

Introduced by: Ms. Kilpatrick,
Mr. Weiner, Mr. Cartier
Date of introduction: April 25, 2017

ORDINANCE NO. 17-039

**TO AMEND *NEW CASTLE COUNTY CODE* CHAPTER 2 (“ADMINISTRATION”),
ARTICLE 3 (“OFFICERS AND EMPLOYEES”), DIVISION 2.03.100 (“CODE OF
ETHICS”), SECTION 2.03.106 (“FINANCIAL DISCLOSURE: STATEMENTS
REQUIRED”) REGARDING PERSONS REQUIRED TO FILE
A STATEMENT OF FINANCIAL INTERESTS**

WHEREAS, *New Castle County Code* (“Code”) Sec. 2.03.106 requires a statement of financial interests for the preceding calendar year to be filed by each nominee to County office who is subject to confirmation; and

WHEREAS, *New Castle County Code* Sec. 2.03.106 further requires that each designated County official and County employee, as defined therein, shall file a statement of financial interests for the preceding calendar year with the Ethics Commission no later than May 1 of each year the member holds a position and of the year after the member leaves the position; and

WHEREAS, Code Sec. 40.30.450 requires that a Design Review Advisory Committee (“DRAC”) be established for each Hometown Overlay District to review plans for land development applications for compliance with the Community Redevelopment Plan and/or Design Guidelines manual and to make recommendations to the Department of Land Use; the DRAC is also to review the community standards and make recommendations for revisions and updates to the Community Redevelopment Plan and/or Design Guidelines manual; and

WHEREAS, Code Sec. 40.30.450 further requires that the DRAC consist of a minimum of five and a maximum of nine members and, with the exception of the chairperson, be comprised equally of business and homeowner/residential members who have interests affected by the overlay district; and

WHEREAS, because of the significant duties of the DRAC and the possibility of an appearance of impropriety or a potential or actual conflict given the obligation of DRAC members to render recommendations relating to other residents or business owners, including land applications thereof, within their district, it is a necessary and appropriate safeguard of public trust that any nominee to the DRAC be required to submit a statement of financial interests with the Ethics Commission, to review for potential conflicts or appearances thereof, and with County Council before Council may approve or reject a nomination.

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

Section 1. *New Castle County Code* Chapter 2 (“Administration”), Article 3 (“Officers and Employees”), Division 2.03.100 (“Code of Ethics”), Section 2.03.106 (“Financial disclosure: statements required”), is hereby amended by adding the language that is underscored, as set forth in relevant part below.

Sec. 2.03.106. Financial disclosure: statements required.

- A. ...For purposes of this Section, the phrase “designated County official and County employee” shall mean:
3. Members of the Board of Adjustment, Planning Board, Historic Review Board, Pension Board, License, Inspection and Review Board, Board of Assessment Review, New Castle County Financial Advisory Council, New Castle County Audit Committee, Design Review Advisory Committee, and the Ethics Commission. Members of any County Board or Commission not listed in this paragraph are not required to file statements of financial interest...
- C. Each nominee for County office who is subject to confirmation shall file a statement of financial interests for the preceding calendar year with the Commission and with the official or body that is vested with the power of confirmation at least ten (10) days before the official or body shall approve or reject the nomination. Each nominee to the New Castle County Farmland Preservation Advisory Board, established under the authority of 3 *Del. C.* § 906 or its successor, shall file a statement of financial interests for the preceding calendar year with the Commission and with New Castle County Council at least ten (10) days before County Council shall approve or reject the nomination.

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

Adopted by the County Council
of New Castle County on:

President of County Council
of New Castle County

Approved on:

County Executive
New Castle County

SYNOPSIS: This ordinance would amend *New Castle County Code* Chapter 2 (“Administration”), Article 3 (“Officers and Employees”), Division 2.03.100 (“Code of Ethics”), Section 2.03.106 (“Financial Disclosure: Statements Required”) by requiring members of the Design Review Advisory Committee to file a statement of financial interests for the preceding calendar year with the Ethics Commission no later than May 1 of each year the member holds a position and of the year after the member leaves the position.

FISCAL NOTE: There will be no discernible fiscal impact upon the adoption of this legislation.