

Administrative-Finance Committee
CO-CHAIR, GEORGE SMILEY
COUNCILMAN SEVENTH DISTRICT
CO-CHAIR, JOHN J. CARTIER
COUNCILMAN EIGHTH DISTRICT



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NEW CASTLE COUNTY COUNCIL
Administrative-Finance Committee
January 8, 2019 – 1:30 p.m.
8th Floor Council Conference Room

MINUTES

- I.** Administrative Finance Committee Co-chair John Cartier called the Administrative Finance Committee meeting to order at 1:34 p.m. on 1/8/19 in the 8th Floor Council Conference Room.
- II.** Council members present were: Mr. Carter, Mr. Cartier, Ms. Diller, Ms. Durham, Ms. Hartley-Nagle, Mr. Hollins, Ms. Kilpatrick, Mr. Smiley, Mr. Tackett, and Mr. Woods
- III.** Mr. Smiley made a motion to accept the minutes from the 12/11/18 Finance Committee meeting. The motion was seconded by Ms. Diller and the minutes were unanimously approved.
- IV.** EMERGENCY ORDINANCE:

EO19-001 - AMEND THE FY2019 APPROVED OPERATING BUDGET: REDUCE THE FY2019 NEW CASTLE COUNTY COUNCIL CONTINGENCY BUDGET TO PROVIDE FUNDING FOR THE HERO HELP ADDICTION ASSISTANCE PROGRAM. Introduced by: Ms. Kilpatrick, Mr. Smiley

- Mr. Cartier read the title and asked Ms. Kilpatrick to explain the ordinance. Ms. Kilpatrick explained this ordinance creates a match with the executive branch up to \$50,000 to fund the Hero Help program. Council first learned of the expiring grant funding for the Hero Help program at the last Finance meeting on 12/11/18.
- Mike Hojnicky spoke on behalf of the Public Safety stating that the Administration was continuing to look for permanent funding for the Hero Help program, and thanking council for its willingness to problem solve.
- Mr. Smiley noted that this ordinance would likely only stand for two weeks until council has time to consider and approve a piece of regular legislation doing the same thing.
- Ms. Hartley-Nagle stated she did not believe this was an emergency
- Mr. Hollins, Mr. Carter, Ms. Diller all voiced their support of the legislation and the Hero Help Program.
- Mr. Cartier and Mr. Carter were added as co-sponsors.
- The floor was opened to public comment and there was none

V. **RESOLUTIONS:**

R19-001: NEW CASTLE COUNTY COUNCIL RESPECTFULLY URGES THE DELAWARE GENERAL ASSEMBLY TO SUPPORT HOUSE BILL NO. 1, AN ACT TO AMEND ARTICLE 1 OF THE DELAWARE CONSTITUTION RELATING TO EQUAL RIGHTS. Introduced by: Mr. Smiley, Ms. Kilpatrick, Ms. Diller

- Mr. Cartier read the title and Mr. Smiley explained the legislation and spoke about his conversations with the State legislators sponsoring this legislation.
- Mr. Cartier, Mr. Carter and Ms. Hartley-Nagle asked to be added as sponsors and were accepted.
- The floor was opened to public comment and there was none.

R19-012: TO AMEND SECTION 2.5 OF THE NEW CASTLE COUNTY COUNCIL EMPLOYEE HANDBOOK REGARDING OFFERS OF EMPLOYMENT. Introduced by: Mr. Smiley

- Mr. Cartier read the title and Mr. Smiley explained the legislation.
- This resolution would bring the handbook to align with the current practice on Council
- The floor was opened to public comment and there was none.

R19-013: AUTHORIZING THE EXECUTION OF ONE PURCHASE ORDER CONTRACT FOR PHYSIO-CONTROL INC. FOR ANNUAL PREVENTATIVE MAINTENANCE AND SERVICE FOR THE DEPARTMENT OF PUBLIC SAFETY IN THE AMOUNT OF \$84,672.00. Introduced by: Mr. Smiley, Mr. Cartier

- Mr. Cartier read the title and explained the legislation.
- Mike Hojnicky spoke on behalf of the administration, noting that this is for the maintenance of these devices, the county already owns them.
- The floor was opened to public comment and there was none.

R19-014: AUTHORIZING THE EXECUTION OF ONE PURCHASE ORDER CONTRACT FOR ENVIREP, INC. FOR THE PURCHASE OF TWO DIESEL POWERED WASTEWATER PUMPS FOR THE DEPARTMENT OF PUBLIC WORKS IN THE AMOUNT OF \$73,850.00. Introduced by: Mr. Smiley, Mr. Cartier

- Mr. Cartier read the title and explained the legislation.
- This equipment would be for general bypass work and small flows
- The floor was opened to public comment and there was none.

