

DELAWARE

Delaware ranks 45th among the states in number of local governments, with 338 as of October 2007.

COUNTY GOVERNMENTS (3)

There are no areas in Delaware lacking county government. The levy court is the administrative body in Kent County. In New Castle and Sussex counties, the county council is the governing body.

SUBCOUNTY GENERAL PURPOSE GOVERNMENTS (57)

Municipal Governments (57)

Municipal governments in Delaware are the cities, towns, and villages. Units of all three types are established by special acts of the general assembly. There are no differences between city, town, or village governments that would affect their classification for census purposes. Municipalities with a population of 1,000 or more may operate under home-rule charters.

Township Governments (0)

Delaware has no organized township governments.

PUBLIC SCHOOL SYSTEMS (19)

School District Governments (19)

Effective July 1, 1969, a statewide reorganization provided that all former classes of school districts, including the vocational school districts, become "reorganized school districts." All reorganized school districts are counted as governments for census purposes.

Boards of education of the reorganized school districts are elected except for the boards of the vocational-technical school districts, which have boards appointed by the Governor. A local school district board may supplement state school funds with a local tax levy if

approved by referendum. District bond issues also must be submitted to the local voters for approval.

Dependent Public School Systems (0)

Delaware has no dependent public school systems.

SPECIAL DISTRICT GOVERNMENTS (259)

Delaware statutes authorize the creation of a variety of special districts or authorities that are counted as governments. These are discussed in detail below.

Delaware River and Bay Authority

This authority, established by interstate compact, operates the Delaware Memorial Bridge; the Cape May-Lewes Ferry system; the Three Forts Ferry Crossing; and the New Castle, Cape May, Millville, Delaware Airpark and Dover Civil Air Terminal airports. The authority also participates in economic development ventures throughout Delaware and in the four southernmost counties of New Jersey. It is administered by a board of commissioners with six members appointed by the Governor of Delaware and six by the Governor of New Jersey. The authority may fix tolls and other charges for its facilities and issue revenue bonds.

District Libraries

District libraries were established upon petition of voters to the school district and referendum. No districts have been permitted to be created under this law since 1975. Districts existing at the time were given the option to merge with the county library system or continue under the existing law. District libraries are governed by a five-member board of commissioners, all of whom are residents of the school district in which the library was established, and are appointed by the judge of the superior court in the county in which the district is located. The districts may levy ad valorem taxes.

Housing Authorities

Housing authorities may be established by order of the state housing authority. The Wilmington Housing Authority board consists of nine commissioners: seven appointed by the mayor of the City of Wilmington, one appointed by the Governor, and one appointed by the county executive of New Castle County. In New Castle County, board members are appointed by the county executive with the approval of the county council. In Kent and Sussex counties, three members of each housing authority board are appointed by the Governor and the other three by the mayor of the most populous city served. Housing authorities may issue bonds and establish and collect rentals.

Municipal Electric Companies

Municipal electric companies are formed by a contract between two or more cities or towns, after filing of the contract with the secretary of state. These companies generate, distribute, and sell electric power at wholesale to member municipal electric utilities. Projects may be located within or outside of the state of Delaware. The method for selecting members of the governing body is specified in the contract establishing the company. Municipal electric companies may set fees and rates for services and issue revenue bonds.

The Delaware Municipal Electric Corporation (DMEC), incorporated in 1979, represents nine municipal electric distribution utilities: Newark, New Castle, Middletown, Dover, Smyrna, Seaford, Lewes, Clayton, and Milford. Seven of the member municipalities receive all of their electric power requirements from DMEC.

Park Districts in New Castle County

Park districts establish and maintain parks and recreational facilities. Park districts are created by the county council after petition and local referendum. An elected board governs each district. The district may fix and collect fees, levy ad valorem taxes, and issue bonds.

Tax Ditches

Tax ditches provide the drainage of agricultural lands and management of water for resource conservation. Tax ditches are established by order of the superior court for the county after petition by the landowners through the county soil conservation district, public hearing, and referendum. An elected board of managers governs each tax ditch. The boards may levy property taxes.

After initial construction of the tax ditch, with prior approval of the Department of Natural Resources and Environmental Control, and with written consent of a majority of involved landowners owning a majority of the drainage area, maintenance responsibilities and powers of the tax ditch may be transferred to the Department of Natural Resources and Environmental Control.

Tax Lagoons

Tax lagoons provide the maintenance and improvement of lagoons. Tax lagoons are established by order of the superior court for the county after petition by the landowners, approval by the state division of soil and water conservation, public hearings, and referendum. An elected board of lagoon managers administers each tax lagoon. The boards may levy property taxes.

Water and/or Sewer Authorities

Water and/or sewer authorities may be established by ordinance or resolution of one or more municipalities after referendum. Each authority formed by multiple municipalities is governed by an appointed board selected by the governing bodies of each participating municipality as determined by agreement. An authority consisting of a single municipality has an appointed board consisting of five members. The authority may fix and collect fees and issue revenue bonds.

Water and/or sewer authorities governed ex-officio by the governing body of a single municipality are not counted as separate governments. See "Subordinate Agencies and

Areas," below.

