2005 CHARTER REVIEW COMMITTEE

A G E N D A

May 10, 2007 - 7:00 P.M. - Caucus Room - City Hall - City of Dover

AGENDA ADDITIONS/DELETIONS

1. Discussion - Recommendations and Final Review

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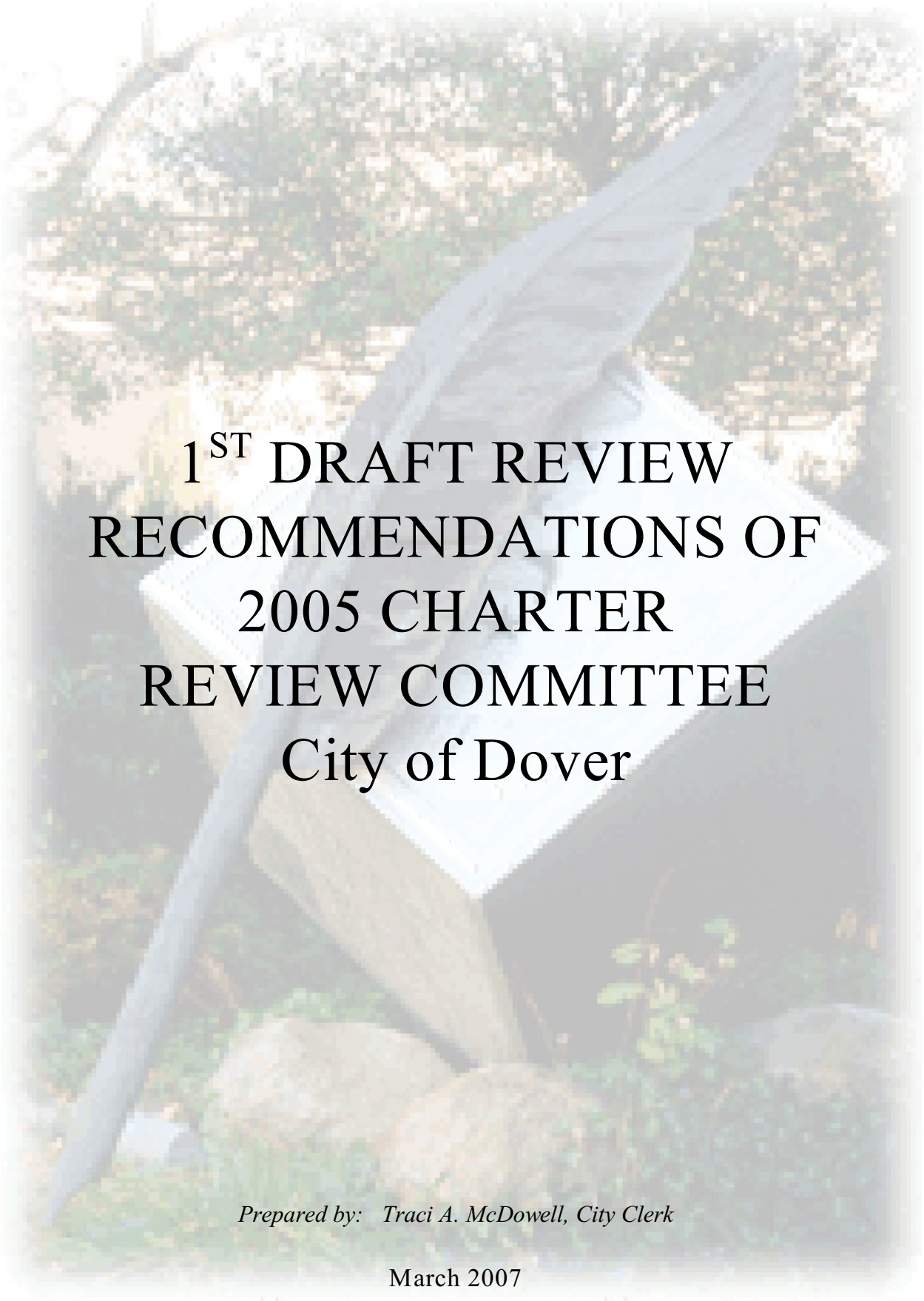
THE AGENDA ITEMS AS LISTED MAY NOT BE CONSIDERED IN SEQUENCE. THIS AGENDA IS SUBJECT TO CHANGE TO INCLUDE THE ADDITION OR THE DELETION OF ITEMS, INCLUDING EXECUTIVE SESSIONS.



1ST DRAFT REVIEW RECOMMENDATIONS OF 2005 CHARTER REVIEW COMMITTEE City of Dover

Prepared by: Traci A. McDowell, City Clerk

March 2007

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3 Comparative Table of the City of Dover Charter and the *Model City Charter* Inclusive of **Recommendations of the 2005 Charter Review Committee**; Table reflects committee's recommendations to either retain items for the Proposed City Charter, delete items from the Proposed Charter, or move to the City of Dover Code.

4 2005 Charter Review Committee Minutes, with Attachments

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MODEL CHARTER WITH DOVER CHARTER INCORPORATED
AND REFERENCES OF DOVER CODE
WITH RECOMMENDATIONS OF CHARTER REVIEW COMMITTEE
(UPDATED THROUGH THEIR MEETING OF NOVEMBER 20, 2006)

KEY TO RECOMMENDATIONS OF CHARTER REVIEW COMMITTEE

☞ **Black Text** - The Model City Charter.

✂ ~~**Black Bold Struck Text**~~ - The Model City Charter recommended **NOT** to be included in Dover City Charter.

✍ ***Black Bold Italics - Text to be inserted (amending Model City Charter)***

↔ ~~**Brown Struck Text**~~ **-** Text of the Model City Charter recommended to be **MOVED** to the **Dover Code**

☞ **Green Text -** Dover City Charter.