R19-015: AUTHORIZING THE EXECUTION OF ONE PURCHASE ORDER CONTRACT FOR TD EQUIPMENT FINANCE, INC. FOR THE PURCHASE OF A DIESEL POWERED PUMP FOR THE DEPARTMENT OF PUBLIC WORKS IN THE AMOUNT OF \$10,695.00. Introduced by: Mr. Smiley, Mr. Cartier

- Mr. Cartier read the title and explained the legislation
- This replaces a 12” pump installed in 1989
- The floor was opened to public comment and there was none

R19-017: TO AMEND THE NEW CASTLE COUNTY COUNCIL EMPLOYEE HANDBOOK SECTION 3.8 (“DRUG AND ALCOHOL POLICY”). Introduced by: Mr. Smiley

- Mr. Cartier read the title and Mr. Smiley explained the legislation.
- Mr. Smiley decided to bring forth this legislation after calls that Mr. Sheldon’s legislation regarding drug testing contractors was not expansive enough. This would subject Council Members to the same testing standards as all county employees, it is an opportunity to lead by example.
- Ms. Hartley-Nagle found the legislation too punitive and said it would terminate employees, and questioned the constitutionality of the rule if passed.
- Counsel to Council spoke in response to a direct question on the constitutionality of the legislation, affirming it would be valid if passed by a majority.
- Mr. Hollins spoke in support. As did Mr. Carter, Ms. Kilpatrick
- Ms. Durham and Mr. Tackett asked questions to provide clarity

VI. ORDINANCES:

None

VII. Delaware Board of Trade Update

- Rick Carol, attorney for DBOT and members of the board John Wallace and Joe Jennings
- On time with their payments
- They have a handshake agreement with investors and those investors would take on the loan would add people to the Delaware footprint of DBOT
- They are complying with the FINRA regulations, and are looking in to tokens, fractionalizing art.
- Ms. Diller asked if DBOT was acquired how would the County ensure repayment, Rick Carol answered that any acquisition would make the new company the sole shareholder of DBOT and all obligations would not change. Carol Dulin, County Attorney said she would look in to that statement to ensure it was correct.
- Ms. Hartley-Nagle asked why she had a document that stated that an investor would not be responsible for the loan. Rick Carol explained that stock holders and investors in LLC’s are never responsible for more than they invest. Asked if there was any possibility that an investor would have to pay back the loan, answered a stock holder would not be liable for the debts of the underlying entity.
- Mr. Tackett asked about a new exchange coming online called member exchange, the board members explained that they are not in competition with them, they are different businesses, that one is more about data and data fees.
- Ms. Hartley-Nagle asked if it was one organization or several, the DBOT reps explained that the loan was held by the holding company, Ms. Hartley-Nagle had looked up a subsidiary that was filed as an LLC but never activated. DBOT-ATS is the only operating entity.
- Mr. Smiley noted that Council did not provide the loan, the previous administration provided the loan.
- Ms. Hartley-Nagle clarified with the auditor how language with the agreement impacted the existence of other entities. They are all for the purpose of running a stock exchange, therefore within the scope.

- Ms. Hartley-Nagle confirmed with the DBOT reps that they are operating in Wilmington, DE, they are in the Hercules building.

VIII. New Castle County Council Grant Requests/Community Events

GRANT APPLICANT	AMOUNT REQUESTED/ AMOUNT PROPOSED	INTENDED USE OF GRANT	PRIOR COUNCIL GRANTS IN CURRENT FISCAL YEAR	COUNCIL MEMBER /Second	VOTE
Delaware HIV Consortium	\$1800/ \$1800 Cartier	To support their recently expanded testing and counseling for Hepatitis C	No	Cartier / Kilpatrick	9-0-1 (Smiley: Not voting)
DFLI – Money School	\$2500/ \$1000 Cartier	To assist with resources and speakers for the Money School Program	No	Cartier /Kilpatrick	9-0-1 (Smiley: Not voting)

IX. Discussion of Council Member phone training

- Members decided they did not want to set up a special time for council to learn, some members have signed up already for regular sessions, should not be a FOIA problem.

X. Expense & Revenue Round Table

- The Lodging tax revenue is in line with the projections

XI. PUBLIC COMMENT:

- None

XII. ADJOURNMENT:

- Motion to adjourn was made by Mr. Smiley and seconded by Ms. Kilpatrick, the meeting was adjourned at 2:54 PM