

#0238

Sponsor:

**Council
Member
Darby**

Co-Sponsors:

**Council
President
Congo**

**Council
Members
Harlee
Cabrerera**

WHEREAS, Wilm. Ch. (Charter) § 1-101 grants the City broad powers of local self-government under home rule authority, which includes the authority to enforce its legislation “by the imposition of fines, forfeitures, penalties and imprisonment”; and

WHEREAS, Wilm. Ch. § 1-102 vests the legislative power of the City in City Council; and

WHEREAS, Wilm. Ch. § 2-300 states that it is “the duty of the council, at least thirty (30) days before the end of the fiscal year, to adopt the annual operating budget ordinance for the next fiscal year”; and

WHEREAS, Wilm. Ch. § 2-302 requires that “[n]ot later than the passage of the annual operating budget ordinance, the council shall ordain such revenue measures as will, in the opinion of the mayor, yield sufficient revenue to balance the budget”; and

WHEREAS, nevertheless, City Council recognizes the fundamental role of examining fees, fines, and administrative sanctions imposed by the City’s various departments because of the potential impact on residents, visitors, and businesses in the City; and

WHEREAS, this includes, but is not limited to, the City’s Department of Finance in the department’s pursuit of fairly and equitably enforcing parking requirements and restrictions in the City, the City’s Department of Licenses & Inspections’ granting of business licenses and collecting inspection fees in the department’s pursuit of ensuring proper business operations and preventing housing code violations, as well as those fines and fees imposed by the City’s Fire Marshal’s Office; and

WHEREAS, in consultation with the National Association for the Advancement of Colored People (“NAACP”), the Delaware Center for Justice (“DCJ”), Network Delaware and

its Campaign to End Debtors' Prison, the Latin American Community Center ("LACC"), the nonprofit, public interest law firm Institute for Justice ("IJ"), and the American Automobile Association ("AAA"), City Council has questions and concerns about the implementation and oversight of parking enforcement in the City, including towing and booting fees and fines; and

WHEREAS, City Council deems it prudent to create a taskforce to review fees, fines, and administrative sanctions administered by the City in order to ensure fairness in the administrative process.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF WILMINGTON, that a taskforce of City Council to review fees, fines, and administrative sanctions in the City shall be established, consist of eleven (11) members, and be known as the *Fines & Fees Taskforce* (hereinafter the "Taskforce"). The City Council President of the 108th Session of City Council (hereinafter the "President") shall appoint one (1) at-large City Council Member and one (1) district Council Members to the Taskforce. The Chair of the Taskforce shall be selected from among the Taskforce members by a majority vote of the Taskforce members. The Taskforce shall also include one (1) representative from each of the following: a Delaware branch of the NAACP, Metropolitan Wilmington Urban League, Network Delaware, and DCJ. The Taskforce shall also consist of two (2) representatives from Civic Associations operating in Wilmington and two (2) representatives from the Neighborhood Planning Council, and the City Council Chair of the Finance & Economic Development Committee. The appointments shall be approved by a majority of all members of City Council prior to the Taskforce's first meeting.

BE IT FURTHER RESOLVED, the Chair shall convene the first meeting of the Taskforce sixty (60) days following the effective date of this Resolution. A quorum of the

Taskforce is a majority of the members and is necessary for the Taskforce to conduct business at the meeting. Following its first meeting, the Taskforce shall meet at least once every February. If necessary, the Chair may convene additional meetings with an agreement of a majority of the Taskforce.

BE IT FURTHER RESOLVED, the purpose of the Taskforce is to review fees, fines, and administrative sanctions administered by the City, make findings, and, if the Taskforce determines that changes are necessary, submit recommendations to City Council. The recommendation must be written and provide the required data points for any recommended changes, such as the fiscal impact and how any deficiency in the budget resulting from the lowering of fees will be covered. The Taskforce will begin its review process by developing an inventory of all fees, fines, and administrative sanctions imposed by any City department, division, or agency as well as determine when such measures were last reviewed and whether the measures are consistent with the department's stated goals. When requested, the relevant City department will make a good faith effort to provide data and information to the Taskforce.

BE IT FURTHER RESOLVED, the Taskforce shall make its first findings and recommendations, if any, to the City Council within one-hundred and eighty (180) days of its appointment.

Passed by City Council,
_____2022

ATTEST: _____
City Clerk

SYNOPSIS: This Resolution establishes a taskforce of City Council to be known as the *Fines & Fees Taskforce* in order to review fees, fines, and administrative sanctions administered by the City, make findings, and, if the taskforce determines that changes are necessary, submit recommendations to City Council.