

LEGISLATIVE, FINANCE, AND ADMINISTRATION COMMITTEE

A G E N D A

November 14, 2005 - 5:30 P.M. - Council Chambers - City Hall - City of Dover

Public comments are welcomed on any item and will be permitted at appropriate times.

When possible, please notify the City Clerk (736-7008 or e-mail at Jgreen@dover.de.us) should you wish to be recognized.

AGENDA ADDITIONS/DELETIONS

1. Proposed Resolution - Request for General Assembly to Amend Section 5 of City Charter - Requirement for Council to Relinquish Seat to Run for Mayor
2. Proposed Ordinance Amendment - Chapter 58 - Human Relations Commission, Section 58-36 - Powers and Duties (Authority to Require Representatives from City Agencies to Appear at Hearings)
3. FOIA Policy Amendments
4. Budget Amendments

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ACTION FORM

AGENDA ITEM: 11-15-2005 - 1

PROCEEDING: Legislative, Finance, and Administration Committee

DEPARTMENT OF ORIGIN: City Council

PREPARED BY: Janice C. Green, City Clerk and City Solicitor Rodriguez

SUBJECT: Proposed Resolution - Request for General Assembly **DATE SUBMITTED:** 10-10-2005
to Amend Section 5 of the City Charter (Current Council Person Running for Mayor)

RELATED PROJECT: N/A

APPROVALS: N/A

EXHIBITS: #1 - Proposed Amendments to Section 5 of City Charter (*deletions noted in red strikeouts and insertions noted in blue italics*); and
#2 - Proposed Resolution requesting General Assembly to Amend Section 5 of the Charter; and
#3 - Previous Council Comments (included at the request of Councilman Ruane)

EXPENDITURE REQUIRED: \$ N/A **AMOUNT BUDGETED:** \$ N/A

FUNDING SOURCE (Dept./Page in CIP & Budget): N/A

TIMETABLE: Charter amendments require adoption of Resolution requesting General Assembly to approve amendments. Upon adoption of resolution, staff will forward to local legislators for submission.

RECOMMENDED ACTION: Adoption of Resolution Requesting General Assembly to Amend Section 5 of the City Charter to allow for a current member of Council to run for Mayor and not be required to relinquish his or her position on Council and that if the Council person is successfully elected as Mayor and has a one-year term remaining, then his or her seat would be filled in accordance with the provisions of Section 13 of the Charter.

BACKGROUND AND ANALYSIS

Councilman Carey had requested a proposed amendment to the City Charter that would allow for a current member of Council to run for Mayor without being required to relinquish their position on City Council. Upon receipt of the required sponsors, the City Solicitor was requested to prepare the necessary legislation and is now being presented to the committee for their review and recommendation to Council.

Upon Council approval, this request will be forwarded to our local legislators to be submitted to the General Assembly. Amendments to the City Charter require the approval of the General Assembly.

Sec. 5. Council to be legislative body; size; districts; terms of mayor and councilmen; qualifications.

The council shall be the legislative body of the city and composed of nine members nominated and elected as herein provided.

In order that the members of council shall be distributed over the city, the city shall be divided into four election districts, the district boundaries of which shall be established by council so that the districts are nearly equal in population as shown by the most recent federal decennial census. The district boundaries established for municipal elections shall continue in effect until the next succeeding federal decennial census is made available for use by municipalities in the State of Delaware, at which time council shall redistrict the city so that the districts shall be nearly equal in population in accordance with said census, which redistricting shall be used for the next regular municipal election, which procedure shall be followed by council after each succeeding federal decennial census in this manner so that the districts shall be maintained as nearly equal in population as possible at all times.

The term of mayor shall be for a period of two years commencing on the second Monday in May following their election and continuing for a term of two years until the second Monday in May or until their successor has been duly elected and qualified.

The term of the councilmen shall be for two years. In each regular municipal election held in an odd numbered year, five councilmen shall be elected, four by district voting being from the districts and one at-large as stated herein. In each regular municipal election held in an even numbered year, four councilmen shall be elected by district voting from each of the districts of the city.

In order to be eligible to be elected as mayor or as a member of council, the person must as of the date of the election be:

- (1) A citizen of the United States and of the State of Delaware;
- (2) A resident of the city and having continuously resided therein or in an area annexed to the city during the two years next preceding the day of the election;
- (3) A resident of the election district from which they are seeking election, unless they are seeking election as an at-large councilman or mayor;
- (4) Twenty-one years of age; and
- (5) Nominated therefore, as hereinafter provided.

~~If a councilman files and runs for mayor, whether or not they are elected to said office, the term as councilman shall automatically expire on the second Monday of May on the year of the election; *that Council person's term of office shall not expire unless he or she is elected as Mayor, in which event, the term of the Council person successfully elected as Mayor shall automatically expire on the second Monday of May on the year of the election;* and if *that Council person has* they have a year remaining on their *the term of office*, then their *his or her* office as councilman *person shall be filled at the same annual election in which they have filed to run for the office of mayor in accordance with the provisions of Sec. 13 of the Charter.*~~

(Amd. of 7-12-2005 (S.B. 126))

BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF DOVER, IN COUNCIL MET:

That the Mayor and Council have determined that the Charter of the city of Dover Section 5 should be amended to allow a Council person to file and run for Mayor without relinquishing his or her term of office as a Council person. Currently, the Charter provides that if a Council person files and runs for Mayor, whether or not he or she is elected to the office, his or her term automatically expires. Therefore, the Mayor and Council respectfully request the General Assembly of the State of Delaware to amend its Charter, which amendment if adopted by the General Assembly would be as follows:

If a Council person files and runs for Mayor, that Council person's term of office shall not expire unless he or she is elected as Mayor, in which event the term of the Council person successfully elected as Mayor shall automatically expire on the second Monday of May on the year of the election; and if that Council person has a year remaining on the term of office, then his or her office as Council person shall be filled in accordance with the provisions of Section 13 of the Charter.

ADOPTED: *

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SYNOPSIS

Currently, the Charter of the City of Dover requires that if a Council person desires to file and run for Mayor, he or she must automatically forfeit his or her position as Council person and that this position would be filled at the same election, where the Council person is running for Mayor. The proposed amendment to the Charter would mean that the Council person can run for Mayor and not be required to relinquish his or her position on Council. If the Council person is successfully elected as Mayor and has a one-year term remaining then his or her seat on Council would be filled in accordance with the provisions of Section 13 of the Charter which would require a special election to fill this vacancy.

Council Comments - Section 5 of City Charter

The following information is being provided at the request of Councilman Ruane. These were comments made by members of Council during a previous review of Section 5 of the City Charter.

Key: Comments/Suggestions received have been included and noted as follows:

“City of Dover” Reincorporation - Red

Council President McGlumphy - Blue

Councilman Salters - Green

Committee Member Gorman - Purple

Councilman Ritter - Orange

Councilman Ruane - Brown

Sec. 5. Council to be legislative body; size; districts; terms of mayor and councilmen; qualifications.

The council shall be the legislative body of the city and composed of ~~eight (8)~~ **nine (9)** members nominated and elected as herein ~~before provided until the second Monday of May 1989 at which time and thereafter council shall be composed of nine (9) members as hereinafter~~ provided.

Ruane: Referring to the Council as “the legislative body” of the city appears to be too narrow a reference for delineating all its powers and duties, which also include, among others, “deliberative, supervisory; and policy making” powers and duties, as noted in the commentary on page 5 of the Model Charter, where a broader statement is suggested, as follows:

All powers of the city shall be vested in the city council, except as otherwise provided by law or this charter, and the council shall provide for the exercise thereof and for the performance of all duties and obligations imposed on the city by law.