✂ ~~**Green Bold Struck Text**~~ **-Text of the Dover City Charter recommended for deletion.**

✍ ***Green Bold Italics - Text to be inserted (amending current Dover Code)***

↔ ~~**Purple Struck Text**~~ **-** Text of the Dover City Charter recommended to be **MOVED** to the **Dover Code**

✳ ***Red Italics - References*** *to the Dover Code.*

✳ ***Blue Italics*** *- Note for Additional Action.*

✳ ***Highlighted Text*** *- Important Information; May or May Not require further action.*

PREAMBLE

We the people of the City of Dover, under the constitution and laws of the state of Delaware, in order to secure the benefits of local self-government and to provide for an honest and accountable city manager government (mayor-council government) do hereby adopt this charter and confer upon the city the following powers, subject to the following restrictions, and prescribed by the following procedures and governmental structure. By this action, we secure the benefits of home rule and affirm the values of representative democracy, professional management, strong political leadership, citizen participation, and regional cooperation.

Article I. In General

Sec. 1. Municipal corporation continued; boundaries.

The municipal corporation of the State of Delaware, known as "The City of Dover" shall continue to be a body politic and corporate. The boundaries of the City of Dover are hereby established and declared as recorded on the official map of record in the Recorder of Deeds Office for Kent County and State of Delaware as presently existing and as hereinafter amended.

Sec. 1A. Procedure to extend boundaries.

In order to extend the boundaries of The City of Dover the council shall adopt a resolution proposing the inclusion of territory or territories within the limits of The City of Dover and calling for a special election to be held in said territory or territories in accordance with Title 22, Chapter 1, Section 101, Delaware Code insofar as applicable. Said resolution shall contain a description of the territory or territories proposed to be annexed and shall specify the date of such election, which shall be not less than thirty (30) nor more than sixty (60) days after the adoption of said resolution, and the place or places of said election. Said resolution shall be published in at least two (2) issues of a newspaper of general circulation within the City of Dover ***and on the City's Website*** at least two (2) weeks prior to the day of said election.

Elections may be held in more than one of said territories on the same day, but the said elections shall be separate; only the votes of qualified voters of a territory as herein described shall be counted in the election to determine whether the territory shall be annexed.

Any such election shall be held by the election officers of the election district or districts of Kent County which shall include the territory proposed to be annexed. Every person eighteen (18) years of age or upwards who is duly registered upon the books of registered voters for said election district, or districts, who is a resident of the territory proposed to be included within the limits of the City of Dover, and who does not own real estate within said territory shall be entitled to one vote at the election to determine whether said territory shall be annexed; and every person who is the owner of real estate within a territory proposed to be included assessed to them on the assessment records of Kent County, shall be entitled to one vote. Owners of real estate in common shall be entitled to one vote each. Life tenants shall be entitled to one vote each but the holders of the remainder interest or similar interest subject to the life estate shall not be entitled to vote. Corporations, firms or associations shall be entitled to one vote, the same as private persons. ***(Legal clarification of the meaning of the second to the last sentence, which reads: "Life tenants shall be entitled***

to one vote each but the holders of the remainder interest or similar interest subjecto the life estate shall not be entitled to vote".)

The Council of the City of Dover shall provide the ballots for any such election and shall bear the cost of holding such election. The ballots shall briefly indicate the territory proposed to be included and shall provide two boxes on the ballot beside which shall appear the words "FOR inclusion within The City of Dover," and "AGAINST inclusion within The City of Dover." Each voter shall indicate their preference by making a mark within the box beside the words expressing their preference. ***(Provision to be included to allow for absentee ballots)***

At any such election the polls shall be open from ***8:30 a.m. to 5:00 p.m.*** ~~**11:00 a.m. to 8:00 p.m.**~~ When the polls are closed the election officers shall publicly count the votes and forthwith certify to the clerk of the council the number of votes cast for and against inclusion within the city limits. At the next regular or special meeting of the council the mayor and council shall receive the results of the election and make the same a part of the minutes of said meeting.

If a majority of the votes cast in an election held in a territory proposed to be annexed shall be in favor of the inclusion of that territory, the council may thereupon adopt a resolution annexing said territory and including same within the limits of The City of Dover. Upon the adoption of a resolution of annexation a copy thereof certified by the clerk of council and a plot of the area annexed shall be forthwith filed for record with the Recorder of Deeds of Kent County, and the area so annexed shall for all purposes thenceforth be part of The City of Dover.

If a majority of the votes cast in an election held in a territory proposed to be annexed shall be against the inclusion of that territory within the limits of The City of Dover, the proposed annexation of said territory shall be declared to have failed. Nothing in this Charter shall prohibit the council from resubmitting a proposal of annexation to the voters of said territory, or any portion thereof, under the authority of this section and in accordance with the provisions thereof.

Sec. 2. Status, general corporate powers, specific provisions for condemnation of property. ***(Review current provisions of condemnation of properties in light of the recent eminent domain decision; Any act included in Section 2 should require 3/4 vote of Council)***

The inhabitants of the City of Dover within the boundaries defined in Section 1 of this Charter, or within the boundaries hereafter established, shall continue to be a body politic and corporate, by the name of "The City of Dover," and under that name shall have perpetual succession; may have and use a corporate seal; may sue and be sued; may hold and acquire by purchase, gift, devise, lease or condemnation, real property and personal property within or without its boundaries for any municipal purpose, in fee simple or lesser estate or interest, and may sell, lease, hold, manage, and control such property as its interest may require; and shall have all other powers and functions requisite or appropriate for the government of the city, its peace and order, its sanitation, appearance and beauty, the health, safety, convenience, comfort and well-being of its population, and the protection and preservation of property, public and private.

Whenever it shall be necessary for any municipal purpose to condemn any real property or personal property under this Charter, except as is herein otherwise specifically provided, the Council must follow applicable State Law.

Article I
POWERS OF THE CITY

Section 1.01. Powers of the City.

The city shall have all powers possible for a city to have under the constitution and laws of this state as fully and completely as though they were specifically enumerated in this charter.

(Article I - In General) Sec. 3. Enumeration of power not exclusive; manner of exercise of powers; ~~employee pension, benefit and retirement systems authorized.~~ ***(Move struck text to Dover Code)***

The enumeration of particular powers by this Charter shall not be held or deemed to be exclusive but, in addition to the powers enumerated herein, implied thereby, or appropriate to the exercise thereof, it is intended that The City of Dover shall have, and may exercise, all powers which, under the Constitution of the State of Delaware, it would be competent for this Charter specifically to enumerate. All powers of the City, whether expressed or implied shall be exercised in the manner prescribed by this Charter, or, if not prescribed herein then in the manner provided by ordinance or resolution of the council.

