

Introduced by: Ms. Kilpatrick,
Date of introduction: June 13, 2017

ORDINANCE NO. 17-051

**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.C. 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.A. 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, new Code Sec. 2.05.515 was recently enacted, thereby creating the New Castle County Investment Advisory Board (the “IAB”); and

WHEREAS, the IAB establishes policies for the investment of money belonging to New Castle County, makes recommendations regarding the terms, conditions and other matters relating to such investments, recommends changes in the law to effectuate such policies, advises on best practices for investments, and provides advice to County Council, the Council President and the Office of Finance; and

WHEREAS, in light of the significant duties of the IAB and the possibility of an appearance of impropriety or a potential or actual conflict given the obligations of the IAB, all of which could affect and/or benefit such members thereof and/or other residents or business owners, it is a necessary and appropriate safeguard of public trust that any nominee to the IAB be required to submit an initial and, if appointed to the board, an annual statement of financial interests with the Ethics Commission, which shall review for potential conflicts or appearances thereof, and with County Council before Council may approve 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, New Castle County Investment Advisory Board, 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 New Castle County Investment Advisory Board 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.