SUBORDINATE AGENCIES AND AREAS

Shown below are various governmental designations in Delaware that have certain characteristics of governmental units but that are classified in census statistics as subordinate agencies of the state or local governments and are not counted as governments. Legal provisions for some of the larger of these are discussed below (see "Public School Systems," above, regarding educational agencies of this nature).

Delaware Health Facilities Authority (state).

This authority was established by act of the general assembly to finance hospital and health care facilities. A board of seven members appointed by the Governor governs the authority. The authority may fix and collect fees and rents and may issue revenue bonds.

Delaware State Housing Authority (state).

This authority, authorized by act of the general assembly, was established to provide low- and moderate-income housing. The authority is authorized to make mortgage, construction, and other loans to not-for-profit and limited for-profit housing sponsors; to make loans to mortgage lenders; and to purchase qualified mortgage loans. It is governed by a director appointed by the Governor with the consent of the senate. The authority may charge rents, make mortgage loans, impose fees in connection with its loans, and issue revenue bonds.

Delaware Transportation Authority (state).

This authority, authorized by act of the general assembly, was established to acquire, build, operate and maintain airport, bridge, highway, parking, port, transit and turnpike facilities, including the Delaware Turnpike. It also may form subsidiaries to which any or all duties and functions of the authority are delegated. The authority may not grant any subsidiary the power to issue bonds, notes, or other obligations of the subsidiary. The authority is governed by the secretary of the state department of transportation, the director of

the office of financial management and budget, and the administrator of the transportation trust fund. It may fix and collect charges, fares, fees, rentals, and tolls and issue revenue bonds.

Delaware Transit Corporation (state) The Delaware Transit Corporation was created in 1994 as a subsidiary of the Delaware Transportation Authority to manage the combined operations of the Delaware Administration for Regional Transit, the Delaware Transportation for Specialized Transit, the Delaware Railroad Administration, and the Commuter Services Administration. The resulting statewide public transit system is known as DART First State Public Transportation Service. The corporation is under the direction and supervision of a director who is appointed by the secretary, with the written approval of the Governor, and who serves at the pleasure of the secretary.

Special development districts (municipal).

Districts to provide financing for the establishment, construction, acquisition, or extension of adequate storm drainage systems, sewers, water systems, roads, bridges, culverts, tunnels, streets, sidewalks, lighting, parking, parks and recreation facilities, libraries, schools, transit facilities, solid waste facilities, and other infrastructure improvements may be created by resolution of the governing bodies of cities and towns, subject to the request of property owners within the proposed district. Cities and towns may issue bonds and levy ad valorem or special taxes on real property within the special development district.

Special development districts (New Castle County).

Districts to provide financing for the establishment, acquisition, or extension of adequate drainage systems, sewers, water systems, roads, bridges, culverts, tunnels, streets, traffic signals, signage, sidewalks, lighting, parking, parks and recreation facilities, open space, farm land preservation, fire protection facilities, public safety facilities, paramedic facilities, libraries, transit facilities, solid waste facilities, identifying monuments, landscaping of entrances and medians, and

other improvements may be created by resolution of the county council, subject to the request of property owners within the proposed district. The county may issue bonds and levy ad valorem or special taxes on real property within the special development district. Districts may be designated within the Claymont Hometown Overlay District of the county.

Slum clearance and redevelopment authorities (municipal and county). A city, town, village, or county may create such an authority by resolution. Each authority of this type is governed by a board of commissioners appointed by the county governing body or by the mayor with the consent of the municipal governing body. The authorities may issue bonds. Plans require the approval of the creating government. Regional slum clearance and redevelopment authorities, with similar provisions, may be created by resolution of two or more municipal or county governments.

Soil and water conservation districts (state). One soil and water conservation district exists in each county. Each district is governed by a board of four elected supervisors, an optional supervisor (a member of the county governing body in Kent or Sussex counties and the county executive or designated representative in New Castle County) and two optional supervisors who may be appointed by the secretary of the department of natural resources and environmental control if the district so requests. These districts have no independent revenue-raising powers. Funds are made available to the districts from state appropriations that are matched by the county.

Other examples include:

State

Delaware Agricultural Lands Preservation Foundation
Delaware Center for Education Technology
Delaware Economic Development Authority

Delaware Higher Education Supplemental Loan Authority
Delaware Solid Waste Authority
Diamond State Port Corporation
Riverfront Development corporation

County^{1,2}

Garbage collection districts in Kent County
Light districts in New Castle County
Sanitary sewer and water districts in Sussex County
Sewage disposal and sanitary districts in Kent County

Municipal³

Business improvement districts
Parking authorities
Water and/or sewer authorities

Delaware laws also provide for various types of local areas for election purposes and administration of justice. In addition, areas called "hundreds" are historic geographic divisions presently used in property tax assessments.

1 Kent County is authorized by statute to provide library services for the unincorporated area of the county either by establishing a countywide system or by establishing multiple library districts. The county provides library services through a countywide system.

2 New Castle County is authorized by statute to provide sanitary sewer services in the unincorporated area of the county either by establishing a countywide system or by establishing multiple sanitary sewer districts. Since 1972, the county has had a single countywide system.

3 The Port of Wilmington, previously classified as a dependent activity of the city of Wilmington, was transferred to ownership and management of the Diamond State Port Corporation, a corporate entity of the state of Delaware, effective July 1995.