OFFICE OF THE RECORDER OF DEEDS FOR DOCUMENT
TECHNOLOGY SYSTEMS CONTRACTED SERVICES**

1 **WHEREAS**, this Ordinance will amend the FY2027 Approved Operating Budget by
2 appropriating \$20,400.00 from the Recorder of Deeds Technology Fee Account to the Office of
3 the Recorder of Deeds; and
4

5 **WHEREAS**, the additional funding is needed to pay Document Technology Systems for
6 contracted services implementing confidential document redaction functionality in the Recorder
7 of Deeds land records system, as required for compliance with Delaware Senate Bill 32
8 (85 Del. Laws, c. 125), effective February 8, 2026; and
9

10 **WHEREAS**, Delaware Senate Bill 32 requires government agencies to remove the
11 personal information of correctional officers and probation and parole officers from publicly
12 available records within 72 hours of receiving a written request; and
13

14 **WHEREAS**, the prior system supported only manual redaction, which could not reliably
15 meet the 72-hour statutory deadline given the number of correctional officers residing in New
16 Castle County; and
17

18 **WHEREAS**, this protection was previously extended to judicial officers, and coverage
19 may expand to additional groups; and
20

21 **WHEREAS**, the automated functionality ensures the Office meets current statutory
22 mandates and is positioned for future expansions of these privacy protections; and
23

24 **WHEREAS**, the revenue measures heretofore adopted by the County Council, are, in
25 the opinion of the County Executive, estimated to yield sums at least sufficient to balance the
26 proposed expenditures as set forth in the Approved Annual Operating Budget as hereinafter
27 amended.
28

29 **NOW, THEREFORE, THE COUNTY OF NEW CASTLE HEREBY ORDAINS:**
30

31 Section 1. The Annual Operating Budget for the fiscal year beginning July 1, 2026, is
32 hereby amended by deleting the material stricken and adding the material underscored on the
33 attached "Exhibit A."
34

35 Section 2. The foregoing amendment shall be considered a part of the Annual
36 Operating Budget for the fiscal year beginning July 1, 2026, and shall be effective retroactively
37 as though incorporated initially in the Annual Operating Budget.
38

39 Section 3. This Ordinance shall become effective immediately upon its adoption by
40 County Council and approval by the County Executive, or as otherwise provided in 9 *Del. C. §*
41 1156.

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 the FY2027 Approved Operating Budget by appropriating \$20,400.00 from the Recorder of Deeds Technology Fee Account to the Office of the Recorder of Deeds. These funds are needed to pay Document Technology Systems for contracted services implementing confidential document redaction functionality in the Recorder of Deeds land records system, as required for compliance with Delaware Senate Bill 32 (85 Del. Laws, c. 125), effective February 8, 2026.

FISCAL NOTE: This Ordinance, if approved, will amend the FY2027 Approved Operating Budget by appropriating \$20,400.00 from the Recorder of Deeds Technology Fee Account to the Office of the Recorder of Deeds in the Contractual Services Budget Line Item.

The revised FY2027 Approved Operating Budget will be \$387,633,538. There will be no anticipated fiscal impact to FY2028 and FY2029 as ongoing system maintenance is covered under the existing support agreement.

The balance in the Recorder of Deeds Technology Fee Account after this appropriation will be \$155,650.42.

Acknowledged by the Chief Financial Officer July 14, 2026.

EXHIBIT A1**COUNTY COUNCIL**

Salaries and Wages	\$	2,730,491
Benefits		1,477,914
Training and Civic Affairs		65,212
Communication and Utilities		11,408
Materials and Supplies		60,772
Contractual Services		256,247
Equipment		1,600
Grants and Fixed Charges		469,732
Operating Transfer Charges		181,699
Total	\$	5,255,075
Total Authorized Full-Time Positions	35	

COUNTY EXECUTIVE

Salaries and Wages	\$	2,401,265
Benefits		1,296,477
Training and Civic Affairs		41,904
Communication and Utilities		14,769
Materials and Supplies		22,236
Contractual Services		248,565
Equipment		1,000
Grants and Fixed Charges		43,000
Contingency		55,000
Operating Transfer Charges		114,934
Total	\$	4,239,150
Total Authorized Full-Time Positions	17	

DEPARTMENT OF ADMINISTRATION

Salaries and Wages	\$	15,179,002
Benefits		8,174,714
Training and Civic Affairs		199,555
Communication and Utilities		9,592,710
Materials and Supplies		169,549
Contractual Services		8,002,559
Equipment		318,900
Grants and Fixed Charges		4,082,350
Operating Transfer Charges		1,004,932
Operating Transfer Credits		(14,008,398)
Total	\$	32,715,873
Total Authorized Full-Time Positions	177	

EXHIBIT A2

DEPARTMENT OF PUBLIC WORKS

Salaries and Wages	\$	27,101,408
Benefits		14,637,068
Training and Civic Affairs		88,079
Communication and Utilities		28,464,659
Materials and Supplies		4,918,251
Contractual Services		11,344,204
Equipment		536,333
Grants and Fixed Charges		1,294,498
Land and Structures		35,000
Operating Transfer Charges		4,964,157
Operating Transfer Credits		(7,906,610)
Total	\$	85,477,047
Total Authorized Full-Time Positions		389

DEPARTMENT OF LAND USE

Salaries and Wages	\$	9,147,002
Benefits		4,932,574
Training and Civic Affairs		66,975
Communication and Utilities		100,483
Materials and Supplies		106,727
Contractual Services		1,204,609
Equipment		56,240
Grants and Fixed Charges		56,500
Operating Transfer Charges		812,369
Total	\$	16,483,479
Total Authorized Full-Time Positions		113

DEPARTMENT OF COMMUNITY SERVICES

Salaries and Wages	\$	12,751,262
Benefits		6,072,129
Training and Civic Affairs		9,960
Communication and Utilities		1,356,485
Materials and Supplies		1,029,334
Contractual Services		3,258,150
Equipment		1,500
Grants and Fixed Charges		3,296,066
Operating Transfer Charges		1,590,723
Operating Transfer Credits		(257,608)
Total	\$	29,108,001
Total Authorized Full-Time Positions		161

EXHIBIT A3**DEPARTMENT OF PUBLIC SAFETY**

Salaries and Wages	\$	83,209,835
Benefits		44,672,013
Training and Civic Affairs		205,206
Communication and Utilities		1,065,054
Materials and Supplies		1,493,047
Contractual Services		2,698,422
Equipment		3,899,005
Grants and Fixed Charges		9,204,644
Operating Transfer Charges		8,603,175
Total	\$	155,050,401
Total Authorized Full-Time Positions		729

REGISTER OF WILLS

Salaries and Wages	\$	1,230,774
Benefits		660,764
Training and Civic Affairs		34,950
Communication and Utilities		9,527
Materials and Supplies		10,053
Contractual Services		62,715
Equipment		2,800
Operating Transfer Charges		112,881
Total	\$	2,124,464
Total Authorized Full-Time Positions		20

EXHIBIT A4

RECORDER OF DEEDS

Salaries and Wages		\$	1,302,349
Benefits			698,105
Training and Civic Affairs			40,170
Communication and Utilities			30,597
Materials and Supplies			12,398
Contractual Services	82,718		<u>103,118</u>
Equipment			6,150
Grants and Fixed Charges			18,350
Operating Transfer Charges			187,466
Total	<u>2,378,303</u>	\$	<u>2,398,703</u>
Total Authorized Full-Time Positions	23		

