



SPONSOR: Sen. Poore & Rep. S. Moore
Sen. Walsh; Reps. Bolden, Mitchell

DELAWARE STATE SENATE
151st GENERAL ASSEMBLY

SENATE BILL NO. 122

AN ACT TO AMEND TITLE 9 OF THE DELAWARE CODE RELATING TO THE APPOINTMENT OF THE
COUNTY ATTORNEY OF NEW CASTLE COUNTY.

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

1 Section 1. Amend Chapter 11, Title 9 of the Delaware Code by making deletions as shown by strike through and
2 insertions as shown by underline as follows:

3 § 1120. Power to appoint Chief Administrative Officer and Department Directors.

4 (a) The County Executive shall appoint a Chief Administrative Officer who shall serve at the pleasure of the
5 County Executive. The Chief Administrative Officer shall be qualified by education, training and experience for the duties
6 to be performed.

7 (b) The County Executive, with the advice and consent of the County Council, shall appoint the General Manager
8 of Land Use, the General Manager of Special Services, the General Manager of Community Services, the Chief
9 Procurement Officer, the Chief Financial Officer, the Chief Human Resources Officer, the County Attorney, as well as the
10 heads of any subsequently created departments, who shall each serve at the pleasure of the County Executive.

11 (c) Notwithstanding any other provision of state or county law, on February 9, 2005, any persons then serving in
12 any of the positions enumerated in this section shall cease to be classified service members of the New Castle County Merit
13 System, but may thereafter continue to serve at the pleasure of the County Executive.

14 Section 2. Amend Chapter 13, Title 9 of the Delaware Code by making deletions as shown by strike through and
15 insertions as shown by underline as follows:

16 § 1392. Appointment of County Attorney.

17 The County Attorney shall be appointed by the County Executive with the advice and consent of the New Castle
18 County Council. The County Attorney shall serve at the pleasure of the County Executive.

SYNOPSIS

This Act provides that the County Attorney of New Castle County, consistent with other department directors of New Castle County government, is appointed by the County Executive with the advice and consent of the New Castle County Council. Pursuant to § 1391 of Title 9, the Office of Law provides legal advice to the County Executive, County Council, and County departments, boards, offices, and agencies. This amendment would require the advice and consent of the County Council in the appointment of the County Attorney. Consequently, this proposed amendment would safeguard against unequal preference to either branch of government when advice is provided.