(Move struck text to Dover Code)

~~**The City of Dover is hereby authorized, empowered and permitted to establish a system of pensions or benefits through group insurance or otherwise as may be found proper and necessary, providing for life, accident, health, hospitalization and death benefits, or any or either of them, for the regular employees of the said "The City of Dover." The said "The City of Dover" is hereby authorized, empowered and permitted to enter into an agreement or agreements with one or more insurance companies to provide a group insurance plan or plans, as may be required or proper to carry out such system of pensions or benefits. The election to exercise such authority on the part of the city shall be evidenced by an ordinance or resolution duly adopted by the Council of The City of Dover as other ordinances or resolutions are adopted, and the same shall be recorded in the official minutes of the said council. Such ordinance or resolution shall provide for and establish a fund for the payment of the costs of such pension system or benefits by making appropriations out of the treasury of the said "The City of Dover," or by requiring contributions payable from time to time by the employees included in such plan or plans, or by a combination of both, or by any other method not prohibited by law. The participation in any plan adopted shall be deemed to be mandatory by the City of Dover and made a condition of employment and continuing employment.**~~

~~**The city council shall have power to enact ordinances for a pension or retirement system for the police of the City of Dover, and to set aside a special fund for that purpose which fund shall be administered in accordance with ordinances made and provided in that behalf and the laws of the State of Delaware.**~~

Notwithstanding any statute to the contrary, the City of Dover shall have the power by ordinance to impose and collect a tax, to be paid by the transferor or transferee as determined by council, upon the transfer of real property within the city not to exceed one and a half percent (1.5%) or as amended by State law of the value of the real property as represented by the document transferring the property. The provisions of Section 5401 and Section 5403 of Chapter 54, Title 30 of the Delaware Code shall apply with respect to any realty transfer tax imposed by the City of Dover pursuant to the authority granted herein. The Council of the City of Dover may adopt an ordinance or ordinances to provide for the effective administration and regulation of any tax

adopted pursuant to the authority conferred herein. If the taxing power and authority granted herein shall be exercised by way of a stamp affixed to a document, the recorder of deeds in and for Kent County shall not receive for record documents subject to said tax unless stamps provided by the City of Dover are affixed thereto showing payment of the tax. ***(This last paragraph appears to be displaced and should be repositioned to a more appropriate Section within the Charter)***

Section 1.02. Construction.

The powers of the city under this charter shall be construed liberally in favor of the city, and the specific mention of particular powers in the charter shall not be construed as limiting in any way the general power granted in this article.

Section 1.03. Intergovernmental Relations.

The city may participate by contract or otherwise with any governmental entity of this state or any other state or states of the United States in the performance of any activity which one or more of such entities has the authority to undertake.

Article II
CITY COUNCIL

Section 2.01. General Powers and Duties.

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.

(Article II - Mayor and Council) Sec. 4. Government vested in mayor and city council.

The government of the said city and the exercise of all the powers conferred by this Charter (except as otherwise provided herein) shall be vested in a mayor and city council.

Section 2.02. Eligibility, Terms, and Composition.

(a) **Eligibility.** Only registered voters of the city shall be eligible to hold the office of council member or mayor.

(b) **Terms.** The term of office of ***the Mayor*** ~~**elected officials**~~ shall be four years ***and of members of City Council shall be two years*** elected in accordance with Article VI.

(c) **Composition.** There shall be a city council composed of [ ] members. (See alternative below)

~~**Alternative I - Option A - Council Elected At-Large; Mayor Elected by the Council**~~

~~**The council shall be composed of [odd number] members elected by the voters of the city at large in accordance with provisions of Article VI. The mayor shall be elected as provided in Section 2.03(b), Alternative I.**~~

~~**Alternative I - Option B - Council Elected At-Large; Mayor Elected Separately**~~

~~**The council shall be composed of [odd number] members elected by the voters of the city at large in accordance with provisions of Article VI. The mayor shall be elected as provided in Section 2.03(b), Alternative II.**~~

~~**Alternative II - Option A - Council Elected At-Large with District Residency Requirement; Mayor Elected by the Council**~~

~~**The council shall be composed of [odd number] members elected by the voters of the city at large in accordance with provisions of Article VI. Not more than one council members shall reside in each district. The mayor shall be elected as provided in Section 2.03(b), Alternative I.**~~

~~**Alternative II - Option B - Council Elected At-Large with District Residency Requirement; Mayor Elected Separately**~~

~~**The council shall be composed of [even number] members elected by the voters of the city at large in accordance with provisions of Article VI. Not more than one council member shall reside in each district. The mayor shall be elected as provided in Section 2.03(b), Alternative II.**~~

~~**Alternative III - Option A - Mixed At-Large and Single Member District System; Mayor Elected by the Council**~~

~~**The council shall be composed of [odd number] of council members elected by the voters of the city at large and one member from each of the even-numbered council districts elected by the voters of those districts, as provided in Article VI. The mayor shall be elected from among the at-large members as provided in Section 2.03(b), Alternative I [specifying that the mayor is an at-large member].**~~

~~**Alternative III - Option B - Mixed At-Large and Single Member District System; Mayor Elected Separately**~~

~~**The council shall be composed of [even number] members elected by the voters of the city at large and one member from each of the even-numbered council districts elected by the voters of those districts, as provided in Article VI. The mayor shall be elected as provided in Section 2.03(b), Alternative II.**~~

Alternative IV - Single-Member District System

The council shall be composed of an even number of members each of whom shall be elected by district by the voters in that district. The mayor shall be elected in accordance with the provisions of Section 2.03(b), Alternative II.