SHERIFF

Salaries and Wages		\$	1,492,735
Benefits			808,273
Training and Civic Affairs			24,412
Communication and Utilities			11,740
Materials and Supplies			28,259
Contractual Services			52,249
Equipment			5,000
Operating Transfer Charges			165,848
Total		\$	<u>2,588,516</u>
Total Authorized Full-Time Positions	21		

CLERK OF THE PEACE

Salaries and Wages		\$	540,993
Benefits			292,932
Training and Civic Affairs			7,700
Communication and Utilities			2,094
Materials and Supplies			9,704
Contractual Services			19,218
Equipment Replacement			0
Operating Transfer Charges			42,052
Total		\$	<u>914,693</u>
Total Authorized Full-Time Positions	7		

DEBT SERVICE

Debt Service		\$	48,468,304
Total		\$	<u>48,468,304</u>
Total Authorized Full-Time Positions			

EXHIBIT A5**ETHICS COMMISSION**

Salaries and Wages	\$	45,589
Benefits		11,776
Training and Civic Affairs		10,500
Communication and Utilities		1,500
Materials and Supplies		2,450
Contractual Services		235,747
Equipment		500
Operating Transfer Charges		7,770
Total	\$	315,832
Total Authorized Full-Time Positions		0

COUNCIL CONTINGENCY

Contingency	\$	225,000
Total	\$	225,000
Total Authorized Full-Time Positions		

EXECUTIVE CONTINGENCY

Contingency	\$	600,000
Total	\$	600,000
Total Authorized Full-Time Positions		

PERSONNEL CONTINGENCY

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

DE PFML INSURANCE PROGRAM CONTINGENCY

Contingency	\$	800,000
Total	\$	800,000
Total Authorized Full-Time Positions		

ONE-TIME CONTINGENCY

Contingency	\$	414,000
Total	\$	414,000

EXHIBIT A6**NEW CASTLE COUNTY**

Salaries and Wages		\$	157,132,705
Benefits			83,734,739
Training and Civic Affairs			794,623
Communication and Utilities			40,661,026
Materials and Supplies			7,862,780
Contractual Services	27,465,403		<u>27,485,803</u>
Equipment			4,829,028
Grants and Fixed Charges			18,465,140
Debt Service			48,468,304
Land and Structures			35,000
Contingency			2,549,000
Operating Transfer Charges			17,788,006
Operating Transfer Credits			(22,172,616)
<i>Sub-Total New Castle County</i>	<i>387,613,138</i>	\$	<u>387,633,538</u>
<i>Total Authorized Full-Time Positions</i>	<i>1,692</i>		

RESERVE ACCOUNTS ANTICIPATED BALANCES AS OF JUNE 30, 2026

Tax Stabilization Reserve Account	35,553,908
Sewer Rate Stabilization Reserve Account	13,410,350
General Fund Budget Reserve Account	46,910,980
Sewer Fund Budget Reserve Account	19,038,698
<i>Total Reserves:</i>	<u>114,913,935</u>

ORDINANCE NO. 26-099

**TO AMEND NEW CASTLE COUNTY CODE CHAPTER 2 ("ADMINISTRATION"),
ARTICLE 3 ("OFFICERS AND EMPLOYEES"), TO MODIFY CERTAIN FEES
CHARGED BY NEW CASTLE COUNTY OFFICE OF THE RECORDER OF DEEDS**

WHEREAS, pursuant to 9 *Del. C.* § 8733(d) and 10 *Del. C.* § 8702(c) the fees charged by the Office of Recorder of Deeds must be approved by County Council; and

WHEREAS, County Council's approval of such fees is reflected in *New Castle County Code* Chapter 2 ("Administration"), Article 3 ("Officers and Employees"), Division 2.03.000("Generally"), Section 2.03.004 ("Fees for Recorder of Deeds"); and

WHEREAS, the Office of Recorder of Deeds has identified changes to *New Castle County Code* Chapter 2 ("Administration"), Article 3 ("Officers and Employees"), Division 2.03.000 ("Generally"), Section 2.03.004 ("Fees for Recorder of Deeds") that are necessary to conform that provision to current practices, to adjust for increases in service costs and to consolidate the fee schedule.

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

Section 1. *New Castle County Code* Chapter 2 ("Administration"), Article 3 ("Officers and Employees"), Division 2.03.000 ("Generally"), Section 2.03.004 ("Fees for Recorder of Deeds"), is hereby amended by adding the material that is underscored and deleting the material that is stricken as set forth below:

Sec. 2.03.004. Fees for Recorder of Deeds.

A. Documents evidencing land transactions.

1. Conditional sales agreement, per page ~~\$13.00~~ *Revised to \$15.00*

2. Deed, per page...~~\$13.00~~ *Revised to \$15.00*

Plus each parcel description listed therein, per parcel 3.00

3. Federal tax lien, each ..

a. For a lien on real estate, 20.00

b. Reserved.

c. For a certificate of discharge or subordination, 5.00

d. For all other notices, including a certificate of release or non-attachment, 3.00

4. Financing statement:

a. Original (husband/wife shall be construed as one (1) name), per debtor name..... 20.00

b. Assignment within original statement .5.00

37	c.	Assignment, amendment and continuation, per debtor name	20.00
38	d.	Termination statement, per debtor name	10.00
39	e.	Information search ...	10.00
40		And copy	1.00
41	f.	Partial release, per debtor name	5.00
42	5.	Lease or assignment of lease, per page ~~\$13.00~~	<i>Revised to \$15.00</i>
43	6.	Mortgage, per page... ~~\$13.00~~	<i>Revised to \$15.00</i>
44	a.	Assignment, per page .. ~~\$13.00~~	<i>Revised to \$15.00</i>
45		Plus each additional assignment mentioned therein, each	5.00
46	b.	Modification, subordination or release, per page ~~\$13.00~~	<i>Revised to \$15.00</i>
47		to \$15.00	
48	c.	Satisfaction piece, court order to satisfy, attorney's affidavit, first page	
49			
50		20.00	
51		Each additional page .. ~~\$13.00~~	<i>Revised to \$15.00</i>
52	d.	Court order to strike satisfaction, first page	20.00
53		Each additional page .. ~~\$13.00~~	<i>Revised to \$15.00</i>
54	e.	Notation of Prothonotary's certificate on writ of levavi facias, each	
55			3.00
56	f.	Notation of Prothonotary's certificate on writ of scire facias, each	
57		3.00	
58	7.	Plot plans.	
59	a.	Major subdivision plans, major land plans, record conversion plans,	
60		initial declaration plans, each	300.00
61	b.	Minor subdivision plans, minor land plans, resubdivision plans,	
62		declaration amendments, street plans, utility plans, each	50.00
63	c.	Copy of any plot plan, subdivision plan, et al. Cost of each page shall	
64		be	
65		6.00	
66	B.	<i>Other documents.</i>	
67	1.	Certified copies of any record.	
68	a.	If recorded copies furnished to Recorder's office, per page	3.00
69	b.	If copies furnished by Recorder's office, per page	6.00
70	c.	Certificate for certified copies, each	1.00
71	2.	Commissions, each.....	10.00
72			
73	3.	Contract of marriage, per page ~~\$13.00~~	<i>Revised to \$15.00</i>
74			
75	54.	Miscellaneous documents, proper for recordation, per page ~~\$13.00~~	

Revised to \$15.00

65. Power of attorney (general), per page ~~\$13.00~~ Revised to \$15.00

76. Receipt showing date and time document received, each 1.00

C. *Technology fee*, per document to be applied to each document recorded with the Recorder of Deeds of which three dollars (~~\$3.00~~) (~~\$4.00~~) will be allocated to the Recorder of Deeds Technology Fund and two dollars (~~\$2.00~~) (~~\$3.00~~) will be allocated to a New Castle County Technology Fund ~~\$5.00~~ Revised to \$7.00

D. *State document fee*, per document. 30.00

Pursuant to 9 Del. C. § 9607 (Collection of recording fees), a State document fee must be applied to all documents recorded with the Recorder of Deeds.

