SPONSOR: Rep. Longhurst & Sen. Poore

HOUSE OF REPRESENTATIVES
150th GENERAL ASSEMBLY

HOUSE BILL NO. 40
AS AMENDED BY
SENATE AMENDMENT NO. 1

AN ACT TO AMEND TITLE 7 OF THE DELAWARE CODE RELATING TO THE FORT DUPONT REDEVELOPMENT AND PRESERVATION CORPORATION.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend Chapter 47, Title 7 of the Delaware Code by making deletions as shown by strikethrough, insertions as shown by underline and redesignate as follows:

§ 4732 Definitions.

When used in this subchapter:

(1) "Board" means the Board of Directors of the Fort DuPont Redevelopment and Preservation Corporation.

(2) "Corporation" means the Fort DuPont Redevelopment and Preservation Corporation to be established pursuant to § 4733 of this title.

~~(3) "Council" means the Advisory Council of the Fort DuPont Redevelopment and Preservation Corporation.~~

~~(4)~~(3) "Department" means the Department of Natural Resources and Environmental Control.

~~(5)~~(4) "Fort DuPont Complex" or "Fort DuPont" means such real property, as well as such facilities, personal property, buildings, and fixtures located thereon, owned by the State along the Delaware River bounded by the Chesapeake and Delaware Canal on the south, and a branch canal, currently separating it from Delaware City, on the north, which includes the Fort DuPont State Park, the Governor Bacon Health Center, and surrounding lands, formerly tax parcel numbers 1202300020, 1202300021, 1203000001, and 1203000002.

~~(6)~~(5) "Redevelopment plan" means the draft master plan for the redevelopment of the Fort DuPont complex dated October 2013, as may be amended from time to time by the Board, which is intended to guide the redevelopment of the Fort DuPont Complex.

§ 4733 Fort DuPont Redevelopment and Preservation Corporation.

(a) There shall be established within the Department a body corporate and politic, with corporate succession, constituting a public instrumentality of the State, and created for the purpose of exercising essential governmental functions, which is to be known as the Fort DuPont Redevelopment and Preservation Corporation. The Corporation shall be

HD : RK : MAW : 2141500008
LC : HVW : NMX : 5081500097
Released: 06/04/2019 05:52 PM

a membership corporation with the Department as the sole member and shall have a certificate of incorporation and bylaws consistent with this subchapter. ~~The Secretary of the Department~~The Board of Directors is hereby authorized to file a certificate of incorporation with the Secretary of State pursuant to Chapter 1 of Title 8. The certificate of incorporation of the Corporation shall provide for approval of the Delaware General Assembly in order to amend the certificate of incorporation or to effect a merger or dissolution of the Corporation.

(b) The powers and management of the Corporation shall be vested in a board of directors consisting of ~~11~~15 members. Each ~~member~~ director shall have general expertise relevant to the implementation of the Redevelopment Plan, which may include expertise in the fields of land use, historic preservation, economic development (including without limitation real estate, redevelopment, and real estate financing), environmental protection, parks and recreation, and tourism. The Board shall be comprised of the following ~~members~~ directors:

(1) One director appointed by the Governor to serve as Chair~~, who shall serve at the pleasure of the Governor~~;

(2) The Secretary of the Department of Natural Resources and Environmental Control;

(3) The Controller General;

(4) The Secretary of the Department of Health and Social Services;

(5) The Secretary of State;

(6) The Director of the Office of Management and Budget;

(7) The Director of the Office of State Planning Coordination; ~~and~~

(8) Four directors appointed by the Mayor of the City of Delaware City and approved by City Council of Delaware City; ~~(2 for an initial term of 1 year, with the remaining directors serving initial terms of 2 years and 3 years, respectively), who shall be appointed within 30 days after the filing of the certificate of incorporation. Following the initial appointment terms, subsequent directors appointed hereunder shall serve 3-year terms.~~

(9) The City Manager of the City of Delaware City; and

(10) Three directors that shall be elected and appointed by the Board and shall to the extent possible have expertise in one or more fields or areas set forth in § 4733(b) of this Title.

