

Prime Sponsor(s): Mr. Smiley, Mr. Cartier
Requested by: Administration/Law
Date of introduction: October 28, 2025

ORDINANCE NO. 25-142

**AMEND THE FY2026 APPROVED ANNUAL OPERATING BUDGET: APPROPRIATE
\$300,000 TO THE DEPARTMENT OF ADMINISTRATION, OFFICE OF FINANCE
CONTRACTUAL SERVICES BUDGET LINE ITEM FOR LEGAL FEES FOR MONITIONS**

1 **WHEREAS**, 9 *Del. C.* § 8721 established the monition method that authorizes New Castle
2 County to pursue the sale of real property to collect certain monies owed to the County; and
3

4 **WHEREAS**, the County Monitions Review Team, comprised of representatives from the
5 Executive Office, the Office of Finance, and the Departments of Land Use, Community Services,
6 and Public Safety make recommendations to the Office of Law of problematic properties for
7 potential Sheriff's Sales via the monitions process; and
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9 **WHEREAS**, the Office of Law sends 10-day demand letters to property owners and
10 interested parties to notify them of potential monition action against their property. Between
11 2017 and 2025, property owners have paid their outstanding county taxes, school taxes, sewer
12 fees, and code enforcement fees after receiving a demand letter, totaling \$1,964,812; and
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14 **WHEREAS**, when neither property owners nor interested parties respond to the 10-day
15 demand letter, the County initiates a monition action under 9 *Del. C.* § 8722. Between 2017 and
16 2025, the County initiated 87 monition actions against vacant properties which have been sold
17 at Sheriff's Sale; and
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19 **WHEREAS**, from these sales, the County collected \$8,408,571 in outstanding County
20 taxes, school taxes, sewer fees, code enforcement fees, and legal fees; and
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22 **WHEREAS**, the County's Acquisition and Disposition Team reviews the properties
23 purchased by the County and recommends to the County Executive the best method to return
24 the properties to constructive use, including soliciting a bid for redevelopment, selling the
25 property on the open market, County retention, or transfer to a maintenance corporation (in the
26 case of abandoned or "orphaned" open space properties) or governmental entity; and
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28 **WHEREAS**, properties that have been brought to Sheriff Sale by the County for
29 delinquent taxes have all owed delinquent taxes for more than one year; and
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31 **WHEREAS**, funds in the amount of \$144,000 were included in the FY2026 Approved
32 Operating Budget for fees related to monitions which will be fully expended in October 2025;
33 and
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35 **WHEREAS**, the Office of Finance is requesting an increase in the FY2026 Approved
36 Operating Budget of \$300,000 to continue to fund legal, administrative, and other expenses
37 incurred through the monition process which will be offset by the revenue received as a result of
38 taking properties through the monition process; and
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40 **WHEREAS**, County Council has determined that the provisions of this Ordinance will
41 substantially advance, and are reasonably and rationally related to, legitimate government
42 interests by promoting the health, safety, prosperity, and welfare of the citizens of New Castle

County; and

WHEREAS, the revenue measures heretofore adopted by the County Council are, in the opinion of the County Executive, estimated to yield sums at least sufficient to balance the proposed expenditures as set forth in the Approved Annual Operating Budget as hereinafter amended.

NOW, THEREFORE, THE COUNTY OF NEW CASTLE HEREBY ORDAINS:

Section 1. The Annual Operating Budget for the fiscal year beginning July 1, 2025 is hereby amended by adding the material on the attached "Exhibit A," which is considered to be underscored in its entirety.

Section 2. The foregoing amendment shall be considered a part of the Annual Operating Budget for the fiscal year beginning July 1, 2025, and shall be effective retroactively as though incorporated initially in the Annual Operating Budget.

Section 3. This Ordinance shall become effective immediately upon its adoption by County Council and approval by the County Executive, or as otherwise provided by 9 *Del. C.* § 1156.

Adopted by County Council of
New Castle County on:

Monique Williams-Johns
President of County Council
of New Castle County

Approved on:

Marcus Henry
County Executive
New Castle County

SYNOPSIS: This Ordinance, if approved, will amend the FY2026 Annual Operating Budget by appropriating \$300,000 to the Department of Administration, Office of Finance Contractual Services Budget Line Item to fund legal, administrative, and other expenses incurred through the monition process.

FISCAL NOTE: This Ordinance, if approved, will amend the FY2026 Annual Operating Budget by appropriating \$300,000 to the Department of Administration, Office of Finance Contractual Services Budget Line Item to fund legal, administrative, and other expenses incurred through the monition process. This increase will be offset by the revenue received as a result of taking properties through the monition process.

The revised FY2026 Approved Operating Budget will be \$374,658,586. Fiscal impact for future years will be determined on an as needed basis.

Acknowledged by the Chief Financial Officer October 17, 2025.