(Article II - Mayor and Council) Sec. 5. Council to be legislative body; size; districts; terms of mayor and councilmen; qualifications. (Also in Section 2.05 - Prohibitions (a) Holding Other Office)

The council shall be the legislative body of the city and composed of nine (9) 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 (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 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 ***four (4)*** ~~**two (2)**~~ years commencing on the second Monday in May following their election and continuing for a term of ***four (4)*** ~~**two (2)**~~ years until the second Monday in May or until their successor has been duly elected and qualified. ***(Should include recall provision)***

The term of the councilmen shall be for two (2) years. In 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 each regular municipal election held in an even numbered year, four (4) 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 (2) 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 (21) years of age or older; 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; and if they have a year remaining on their term, then their office as councilman shall be filled at the same annual election in which they have filed to run for the office of mayor.

~~**Sec. 7. Nomination petitions for candidates for council and mayor.**~~ ***(Move Struck Text to Dover Code)***

~~**The mode of nomination of candidates for the council and for mayor shall be by petition, signed by not less than** ***25/100*** **ten (10) nor more than** ***50/150*** **twenty-five (25) electors of the city, filed with the**~~

~~clerk of council on or before 4:00 p.m. on the second Friday of February of each year for candidates for council and on or before 4:00 p.m. on the last working day in January for candidates for mayor in the years when a mayor is to be elected. Should the second Friday of February fall on a legal holiday, the filing date shall be 4:00 p.m. on the next working day thereafter which is not a legal holiday.~~ *(Council by District = 25 and 50; Council At-Large and Mayor = 100 and 150)*

~~Whenever a petition nominating a person for the office of mayor or councilman shall have been filed as above prescribed, the name of such person shall be printed on the ballot for the regular municipal election as a candidate for the office for which they were nominated, provided they possess the qualifications prescribed by this Charter for a candidate for such office.~~

~~No nominating petition shall designate more than one person to be voted for as a member of council or as mayor.~~

~~The signers of a nominating petition for a member of the council must be electors of the city residing in the city election district in which the nominee resides; but the signers to the nominating petition for the mayor and for the at-large councilman may be city electors residing in the city at-large.~~

~~There must be attached to each nominating petition an affidavit of the circulator thereof, stating the number of signers and that each signature appended thereto was made in their presence, and is the genuine signature of the person whose name it purports to be, and that all of said signers are entitled to vote at the regular municipal election referred to; and, in the case of a petition nominating a candidate for councilman running from a particular district and to be elected by district voting, that the circulator of the petition verily believes that each signer of said petition is a resident of the same city election district in which the nominee resides.~~

~~With each signature shall be stated the place of residence of the signer, giving the street and number or other description sufficient to identify the same. The form of the nominating petition shall be substantially as follows:~~

~~We, the undersigned, electors of The City of Dover, hereby nominate _____, who resides in the _____ City District of the said City of Dover, for the office of Councilman (or for the office of Mayor as the case may be) to be voted for at the regular municipal election to be held in the said City, on the _____ day of _____ in the year _____; and we individually certify that we are qualified to vote for a candidate for the office named, and that we have not signed any other nominating petition for that office, and that our places of residences are truly stated after our signatures.~~

~~Name _____~~

~~Street and Number _____~~

~~(Space for Signatures)~~

~~STATE OF DELAWARE~~

~~KENT COUNTY~~

~~SS.~~

~~_____ being duly sworn (or affirmed) deposes and says that they were the circulator of the foregoing petition paper containing _____ signatures, and that the signatures appended thereto were made in his/her presence, and are the signatures of the persons whose names they purport to be, and that they verily believes the residence of each signer thereof to be truly stated, and that all of said signers are entitled to vote at the regular municipal election referred to in said paper; and, in case the petition is nominating a candidate for councilman to be elected from a specific district by district voting, that each signer of said petition is a resident of the same city election district in which the nominee resides.~~

~~(Signed) _____~~

~~Subscribed and sworn to (or affirmed) before me this _____ day of _____~~

~~_____ Justice of the Peace (or Notary Public)~~

Section 2.03. Mayor.

(a) **Powers and Duties.** The mayor shall be a voting member of the city council and shall attend and preside at meetings of the council, represent the city in intergovernmental relationships, appoint with the advice and consent of the council the members of citizen advisory boards and commission, present an annual state of the city message, appoint the members and officers of council committees, assign subject to the consent of council agenda items to committees, and perform other duties specified by the council. The mayor shall be recognized as head of the city government for all ceremonial purposes and by the governor for purposes of military law but shall have no administrative duties.

(b) **Election -** ~~**Alternative I - Mayor Elected by the Council.** The city council shall elect from among its members officers of the city who shall have the titles of mayor and deputy mayor, each of whom shall serve at the pleasure of the council. The deputy mayor shall act as mayor during the absence or disability of the mayor.~~

Alternative II - Mayor Elected At-Large. At each regular election the voters of the city shall elect a mayor at large for a term of [the same term as other council members] years. The council shall elect from among its members a deputy mayor who shall act as mayor during the absence or disability of the mayor and, if a vacancy occurs, shall become mayor for the remainder of the unexpired term.

(Article II - Mayor and Council) Sec. 14. Duties of mayor.

The mayor shall be the executive and chief official of the city. The Mayor shall have the powers and perform the duties conferred and imposed by this Charter and ordinances of the city. The mayor shall preside at the annual meeting of the council and at all quarterly town meetings. The council president shall preside at all other meetings of the council. The mayor shall have no vote on council matters of any nature whatsoever. The mayor is an ex officio member of all committees, but shall have no vote.

(Article II - Mayor and Council) Sec. 15. Council President/Vice-mayor, duties of.

At each annual meeting, the council shall elect one of their number as council president who shall also serve as vice-mayor. During a vacancy in the office of mayor or during the absence or disability of the mayor, the vice-mayor shall have all the powers and duties of the mayor, except as hereinafter provided. The council president and vice-mayor shall retain his/her right to vote as councilman at all times although he/she may be acting as the mayor, unless the mayor's absence appears to be indefinite or extended, in which case council shall pass a resolution appointing the vice-mayor as mayor until the mayor's position is either filled in accordance with section 13 hereof or the mayor returns to his/her duties, which resolution shall provide that the vice-mayor shall have the right to approve or disapprove council action in accordance with section 10 hereof, in which case the vice-mayor shall lose his/her vote as councilman until further action is taken by council.