E. *Collection fees for returned payments.*

1. The Recorder of Deeds shall assess and collect from the presenter a fee of thirty- five dollars (\$35.00) whenever it is presented with a payment that is returned for any reason by the financial institution upon which it was drawn.

2. If the Recorder of Deeds incurs any costs in the collection of a returned payment, the Recorder of Deeds shall levy a charge in the full amount of those costs, plus a fee of ten dollars (\$10.00) to cover direct and indirect costs of administration.

3. In addition to these charges, the presenter shall be responsible for the payment of all costs or other fees charged by the County Sheriff, the Prothonotary, or the clerk of any court for the filing, service, satisfaction, or other activity in any legal action relating to the collection of returned payments.

F. *Sending of long-distance faxes from library*, per page 0.25

G. *Sending of local faxes from library*, per page (first page) 0.25

Each page after ..0.10

H. *Website subscriber fee* (per page) 1.00

or

Unlimited copies (per month) ..100.00

I. *Exemption for common interest communities and homeowners' association portal.*

1. The Recorder of Deeds shall not charge a recording or technology fee for any common interest communities: maintenance declaration, bylaws, covenants, declaration of restrictions, contact information, or document memorializing election of officers. The term "common interest community" shall have the meaning set forth in 25 Del. C. § 81-103, and shall also include for the purposes of this subsection, but shall not be limited to, maintenance organizations, civic associations, and condominium associations.

2. The Recorder of Deeds shall not charge any fee to access the

J. Other Fees

1. Copies printed or copied by individual 0.50 per page
2. Copy Cards 0.50 per page
3. Copies printed by Recorder of Deeds staff 1.00 per page
4. Copies requested and sent by mail, fax or email 2.00 per page
5. Plat Copy 6.00 per page
6. Plat Copy requested and sent by mail, fax or email 7.00 per page
7. Microfilm copy 1.00 per page
8. Microfilm copy requested and sent by mail, fax or email 2.00 per page
9. Tax printout 1.00 per parcel
10. Tax printout requested and sent by mail, fax or email 2.00 per parcel
11. Notary 3.00
12. Judgement copies 2.00 per page
13. Access Card (New) 10.00

Access Card (Replacement) 10.00

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 4. Severability. The provisions of this Ordinance shall be severable. If any provision of this Ordinance is found by any court of competent jurisdiction to be unconstitutional or void, the remaining provisions of this Ordinance shall remain valid, unless the court finds that the valid provisions of this Ordinance are so essentially and inseparably connected with, and so dependent upon, the unconstitutional or void provision that it cannot be presumed that County Council would have enacted the remaining valid provisions without the unconstitutional or void one, or unless the court finds that the remaining valid provisions, standing alone, are incomplete and incapable of being executed in accordance with County Council's intent.

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: The Office of Recorder of Deeds has recommended these changes to adjust for increases in service costs and to consolidate the fee schedule of our current practices.

The proposed fee adjustments were also reviewed in comparison with surrounding jurisdictions comparable to New Castle County. Based on that review, the proposed fees remain affordable and within a reasonable range while helping to support the continued cost of operations, public access services, technology needs, and administrative costs associated with maintaining the Recorder of Deeds, the administration, and related services.

FISCAL NOTE: This Ordinance, if adopted, will generate approximately \$750,000 to \$1,000,000 in additional annual revenue. Actual revenue will depend on recording volume, interest rates, real estate market activity, and the type and number of documents submitted for recording. Current and historical trends in Recorder of Deeds revenue has continuously exceeded budget.

Acknowledged by Chief Financial Officer June 30, 2026.

FLOOR AMENDMENT NO. 1 TO ORDINANCE NO. 26-099

Ordinance No. 26-099 is amended at line numbers 43 through 53 by adding the material that is underlined and highlighted in yellow and by deleting the material with strikethroughs and highlighted in red, as follows.

6. Mortgage, per page.....~~\$13.00~~ *Revised to ~~\$15.00~~ \$16.00*
- a. Assignment, per page ..~~\$13.00~~ *Revised to ~~\$15.00~~ \$16.00*
- Plus each additional assignment mentioned therein, each 5.00
- b. Modification, subordination or release, per page ~~\$13.00~~ *Revised to ~~\$15.00~~ \$16.00*
- c. Satisfaction piece, court order to satisfy, attorney's affidavit, first page
.....
20.00
- Each additional page ..~~\$13.00~~ *Revised to ~~\$15.00~~ \$16.00*
- d. Court order to strike satisfaction, first page 20.00
- Each additional page ..~~\$13.00~~ *Revised to ~~\$15.00~~ \$16.00*

SYNOPSIS: This floor amendment adjusts the proposed revised amount for the specified documents from \$15.00 to \$16.00

FISCAL NOTE: The fiscal impact for the proposed floor amendment for an additional \$1 increase will generate approximately \$400,000 in additional annual revenue. This increases the range of approximate additional annual revenue of the Ordinance to \$1,150,000 to \$1,400,000. Actual revenue will depend on recording volume, interest rates, real estate market activity, and the type and number of documents submitted for recording. Current and historical trends in Recorder of Deeds revenue has continuously exceeded budget.

Prime Sponsor(s): Ms. Durham, Mr. Caneco
Co-sponsor(s): Mr. Toole, Mr. Cartier
Date of introduction: July 28, 2026

ORDINANCE 26-100

TO AMEND *NEW CASTLE COUNTY CODE* CHAPTER 2 (“ADMINISTRATION”) ARTICLE 2 (“COUNTY COUNCIL”) RELATING TO REGISTRATION OF LEGISLATIVE AGENTS

1 **WHEREAS**, “legislative agent” is defined in *New Castle County Code* Section
2 2.02.301 as any individual who acts to promote, advocate, influence or oppose any matter
3 pending before County government by direct communication with County government,
4 and who in connection therewith either has received or will receive compensation from
5 any person, and this conduct is currently regulated under *County Code*; and
6

7 **WHEREAS**, from time to time, it is desirable to update *County Code* to enhance
8 transparency and clarity for the County and for the public; and
9

10 **WHEREAS**, *County Code* Division 2.02.300 has not been updated since 1998;
11 and
12

13 **WHEREAS**, New Castle County endeavors to provide the public and County
14 government with as much transparency as possible; and
15

16 **WHEREAS**, enhanced reporting by legislative agents and public access to this
17 information improves the transparency with which County officials operate; and
18

19 **WHEREAS**, New Castle County Council has determined that the provisions of this
20 Ordinance substantially advance, and are reasonably and rationally related to, legitimate
21 government interests.
22

23 **NOW, THEREFORE, THE COUNTY OF NEW CASTLE HEREBY ORDAINS:** 24

25 Section 1. *New Castle County Code* Chapter 2 (“Administration”), Division
26 2.02.300 (“Registration of Legislative Agents”) is hereby amended by adding the material
27 that is underscored and deleting the material that is stricken, as set forth below.
28

29 ...