~~In order that the members of council shall be distributed over the city, the city shall be divided into districts. For the April 1988 regular municipal election, the city shall remain divided into four (4) election districts previously established by council. For the April 1989 regular municipal election and for each election thereafter, the city shall be divided into~~ four (4) election districts, the district boundaries of which shall be established by council so that the districts are nearly equal in population as shown by the ~~1980 most recent~~ federal decennial census. The district boundaries established for ~~the April 1989 regular~~ municipal elections shall continue in effect until the next succeeding federal decennial census is made available for use by municipalities in the State of Delaware, at which time council shall redistrict the city so that the districts shall be nearly equal in population in accordance with said census, which redistricting shall be used for the next regular municipal election, which procedure shall be followed by council after each succeeding federal decennial census in this manner so that the districts shall be maintained as nearly equal in population as possible at all times.

Ruane: Given the recent discussion in the Council about “redistricting”, this section should be reexamined.

The Model Charter recommends a separate “Elections” article to cover redistricting, as well as methods of electing council members, and related topics, whereas the current Dover Charter includes a reference to redistricting here in section 5 and the general provisions for election dates, nomination petitions, etc. in sections 6,7 & 8 of Article II, Mayor and Council.. I suggest we incorporate all “election” provisions (including redistricting requirements and responsibilities) in a separate Article, after comparing our current provisions with those recommended on pages 39-53 of the Model Charter.

Initiative, Citizen Referendum, and Recall should be considered as part of this evaluation.
(see pages 48-53 of Model Charter)

~~The term of the mayor elected at the April 1988 regular municipal election shall be for a term of two (2) years from the second Monday of May 1988 until the second Monday of May 1990 or until his successor has been duly elected and qualified. Thereafter, commencing with the regular municipal election to be held in April of 1990 and thereafter, the~~ term of mayor shall be for a period of two (2) years commencing on the second Monday in May following his election and continuing for a term of two (2) years until the second Monday in May or until his successor has been duly elected and qualified.

The term of the councilmen shall be for two (2) years. ~~In the April 1988 regular municipal election, four (4) councilmen shall be elected by at-large voting with one councilman coming from each of the four (4) election districts then in existence. These four (4) councilmen shall take office on the second Monday of May of 1988 and their term shall expire on the second Monday of May 1990. In the regular municipal election held in April of 1989 after council has divided the city into four (4) election districts, five (5) councilmen shall be elected, four (4) of whom shall be elected by district voting from each of the districts as designated by council and one of whom shall be elected by at-large voting by all voters of the city, the term of these five (5) councilmen to commence on the second Monday of May of 1989 and terminate on the second Monday of May of 1991 with their successors being elected in the regular municipal election held in April of 1991 and each two (2) years thereafter. At the regular municipal election held in April of 1990, four (4) councilmen shall be elected by district voting from each of the four (4) districts as designated by council, which councilmen shall serve a term commencing the second Monday of May 1990 and terminating the second Monday of May 1992. Commencing with the regular municipal election to be held in April of 1991, as herein provided, and each two (2) years thereafter, each regular municipal election held in an odd numbered year, five (5) councilmen shall be elected, four (4) by district voting being from the districts and one at-large as stated herein. In the each regular municipal election held in April of 1992 and every two (2) years thereafter, an even numbered year, four (4) councilmen shall be elected by district voting from each of the districts of the city.~~

Ruane: The Model Charter, on pages 6-7, recommends four-year, staggered terms without any restrictions against reelection to subsequent 4-yr terms. I agree with extending Dover's terms to 4 years; however, I think we should consider the pros and cons of limiting reelection to only two 4 yr terms.

I think the current composition of the Council of nine members, with two elected from each of four districts and another at large avoids the tied vote dilemma that would be created by reverting to an eight person Council. The election by district for eight of the members avoids the kind of challenges that can come from the Voting Rights Act and related court cases.

In order to be eligible to be elected as mayor or as a member of council, the person must as of the date of the election be:

- (1) A citizen of the United States and of the State of Delaware;
- (2) A resident of the city and having continuously resided therein or in an area annexed to the city during the two (2) years next preceding the day of the election;
- (3) A resident of the election district from which he is seeking election, unless he is seeking election as an at-large councilman or mayor;
- (4) Twenty-one (21) years of age; and
- (5) Nominated therefor, as hereinafter provided.

Ruane: The Model Charter, at page 6, limits election eligibility simply to a requirement that the candidate be a "registered voter" of the city. The commentary argues that we live in a era of great mobility so that residence requirements, like Dover's "2 years", do not have the validity they once had.

Dover's requirement that a candidate be 21 yrs old seems to me to be inconsistent with the voting age eligibility of 18 yrs. If an 18 yr old can vote, why shouldn't an 18yr old be eligible for election if he/she meets the other requirements ?

The nomination requirement appears to me to represent a perfunctory procedure that may not be meeting the intent. Candidates appear to simply be appealing to family members and neighbors in many instances. Are these 10-25 signatures really an indication of broad voter support? Are the reasons for such nominations still persuasive to continue this practice?

If a councilman files and runs for mayor, whether or not he is elected to said office, the term as councilman shall automatically expire on the second Monday of May on the year of the election; and if he has a year remaining on his term, then his office as councilman shall be filled at the same annual election in which he has filed to run for the office of Mayor. (47 Laws of Del., Ch. 219, § 1, 6-8-49; 54 Laws of Del., Ch. 165, § 1, 12-6-63; 61 Laws of Del., Ch. 147, § 1, 7-14-77; Laws of Del., Ch. 5, § 16, 1-20-83; Amd. of 7-8-86(H.B. No. 260); Amd. of 7-16-87(H.B. No. 231, § 1); 66 Laws of Del., Ch. 365, § 1, 7-12-88)

Gorman: I recommend the city return to 8 council members - 2 from each of the 4 districts. Drop the at-large council position.

To do this the Consent Decree will have to be challenged and resolved.

The terms of both mayor and council should be four (4)years.

Salters: Change term to four (4) years. Everything else is okay. We need to discuss the whole process. Too many to list here.

Ritter: Recommended during the 12/08/03 Committee Meeting that the last paragraph be eliminated so that a Councilman wishing to run for Mayor does not have to relinquish their position on Council. He also suggested a new Section/paragraph to provide language that would prohibit a member of Council from running for 2 elected positions at the same time.

Ruane: Recommended during the 12/08/03 Committee Meeting that item #4 be changed for the age requirement to be 18 years of age.

This "resign to run""qualification", which was only added in 1988, should be deleted from the Dover Charter for the following reasons:

Councilpersons should not have their fundamental right to run for public office restricted unless there is a legitimate and compelling government interest that outweighs this fundamental right.

What is the legitimate and compelling interest that justifies this restrictive "qualification" for the office of Mayor ? The Charter does not provide one; nor do the minutes of the meeting where this clause was adopted by a previous Council appear to contain any such justification.

While the city government has a legitimate interest in ensuring that councilpersons not simultaneously hold(or run for)two official citizen-elected city positions, the city government does not have the right to cut short the unfinished term of a councilperson simply because that person may choose ,before his/her term has expired, to run for the office of mayor.

The interest of city government in preventing someone from simultaneously holding (or running for) two citizen elected positions at the same time can be satisfied without this impermissible barrier to candidacy for the position of mayor. The city can legitimately require an individual whose councilmatic term has not ended to resign from his/her councilmatic seat after he/she is elected as mayor so that he/she would not be holding two citizen-elected positions at once. The legitimate basis for this would be that the individual would not be reasonably expected to avoid the conflicts inherent in the two positions as determined in the city's charter and code. (Although it is worth noting that councilpersons do simultaneously hold both positions in a number of jurisdictions where the Mayor is elected from and by the council; and not by the citizens in an election.)

The city can also restrict an individual from simultaneously running for two citizen-elected positions on the same basis.

If satisfying these legitimate concerns was the intent of this paragraph, then the paragraph should be revised to reflect this.

