

## **ETHICS COMMISSION GRANT OF WAIVER REQUEST 2022-01**

**WHEREAS**, pursuant to Wilm.C. § 2-340(b), no city employee may represent or otherwise assist any private enterprise with respect to any matter before the City; and

**WHEREAS**, pursuant to Wilm.C. § 2-340(c), no city employee or his or her private enterprise shall benefit from or be interested in any contract with the City, nor solicit any contract and shall not enter into any contract with the City; and

**WHEREAS**, pursuant to Wilm.C. § 2-342(a), the Ethics Commission may grant a waiver of the specific prohibitions contained in the City's Code of Conduct upon determining that the literal application of such prohibitions is not necessary to achieve the public purposes set forth in Wilm.C. § 2-339 or would result in the employee suffering an undue hardship; and

**WHEREAS**, the Ethics Commission met at its regular meeting of December 13, 2022, to consider the waiver request from Tina Betz, Director, Office of Cultural Affairs, who seeks approval to enter into a contract with the City on behalf of Cityfest, Inc. ("Cityfest") to receive a funding from the Affordable Care Act ("ARPA"); and

**WHEREAS**, Cityfest is a City of Wilmington-related 501(c)(3) tax exempt corporation, which uses its funding to improve the quality of life for citizens of Wilmington through arts and culture programming such as the City's Jazz Festival; and

**WHEREAS**, all officers in Cityfest are City employees; and

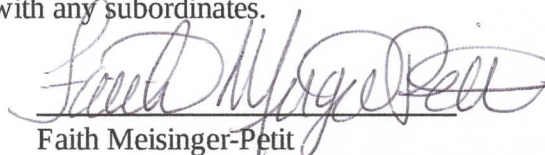
**WHEREAS**, the City executes grant agreements with non-profits that are receiving ARPA funds; and

**WHEREAS**, the City seeks to transfer \$131,000 in ARPA funds to Cityfest to support programming for the Citizens of Wilmington; and

**WHEREAS**, Cityfest officers are paid a salary from the City as City employees, but do not receive any additional compensation for their role as an officer in Cityfest; and

**WHEREAS**, upon reviewing the request and information provided by Director Betz, the Ethics Commission found a literal application of Wilm.C. §§ 2-340(b), 2-340(c) is not necessary to achieve the public purposes set forth in Wilm.C. § 2-339; and

**NOW, THEREFORE, BE IT APPROVED** (by a majority of the members of the Ethics Commission who met at the duly convened meeting of December 13, 2022), that Director Betz's request for a waiver of the literal application of the prohibitions of Wilm.C. §§ 2-340(b), 2-340(c) is **HEREBY GRANTED** for the limited purpose of permitting Ms. Betz to enter into contracts and agreements with the City of Wilmington on behalf of Cityfest, so long as Director Betz remains an unpaid, volunteer for Cityfest. In negotiating such agreements with the City of Wilmington, Director Betz may not do so with any subordinates.



Faith Meisinger-Petit  
City of Wilmington Ethics Commission Chair