29 **Sec. 2.02.301. Definitions.** 30

31 ...

32 *Legislative agent* means any individual who acts to promote, advocate, influence or
33 oppose any matter pending before County government by direct communication with
34 County government, and who in connection therewith either has received or is to receive
35 compensation in whole or in part from any person.
36

37 ...

36 **Sec. 2.02.302. Registration with Clerk of County Council.** 37

- 38 A. Every Each legislative agent shall register with the Clerk of County Council in a
39 an online legislative agent docket providing the information required in this
 Section and contemporaneously file, at that time, the authorization to act from his

40 or her each employer as required by Section 2.02.303 of this Division. A person
41 who qualifies as a legislative agent shall register prior to performing any acts as
42 a legislative agent.

43 B. The information recorded in the legislative agent docket shall include the
44 following for each separate employer:

- 45 1. The name, residence or business address and occupation of each
46 legislative agent;
- 47 2. The name and business address of the each employer of such the
48 legislative agent;
- 49 3. The date on which the employment as legislative agent commenced;
- 50 4. The length of time the employment is to continue; and
- 51 5. The subject matter, project number, ordinance, or resolution number of the
52 legislation as to which the employment relates at that time; and
- 53 6. The Council District of the project (if applicable).

54 C. Upon any change in the information recorded in the legislative agent docket, the
55 legislative agent shall, within ~~ten (10)~~ 10 business days, report such changes
56 through the online portal. ~~to the Clerk of County Council, who shall record the~~
57 ~~change in the docket.~~

58 D. The Clerk of County Council shall promptly furnish copies of each entry in the
59 legislative agent docket to the County Executive, and each member of County
60 Council, and members of the public upon request ~~of such persons.~~

61 E. The Clerk of County Council shall ensure the list of agents and the required
62 information is made publicly available on the New Castle County Council official
63 webpage.

64
65 **Section 2. Effective Date.** This Ordinance shall become effective immediately
66 upon its adoption by County Council and approval by the County Executive, or as
67 otherwise provided in 9 *Del. C.* § 1156.

Adopted by County Council of
New Castle County on: 8/25/26

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

Approved on:

Marcus A. Henry
County Executive
of New Castle County

SYNOPSIS: This Ordinance, if passed, will establish that legislative agent registration will be provided via an online format that is publicly available on the New Castle County Council webpage. This Ordinance also clarifies the information that is necessary for each legislative agent to provide during registration. Finally, the Ordinance makes technical corrections to conform code provisions to the standards of current legislative drafting.

FISCAL NOTE: There is no discernible fiscal impact with the passage of this legislation

Prime Sponsor(s): Mr. Hollins, Mr. Street
Co-sponsor(s): Mr. Toole, Ms. Williams-Johns
Requested by: Community Services
Date of introduction: July 28, 2026

ORDINANCE NO. 26-101

**AMEND THE GRANTS BUDGET:
APPROPRIATE ADDITIONAL STATE OF DELAWARE GRANT-IN-AID FUNDS TO THE
ABSALOM JONES SENIOR CENTER FY2027 GRANT, WHICH WILL BE
ADMINISTERED BY THE DEPARTMENT OF COMMUNITY SERVICES, COMMUNITY
RESOURCES DIVISION**

1 **WHEREAS**, original allocated funding in the amount of \$245,225 from the State of
2 Delaware Grant-in-Aid Fund was previously approved by County Council and appropriated
3 to the Absalom Jones Senior Center FY2027 Grant via Ordinance 26-058; and
4

5 **WHEREAS**, authorization is sought to appropriate an additional \$14,586 in state funds
6 to the Absalom Jones Senior Center FY2027 Grant; and
7

8 **WHEREAS**, the Absalom Jones Senior Center provides a variety of services for the
9 elderly in the surrounding community including transportation to the center, adult programs,
10 activities and social services; and
11

12 **WHEREAS**, the County Executive has determined that this grant shall be sufficient to
13 cover the increase in the Grants Budget as hereinafter amended; and
14

15 **WHEREAS**, Council has determined that the provisions of this Ordinance substantially
16 advance, and are reasonably and rationally related to, legitimate government interests (i.e.,
17 promoting the health, safety, morals, convenience, order, prosperity and/or welfare of the
18 present and future inhabitants of this State).
19

20 **NOW, THEREFORE, THE COUNTY OF NEW CASTLE HEREBY ORDAINS:**
21

22 Section 1. The Grants Budget as adopted by Ordinance No. 75-173 is hereby
23 amended by adding the material on the attached Exhibit "A" which shall be considered
24 underscored in its entirety.
25

26 Section 2. This Ordinance shall become effective immediately upon its adoption by
27 County Council and approval by the County Executive, or as otherwise provided by 9 *Del. C.*
28 § 1156.
29

30 Section 3. It is the intent of County Council that the provisions of this Ordinance are
31 effective retroactive to July 1, 2026.

Adopted by County Council of
New Castle County on: 8/25/26

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 an additional \$14,586 received in State of Delaware Grant-In-Aid funds to the Absalom Jones Senior Center FY2027 Grant for the period July 1, 2026 through June 30, 2027, 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.

It is the intent of County Council that the provisions of this Ordinance are effective retroactive to July 1, 2026.

FISCAL NOTE: This Ordinance, if approved, will amend the Grants Budget by appropriating an additional \$14,586 received in State of Delaware Grant-In-Aid funds to the Absalom Jones Senior Center FY2027 Grant for the period July 1, 2026 through June 30, 2027, which will be administered by the Department of Community Services, Division of Community Resources.

The fiscal impact of this Ordinance, if approved, will be an increase in the authorized spending authority of the Grants Budget. This increase will affect FY2027 only since the targeted program completion date for this grant is June 30, 2027. There is no fiscal impact anticipated beyond FY2027. FY2027 original funding was authorized in the amount of \$245,225.

Acknowledged by the Chief Financial Officer July 15, 2026.

DEPARTMENT:	Community Services	EXHIBIT:	"A"
GRANT TITLE:	Absalom Jones Senior Center FY2027	Ordinance No.	26-101
PROGRAM TITLE:	Absalom Jones Senior Center FY2027		

Revenue	Current	Change	Revised
Federal	\$ -	\$ -	\$ -
State	\$ 245,225.00	\$ 14,586.00	\$ 259,811.00
County	\$ -	\$ -	\$ -
Program Income	\$ -	\$ -	\$ -
Other	\$ -	\$ -	\$ -
Total	\$ 245,225.00	\$ 14,586.00	\$ 259,811.00

Expense	Current	Change	Revised
Salaries and Wages	\$ 110,424.76	\$ 13,236.78	\$ 123,661.54
Benefits	\$ 41,531.24	\$ 1,349.22	\$ 42,880.46
Training/Civic Affairs	\$ -	\$ -	\$ -
Communication/Utilities	\$ -	\$ -	\$ -
Materials/Supplies	\$ 1,600.00	\$ -	\$ 1,600.00
Contractual Services	\$ 91,669.00	\$ -	\$ 91,669.00
Equipment	\$ -	\$ -	\$ -
Grants/Fixed Charges	\$ -	\$ -	\$ -
Land and Structures	\$ -	\$ -	\$ -
Contingency	\$ -	\$ -	\$ -
Operating Transfer Charges	\$ -	\$ -	\$ -
Operating Transfer Credits	\$ -	\$ -	\$ -
Total	\$ 245,225.00	\$ 14,586.00	\$ 259,811.00

SUPPLEMENTAL INFORMATION

Estimated Program Initiation:	7/1/2026
Estimated Program Completion:	6/30/2027
The Local Match:	Found in (ORG):
Ordinance Passed:	Date Revised:
<u>26-058</u>	<u>5/26/2026</u>

PROGRAM DESCRIPTION:

The Absalom Jones Senior Center provides a variety of services to the elderly population in the neighboring community including: transportation to the center, adult programs, activities and social services.

