

Delaware

Delaware ranks 45th among the states in number of local governments, with 339 as of June 2002.

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 (260)

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

Governments—State Descriptions

Delaware River and Bay Authority

This authority, established by interstate compact, operates the Delaware Memorial Bridge and the Cape May-Lewes Ferry. 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 by petition of voters to the school district and referendum. The statutes were repealed in 1974, and existing districts were given the option to merge with the county library system or continue under the existing law. District libraries are governed by a board of commissioners 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. Board members of other housing authorities in New Castle County 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 to member cities and towns. 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.

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 hearings, and referendum. An elected board of managers governs each tax ditch. The boards may levy taxes based on benefits.

Boards of ditch commissioners perform an advisory role in the establishment of a tax ditch. These boards are not counted as separate governments. See “Subordinate Agencies and Areas,” below.

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 managers administers each tax lagoon. The boards may levy property taxes.

Boards of lagoon management commissioners perform an advisory role in the establishment of a tax lagoon. These boards are not counted as separate governments. See “Subordinate Agencies and Areas,” below.

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 is governed by an appointed board selected by the governing bodies of each participating municipality; the number of board members representing each municipality is determined by agreement between the municipalities. The authority may fix and collect fees and issue bonds.

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. 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 and the Wilmington area transit system. It also may form subsidiaries. The authority is governed by the secretary of the state department of transportation, the director of the office of finance management and budget, and the administrator of the transportation trust fund. It may fix and collect fees and rentals and issue revenue bonds.

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). These districts may be established in Kent, New Castle, and Sussex counties on petition of landowners and after hearing and referendum. 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
Ditch commissioners, boards of
Lagoon management commissioners, boards of

County

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

Municipal

Business improvement districts
Parking authorities
Port of Wilmington

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.