(Dover Code Reference: Chapter 2 - Administration, Article IV - Officers and Employees, Division 2 - Mayor, Sec. 2-221. Duties and responsibilities.)

The mayor shall have all of those duties and responsibilities set forth in sections 14 and 53 of the Charter, and as otherwise assigned in the Charter and this Code. In addition thereto, the mayor shall be available on a full-time basis to promote the economic and social interests of the city and the general welfare of its citizens by:

(1) Interacting with private citizens, city employees, business people, and other major employers;
(2) Interacting with civic and neighborhood associations;
(3) Interacting with officials and representatives of other governments and lobbying said officials, as necessary, to promote the welfare of the city and its citizens;
(4) Maintaining memberships and/or contacts with various organizations and committees whose purposes, services, or results significantly affect or could significantly affect the government of or the citizens of the city;
(5) Representing the government of the city at various community functions;
(6) Consulting with the council on policy issues and, from time to time, offering policy initiatives;
(7) Consulting with the city manager on budgeting, policy and operational issues;
(8) Representing the city, in consultation with the council and city manager, regarding major projects within or near the corporate boundaries of the city;
(9) Making appointments to various commissions and committees as delineated in the city Charter and elsewhere in the city Code;
(10) Taking such other decisions and actions, within the mayor's Charter and Code assigned authority, as necessary to promote the safety, health, and welfare of the citizens of the city.

Note: In reference to interacting with city employees, this provision does not grant the authority or responsibility to the mayor to intercede in personnel matters which are the responsibility of council or council appointed staff members, unless otherwise granted by city Charter or Code. Furthermore, such interaction shall also be governed by the provisions of section 36 of article III of the city Charter. (Code 1981, § 2-91; Ord. of 4-28-1997; Ord. of 1-24-2005)

Section 2.04. Compensation; Expenses.

The city council may determine the annual salary of the mayor and council members by ordinance, but no ordinance increasing such salary shall become effective until the date of commencement of the terms of council members elected at the next regular election. The mayor and council members shall receive their actual and necessary expenses incurred in the performance of their duties of office. ***(Recommended establishment of a Compensation Commission - See Meeting Minutes of July 20, 2006)***

(Article II - Mayor and Council)
Sec. 12. Compensation and expenses --Mayor and council and other elected or appointed officials.

The council shall determine the annual salary and emoluments of the mayor and council and other elected or appointed officials by ordinance. Members of the council, the mayor and other elected or appointed officials shall receive reimbursement for actual and necessary expenses incurred when on official business as prescribed by city ordinance or policy.

(Dover Code Reference: Chapter 2 - Administration, Article IV - Officers and Employees, Division 1 - Generally, Sec. 2-201. Compensation and Expenses for Mayor, Council, Employees and Other Elected or Appointed Officials.)

Sec. 2-201. Compensation and expenses for mayor, council, employees and other elected or appointed officials.

In accordance with section 12 of the Charter, authorizing the council to establish compensation and expenses for the mayor and councilmembers, city employees and other elected or appointed officials, the following fees are hereby established:

(1) Mayor. The mayor shall receive an annual salary of $45,000.00. In addition, the mayor shall receive an expense allotment of up to $5,000.00, to be included in the city's annual budget, for miscellaneous expenses, to be reimbursed upon submission of receipts or proper documentation. Expenses in excess of this amount shall only be permitted by council approval. The mayor shall be entitled to all benefits customary to an employee of the city, except pension benefits, and sick and vacation leave.

(2) Councilmembers generally. Each councilmember shall receive an annual salary of $7,416.00, to be paid monthly. The council president shall receive an annual salary of $8,652.00, to be paid monthly. Councilmembers shall receive reimbursement for actual and necessary expenses incurred when on official business as prescribed by ordinance or policy.

(3) Councilmembers hearing appeals. Members of the council sitting to hear appeals from the municipal assessment shall receive $50.00 for per diem reimbursement for expenses for the preparation and attendance of each meeting of the assessment appeals committee.

(4) Nonemployee election officers. Each person not a city employee appointed to serve as an election judge for any municipal election shall receive $200.00 for per diem reimbursement for each election attended. Each person chosen to serve as a clerical assistant for any municipal election shall receive $150.00 for per diem reimbursement for each election attended.

(5) Employee election officers. Employees of the city appointed to serve as election judges or officials for any municipal election shall receive $150.00 for per diem reimbursement for expenses for each municipal election attended in addition to their regular salary.

(6) Appointee to council committee. Each appointed member to any city council committee, not serving an elected term to any city office, shall receive $75.00 for preparation and attendance at each committee meeting to which the member is appointed.

(7) Employee on council committee. For any city employee appointed to a council committee shall receive $25.00 for reimbursement for expenses per diem for each meeting attended which is held after 5:00 p.m. on a scheduled workday or at any time on a weekend or city-approved holiday.

(8) Planning commission. Each appointed member of the planning commission shall receive $100.00 per diem reimbursement for expenses to be paid quarterly for preparation and attendance at each meeting of the planning commission.

(Code 1981, § 2-70; Ord. of 9-14-1987; Ord. of 8-27-1990; Ord. of 11-26-1990, § 1; Ord. of 1-11-1993; Ord. of 6-27-1994; Ord. of 2-24-1997(2); Ord. of 1-10-2000; Ord. of 10-9-2000; Ord. of 1-22-2001; Ord. of 6-24-2002)

Section 2.05. Prohibitions.

(a) Holding Other Office. Except where authorized by law, no council members shall hold any other elected public office during the term for which the member was elected to the council. No council member shall hold any other city office or employment during the term for which the member was elected to the council. No former council members shall hold any compensated appointive office or employment with the city until one year after the expiration of the term for which the member was elected to the council, unless granted a waiver by the Board of Ethics (Ethics Commission).

