



SPONSOR: Rep. Lavelle & Sen. Copeland
Reps. Hudson, Stone, Ulbrich, Wagner; Sens. Still,
Bonini

HOUSE OF REPRESENTATIVES

142nd GENERAL ASSEMBLY

HOUSE BILL NO. 450

AN ACT TO AMEND TITLE 9 RELATING TO NEW CASTLE COUNTY GOVERNMENT.

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

Section 1. Amend Title 9, Chapter 11, of the Delaware Code by creating a new subchapter to read as follows:

“Subchapter VI. County Oversight and Integrity Commission.

§ 1190. County Oversight and Integrity Commission.

There shall be a special County Oversight and Integrity Commission, consisting of three (3) members, which shall have the powers, duties and responsibilities set forth in this subchapter.

§ 1191. Qualifications and Appointment of Commission Members.

The Governor, President Pro Tempore of the State Senate, and Speaker of the House of Representatives shall each appoint one (1) of the members of the Commission. The Commission members shall not be officials or employees of New Castle County. The member appointed by the Governor shall be the Chair.

§ 1192. Powers, Duties and Responsibilities.

The Commission shall have the following powers, duties and responsibilities:

- (a) To review and approve all proposed County contracts, expenditures, payments, or debts incurred in excess of \$10,000.00 to determine the precise purpose therefore, to determine that no conflict of interest exists, and to determine that any proposed expenditure, payment or debt incurred is in accordance with the approved budget. The County shall not make, and County Council shall not consider, any contract, expenditure, payment or debt in excess of \$10,000.00 until the Commission has completed its review and approval thereof. The Commission shall not approve any such contract, expenditure, payment or the incurrence of any debt only in those instances where the Commission finds such not to be

21 for a proper County purpose, where there is a conflict of interest, or where such is not in
22 accordance with the approved budget. Notwithstanding the foregoing, the Commission
23 shall not review and need not approve any regularly scheduled bond payments or any
24 routine and regularly scheduled personnel expenses, including payroll and benefits, should
25 any such payments or expenses exceed \$10,000.00.

26 (b) To review and approve all proposed hiring, all proposed reassignments, all proposed
27 disciplinary actions, all proposed bonuses, and all proposed firings or layoffs, to determine
28 the precise reasons therefore, to determine that no conflict of interest exists, and that no
29 such actions are for an improper purpose. The County shall not undertake any proposed
30 hiring, reassignment, disciplinary action, bonus or firing or layoff, and County Council
31 shall not consider any such action, until the Commission has completed its review and
32 approval thereof. The Commission shall not approve any such action only in those
33 instances where the Commission finds such not to be for a proper County purpose, where
34 there is a conflict of interest, or where such is not in accordance with approved personnel
35 policies of the County or the approved budget.

36 (c) In order to carry out the powers and duties set forth in this subchapter, the Commission
37 shall have access to all County books, records, accounts, and documents, including but not
38 limited to all computer records and emails of County employees and officials; the
39 Commission shall further have the power to issue subpoenas in accordance with the power
40 granted to the County Attorney under § 1397 of this Title; the Commission shall further
41 have the power to hire staff and outside professionals, as the Commission deems necessary,
42 as well as to pay for all other costs (printing, utilities, rent, office equipment, etc.)
43 necessary or convenient for the Commission to carry on its work. All such expenses shall
44 be timely paid by New Castle County government.

45 (d) Notwithstanding any other provision of Title 9 of this Code, or any ordinance or regulation
46 which may have been passed by New Castle County Council during the existence of the
47 Commission, the County Auditor and the Auditor's staff shall report to and work at the
48 direction of the Commission, and shall assist the Commission in performing its duties.

49 (e) All decisions of the Commission shall be by majority vote.

§ 1193. Freezing of Certain Funds.

Notwithstanding New Castle County Council's prior approval of certain spending by the County Executive in various contingency funds, designated County Executive's Contingency Funds in the most recent New Castle County budget, or as otherwise approved by New Castle County Council, no payments or expenditures of any kind shall be made in connection with such funds.

§ 1194. Limited Duration.

The Commission's powers set forth in § 1192, and the existence of the Commission, shall cease as of the first Tuesday in January, 2005.

§ 1195. Effective Date.

This bill shall become effective upon its enactment into law.”.

SYNOPSIS

New Castle County is a political subdivision created by the General Assembly and subject to oversight by the General Assembly. Recent events call into question certain spending and other actions of New Castle County. This spending and these actions occurred despite the responsibility of New Castle County Council to oversee the actions of the Executive Branch, and it is doubtful that County Council will be any more effective going forward than it has been in the past. Therefore, this bill creates a special Commission to be charged with reviewing and approving ongoing spending and other actions by New Castle County, to ensure that such spending is for proper purposes and in accordance with applicable law. The Commission is not a policy-making body, has no policy-making role, and is only responsible to ensure that County tax dollars are spent correctly and in accordance with law. It is absolutely critical that the citizens of New Castle County and the State have complete confidence in their county government.

This bill also freezes certain funds appropriated by New Castle County Council to the New Castle County Executive for the Executive's discretionary and unregulated expenditure without any further oversight from County Council or the people of New Castle County.