5/26/2026

7/28/2026

Prime Sponsor(s): Mr. Hollins, Mr. Street
Requested by: Community Services
Date of introduction: July 28, 2026

ORDINANCE NO. 26-102

**AMEND THE GRANTS BUDGET:
APPROPRIATE STATE FUNDS FROM THE PRESCRIPTION OPIOID SETTLEMENT
DISTRIBUTION COMMISSION TO THE HOPE CENTER RECOVERY AND HOUSING
STABILIZATION INITIATIVE GRANT, TO BE ADMINISTERED BY THE DEPARTMENT OF
COMMUNITY SERVICES**

1 **WHEREAS**, state funding in the amount of \$481,290 has been awarded from the
2 Prescription Opioid Settlement Distribution Commission to the HOPE Center Recovery and
3 Housing Stabilization Initiative Grant; and
4

5 **WHEREAS**, this program provides necessary resources to individuals associated
6 with the HOPE Center by enhancing stabilization, recovery support, and housing support;
7 and
8

9 **WHEREAS**, this funding will be used by the New Castle County Department of
10 Community Services for individuals struggling with substance use disorders and housing
11 instability; and
12

13 **WHEREAS**, the County Executive has determined that funds received are sufficient
14 to cover the increase in the Grants Budget as hereinafter amended; and
15

16 **WHEREAS**, Council has determined that the provisions of this Ordinance
17 substantially advance, and are reasonably and rationally related to, legitimate government
18 interests (i.e., promoting the health, safety, morals, convenience, order prosperity and/or
19 welfare of the present and future inhabitants of this State).
20

21 **NOW, THEREFORE, THE COUNTY OF NEW CASTLE HEREBY ORDAINS:**
22

23 Section 1. The Grants Budget, as adopted by Ordinance No. 75-173, is hereby
24 amended by adding the material on the attached "Exhibit A," which is considered to be
25 underscored in its entirety, which is attached hereto and made a part hereof.
26

27 Section 2. This Ordinance shall become effective immediately upon its adoption by
28 County Council and approval by the County Executive, or as otherwise provided by 9 *Del.*
29 *C. § 1156.*
30

31 Section 3. It is the intent of the County Council that the provisions of this Ordinance
32 shall be effective retroactive to July 1, 2026.

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 \$481,290 in state funding from the Prescription Opioid Settlement Distribution Commission to the HOPE Center Recovery and Housing Stabilization Initiative Grant. These funds will be used by the New Castle County Department of Community Services for contractual services to provide clinical and case management personnel to coordinate specialized counseling, comprehensive care coordination and housing stabilization services for at-risk individuals to transition from acute crisis towards sustaining recovery and permanent housing.

It is the intent of the County Council that the provisions of this Ordinance shall be effective retroactive to July 1, 2026.

FISCAL NOTE: This Ordinance, if approved, will appropriate \$481,290 in state funding from the Prescription Opioid Settlement Distribution Commission to the HOPE Center Recovery and Housing Stabilization Initiative Grant.

The fiscal impact of this Ordinance, if approved, will be an increase in the authorized spending authority of the Grants Budget of \$481,290. This increase will impact FY2027 and FY2028 as the estimated program completion date is June 30, 2028. There is no fiscal impact on the Operating Budget.

Acknowledged by the Chief Financial Officer July 15, 2026.

DEPARTMENT:	Community Services	EXHIBIT:	"A"
GRANT TITLE:	HOPE Center Recovery and Housing Stabilization Initiative	Ordinance No.	26-102
PROGRAM TITLE:	HOPE Center Recovery and Housing Stabilization Initiative		

Revenue	Current		Change		Revised
Federal	\$	-	\$	-	\$ -
State	\$	481,290.00	\$	-	\$ 481,290.00
County	\$	-	\$	-	\$ -
Program Income	\$	-	\$	-	\$ -
Other	\$	-	\$	-	\$ -
Total	\$	481,290.00	\$	-	\$ 481,290.00

Expense	Current		Change		Revised
Salaries and Wages	\$	-	\$	-	\$ -
Benefits	\$	-	\$	-	\$ -
Training/Civic Affairs	\$	-	\$	-	\$ -
Communication/Utilities	\$	-	\$	-	\$ -
Materials/Supplies	\$	-	\$	-	\$ -
Contractual Services	\$	481,290.00	\$	-	\$ 481,290.00
Equipment	\$	-	\$	-	\$ -
Grants/Fixed Charges	\$	-	\$	-	\$ -
Land and Structures	\$	-	\$	-	\$ -
Contingency	\$	-	\$	-	\$ -
Operating Transfer Charges	\$	-	\$	-	\$ -
Operating Transfer Credits	\$	-	\$	-	\$ -
Total	\$	481,290.00	\$	-	\$ 481,290.00

SUPPLEMENTAL INFORMATION

Estimated Program Initiation: 7/1/2026

Estimated Program Completion: 6/30/2028

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

Ordinance Passed: **Date Revised:**

PROGRAM DESCRIPTION:

Funding from the Prescription Opioid Settlement Distribution Commission will support the expansion of service capacity at the HOPE Center. The initiative focuses on enhancing stabilization, recover support and housing service for individuals navigating the intersection of substance use disorder (SUD) and housing instability.

7/28/2026

Prime Sponsor(s): Mr. Hollins, Mr. Street
Requested by: Community Services
Date of introduction: July 28, 2026

ORDINANCE NO. 26-103

AMEND THE GRANTS BUDGET:

FOR FY2026, APPROPRIATE FUNDS FROM THE STATE OF DELAWARE, DEPARTMENT OF STATE, DELAWARE DIVISION OF LIBRARIES AS A FEDERAL PASS-THROUGH GRANT FROM THE INSTITUTE OF MUSEUM AND LIBRARY SERVICES WITH FUNDING FROM THE FEDERAL LIBRARY SERVICES AND TECHNOLOGY ACT TO BE DISTRIBUTED EQUALLY TO THE TEN NEW CASTLE COUNTY LIBRARIES WHICH ARE ADMINISTERED BY THE DEPARTMENT OF COMMUNITY SERVICES, DIVISION OF LIBRARIES

1 **WHEREAS**, the State of Delaware, Department of State, Delaware Division of Libraries
2 has awarded each of the ten New Castle County Libraries a federal pass-through grant of \$3,000
3 from the Institute of Museum and Library Services with funding from the Federal Library Services
4 and Technology Act for a total grant of \$30,000; and
5

6 **WHEREAS**, funds are intended to assist communities with potential financial challenges
7 and increased community needs; and
8

9 **WHEREAS**, funds are to be used to help support ongoing participation in the Delaware
10 Library Catalog/Consortium and the Delaware Literary Alliance on behalf of local communities;
11 and

12 **WHEREAS**, the funding will be used to support library materials and furnishings; and
13

14 **WHEREAS**, the County Executive has determined that grants received will be sufficient
15 to cover the increase in the Grants Budget as hereinafter amended; and
16

17 **WHEREAS**, Council has determined that the provisions of this Ordinance substantially
18 advance, and are reasonably and rationally related to, legitimate government interests (i.e.,
19 promoting the health, safety, morals, convenience, order, prosperity and/or welfare of the
20 present and future inhabitants of this State).
21

22 **NOW, THEREFORE, THE COUNTY OF NEW CASTLE HEREBY ORDAINS:**
23

24 Section 1. The Grants Budget as adopted by Ordinance No. 75-173 is hereby amended
25 by adding the material on the attached Exhibits "A" which shall be considered underscored in
26 their entirety.
27

28 Section 2. This Ordinance shall become effective immediately upon its adoption by
29 County Council and approval by the County Executive, or as otherwise provided by 9 *Del. C.* §
30 1156.
31

32 Section 3. It is the intent of the County Council that the provisions of this Ordinance shall
33 be effective retroactive to June 22, 2026.