(Article II - Mayor and Council) Sec. 5. Council to be legislative body; size; districts; terms of mayor and councilmen; qualifications. (Also in Section 2.02. Eligibility, Terms, and Composition)

The council shall be the legislative body of the city and composed of nine (9) 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 (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 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 ***four (4)*** ~~**two (2)**~~ years commencing on the second Monday in May following their election and continuing for a term of ***four (4)*** ~~**two (2)**~~ years until the second Monday in May or until their successor has been duly elected and qualified. ***(Should include recall provision)***

The term of the councilmen shall be for two (2) years. In 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 each regular municipal election held in an even numbered year, four (4) 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 (2) 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 (21) years of age or older; 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; and if they have a year remaining on their term, then their office as councilman shall be filled at the same annual election in which they have filed to run for the office of mayor.

(Article III. City Manager) ***(Consider Changing Title)*** **Sec. 33. The city manager generally. (Also See Section 3.01 and 3.02)**

The council shall appoint a city manager who shall be the chief administrative officer of the city. The City Manager need not, when appointed, be a resident of the city or the state. No member of the council shall, during the time for which elected, be chosen as city manager. The manager shall be appointed for an indefinite term but shall be removable at the pleasure of the council. Before the manager may be removed he/she shall, if he/she so demand, be given a written statement of the reasons alleged for his/her removal and the right to be heard publicly thereon at a meeting of the council prior to the final vote on the question of his/her removal, but pending and during such hearing the council may suspend him/her from office. The action of the council in suspending or removing the manager shall be final, it being the intention of this Charter to vest all authority and fix all responsibility for such suspension or removal in the council. In case of the absence or disability of the manager the council may designate some qualified person to perform the duties of the office during such absence or disability.

(b) **Appointments and Removals.** Neither the city council nor any of its members shall in any manner control or demand the appointment or removal of any city administrative officer or employee whom the city manager or any subordinate of the city manager is empowered to appoint, but the council may express its views and fully and freely discuss with the city manager anything pertaining to appointment and removal of such officers and employees.

(c) **Interference with Administration.** Except for the purpose of inquiries, and investigations under § 2.09, the council or its members shall deal with city officers and employees who are subject to the direction and supervision of the city manager solely through the city manager, and neither the council nor its members shall give orders to any such officer or employee, either publicly or privately.

(Article III - City Manager) Sec. 35. Removal of employees by manager.

Employees appointed by the city manager, or under his/her authorization, may be removed by him/her at any time. The decision of the manager in any such case shall be final and there shall be no appeal therefrom to any other officer, body or court whatsoever.

(Article III - City Manager) Sec. 36. Council not to interfere with appointments or removals of manager; giving orders to subordinates of manager prohibited; penalty for same.

Neither the council nor any of its committees or members shall direct or request the appointment of any person to, or removal from, office by the city manager or any of his/her subordinates, or in any manner take part in the appointment or removal of employees in the administrative service of the affairs of the city under the charge of the manager. Except for the purpose of inquiry, the council and its members shall deal with that portion of the administrative service for which the manager is responsible solely through the manager, and neither the council nor any member thereof shall give orders to any subordinate of the city under the city manager either publicly or privately. Any violation of the provisions of this section by a member of the council shall be a misdemeanor, conviction of which shall immediately forfeit the office of the member so convicted.

Section 2.06. Vacancies; Forfeiture of Office; Filling of Vacancies.

(a) **Vacancies.** The office of a council member shall become vacant upon the member's death, resignation, or removal from office or forfeiture of office in any manner authorized by law.

(b) **Forfeiture of Office.** A council member shall forfeit that office if the council member:

(1) Fails to meet the residency requirements,
(2) Violates any express prohibition of this charter,
(3) Is convicted of a crime involving moral turpitude, or
(4) Fails to attend three consecutive regular meetings of the council without being excused by the council.

(c) **Filling of Vacancies.** A vacancy in the city council shall be filled for the remainder of the unexpired term, if any, at the next regular election following not less than sixty days upon the occurrence of the vacancy, but the council by a majority vote of all its remaining members shall appoint a qualified person to fill the vacancy until the person elected to serve the remainder of the unexpired term takes office. If the council fails to do so within thirty days following the occurrence of the vacancy, the election authorities shall call a special election to fill the vacancy, to be held not sooner than ninety days and not later than 120 days following the occurrence of the vacancy, and to be otherwise governed by law. Notwithstanding the requirement in § 2.11(c), if at any time the membership of the council is reduced to less than *, the remaining members may by majority action appoint additional members to raise the membership to *.

(Article II - Mayor and Council) Sec. 13. Filling vacancies for council or mayor.

The loss of residence in the city, the loss of residence in the state, the removal from the district where the member resided at the time of the member's election, in the case of a councilman, or the conviction of any crime involving moral turpitude during the term for which the member was elected, shall create a vacancy in the office either of mayor or councilman. In the case of any such vacancy or of any vacancy created by death, resignation or otherwise for which said vacancy shall be less than six (6) months in duration, the council shall fill such vacancy. If such vacancy should be in excess of six (6) months in duration, a special election shall be held to fill such vacancy, this special election to be held no sooner than thirty (30) days from the date of the vacancy, but said special election to be held no later than sixty (60) days after the date of the vacancy. ***(Request that the City Solicitor provide new language to better clarify the intended meaning of "moral turpitude").***

Section 2.07. Judge of Qualifications.

The city council shall be the judge of the election and qualifications of its members, and of the grounds for forfeiture of their office. In order to exercise these powers, the council shall have power to subpoena witnesses, administer oaths and require the production of evidence. A member charged with conduct constituting grounds for forfeiture of office shall be entitled to a public hearing on demand, and notice of such hearing shall be published in one or more newspapers of general circulation in the city at least one week in advance of the hearing.

(Article II - Mayor and Council) Sec. 11. Council to be judge of election results and qualification of members; power to fix procedure. ***(Possible Split - Move "Power to fix procedure" to Dover Code)***

The council shall be the judge of the election results and qualification of its members and, in such cases, shall have power to subpoena witnesses and compel the production of all pertinent books, records and papers; but the decision of the council in any such case shall be subject to review by the courts. The holding over members shall constitute the council for the purpose of determining election contests. **The council shall determine its own rules and order of business and keep a journal of its proceedings. It shall have power to compel the attendance of absent members, and may punish its members for disorderly behavior.**

Section 2.08. City Clerk.