The Model Charter, on pages 13-14, provides some guidance about prohibiting council members from simultaneously holding "any other elected public office during the term for which the member was elected to council" (emphasis added). The recommendation prohibition goes even further by recognizing potential conflicts of interest that "former" council members might have in cases where they later hold any other "compensated appointive office or employment with the city". Dover might benefit by incorporating such language into its Charter. (See Section 2.05 of the Model Charter.)

Another Issue: There is also another point that should be made concerning this "qualification".

The two year terms of Dover's council persons are staggered, with four members and the at large member running in one year and the other four and the Mayor running in the next year.

Because the term of office for Mayor and some councilpersons do not correspond, this restrictive qualification does not affect all councilpersons equally. It is more onerous on those councilpersons whose terms do not end when the Mayor's term ends. Councilpersons whose terms correspond with the Mayor's term do not have to relinquish a year of their term in order to file for the Mayor's position, They simply have a choice of which office to seek. (assuming that Dover's Charter prohibits someone from simultaneously running for two elected positions. Does it ?)

If these arguments are not persuasive and this restriction remains in the city's charter, there should at least be some requirement added that would allow more time for a candidate for the councilmatic position being vacated to file for the position. As it now stands, someone can wait until Jan.31 before filing a petition for the mayoralty position, thus giving prospective candidates for the position being vacated only until Feb 13 to file for that future vacancy.

Ruane: Why are we skipping sections 6,7,8 & 9 ? These refer to matters which have become points of discussion in the past year. For example, in section 7 the charter states that "the candidate for the office of Mayor who receives the highest number of votes" cast for that office shall be declared to be elected to that office. (emphasis added)

In the light of the number of candidates who have filed for the Mayor's position this year, perhaps the Council should re-evaluate the benefits of having a different method for determining the winner in an election where there is a large field of contenders. The Model Charter, on pages 41-42 refers to "the instant runoff" as a method that better assures that a victor has a credible claim of majority support.

Other issues included in these sections are:

the separation of the Dover election from the state and national election dates when the voter turnout is generally more significant.

the composition and function of the Election Board

the role of the Council President and the method of presenting the Council appointments at the Annual Meeting

I recommend that these sections be included in the Charter review, particularly section 9 Meetings of mayor and council-generally.

Council President: the first mention of this position is in Sec.9 in the second paragraph which states that the members of council shall elect one of their members to serve as council president. I think a separate section should be developed to delineate the role and duties of this position, just as there are sections delineating the duties of both the Mayor (at Sec.14) and the City Manager (Sec/33).

/jg

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ACTION FORM

AGENDA ITEM: 11-15-2005 - 2

PROCEEDING: Legislative, Finance, and Administration Committee

DEPARTMENT OF ORIGIN: City Clerk's Office on behalf of Dover Human Relations Commission

PREPARED BY: Janice C. Green, City Clerk and City Solicitor Rodriguez

SUBJECT: Proposed Ordinance - Chapter 58, Human Relations **DATE SUBMITTED:** 10-24-2005
Section 58-36, Powers and Duties - Paragraph (7), Agencies of the City

RELATED PROJECT: N/A

APPROVALS: N/A

EXHIBITS: #1 - Proposed Amendments to Section 58-36 of the Dover Code (*deletions noted in red strikeouts and insertions noted in blue italics*);
#2 - Letter from City Solicitor Rodriguez dated October 19, 2005;
#3 - Letter from City Clerk dated October 14, 2005;
#4 - Letter from Dr. Hoff, Chairman of the DHRC (*Note: Other Recommendations of the DHRC are scheduled to be reviewed by the Safety Advisory and Transportation Committee during their meeting on November 29, 2005*).

EXPENDITURE REQUIRED: \$ N/A **AMOUNT BUDGETED:** \$ N/A

FUNDING SOURCE (Dept./Page in CIP & Budget): N/A

TIMETABLE: First Reading by City Council on November 28, 2005; Final Reading/Adoption on December 12, 2005

RECOMMENDED ACTION: Adoption of the proposed Ordinance amending Section 58-36 of the Dover Code.

BACKGROUND AND ANALYSIS

The Dover Human Relations Commission would like to be able to require representatives from City agencies to appear before the Commission; therefore, the City Solicitor prepared an ordinance amending Section 58-36 of the Dover Code by adding a new Subsection (7), *Agencies of the City*, and renumbering the current Subsection (7) to be Subsection (8).

Sec. 58-36. Powers and duties.

The powers and duties of the human relations commission shall be to:

- (1) *Recommendations.* Review city programs, activities, functions and ordinances, and make recommendations to the city council for new, amended or changed programs, functions, activities or ordinances which would support inclusiveness and civility among city residents and enhance communication and understanding among residents of the city;
- (2) *Intergroup conflicts.* Inquire into incidents of intergroup conflicts and disputes within the city and take such action as may be designed to alleviate such conflicts and disputes;
- (3) *Intergroup cooperation.* Promote and encourage communications between and cooperation of all groups interested in bettering human relations in the city;
- (4) *Complaints.* Seek the active assistance of the state human relations commission in the solution of complaints of alleged discrimination which fall within the jurisdiction of the state commission;
- (5) *Research, education, etc.* Engage in such research, education and advocacy as, in the judgment of the commission or the city council, may be needed to improve human relations in the city;
- (6) *Programs.* Develop and maintain programs that build positive relations among communities and enhance problem-solving skills among residents throughout the city;
- (7) ***Agencies of the City. When conducting investigations when it is deemed necessary, to require representatives of City agencies to appear before it to give testimony and insight on functions of the agency.***
- ~~(7)~~ (8) *Other functions.* Do all other acts and deeds necessary and proper to carry out and effectively accomplish the objectives, functions and services contemplated by the provisions of this article. (Code 1981, § 2-21; Ord. of 2-11-2002)

MP 10/28/05 - am
FM - Legal opinion
Rodriguez

NICHOLAS H. RODRIGUEZ
PAUL H. BOSWELL
JOHN J. SCHMITTINGER
DOUGLAS B. CATTIS
WILLIAM D. FLETCHER, JR.
CRAIG T. ELIASSEN
WILLIAM W. PEPPER SR.
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NOEL E. PRIMOS
DAVID A. BOSWELL
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October 19, 2005

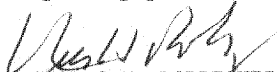
Janice C. Green, CMC, City Clerk
City of Dover
P.O. Box 475
Dover, DE 19903-0475

Dear Janice:

In response to your note of October 17, 2005, regarding the Human Relations Commission, I have some concerns about giving the Commission subpoena power but from what I see in Dr. Hoff's letter, the Commission would like to be able to require representatives from City agencies to appear before the Commission when requested. Therefore, I would merely recommend that an ordinance be drawn to amend Sec. 58-36 to add a new subsection, probably subsection (7), and move the existing subsection (7) to subsection (8) to read as follows:

- (7) Agencies of the City. When conducting investigations when it is deemed necessary, to require representatives of City agencies to appear before it to give testimony and insight on functions of the agency.

Very truly yours,


NICHOLAS H. RODRIGUEZ

NHR:pmw



October 14, 2005

*Dr. Samuel B. Hoff, Chair
Dover Human Relations Commission
P.O. Box 475
Dover, DE 19903*

Dear Dr. Hoff:

Your letter of October 7, 2005, on behalf of the Dover Human Relations Commission (DHRC), has been received. Copies of this letter, which includes recommendations of the Commission with regards to the concerns filed by Mr. Eric O'Brien, have been forwarded to those included in the original notice of the hearing.

As indicated, there are specific recommendations which would require the review and response by our Police Chief; therefore, I am forwarding a copy of your letter to Chief Horvath as well as the Mayor and members of City Council.