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 \$30,000 from the State of Delaware, Department of State, Delaware Division of Libraries with federal pass-through funds from the Institute of Museum and Library Services with funding from the Federal Library Services and Technology Act to the Department of Community Services, Division of Libraries to be allocated equally to the ten libraries managed by New Castle County. Funds are intended to be used to help support ongoing participation in the Delaware Library Catalog/Consortium and the Delaware Literary Alliance on behalf of local communities and will be used to support library materials and furnishings.

It is the intent of the County Council that the provisions of this Ordinance shall be effective retroactive to June 22, 2026.

FISCAL NOTE: This Ordinance, if approved, will amend the Grants Budget for FY2026 by appropriating \$30,000 from the State of Delaware, Department of State, Delaware Division of Libraries to the 2026 LSTA Grant – Libraries to be administered by the Department of Community Services, Division of Libraries.

The fiscal impact of this Ordinance, if approved, will be an increase in the authorized spending authority of the Grants Budget of \$30,000. This will affect the Grants Budget for FY2026 and FY2027 as the targeted completion date for this grant is August 31, 2026.

Acknowledged by the Chief Financial Officer July 16, 2026.

DEPARTMENT:	Community Services	EXHIBIT:	"A"
GRANT TITLE:	2026 LSTA Grant - Libraries	Ordinance No.	26-103
PROGRAM TITLE:	2026 LSTA Grant - Libraries		

Revenue	Current	Change	Revised
Federal	\$ 30,000.00	\$ -	\$ 30,000.00
State	\$ -	\$ -	\$ -
County	\$ -	\$ -	\$ -
Program Income	\$ -	\$ -	\$ -
Other	\$ -	\$ -	\$ -
Total	\$ 30,000.00	\$ -	\$ 30,000.00

Expense	Current	Change	Revised
Salaries and Wages	\$ -	\$ -	\$ -
Benefits	\$ -	\$ -	\$ -
Training/Civic Affairs	\$ -	\$ -	\$ -
Communication/Utilities	\$ -	\$ -	\$ -
Materials/Supplies	\$ 27,000.00	\$ -	\$ 27,000.00
Contractual Services	\$ -	\$ -	\$ -
Equipment	\$ 3,000.00	\$ -	\$ 3,000.00
Grants/Fixed Charges	\$ -	\$ -	\$ -
Land and Structures	\$ -	\$ -	\$ -
Contingency	\$ -	\$ -	\$ -
Operating Transfer Charges	\$ -	\$ -	\$ -
Operating Transfer Credits	\$ -	\$ -	\$ -
Total	\$ 30,000.00	\$ -	\$ 30,000.00

SUPPLEMENTAL INFORMATION

Estimated Program Initiation:	6/22/2026
Estimated Program Completion:	8/31/2026
The Local Match:	Found in (ORG):
Ordinance Passed:	Date Revised:

PROGRAM DESCRIPTION:

Funding will be used to support ongoing participation in the Delaware Library Catalog/Consortium and the Delaware Literacy Alliance on behalf of local communities. Funding will be used to support library materials and furnishings.

7/28/2026

Prime sponsor: Mr. Caneco
Co-sponsors: Mr. Carter
Ms. Durham
Date of introduction: February 3, 2026

SUBSTITUTE NO. 1 TO ORDINANCE NO. 26-010

**TO AMEND *NEW CASTLE COUNTY CODE* CHAPTER 2 (“ADMINISTRATION”),
ARTICLE 2 (“COUNTY COUNCIL”) AND ARTICLE 3 (“OFFICERS AND
EMPLOYEES”) RELATING TO REPRESENTING
INTERESTS BEFORE NEW CASTLE COUNTY GOVERNMENT**

1 **WHEREAS**, integrity, transparency, and accountability are essential in government
2 operations to preserve public trust; and

3
4 **WHEREAS**, employees of New Castle County government are respected for,
5 among other aspects, their professionalism and intimate knowledge of County processes
6 and operations; and

7
8 **WHEREAS**, legislative agents promote, advocate, and influence matters before
9 County government; and

10
11 **WHEREAS**, the public, County Council, and County government have an
12 obligation to be aware of individuals and organizations seeking to impact policy decisions;
13 and

14
15 **WHEREAS**, a comprehensive and clear registration process for legislative agents
16 and the reporting of their activities, coupled with a meaningful and reasonable process for
17 County employees who wish to transition to the private sector promotes predictability and,
18 with it, compliance; and

19
20 **WHEREAS**, County Council has determined that the provisions of this Ordinance
21 substantially advance and are reasonably and rationally related to legitimate government
22 interests.

23
24 **NOW, THEREFORE, THE COUNTY OF NEW CASTLE HEREBY ORDAINS:**

25
26 Section 1. *New Castle County Code* Chapter 2 (“Administration”), Article 2 (“County
27 Council”) is hereby amended by adding the material that is underlined and deleting the
28 material with strike throughs, as set forth below.

29
30 Chapter 2 – ADMINISTRATION

31 ...

32 Article 2. – COUNTY COUNCIL

33 ...

34 Division 2.02.300. – Registration of legislative agents.

35
36 Sec. 2.02.301. - Definitions.

- 37 A. The following words, terms and phrases, when used in this Division, shall have
38 the meanings ascribed to them in this Section, except where the context clearly
39 indicates a different meaning:

40 ...

41 *Legislative Agent* means any individual who acts to promote, advocate, influence
42 or oppose any matter pending before County government by direct or indirect
43 communication with County government, and who in connection therewith either
44 has received or is to receive compensation in whole or in part from any person.

45
46 *Person* means any individual or group of individuals, whether or not formally
47 organized or incorporated.

48
49 Sec. 2.02.302. – Registration with Clerk of County Council.

50 A. Every legislative agent shall register with the Clerk of County Council ...

51 B. The information recorded in the legislative agent docket shall include the
52 following for each separate employer:

- 53 1. The name, residence or business address and occupation of each
54 legislative agent;
55 2. The name and business address of ~~the~~ each employer of ~~such~~ the
56 legislative agent;
57 3. The date on which the employment as legislative agent commenced;
58 4. The length of time the employment is to continue; and
59 5. The subject matter, including subject matter of the legislation, regulation,
60 or administrative action, project and application numbers, and ordinance
61 or resolution numbers as to which the employment relates and which
62 involves the County at that time.

63 C. Upon any change in the information recorded in the legislative agent docket, the
64 legislative agent shall, within ~~ten (10)~~ 10 business days, report such changes
65 to the Clerk of County Council, who shall record the change in the docket.

66 D. The Clerk of County Council shall promptly furnish copies of each entry in the
67 legislative agent docket to the County Executive and each member of County
68 Council upon request of such persons.

