

Introduced by: Mr. Smiley,
Ms. Kilpatrick
Date of introduction: May 9, 2017

ORDINANCE NO. 17-042

**TO AMEND *NEW CASTLE COUNTY CODE*,
CHAPTER 2 (“ADMINISTRATION”),
ARTICLE 3 (“OFFICERS AND EMPLOYEES”), DIVISION 2.03.100 (“CODE OF
ETHICS”), SECTION 2.03.102 (“DEFINITIONS”), REGARDING PROHIBITIONS
ON AN OFFICIAL OR EMPLOYEE USING HIS OR HER AUTHORITY TO
BENEFIT IMMEDIATE FAMILY MEMBERS**

WHEREAS, New Castle County is committed to ensuring that the actions of its officials and employees, in their official capacities, are taken without bias and on the merits, and not for the purpose of personal gain; and

WHEREAS, if a New Castle County official or employee uses his or her position to benefit a member of his or her immediate family, an appearance of impropriety results; and

WHEREAS, the *New Castle County Code* currently prohibits such action only where certain family members are benefitted; and

WHEREAS, County Council has determined that it is desirable to strengthen the prohibition by including members of the official’s or employee’s extended family to the fourth degree of consanguinity and affinity, meaning up to and including first cousins by blood and by marriage.

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 (“Code of Ethics”), Section 2.03.102 (“Definitions”), is hereby amended by adding the material that is underscored and deleting the material that is stricken, as set forth below.

Sec. 2.03.102. - Definitions.

The following words, terms and phrases, when used in this Division, shall have the meanings ascribed to them in this Section, except where the context clearly indicates a different meaning: ...

Immediate family means, for the purposes of the Statement of Financial Interests reporting only, a spouse, domestic partner, and the adult children of the filer, spouse, or domestic partner. For all other purposes in Division 2.03.100 (the “Code of Ethics”), ~~“i~~Immediate family” means a spouse, child whether by blood or operation of law, parent, step-parent, spouse's parent or child, ~~or~~-sibling of the whole or half-blood of a County official or

employee, or a member of an official's or employee's extended family to the fourth degree of consanguinity and affinity (i.e., up to and including a first cousin by blood or by marriage).

Section 2. This ordinance shall become effective upon passage by New Castle County Council and approval of the County Executive, or as otherwise provided by 9 Del. C. Section 1156.

Adopted by County Council of
New Castle County on:

President of County Council
of New Castle County

Approved on:

County Executive
New Castle County

SYNOPSIS: This Ordinance extends the prohibition on an official or employee using his or her authority to benefit a family member up to and including the fourth degree of consanguinity and affinity (i.e., up to and including a first cousin by blood or by marriage).

FISCAL NOTE: This Ordinance has no discernible fiscal impact.