As you may know, the function of the City's Safety Advisory and Transportation (SA&T) Committee includes to "advise the City Council on public safety issues, policies, procedures, and operations relative to... police services". I have talked with the Chairman of this Committee, Councilman Hogan, who has requested that Chief Horvath review the DHRC recommendations and forward a response to be considered during the SA&T Committee Meeting scheduled for November 29, 2005. These meetings begin at 5:00 p.m. and are held in the Council Chambers at City Hall.

I would like to note that the third bulleted recommendation would require consideration for a policy to be adopted that would require representation from City agencies to appear before the Commission when requested to do so. If the City Solicitor concurs, I will prepare an ordinance amending Section 58-36 - Powers and Duties of the Dover Code, that would provide for such a requirement.

*Dr. Samuel B. Hoff, Chair DHRC
October 14, 2005*

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Feel free to contact me at 302-736-7008 or e-mail at Jgreen@dover.de.us if you have any questions or concerns regarding the above.

Sincerely,



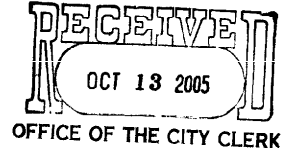
*Janice C. Green, CMC
City Clerk*

/jg

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*cc: Mayor and City Council, w/attachment
Chief Horvath, w/attachment
Senator Still, w/attachment
Representative Wagner, w/attachment
Attorney General Brady, w/attachment
City Solicitor Rodriguez, w/attachment
Mr. Eric O'Brien, w/attachment
Ms. Sophia Russell, w/attachment*

*Dr. Samuel B. Hoff, Chair
Mr. Gregory J. Bunkley, Vice-Chair
Mr. David Anderson
Ms. Audrey O. Daniels
Dr. Phyllis Edamatsu
Mr. Paul J. Fleming
Mr. William H. Franklin, Jr.
Ms. Prameela D. Kaza
Ms. Mittie Kelley
Col. (Ret.) John J. Kotzun
Mr. K.C. Sheth
Mr. Roy Sudler, Jr.
Ms. Ellen O. Wasfi*



October 7, 2005

Janice C. Green. CMC
City Clerk/City of Dover
P.O. Box 475
Dover, DE 19903-0475

Dear Ms. Green:

Consistent with the requirement of Article IV of the Dover Human Relations Commission Bylaws, I am reporting the action taken by the Commission in the case of Mr. Eric O'Brien, who filed an intake form on November 10, 2004. The following statement was approved unanimously by the Commission at the meeting on September 28, 2005:

At our May 25, 2005 meeting, the Dover Human Relations Commission held a fact-finding hearing in response to a concern filed by Mr. Eric O'Brien who resides at 30 North New Street.

Mr. O'Brien stated his concerns and the impact they have had on his quality of life during the past thirteen years of city residency. Several other parties were invited to attend and share their insight into the concerns of Mr. O'Brien and his neighborhood. Ms. Sophia Russell, President of the New Street Civic Association was present and spoke to the Commission from her organization's perspective. None of the other invited parties, however, were in attendance, including representatives from the City.

The Commission held its decision-making meeting on June 22, 2005. Mr. O'Brien's case was discussed among the commissioners in a public session, and no additional testimony was heard. The Commission realizes that it does not have the jurisdiction to resolve or alleviate the concerns brought forward by Mr. O'Brien. However, we are bringing to your attention our concerns and recommendations because you have the authority and responsibility to direct the resources necessary to address Mr. O'Brien's grievances.

For council to fully grasp Mr. O'Brien's frustration, imagine the incidents that he reports (and the local newspapers verify weekly) happening routinely in your neighborhood. Then, imagine that it has been happening for thirteen years.

The Commission believes Mr. O'Brien is well within his rights for wanting the same quality of life for his neighborhood that the rest of us enjoy.

The Commission recommends the following for your consideration:

**P. O. Box 475, Dover, DE 19903
(302) 736-7005**

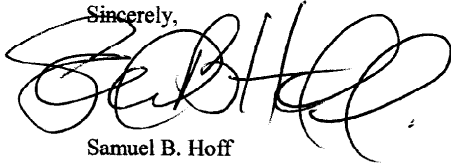
-
- Continue increased patrolling (by foot, bicycle and vehicle) by the Dover Police Department.
 - Establish a policy where tenants who are chronic offenders of City codes are reported to their landlords for punitive actions.
 - Establish a policy where City agencies that are requested to appear before the Commission in response to a citizen concern be directed to do so in order to provide their insight into the matter and demonstrate that the City is wholeheartedly in support of maintaining a high quality of life for all of its residents.
 - Establish a registry of nuisance properties and develop procedures for revocation of rental licenses for repeat offenders of felonious activities.

In addition, the Commission will attempt to work with community organizations, such as the House of Pride and the New Street Civic Association to help form some type of neighborhood citizen's watch. Such a group could be empowered to form local street patrols with communication links directly to the Dover Police Department to report criminal activity.

Since we collectively represent the same citizenry and are charged to work towards the betterment of services for our community, we urge your *prompt* attention in this matter. Thank you.

Please send the statement to the Dover City Council and provide copies to Mr. O'Brien and all other persons who were included in the original notice of the hearing. Thank you for your assistance in this matter.

Sincerely,



Samuel B. Hoff
DHRC Chair

ACTION FORM

AGENDA ITEM: 11-14-2005 - 3

PROCEEDING: Legislative, Finance, and Administration Committee

DEPARTMENT OF ORIGIN: City Council

PREPARED BY: Janice C. Green, City Clerk, and Deputy City Solicitor Pepper

SUBJECT: FOIA Policy Amendments	DATE SUBMITTED: 11-02-2005
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RELATED PROJECT: N/A

APPROVALS: N/A

EXHIBITS: #1 - FOIA Policy Amendments (<i>deletions noted in red strikeouts and insertions noted in blue italics</i>)
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EXPENDITURE REQUIRED: \$ N/A	AMOUNT BUDGETED: \$ N/A
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FUNDING SOURCE (Dept./Page in CIP & Budget): N/A

TIMETABLE: Approval of committee's recommendation by Council on November 28, 2005 and revised Policy to become effective immediately.
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RECOMMENDED ACTION: Approval of the FOIA Policy Amendments as submitted. [Eliminating Section 3 - Availability of Records, Subsection 3.1 - Access, Paragraph (C) in its entirety; and amending Section 5 - Fees for Copying and Research, Subsection 5.1 - Duplicating/Copying Fees, by replacing Paragraph (B) - Oversized Printouts with a new Paragraph (B) - GIS Fee Structure, and amending Paragraph (C) - Computer/Electronically Generated, by adding a new sentence to reference the GIS Fee Structure].
--

BACKGROUND AND ANALYSIS

A recent decision rendered May 13, 2005 by the US District Judge (Lee v. Minner, 369 F. Supp. 2d 527) states that "the Court concludes that the "*citizens only*" restriction of Delaware's FOIA is unconstitutional under the Privileges and Immunities Clause,..." I confirmed this with our Deputy City Solicitor, who confirmed that "the recent decision did indeed void that part of the statute restricting FOIA requests to Delaware citizens. The City must comply with State law. The FOIA policy must be amended." Therefore, Section 3 - Availability of Records, Subsection 3.1 - Access, Paragraph (C), that restricts our public records to citizens of the State of Delaware has been eliminated in its entirety.

With the recent hiring of a GIS Coordinator, the manner in which we provide oversized printouts has been improved. As a result, our Information Technology Department has prepared a GIS Fee Structure to be used for charging for producing digital data layers, customer digital data layers, previously created paper maps, and customer paper maps. Therefore, Section 5 - Fees for Copying and Research, Subsection 5.1 - Duplicating/Copying Fees, has been amended by replacing Paragraph (B) - Oversized Printouts with a new Paragraph (B) - GIS Fee Structure, and amending Paragraph (C) - Computer/Electronically Generated, by adding a new sentence to reference the GIS Fee Structure.