The city council or the city manager shall appoint an officer of the city who shall have the title of city clerk. The city clerk shall give notice of council meetings to its members and the public, keep the journal of its proceedings and perform such other duties as are assigned by this charter or by the council or by state law.

Article II - Mayor and Council, Sec. 16. Clerk of council.

The council shall choose a clerk, who shall keep a record of the proceedings of the council and perform such other duties and have such powers as may be prescribed by ordinance.

Sec. 17. City treasurer

At the annual meeting the council shall elect a city treasurer to hold office until the next annual meeting of the council, or until his/her successor has been duly chosen and qualified, but subject to removal at any time by the council.

The city treasurer shall be the custodian of all the city funds and shall deposit them in a banking institution designated by the council.

Section 2.09. Investigations.

The city council may make investigations into the affairs of the city and the conduct of any city department, office, or agency and for this purpose may subpoena witnesses, administer oaths, take testimony, and require the production of evidence. Failure or refusal to obey a lawful order issued in the exercise of these powers by the council shall be a misdemeanor punishable by a fine of not more than $_____, or by imprisonment for not more than _____ or both.

(Article III - City Manager) Sec. 39. Investigations by council.

The council shall have power to inquire into the conduct of any office, officer or employee of the city and to make investigations as to municipal affairs, and for that purpose may subpoena witnesses, administer oaths, and compel the production of books, papers and other evidence.

Section 2.10. Independent Audit.

The city council shall provide for an independent annual audit of all city accounts and may provide for more frequent audits as it deems necessary. Such audits shall be carried out in accordance with § 5.12.

Article IV. Financial Affairs, Sec. 46. Annual audit. (Also in Section 5.11 - Independent Audit)

Annually in the month of July the council shall have the finances of the city and the books and accounts of the city manager and the city treasurer audited by a certified accountant.

As soon as practicable after such audit has been completed, the council shall cause to be made and published a report of the city's finances for the preceding fiscal year.

Section 2.11. Procedure.

(a) **Meetings.** The council shall meet regularly at least once in every month at such times and places as the council may prescribe by rule. Special meetings may be held on the call of the mayor or of _____ Or more members and, whenever practicable, upon no less than twelve hours' notice to each members. Except as allowed by state law, all meetings shall be public; however, the council may recess for the purpose of discussing in a closed or executive session limited to its own membership any matter which would tend to defame or prejudice the character or reputation of any person, if the general subject matter for consideration is expressed in the motion calling for such session and final action on such motion is not taken by the council until the matter is placed on the agenda.

(Article II - Mayor and Council) Sec. 9. Meetings of mayor and council--Generally.

At 7:30 p.m. on the second Monday in May following a regular municipal election, the mayor and council shall meet at the usual place for holding council meetings and the newly elected officers shall assume the duties of office, being first duly sworn or affirmed to perform their duties with fidelity. Such meeting shall be called or known as the annual meeting. Thereafter, the council shall hold regular meetings at such times as may be prescribed by ordinance, but not less frequently than once each month. Special meetings may be called and held as prescribed by ordinance. All meetings of the council shall be open to the public except scheduled executive sessions.

At the annual meeting held on the second Monday in May, the members of council shall elect one of their members to serve as council president, such term to be in effect until the next regularly scheduled annual meeting or until a successor is elected. The council president shall serve as vice-mayor. Council president shall preside over regular and special council meetings.

The mayor shall preside over the annual meeting and quarterly town meetings, and at the annual meeting present a state of the city message and offer mayoral appointments for council confirmation. The mayor, upon recommendation from the council president, will present council appointments for council approval.

In the event of absence of the council president, then the senior member of council in terms of length of service as a councilman shall assume the duties of the council president and shall be designated council president acting. In the event that two (2) or more members of council have the same seniority in terms of length of service as a councilman, then the members of council shall vote and elect one of those as council president acting. Council president acting shall fulfill all of the duties and responsibilities of council president during his/her period of unavailability or absence.

(Article II - Mayor and Council) Sec. 10. Meetings of Mayor and Council--Procedure. (Also in Section 2.11 - Procedure, (b) Rules and Journal and (c) Voting)

Five (5) of the members elected to the council shall constitute a quorum to do business, but a less number may adjourn from time to time and may compel the attendance of absent members in such manner and under such penalties as may be prescribed by ordinance.

No ordinance, resolution, motion or order shall be valid unless it shall have (1) the affirmative vote of a majority of the members elected to the council, and (2) the written approval of the mayor, or the vice-mayor in those cases where the vice-mayor is authorized to act as mayor as provided in section 15 hereof, provided that in the absence of such approval by the mayor, or the vice-mayor as the case may be, the council may, after not less than seven (7) days nor more than thirty-five (35) days after the prior vote, pass or adopt the said ordinance, resolution, motion or order which did not receive the approval of the mayor, or the vice-mayor, by the affirmative vote of two-thirds of the members elected to council.

Whenever the council shall adopt an ordinance, resolution, motion or order, it shall be the duty of the mayor, or the vice-mayor, to signify his/her approval or disapproval thereof in writing to the clerk of the council within seven (7) days thereafter. The clerk of the council shall forthwith notify the members of the council of such approval or disapproval.

Motions to adjourn meetings of council and orders to compel the attendance of absent members shall not require the approval of the mayor or vice-mayor.

A councilman ***shall*** ~~***may***~~ abstain from voting on a matter that he/she feels would involve the consideration of his/her own official conduct, on a matter in which he/she has a financial interest, in a matter in which he has a conflict of interest or in accordance with a policy adopted by council. ***(It was suggested that gender language be corrected in this paragraph; however, during a recent Recodification, the General Assembly made such amendments which is currently reflected).***

The yeas and nays shall be taken upon the passage of every ordinance and resolution and entered together with the text of the ordinance or resolution upon the journal of the proceedings of the council. The journal shall be deemed conclusive evidence of the facts stated therein except in the case of fraud. *(Amend to Address Electronic Voting)*

State Law reference: Open Meetings Required, 29 Del. C. § 10004.

Chapter 2 - Administration, Article II - City Council, Division 2. Meetings

Sec. 2-51. Regular meetings.

(a) When and where held. Regular meetings of the mayor and city council shall be held on the second and fourth Monday of each month at the time and place designated by the council president.