Directors serving by virtue of their position may appoint a designee to serve in their stead. All appointed Directors shall serve at the pleasure of the appointing authority.

~~Any person serving as a director of the Corporation pursuant to paragraphs (b)(2) through (7) of this section may appoint a designee to serve in his or her stead.~~

(c) ~~All vacancies in Board membership shall be filled by the appointing authority that previously appointed such member.~~ Any vacancy created by the resignation or early departure of a director shall be filled by the appointing authority within 60 days. ~~for the remainder of the unexpired term.~~

(d) ~~Six~~ A majority of the total number of directors shall constitute a quorum of the Board, and all action by the Board shall require the affirmative vote of a majority of the directors present and voting.

(e) The Board shall adopt bylaws that provide for operating procedures such as election of officers, conflicts of interest, appointment of committees, conduct of meetings, and other matters that will promote the efficient operation of the Board in the performance of its duties under this subchapter.

§ 4734 ~~Advisory Council~~ Subcommittees.

(a) ~~The Council of the Corporation shall be established to assist and provide advice to the Board in carrying out its purposes under this subchapter. The Council shall act in a purely advisory capacity, and shall assist the Corporation in fulfilling its purposes and obligations hereunder as directed by the Board or the executive director. Such assistance may include but not be limited to:~~ The Board may create Subcommittees as needed to assist the Corporation in fulfilling its purposes and obligations. Each Subcommittee shall have a Director of the Board serve as Chair and may include persons that are not directors of the Board. Subcommittees may assist the Board in any of the following ways:

(1) Developing plans to implement recommendations from the redevelopment plan and tracking ongoing implementation efforts~~;~~.

(2) Reviewing and providing recommendations on proposals for the purchase, sale, lease or disposition of lands or buildings~~;~~.

(3) Providing guidance on updates to the redevelopment plan upon request by the Board or the executive director~~;~~.

(4) Providing recommendations on infrastructure improvement plans, budgets, or any other matters referred by the Board or the executive director~~;~~.

(5) Recommending rules, regulations and policies to the Board~~; and~~.

~~(6) Such other responsibilities and powers consistent with the Council's role as an advisory body as shall be determined from time to time.~~

~~(b) The Advisory Council shall be comprised of 13 members, none of whom shall be members of the Board of Directors, and such members shall be appointed as follows:~~

~~(1) A chair to be appointed by the Governor for a term of 3 years and who shall be eligible for re-appointment for terms of 3 years.~~

~~(2) Eight additional members appointed by the Governor who, to the extent possible, shall have expertise in 1 or more of the fields or areas set forth in § 4733(b) of this title;~~

~~(3) Four members appointed by the Mayor of the City of Delaware City and approved by the City Council of Delaware City. Appointments by Delaware City shall represent the interests of Delaware City and the Delaware Bayshore.~~

~~(c) Members of the Advisory Council shall serve for terms of 3 years each; provided, however, that the terms of the initial members shall be staggered as follows:~~

~~(1) Three initial members appointed by the Governor and 1 initial member appointed by Delaware City shall serve terms of 3 years each;~~

~~(2) Three initial members appointed by the Governor and 1 initial member appointed by Delaware City shall serve terms of 2 years each; and~~

~~(3) The remaining initial members shall serve terms of 1 year each.~~

~~(d) Each appointing authority shall appoint members of the Advisory Council no later than 60 days following the date of the filing of the certificate of incorporation of the Corporation.~~

Section 2. Pursuant to 7 *Del. C.* § 4733(a), the Board of Directors is provided express authority to file an amended and restated Certificate of Incorporation for the Fort DuPont Redevelopment and Preservation Corporation consistent with the amendments to the enabling legislation set forth herein.