CITY OF DOVER
FREEDOM OF INFORMATION ACT POLICY

SECTION 1 - PURPOSE

The purpose of this policy is to prescribe procedures relating to the inspection and copying of public records retained by the City of Dover pursuant to 29 Del. C. Chapter 100, the State of Delaware Freedom of Information Act. It is the City's goal in establishing this policy to maximize the amount of information available to the public, establish a reasonable fee structure for providing public records, and to streamline procedures used to disseminate this information. 29 Del. C. §10003 reads as follows:

“(a) All public records shall be open to inspection and copying by any citizen of the State during regular business hours by the custodian of the records for the appropriate public body. Reasonable access to and reasonable facilities for copying of these records shall not be denied to any citizen. If the record is in active use or in storage and, therefore, not available at the time a citizen requests access, the custodian shall so inform the citizen and make an appointment for said citizen to examine such records as expediently as they may be made available. Any reasonable expense involved in the copying of such records shall be levied as a charge on the citizen requesting such copy; (b) It shall be the responsibility of the public body to establish rules and regulations regarding access to public records as well as fees charged for copying of such records.”

This policy applies to the City in dealing with requests from the public for information as set forth in the FOIA. It does not apply to the City in its normal course of business with Federal, State, or local agencies, nor to private parties with whom the City is conducting business (permit, contractual agreement, licenses, etc.), provided the public records are germane to the business being conducted.

It is the intent of the City of Dover that public business be performed in an open and public manner so that the citizens shall be advised of the performance of officials and their decisions. In accordance with FOIA, the public has the right to “reasonable access” to public records. The Act provides that it is the responsibility of the public body to establish rules and regulations regarding access to public records as well as fees charged for copying of such records. It is the policy of the City of Dover that all employees shall comply with FOIA and all requests for information shall be processed in the manner prescribed below.

SECTION 2 - DEFINITIONS

“City” - the City of Dover.

“Department” - a department of the City of Dover.

“Exempt” - information determined by the Records Manager and/or City Solicitor to constitute a record that shall not be deemed public in accordance with 29 Del. C. 10002(d).

“FOIA” - 29 Del. C. Chapter 100, the State of Delaware Freedom of Information Act.

“Records Manager” - the City Clerk for the City of Dover (Section 2-118(b) of the Dover Code) or his/her designee.

“Requestor” - any individual, organization, or business that submits a request for information under the Delaware Freedom of Information Act.

SECTION 3 - AVAILABILITY OF RECORDS

3.1) Access

- (A) The City will provide reasonable access and facilities for reviewing public records during regular business hours.
- (B) The City shall make all requested records available for review by requestor unless such records or portions of records are determined by the Records Manager to be exempt pursuant to 29 Del. C. §10002(d) - see Section 6 of this policy for listing.

~~(C) Public records shall be open to review and reproduction by any citizen of the State of Delaware. The City may require verification of citizenry before considering the request to provide access to public records. If the requestor does not submit the verification upon the City's request, the request may be denied.~~

3.2) City Records Review

- (A) Prior to disclosure, records will be reviewed to insure that those records or portions of records deemed non-public are removed.
- (B) Upon request, the City will provide a log of records which may have been deemed non-public. The log will include the following information:
 - (1) The document's author;
 - (2) The addressee;
 - (3) The date of the document;
 - (4) The title of the document or a brief explanation of the document's contents; and
 - (5) The statutory exemption.
- (C) The types of records deemed non-public are as contained in 29 Del. C. §10002(d) (see Section 6).
- (D) City brochures, pamphlets, informational bulletins, and other such information are not subject to this policy.

SECTION 4 - REQUEST FOR PUBLIC RECORDS

Requests for access to records shall be made in writing and shall adequately describe the record sought in sufficient detail to enable the City to locate the record with reasonable effort. The City shall make every reasonable effort to assist the requestor in identifying the record being sought. Any department that receives a request for a "public record(s)" shall ascertain from the requesting party the specific materials requested.

If a department is not sure that a requested item is a "public record", the request for documentation should be forwarded to the Records Manager for consultation with the City Solicitor in determining if the requested documents are a "public record" and fall under the jurisdiction of the FOIA.

If a requesting party wants to review original materials, a staff member shall be assigned to monitor the review to insure that the integrity of all materials is maintained. A monitor may be required at other times at the discretion of the Records Manager or designee.

4.1) Types of Access Allowed/Requests for Records

- (A) Records shall be open to public inspection and copying.
- (B) Must be provided during regular business hours.
- (C) Reasonable access to records cannot be denied.
- (D) Reasonable facilities for copying cannot be denied.
- (E) If the requested record is not in active use and in storage, then an appointment should be made for access.

4.2) Response to Requests

- (A) The City shall make every reasonable effort to respond to a request within ten (10) business days.
- (B) If the City denies a request in whole or in part, the City shall indicate to the requestor the reasons for the denial.

4.3) Appeals

- (A) Denied requests may be appealed by submitting to the City Council a written appeal that specifically indicates "appeal of FOIA request" and identifies the reason or reasons for reversal of the denial.

Or

- (B) The requestor may file suit in accordance with 29 Del. C. §10005.

SECTION 5 - FEES FOR COPYING AND RESEARCH

The fees to be charged for complying with a request under the FOIA shall not exceed any one or more of the following items, as applicable:

5.1) Duplicating/Copying Fees

The following are duplicating/copying charges for providing public records:

(A) Standard Sized, Black and White Copies

Cost for duplication or publication, including labor, for standard sized, black and white public records shall be \$0.15 per page, for 8.5" x 11", 8.5" x 14", and 11" x 17" sized paper.

~~(B) Oversized Printouts~~

~~The charge for producing oversized public records (including, but not limited to: blueprints, engineering drawings, GIS print-outs, and maps) shall be:~~

~~(1) 24" x 26" - \$2.00 each;~~

~~(2) 24" x 36" - \$3.00 each;~~

~~(3) 30" x 42" - \$5.00 each; and~~

~~(4) All copies larger than 30" x 42" shall be calculated at the rate of \$0.60 per square foot.~~

(B) GIS Fee Structure

The charge for producing digital data layers, custom digital data layers, previously created paper maps, and custom paper maps shall be in accordance with the GIS Fee Structure attached herewith designated as Exhibit 1.

(C) Computer/Electronically Generated

Charges for copying records maintained in an electronic format will be calculated by the material costs involved in generating the copies (including, but not limited to: cassette tapes, video tapes, computer disks costs) and administrative costs. Actual costs shall be assessed for copying computer generated records and providing other materials such as video tapes, computer disks, etc. *Also, see GIS Fee Structure in accordance with Section 5, Subsection 5.1, Paragraph (B) (Exhibit 1).*

(1) In the event that requests for records maintained in an electronic format can be electronically provided to the requestor, only the administrative charges in preparing the electronic records will be charged.

(D) The City reserves the right to refuse to make copies for requesters who have an outstanding balance for copy charges owed to the City.

(E) The City shall have discretion based on circumstances involved to make decisions regarding copying.

5.2) Administrative Fees

The following are administrative fees for providing public records:

(A) Actual Labor Costs

In calculating the cost of labor incurred, the City may not charge more than the hourly wage of the lowest paid City employee capable of retrieving the information necessary to comply with the request. Labor charges will be billed to the requestor per quarter hour. Labor charges will be in addition to any duplicating/copying charges. Charges for actual labor costs include:

- (1) Staff time associated with processing FOIA requests;
- (2) Locating and reviewing files;
- (3) Monitoring file reviews;
- (4) Generating computer records (electronic or print-outs); and
- (5) Any other time rendered by the employee in researching, examining, developing, duplicating, reviewing, and separating exempt from non-exempt information that has been requested.