69 E. By July 1, on an annual basis, each legislative agent shall certify under oath or
70 affirm, on a form prepared by the Ethics Commission, compliance with the
71 requirements of this Section.

72
73
74 Sec. 2.02.303. – Employer's authorization to act.

75 Every employer of a legislative agent shall furnish to ~~such~~ the agent a written and
76 signed authorization to act, which shall be filed with the Clerk of County Council by the
77 legislative agent at the time of registration as soon as available and not later than ~~fifteen~~
78 ~~(15)~~ 15 business days after the legislative agent has registered with County Council. If the
79 employer is a corporation, association or labor union, any authorized officer or agent who
80 is not the legislative agent shall furnish and sign the written authorization. The
81 authorization shall include the full and legal name and business addresses of both the
82 employer and the legislative agent, the period of time during which the legislative agent is
83 authorized to act and the subject(s) matter, including subject matter of legislation,

regulations, or administrative action, project and application numbers, and ordinance or resolution numbers upon which the employer is represented and which involves the County.

Section 2. *New Castle County Code* Chapter 2 (“Administration”), Article 3 (“Officers and Employees”) is hereby amended by adding the material that is underlined and deleting the material with strike throughs, as set forth below.

Chapter 2 – ADMINISTRATION

...

ARTICLE 3. – OFFICERS AND EMPLOYEES

...

Division 2.03.100. – Code of Ethics.

...

Sec. 2.03.102.- Definitions.

...

Person means a business, governmental body, individual, corporation, union, association, firm, partnership, committee, trust, joint venture, club or other organization or group of persons.

...

Private enterprise means any activity conducted by any person, whether conducted for profit or not for profit and includes the ownership of real or personal property. Private enterprise does not include any activity of the federal, State or local government or of any department, authority or instrumentality of the federal, State or local government.

Sec. 2.03.103. – Prohibitions relating to conflicts of interest.

A. *Restrictions on exercise of official authority.*

...

D. *Post-employment restrictions.* No person who has served as a County employee or County official shall represent or otherwise assist any private enterprise on any matter involving the County for a period of ~~two~~ (2) 2 years after termination of employment or official status with the County, if the person gave an opinion, conducted an investigation or otherwise was directly and materially responsible for such matter in the course of official duties as a County employee or official. Nor shall any former County employee or County official disclose confidential information gained by reason of public position nor shall the person otherwise use such information for personal gain or benefit. In furtherance of the above are the following:

1. **Ethics opinion.** Each County employee or County official considering employment with a private enterprise is recommended, prior to cessation of employment or association with the County, to request an advisory opinion from the Ethics Commission to determine if the proposed employment is compliant with *County Code*.
2. **Certification of compliance.** Each private enterprise, through an individual representative thereof, shall annually affirm or certify under oath by July 1 of each year, compliance of the private enterprise with this section.
3. **Annual report submission.** For the duration of the applicable two-year

post-employment period, an individual representative on behalf of each private enterprise must submit annually by July 1 to the applicable County department manager a report that identifies the subject matter, including subject matter of all legislation, regulations, or administrative actions, project and application numbers, and ordinance or resolution numbers as to which the employment relates, which involves the County, and that each former County employee or County official is currently assigned to or involved with the private enterprise. This report must be compared to a report run by the County department manager that similarly identifies the above identified criteria as to which the employment relates, which involves the County, and that each former County employee or County official was engaged in while employed by or associated with the County. If there is any overlap between the two reports that suggests a potential conflict, the department manager must investigate the matter immediately and determine if further steps are necessary.

- E. *Unauthorized disclosure of confidential information.* No person shall disclose any information required to be maintained confidential by the Commission under the provisions of this Division.
- F. *Criminal sanctions.* Any person who knowingly or willfully violates any provision of this Division shall be subject to the sanctions contained in Section 1.01.009 of the *New Castle County Code*.
- G. *Contracts voidable by court action...* Any court action to void any transaction must be initiated within ~~thirty (30)~~ 30 days after the County Department involved has, or should have, knowledge of such violation.

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:

Marcus A. Henry
County Executive
of New Castle County

SYNOPSIS: This Ordinance provides a more comprehensive legislative agent registration process by requiring identification of the subject matter, including the subject matter of all legislation, regulation, or administrative actions, project and application numbers, and ordinance or resolution numbers as to which the employment relates and

involves the County. The Ordinance also proposes that each legislative agent shall affirm or certify under oath as to compliance with this Section on an annual basis, on a form prepared by the Ethics Commission.

The Ordinance also clarifies the prohibitions relating to post-County employment. In addition, the Ordinance encourages County employees and County officials to seek an advisory opinion from the Ethics Commission prior to leaving employment or association with the County. The Ordinance also adds specific compliance requirements under Section 2.03.103.D to ensure the two-year post-employment restrictions are complied with when a County employee or County official elects to transition from County employment to the private sector. The Ordinance also would require, for the duration of the applicable two-year post-employment period, that an individual representative on behalf of each private enterprise submit by July 1 of each year to the applicable County department manager a report that identifies specific criteria that must be compared against a report run by the County department manager. Finally, to ensure consistency in the *Code*, the Ordinance makes certain stylistic corrections.

Substitute No. 1: Clarifies that the term “*private enterprise*” is the applicable definition as currently constructed in *County Code* at Section 2.02.301. Substitute No. 1 also clarifies the information that must be reported as part of the legislative agent docket as well as with the annual report submission under Section 2.03.103. In addition, Substitute No. 1 establishes that each legislative agent shall affirm or certify under oath as to compliance with this Section on an annual basis. Finally, Substitute No. 1 confirms that these obligations apply to both County employees and County officials, consistent with current requirements.

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

Prime sponsor(s): Mr. Caneco
Co-sponsor(s): Mr. Carter
Ms. Durham
Date of introduction: February 3, 2026

ORDINANCE NO. 26-010

**TO AMEND *NEW CASTLE COUNTY CODE* CHAPTER 2 (“ADMINISTRATION”),
ARTICLE 2 (“COUNTY COUNCIL”) AND ARTICLE 3 (“OFFICERS AND
EMPLOYEES”) RELATING TO REPRESENTING
INTERESTS BEFORE NEW CASTLE COUNTY GOVERNMENT**

1 **WHEREAS**, Integrity, transparency, and accountability are essential in government
2 operations to preserve public trust; and

3
4 **WHEREAS**, Employees of New Castle County government are respected for,
5 among other aspects, their professionalism and intimate knowledge of County processes
6 and operations; and

7
8 **WHEREAS**, Legislative agents promote, advocate, and influence matters before
9 County government; and

10
11 **WHEREAS**, The public, County Council, and County Government have an
12 obligation to be aware of those individuals and organizations seeking to impact policy
13 decisions; and

14
15 **WHEREAS**, A comprehensive and clear registration process for legislative agents
16 and the reporting of their activities, coupled with a meaningful and reasonable process for
17 County employees who wish to transition to the private sector promotes predictability and
18 compliance; and

19
20 **WHEREAS**, County Council has determined that the provisions of this Ordinance
21 substantially advance, and are reasonably and rationally related to legitimate government
22 interests.

23
24 **NOW, THEREFORE, THE COUNTY OF NEW CASTLE HEREBY ORDAINS:**

25
26 Section 1. *New Castle County Code* Chapter 2 (“Administration”), Article 2 (“County
27 Council”) is hereby amended by adding the material that is underlined and deleting the
28 material with strike throughs, as set forth below.

