

Introduced by: Mr. Smiley  
Mr. Bullock, Mr. Weiner  
Date of introduction: May 13, 2014

**ORDINANCE NO. 14-052**

**TO AMEND *NEW CASTLE COUNTY CODE* CHAPTER 2  
("ADMINISTRATION"), DIVISION 2.03.100 ("THE CODE OF ETHICS"),  
REGARDING ANNUAL FINANCIAL DISCLOSURE STATEMENTS**

**WHEREAS**, in the interest of increasing public confidence in the ethical conduct of County government, the *New Castle County Code* requires that persons in certain designated positions who exercise discretion in the use of County authority must file an annual financial disclosure statement, the statement of financial interests; and

**WHEREAS**, the list of persons in positions currently required to file the annual disclosure does not accurately reflect all employees who exercise discretion in the use of County government authority; and

**WHEREAS**, a task force of persons representing the Administration, the County Council, and the Ethics Commission consulted with the Office of Human Resources to address this issue and received that Office's analysis of positions exercising discretion; and

**WHEREAS**, County Council agrees that it is necessary to amend the County Code to assure the public that all employees and officials exercising discretion in the application of County government authority file an annual statement of financial interests.

**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 ("Ethics Commission"), Section 2.03.106 ("Financial disclosure: statements required"), is hereby amended by adding the material that is underlined and deleting the material that is stricken as set forth below:

**Sec. 2.03.106. Financial disclosure: statements required.**

A. Each designated County official and County employee shall file a statement of financial interests for the preceding calendar year with the Commission no later than May 1<sup>st</sup> of each year that he or she holds such a position and of the year after he or she leaves such a position. The General Manager or individual of equivalent rank of the ~~Department~~ Office of Human Resources shall provide the Commission with the names of the individuals required to file statements of financial interest by January 31<sup>st</sup> each year such statements are required to be filed. For purposes of this Section, the phrase "designated County official and County employee" shall mean:

1. ...
2. ...
3. ...
4. ...
5. ...
6. ...
7. All Code Enforcement Officers, all Public Works inspectors and personnel of equivalent rank; All purchasing agents, public works contract officers and personnel of equivalent or higher rank;
8. All purchasing agents and personnel of equivalent rank; All assessors, assessment technicians, right-of-way agents and personnel of equivalent or higher rank;
9. All housing rehabilitation specialists and personnel of equivalent rank; All code enforcement officers, all inspectors, all plan examiners including architects and engineers, all permit processors, and personnel of equivalent or higher rank;
10. All land use planners and personnel of equivalent rank within the Department of Land Use; All housing rehabilitation specialists and personnel of equivalent or higher rank;
11. With the exception of the Chief of Police, no police officer shall be required to file a statement of financial interests within the meaning of this Division. All land use planners and personnel of equivalent or higher rank within the Department of Land Use;
12. With the exception of the Chief of Police, no police officer shall be required to file a statement of financial interests within the meaning of this Division unless the officer serves on one of the Boards, Councils, or Commissions named in subsection 3 of this section.

B. . . .

Section 2. All ordinances or parts of ordinances and all resolutions or parts of resolutions that may be in conflict with this ordinance are hereby repealed.

Section 3. The provisions of this ordinance shall be severable. If any provision of this ordinance is found by a court of competent jurisdiction to be unconstitutional or void, the remaining provisions of this ordinance shall remain valid, unless the court finds that the remaining 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 the remaining valid provisions, standing alone, are incomplete and incapable of being executed in accordance with County Council's intent. If any provision of this ordinance is found to be unconstitutional or void, all applicable former ordinances or portions thereof shall become applicable and shall be considered as constitutions thereof and not as new enactments regardless of whether severability is possible.

Section 4. This ordinance shall become effective December 31, 2014, upon its adoption by County Council and approval of the County Executive or as otherwise provided in 9 Del. C. § 1156(d).

Adopted by County Council  
of New Castle County on:

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President of County Council  
of New Castle County

Approved on:

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County Executive  
New Castle County

**SYNOPSIS:** This ordinance updates the list of positions which require the office holder to file an annual Statement of Financial Interests.

**FISCAL NOTE:** This Ordinance will have no discernible fiscal impact.