(B) Other Costs

Any other actual costs associated with fulfilling a request for information, such as postage, shall be at the expense of the requestor.

If the City does not have the resources or equipment to duplicate requested records, the City, at its discretion, may arrange to have records duplicated by an outside contractor. In this instance, the requestor will be liable for payment of these costs.

The requester shall be provided an estimate of the costs involved to fulfill their request for information. In providing access to public records, the Records Manager may take necessary and reasonable action to protect the City's public records and to prevent excessive and unreasonable interference with the discharge of the City's functions. This policy does not require the City to make a compilation, summary or report of information.

5.3) Waiver of Fees

The Records Manager or designee shall have the authority to determine if a fee for a FOIA request shall be waived and the following criteria shall be used to render such a decision:

- (A) The public record is already available in duplicate form (extra copies);
- (B) The request for public record is made by an individual who is entitled to information under the FOIA and who submits an affidavit, provided by the City, which shall state that the individual is then receiving public assistance, or, if not receiving public assistance, stating facts showing inability to pay the cost because of indigence. A person shall be considered indigent if that person's income level is at or below the federal poverty level as established by the Bureau of the Census.
- (C) Fees of \$1.00 or less shall be waived.

No written request will be required or charges levied for requests to review specific documents which are required by ordinance to be made available to the public by the City Clerk.

5.4) Payment

- (A) Payment for copies and/or administrative charges will be due at the time copies are released to the requestor. The City reserves the right to refuse to make copies for requestors who have outstanding balances.
- (B) The City may require pre-payment of copying and administrative charges prior to mailing copies of requested records.
- (C) A good faith deposit must be provided in advance for those requests for which the fees are estimated to be over \$50.00. The deposit shall not exceed one-half (1/2) of the total estimated fee.
- (D) The fee must be received before copies are delivered or before searching and reviewing commences, if a deposit is required.

SECTION 6 - EXEMPT RECORDS

Those records that are deemed non-public are as contained in 29 Del. C. §10002(d).

ADOPTED BY COUNCIL ON JANUARY 13, 2003.

AMENDED BY COUNCIL ON *.

City of Dover, Delaware GIS Fee Structure



Digital Data Layers

\$20 per megabyte (mb) – Anything over 1mb, fee goes up in 1/2mb increments at \$10 per half
\$15 Base fee - for anything under 1mb

** All layers referenced in above fee schedule are Citywide.*

**Digital data will be provided in Delaware State Plane coordinate system, North American Datum US Feet (NAD83). If customer requests digital data to be converted to another coordinate system a minimum labor charge of \$40 will be applied.*

**All digital data layers are provided in a shapefile format.*

Custom Digital Data Layers

\$40 per hour – Minimum labor charge 1 hour
Digital Layer Charge – Add cost per mb of digital data
\$2 per CD/Case

Paper Maps

Maps Previously Created

8.5"x11" - \$5
11"x17" - \$7
Larger than 11"x17" - \$30

**Previously created maps in which customer can accept in PDF format via email are free.*

Custom Paper Maps

\$40 per hour – Minimum labor charge 1 hour
Cost of map size

**If data needs to be clipped or customized to create a map, refer to Custom Digital Data Fees.*

Turnaround times on data requests are contingent upon the extent of the request. A simple reprint of a map or copy of existing data can be completed usually in one to two weeks, depending on the current project load. A more complex request, including new data creation or data updates, can take a few weeks depending again on the amount of work necessary.

Legislative, Finance & Administration Committee Action Form

Agenda Item NO.: 11/14/05 - 4

PREPARED BY: Donna Mitchell, Treasurer/Finance Director
SUBJECT: Budget Revision Ordinances

Background

The attached ordinance is hereby presented to the Legislative, Finance and Administration Committee in order to incorporate the adjusted budget balances into the fiscal year 2006 Budget. The revisions also incorporate into the current year budget prior year encumbrances, project balances carried over from fiscal year 2005 for completion in fiscal year 2006, and Homeland Security Grants. (See page 9 for further details.)

The attached schedules highlight those individual line items that are recommended for revision and not every line item in the budget is shown.

Recommendation

After Committee review, staff recommends those revisions recommended to approve the first reading of the revised budget ordinance.

Fund Summary

Fund	Current Budgets	Net Additions (Reductions)	Revised Budgets
General Fund	\$ 32,286,986	\$ 1,125,295	\$ 33,412,281
Water/Wastewater Fund	13,756,081	(567,569)	13,188,512
Water/Wastewater I & E Fund	2,471,260	1,803,278	4,274,538
Electric Revenue Fund	69,214,318	588,421	69,802,739
Electric Improvement & Extension Fund	5,529,200	684,414	6,213,614
Electric – Depreciation Reserve	15,909,467	(126,386)	15,783,081
Future Capacity Reserve	8,680,019	(40,822)	8,639,197
General – Contingency Reserve	605,795	211,910	817,705
Water/Wastewater - Contingency Reserve	438,592	174,903	613,495
Electric - Contingency Reserve	1,156,239	1,726	1,157,965
General Fund Capital Asset Reserve	319,918	2,589	322,507
Parkland Reserve	-	1,350,259	1,350,259
Water/Wastewater Capital Asset Reserve	602,440	51	602,491
Electric – Rate Stabilization Reserve	2,565,850	124,481	2,690,331
Electric – Insurance Deductible Reserve	242,508	8,010	250,518
DeIDOT Community Transportation Grant Fund	909,075	594,374	1,503,449
Municipal Street Aid Fund	792,000	(132,175)	659,825
Post-Retirement Benefit Reserve Fund	2,737,567	56,747	2,794,314
Workers Compensation Fund	1,285,180	218,186	1,503,366
Total All Funds & Reserves	\$ 159,502,495	\$ 6,077,692	\$ 165,580,187

Information Notes

To assist you in understanding the changes in certain line items included in the 1st Budget Amendment, I have provided below a brief explanation on those line items excluding budget balances and projects.

General Fund –

- Property Taxes – increased for State of Delaware payment in lieu of taxes \$333,743 and \$51,000 farmland rollback taxes on Eden Hill Farm. These represent amounts we will or have collected with 100% certainty. A corresponding Transfer to the Parkland Reserve is included in the expenditures in the amount of \$333,743, which represents the State's payment in lieu of taxes as agreed upon by Council.
- DSWA Trash Fee Rebate – This is received in July and came in \$9,000 less than budgeted.
- Homeland Security Grants – Pertains to the Homeland Security Projects recently approved by Council, i.e. City Hall Security System and Police Department Generator. Corresponding expenditures are included in the departmental expenses.
- Municipal Street Aid – We received our notice from the State of Delaware and the City's allocation will be \$132,296 less than budgeted for fiscal year 2006.
- Some departmental expenditure increases are attributed to the rebudgeting of encumbrances from fiscal year 2005. They are included in the attached CIP budget amendment analysis.
- Transfer to Contingency expenditure was reduced by the \$34,000 budgeted as it is not needed for the 2% balance requirement.

Water/Wastewater Fund –

- Expenses were adjusted to reflect the correct allocation of debt service between water and wastewater. The net result is a zero adjustment.
- For presentation purposes only, the additional revenues derived from the wastewater rate increase to assist in reducing the effects of inflow/infiltration were eliminated as separate line items and added to the Kent Co. Sewer Adj. Receipts. The corresponding expense was adjusted to ending budget balance. The net result is a zero adjustment, but more accurately reflects the decrease in the negative budget balance.

Electric Revenue Fund –

- The expenses reflect the addition of a transfer to the Insurance Deductible Reserve to bring the account balance up to \$250,000 as agreed. A corresponding adjustment is reflected in the reserve.