29
30 Chapter 2 – ADMINISTRATION

31 ...

32 Article 2. – COUNTY COUNCIL

33 ...

34 Division 2.02.300. – Registration of legislative agents.

35
36 Sec. 2.02.301. - Definitions.

- 37 A. The following words, terms and phrases, when used in this Division, shall have
38 the meanings ascribed to them in this Section, except where the context clearly
39 indicates a different meaning:

40 ...

41 *Legislative Agent* means any individual who acts to promote, advocate, influence
42 or oppose any matter pending before County government by direct or indirect
43 communication with County government, and who in connection therewith either
44 has received or is to receive compensation in whole or in part from any person.

45
46 Sec. 2.02.302. – Registration with Clerk of County Council.

47 A. Every legislative agent shall register with the Clerk of County Council in a
48 legislative agent docket and file, at that time, the authorization from his or her
49 employer as required by Section 2.02.303 of this Division. A person who
50 qualifies as a legislative agent shall register prior to performing any acts as a
51 legislative agent.

52 B. The information recorded in the legislative agent docket shall include the
53 following for each separate employer:

- 54 1. The name, residence or business address and occupation of each
55 legislative agent;
56 2. The name and business address of the employer of ~~such~~ the legislative
57 agent;
58 3. The date on which the employment as legislative agent commenced;
59 4. The length of time the employment is to continue; and
60 5. ~~The subject matter of the legislation~~ specific projects and legislative
61 matters as to which the employment relates at that time.

62 C. Upon any change in the information recorded in the legislative agent docket, the
63 legislative agent shall, within ~~ten (10)~~ 10 business days, report ~~such~~ the
64 changes to the Clerk of County Council, who shall record the change in the
65 docket.

66 D. The Clerk of County Council shall promptly furnish copies of each entry in the
67 legislative agent docket to the County Executive and each member of County
68 Council upon request of such persons.

69 E. By July 1 on an annual basis, each legislative agent shall certify under oath
70 compliance with the requirements of this section.

71
72 Sec. 2.02.303. – Employer's authorization to act.

73 Every employer of a legislative agent shall furnish to ~~such~~ the agent a written and
74 signed authorization to act, which shall be filed with the Clerk of County Council by the
75 legislative agent at the time of registration as soon as available and not later than ~~fifteen~~
76 ~~(15)~~ 15 business days after the legislative agent has registered with County Council. If the
77 employer is a corporation, association or labor union, any authorized officer or agent who
78 is not the legislative agent shall furnish and sign the written authorization. The
79 authorization shall include the full and legal name and business addresses of both the
80 employer and the legislative agent, the period of time during which the legislative agent is
81 authorized to act and the ~~subject(s) of legislation~~ specific projects and legislative matters
82 upon which the employer is represented.

Section 2. *New Castle County Code* Chapter 2 (“Administration”), Article 3 (“Officers and Employees”) is hereby amended by adding the material that is underlined and deleting the material with strike throughs, as set forth below.

Chapter 2 – ADMINISTRATION

Article 3. – OFFICERS AND EMPLOYEES

Division 2.03.100. – Code of Ethics.

Sec. 2.03.103. – Prohibitions relating to conflicts of interest.

A. *Restrictions on exercise of official authority.*

D. *Post-employment restrictions.* No person who has served as a County employee or County official shall represent or otherwise assist any private ~~entity~~ enterprise on any matter involving the County for a period of ~~two~~ (2) 2 years after termination of employment or official status with the County, if the person gave an opinion, conducted an investigation or otherwise was directly and materially responsible for such matter in the course of official duties as a County employee or official. Nor shall any former County employee or County official disclose confidential information gained by reason of public position nor shall the person otherwise use such information for personal gain or benefit. In furtherance of the above are the following:

- i. *Ethics opinion.* Each County employee considering transitioning to a private entity is advised, prior to the cessation of employment with the County, to request a confidential advisory opinion from the County Ethics Commission to determine if the proposed employment is compliant with County Code.
- ii. *Certification of compliance.* Each private entity, through a representative thereof, shall annually certify under oath by July 1 of each year, compliance with this section.
- iii. *Annual report submission.* For the duration of the relevant two year period, on behalf of each private entity a representative thereof shall submit annually by July 1 to the relevant County department manager a report that identifies all projects and legislative matters involving the County which each former County employee is assigned to or involved with, and the report must be compared against a County-run report that identifies all work former employees engaged in while employed by the County. If there is any overlap between the reports, the department manager is to investigate the matter immediately.

E. *Unauthorized disclosure of confidential information.* No person shall disclose any information required to be maintained confidential by the Commission under the provisions of this Division.

F. *Criminal sanctions.* Any person who knowingly or willfully violates any provision of this Division shall be subject to the sanctions contained in Section 1.01.009 of the *New Castle County Code*.

131 G. *Contracts voidable by court action.* In addition to any other penalty provided by
132 law, any contract entered into with any County Department in violation of this
133 Division shall be voidable by the County Department; provided, that in
134 determining whether any court action should be taken to void such a contract
135 pursuant to this subsection, the County Department shall consider the interests
136 of innocent third parties who may be damaged thereby. Any court action to void
137 any transaction must be initiated within ~~thirty (30)~~ 30 days after the County
138 Department involved has, or should have, knowledge of such violation.
139

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

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
of New Castle County

SYNOPSIS: This Ordinance provides for a comprehensive Legislative Agent registration process by requiring projects and legislative matters to be specifically identified. The Ordinance also adds specific compliance requirements at Section 2.03.103.D to ensure the post-employment restrictions are adhered to when a County employee elects to move from County employment to the private sector. Finally, for the sake of consistency in the *Code*, the Ordinance makes certain stylistic corrections.

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

MEMORANDUM

TO: Nellie Hill, Clerk of Council
FROM: Julie M. Sebring, Esquire, Counsel to the Ethics Commission
RE: Recently proposed County legislation
DATE: April 14, 2026

.....

Please accept the following as the response from the New Castle County Ethics Commission regarding recently proposed County legislation:

The part of the proposed legislation involving New Castle County Code Section 2.02.300 regarding registration, etc., of legislative agents --- that part of the County Code is not part of the Ethics Code and, as such, the Ethics Commission has no comment.

With respect to the portion of the proposed legislation which involves Code Section 2.03.100 et seq., here are the Commission's comments:

Proposed Section 2.03.103.D:

In Section 2.03.103.D, the proposed change of the word enterprise to the word entity must align with the terms in the Ethics Code definition section. 'Private enterprise' is a defined term in the Code.

Proposed Section 2.03.103.D.i:

Assuming an "ethics opinion" is referring to an Advisory Opinion which is defined in the Code, technically there is no such thing as a "confidential" Advisory Opinion. All Advisory Opinions are public and are posted on the Commission's publicly accessible website. The Commission keeps the name of the person who requested the opinion confidential and the requester is not named in the Advisory Opinion, but the written Advisory Opinion itself is not confidential. Thus, the terminology "confidential advisory opinion" is not applicable terminology for an Advisory Opinion.

Proposed Section 2.03.103.D.ii:

Compliance with Section 2.03.103.D can be accomplished only by a person, not an entity (or an enterprise.) Thus, an entity (or an enterprise) has no ability to comply with that Section of the Code.

Proposed Section 2.03.103.D.iii:

Compliance with Section 2.03.103.D can be accomplished only by a person, not an entity (or an enterprise.) Thus, an entity (or an enterprise) has no ability to comply with that Section of the Code.