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF DOVER, IN COUNCIL MET:

The amounts hereinafter named in various City funds are changed from the currently approved revenues/receipts and appropriations to the revised revenues/receipts and revised appropriations for use by the various departments of the Municipal Government for

A. GENERAL FUND

RECEIPTS	Current Budgets	Additions (Reductions)	Revised Budgets
Beginning Balance	\$ 2,594,353	\$ 629,195	\$ 3,223,548
Property Taxes	8,161,808	423,815	8,585,623
DSWA-Trash Fee Rebate	176,000	(9,000)	167,000
Homeland Security Grant	-	213,581	213,581
Transfer from Municipal Street Aid	792,000	(132,296)	659,704
Net Adjustments		\$ 1,125,295	

EXPENDITURES	Current Budgets	Additions (Reductions)	Revised Budgets
Recreation	\$ 645,406	\$ 45,600	\$ 691,006
Police	10,757,794	13,201	10,770,995
Streets	1,301,050	4,362	1,305,412
Sanitation	2,335,873	(4,362)	2,331,511
Information Technology	962,192	36,650	998,842
Homeland Security Grant	-	213,581	213,581
Transfer to Parkland Reserve	-	333,743	333,743
Transfer to Contingency	34,000	(34,000)	-
Budget Bal-Working Capital - Unaudited	2,466,681	516,520	2,983,201
Net Adjustments		\$ 1,125,295	

B. WATER/WASTEWATER FUND

RECEIPTS	Current Budgets	Additions (Reductions)	Revised Budgets
Beginning Bal-Water	\$ 2,107,546	\$ (172,215)	\$ 1,935,331
Beginning Bal-Wastewater	1,006,363	(219,657)	786,706
Beginning Bal-Kent Co Sewer Adj	(1,411,416)	(175,697)	(1,587,113)
Wastewater Adjustment Fees	3,047,178	643,770	3,690,948
Transfer to KCSA from Wastewater	643,770	(643,770)	-
Net Adjustments		\$ (567,569)	

EXPENDITURES	Current Budgets	Additions (Reductions)	Revised Budgets
Debt Service - Water	\$ 1,604,166	\$ (671,412)	\$ 932,754
Debt Service - Wasterwater	-	671,412	671,412
Kent County Charge from Wastewater	643,770	(643,770)	-
Budget Bal - Work. Cap Water - Unaudited	1,853,993	(169,422)	1,684,571
Budget Bal - Work. Cap Wastewater - Unaudited	892,225	(222,450)	669,775
Budget Bal - KC Sewer Adj - Unaudited	(1,554,468)	468,073	(1,086,395)
Net Adjustments		\$ (567,569)	

C. WATER/WASTEWATER I & E FUND

REVENUES	Current Budgets	Additions (Reductions)	Revised Budgets
Beginning Balance - Water	\$ 159,363	\$ 752,931	\$ 912,294
Beginning Balance - Wastewater	428,730	596,344	1,025,074
State Grant (Homeland Security) & Other	-	83,452	83,452
Transfer from Impact Fee Reserve	500,000	670,551	1,170,551
Developer Contributions	300,000	(300,000)	-
Net Adjustments		\$ 1,803,278	

EXPENSES	Current Budgets	Additions (Reductions)	Revised Budgets
Water	\$ 597,903	\$ 961,990	\$ 1,559,893
Water Treatment Plant	-	35,000	35,000
Wastewater	1,366,773	1,110,266	2,477,039
Budget Balance Water-Working Capital	203,385	(160,607)	42,778
Budget Balance Wastewater - Working Capital	200,000	(143,371)	56,629
Net Adjustments		\$ 1,803,278	

D. ELECTRIC FUND

REVENUES	Current Budgets	Additions (Reductions)	Revised Budgets
Beginning Balance	\$ 3,477,669	\$ 588,421	\$ 4,066,090
Net Adjustments		\$ 588,421	

EXPENSES	Current Budgets	Additions (Reductions)	Revised Budgets
Budget Balance - Working Capital - Unaudited	\$ 3,342,459	\$ 588,421	\$ 3,930,880
Net Adjustments		\$ 588,421	

E. ELECTRIC IMPROVEMENT & EXTENSION FUND

REVENUES	Current Budgets	Additions (Reductions)	Revised Budgets
Beginning Balance	\$ 2,243,923	\$ 684,414	\$ 2,928,337
Net Adjustments		\$ 684,414	

EXPENSES	Current Budgets	Additions (Reductions)	Revised Budgets
Electrical Engineering	\$ 3,522,029	\$ 334,846	\$ 3,856,875
Budget Balance - Working Capital	534,057	349,568	883,625
Net Adjustments		\$ 684,414	

F. ELECTRIC DEPRECIATION RESERVE

REVENUES	Current Budgets	Additions (Reductions)	Revised Budgets
Prior Year Balance	\$ 15,445,706	\$ (126,386)	\$ 15,319,320
Net Adjustments		\$ (126,386)	

EXPENSES	Current Budgets	Additions (Reductions)	Revised Budgets
Current Year Balance - Unaudited	\$ 15,909,467	\$ (126,386)	\$ 15,783,081
Net Adjustments		\$ (126,386)	

G. FUTURE CAPACITY RESERVE

	Current Budgets	Additions (Reductions)	Revised Budgets
REVENUES			
Prior Year Balance	\$ 8,427,203	\$ (40,822)	\$ 8,386,381
Net Adjustments		\$ (40,822)	
EXPENSES			
Current Year Balance - Unaudited	\$ 8,680,019	\$ (40,822)	\$ 8,639,197
Net Adjustments		\$ (40,822)	

H. GENERAL CONTINGENCY RESERVE

	Current Budgets	Additions (Reductions)	Revised Budgets
REVENUES			
Beginning Balance	\$ 554,952	\$ 245,910	\$ 800,862
General Fund Appropriation	34,000	(34,000)	-
Net Adjustments		\$ 211,910	
EXPENSES			
Carry Forward to Next Year - Unaudited	\$ 605,795	\$ 211,910	\$ 817,705
Net Adjustments		\$ 211,910	

I. WATER/WASTEWATER CONTINGENCY RESERVE

	Current Budgets	Additions (Reductions)	Revised Budgets
REVENUES			
Prior Year Balance - Water	\$ 208,547	\$ 85,673	\$ 294,220
Prior Year Balance - Wastewater	217,205	89,230	306,435
Net Adjustments		\$ 174,903	
EXPENSES			
Current Year Balance - Water	\$ 214,910	\$ 85,730	\$ 300,640
Current Year Balance - Wastewater	223,682	89,173	312,855
Net Adjustments		\$ 174,903	

J. ELECTRIC CONTINGENCY RESERVE

	Current Budgets	Additions (Reductions)	Revised Budgets
REVENUES			
Beginning Balance	\$ 1,121,921	\$ 1,726	\$ 1,123,647
Net Adjustments		\$ 1,726	
EXPENSES			
Carry Forward to Next Year - Unaudited	\$ 1,156,239	\$ 1,726	\$ 1,157,965
Net Adjustments		\$ 1,726	

K. GENERAL FUND CAPITAL ASSET RESERVE

	Current Budgets	Additions (Reductions)	Revised Budgets
REVENUES			
Beginning Balance	\$ 164,969	\$ 2,589	\$ 167,558
Net Adjustments		\$ 2,589	
EXPENSES			
Carry Forward to Next Year - Unaudited	\$ 319,918	\$ 2,589	\$ 322,507
Net Adjustments		\$ 2,589	

L. PARKLAND RESERVE

	Current Budgets	Additions (Reductions)	Revised Budgets
REVENUES			
Beginning Balance	\$ -	\$ 982,141	\$ 982,141
General Fund Appropriation	-	333,743	333,743
Interest Earnings	-	34,375	34,375
Net Adjustments		\$ 1,350,259	
EXPENSES			
Carry Forward to Next Year - Unaudited	\$ -	\$ 1,350,259	\$ 1,350,259
Net Adjustments		\$ 1,350,259	

M. WATER/WASTEWATER CAPITAL ASSET RESERVE

	Budgets	(Reductions)	Budgets
REVENUES			
Beginning Balance	\$ 2,366	\$ 51	\$ 2,417
Net Adjustments		\$ 51	
EXPENSES			
Carry Forward to Next Year - Unaudited	\$ 602,440	\$ 51	\$ 602,491
Net Adjustments		\$ 51	

N. ELECTRIC RATE STABILIZATION RESERVE

	Current Budgets	Additions (Reductions)	Revised Budgets
RECEIPTS			
Prior Year Balance	\$ 2,491,165	\$ 124,481	\$ 2,615,646
Net Adjustments		\$ 124,481	
EXPENDITURES			
Current Year Balance - Unaudited	\$ 2,565,850	\$ 124,481	\$ 2,690,331
Net Adjustments		\$ 124,481	

O. ELECTRIC INSURANCE DEDUCTIBLE RESERVE

RECEIPTS	Current Budgets	Additions (Reductions)	Revised Budgets
Prior Year Balance	\$ 235,508	\$ (16,990)	\$ 218,518
Transfer from Operating Fund	-	25,000	25,000
Net Adjustments		\$ 8,010	

EXPENDITURES	Current Budgets	Additions (Reductions)	Revised Budgets
Current Year Balance - Unaudited	\$ 242,508	\$ 8,010	\$ 250,518
Net Adjustments		\$ 8,010	

P. DELDOT COMMUNITY TRANSPORTATION GRANT FUND

RECEIPTS	Current Budgets	Additions (Reductions)	Revised Budgets
Prior Year Balance	\$ 159,075	\$ (344,935)	\$ (185,860)
Grant Revenue	500,000	939,309	1,439,309
Net Adjustments		\$ 594,374	

EXPENDITURES	Current Budgets	Additions (Reductions)	Revised Budgets
Program Expenses	\$ 909,075	\$ 594,374	\$ 1,503,449
Net Adjustments		\$ 594,374	

Q. MUNICIPAL STREET AID FUND

RECEIPTS	Current Budgets	Additions (Reductions)	Revised Budgets
Beginning Balance	\$ -	\$ 121	\$ 121
State Grant	792,000	(132,296)	659,704
Net Adjustments		\$ (132,175)	

EXPENDITURES	Current Budgets	Additions (Reductions)	Revised Budgets
Transfer to General Fund	\$ 792,000	\$ (132,275)	\$ 659,725
Current Year Balance - Unaudited	-	100	100
Net Adjustments		\$ (132,175)	

R. POST-RETIREMENT BENEFIT RESERVE FUND

RECEIPTS	Current Budgets	Additions (Reductions)	Revised Budgets
Prior Year Balance	\$ 2,366,570	\$ 56,747	\$ 2,423,317
Net Adjustments		\$ 56,747	

EXPENDITURES	Current Budgets	Additions (Reductions)	Revised Budgets
Current Year Balance - Unaudited	\$ 2,737,567	\$ 56,747	\$ 2,794,314
Net Adjustments		\$ 56,747	

S. WORKERS COMPENSATION FUND

RECEIPTS	Current Budgets	Additions (Reductions)	Revised Budgets
Prior Year Balance	\$ 739,964	\$ 218,186	\$ 958,150
Net Adjustments		\$ 218,186	

EXPENDITURES	Current Budgets	Additions (Reductions)	Revised Budgets
Insurance	\$ 115,000	\$ (41,000)	\$ 74,000
Self-Insurance Taxes	-	40,000	40,000
Bank Fees	-	1,000	1,000
Current Year Balance	742,180	218,186	960,366
Net Adjustments		\$ 218,186	

City of Dover
2006 Budget Amendment - Capital Projects & Encumbrances
November 14, 2005

<u>Department/Fund</u>	<u>Capital Project</u>	<u>Budget Amendment</u>	<u>Comments</u>	<u>Project Number</u>
Recreation	N/A	\$ 10,004	City Park Guides - Encumbered FY05	N/A
Recreation	HVAC Replacement	35,596	Encumbered FY05	N/A
Police	2nd Floor Expansion	13,201	Fire Suppression System - Encumbered FY05	PD0603
Information Technology	Emergency Preparedness	36,650	Consulting Services - Encumbered FY05	N/A
Streets	Street Sweeper	4,362	Transfer from Sanitation to cover cost of sweeper	N/A
Sanitation	Street Sweeper	(4,362)	Transfer to Streets to cover cost of sweeper	N/A
General Fund	City Hall Security & Employee ID System	90,634	Homeland Security Grant	N/A
General Fund	Police Station Emergency Generator	122,947	Homeland Security Grant	N/A
	Total General Fund	\$ 309,032		
Water Treatment Plant	Security Fencing at Treatment Plant	\$ 35,000	Homeland Security Grant	N/A
Water	Trailer Mounted Generator	48,452	Homeland Security Grant	N/A
Water	Water Master Plan	4,312	Budget Balance	WS0401
Water	Division Street Water Main	585,886	FY03 Bond proceeds	WD0304
Water	Division Street Water Main	200,000	Budget Balance (additional funds needed)	WD0304
Water	U.S. 13 North Water Main Crossing	35,000	Budget Balance (Tidewater issue)	WD0403
Water	Water Quality Evaluation - Black & Veatch	88,340	Budget Balance	WD0504
Wastewater	Garrison Oak Pump Station	(724,000)	Budget Balance \$424,000; Developer \$300,000	
Wastewater	Puncheon Run Pump Station Upgrade	891,065	FY03 Bond Proceeds	WW0302
Wastewater	Puncheon Run Pump Station Upgrade	192,060	Impact Fee Reserve	WW0302
Wastewater	Inflow/Infiltration Removal	67,650	Budget Balance	WS0501
Wastewater	U.S. 13 Sanitary Sewer Interceptor	621,286	Impact Fee Reserve (\$400,000 additional needed)	WW0101
Wastewater	Puncheon Run Sewer Interceptor Extension	46,205	Impact Fee Reserve	WW0505
Wastewater	Mifflin Road Sewer Extension	16,000	Impact Fee Reserve (emergency project)	WW0506
	Total Water/Wastewater Fund	\$ 2,107,256		
Electric Engineering	Upgrading 4kv lines to 12kv lines	\$ 158,331	Budget Balance	ED0501
Electric Engineering	Mayfair Substation Rebuild	176,515	Budget Balance	ES0105
	Total Electric Fund	\$ 334,846		
DEDO Grant (State)	Garrison Oak Pump Station	\$ 371,393	Budget Balance	WW0304
Greenway Grant (State)	Silver Lake Bridge	\$ 135,000	Budget Balance	N/A
Community Transportation Fund	Various projects funded by legislators.	\$ 116,027	Budget Balance	Various
Community Transportation Fund	Various projects funded by legislators.	594,374	Additional DEL DOT Agreements	Various
	Total CT Fund	\$ 710,401		
Source of Funds	General Fund - Reserve for Encumbrances	\$ 95,451	Additional CIP for 2006	\$ 791,407
	Homeland Security Grants - All Funds	297,033	Prior Years CIP & Encumbrances	3,176,521
	Water/Wastewater 2003 Bond Proceeds	1,476,951		<u>\$ 3,967,928</u>
	Water/Wastewater I & E Budget Balance	(28,698)		
	Wastewater I & E Developer Contributions	(300,000)		
	Impact Fee Reserve	875,551		
	Electric I & E Fund Budget Balance	334,846		
	DEDO Grant Budget Balance	371,393		
	Greenway Grant Budget Balance	135,000		
	Community Transportation Budget Balance	116,027		
	DEL DOT Agreements	594,374		
	Total Projects & Encumbrances	\$ 3,967,928		