(b) Notice. Notice to the councilmembers of regular meetings shall not be required, except when the regular meetings are to be held at a place other than city hall.

(Code 1968, § 2-2; Code 1981, § 2-66; Ord. of 3-12-2001)

Charter references: Meetings of mayor and council, subpart A, §§ 9, 10.
State law references: Open meetings required, 29 Del. C. § 10004.

Sec. 2-52. Special meetings.

(a) When and where held. Special meetings of the mayor and city council shall be called by the mayor or the council president. Designation of the time and place of the special meetings shall be delivered by verbal or written notice to each councilmember at least 24 hours prior to the meetings.

(b) Waiver of notice. The notice of the special meeting may be waived by the councilmembers individually.
(Code 1968, § 2-3; Code 1981, § 2-67; Ord. of 5-24-1993)
Charter references: Power of council to regulate manner of calling and holding of special meetings, subpart A, § 9.

Sec. 2-53. Cancellation of meetings; one meeting per month required.
Any meeting of the mayor and city council provided for by this division may be cancelled by unanimous consent of the mayor and councilmembers, except that one meeting per month shall be held as is required by section 9 of the city Charter.
(Code 1968, § 2-5; Code 1981, § 2-68)
Secs. 2-54--2-80. Reserved.

(b) Rules and Journal. The city council shall determine its own rules and order of business and shall provide for keeping a journal of its proceedings. This journal shall be a public record.

(Article II - Mayor and Council) Sec. 10. Meetings of Mayor and Council--Procedure. (Also in Section 2.11 - Procedure, (a) Meetings and (c) Voting)

Five (5) of the members elected to the council shall constitute a quorum to do business, but a less number may adjourn from time to time and may compel the attendance of absent members in such manner and under such penalties as may be prescribed by ordinance.

No ordinance, resolution, motion or order shall be valid unless it shall have (1) the affirmative vote of a majority of the members elected to the council, and (2) the written approval of the mayor, or the vice-mayor in those cases where the vice-mayor is authorized to act as mayor as provided in section 15 hereof, provided that in the absence of such approval by the mayor, or the vice-mayor as the case may be, the council may, after not less than seven (7) days nor more than thirty-five (35) days after the prior vote, pass or adopt the said ordinance, resolution, motion or order which did not receive the approval of the mayor, or the vice-mayor, by the affirmative vote of two-thirds of the members elected to council.

Whenever the council shall adopt an ordinance, resolution, motion or order, it shall be the duty of the mayor, or the vice-mayor, to signify his/her approval or disapproval thereof in writing to the clerk of the council within seven (7) days thereafter. The clerk of the council shall forthwith notify the members of the council of such approval or disapproval.

Motions to adjourn meetings of council and orders to compel the attendance of absent members shall not require the approval of the mayor or vice-mayor.

A councilman ***shall*** ~~***may***~~ abstain from voting on a matter that he/she feels would involve the consideration of his/her own official conduct, on a matter in which he/she has a financial interest, in a matter in which he has a conflict of interest or in accordance with a policy adopted by council. ***(It was suggested that gender language be corrected in this paragraph; however, during a recent Recodification, the General Assembly made such amendments which is currently reflected).***

The yeas and nays shall be taken upon the passage of every ordinance and resolution and entered together with the text of the ordinance or resolution upon the journal of the proceedings of the council. The journal shall be deemed conclusive evidence of the facts stated therein except in the case of fraud. *(Amend to Address Electronic Voting)*

(Article II - Mayor and Council) Sec. 11. Council to be judge of election results and qualification of members; ~~**power to fix procedure**~~**.** ***(Possible Split "Power to fix procedure" to Dover Code - also see Section 2.07)***

The council shall be the judge of the election results and qualification of its members and, in such cases, shall have power to subpoena witnesses and compel the production of all pertinent books, records and papers; but the decision of the council in any such case shall be subject to review by the courts. The holding over members shall constitute the council for the purpose of determining election contests. **The council shall determine its own rules and order of business and keep a journal of its proceedings.** It shall have power to compel the attendance of absent members, and may punish its members for disorderly behavior.

(c) **Voting.** Voting, except on procedural motions, shall be by roll call and the ayes and nays shall be recorded in the journal. _____members of the council shall constitute a quorum, but a smaller number may adjourn from time to time and may compel the attendance of absent members in the manner and subject to the penalties prescribed by the rules of the council. No action of the council, except as otherwise provided in the preceding sentence and in § 2.06 (c), shall be valid or binding unless adopted by the affirmative vote of _____or more members of council.

(Article II - Mayor and Council) Sec. 10. Meetings of Mayor and Council--Procedure. (Also in Section 2.11 - Procedure, (a) Meetings; and (b) Rules and Journal)

Five (5) of the members elected to the council shall constitute a quorum to do business, but a less number may adjourn from time to time and may compel the attendance of absent members in such manner and under such penalties as may be prescribed by ordinance.

No ordinance, resolution, motion or order shall be valid unless it shall have (1) the affirmative vote of a majority of the members elected to the council, and (2) the written approval of the mayor, or the vice-mayor

in those cases where the vice-mayor is authorized to act as mayor as provided in section 15 hereof, provided that in the absence of such approval by the mayor, or the vice-mayor as the case may be, the council may, after not less than seven (7) days nor more than thirty-five (35) days after the prior vote, pass or adopt the said ordinance, resolution, motion or order which did not receive the approval of the mayor, or the vice-mayor, by the affirmative vote of two-thirds of the members elected to council.

Whenever the council shall adopt an ordinance, resolution, motion or order, it shall be the duty of the mayor, or the vice-mayor, to signify his/her approval or disapproval thereof in writing to the clerk of the council within seven (7) days thereafter. The clerk of the council shall forthwith notify the members of the council of such approval or disapproval.

Motions to adjourn meetings of council and orders to compel the attendance of absent members shall not require the approval of the mayor or vice-mayor.

A councilman ***shall*** ~~***may***~~ abstain from voting on a matter that he/she feels would involve the consideration of his/her own official conduct, on a matter in which he/she has a financial interest, in a matter in which he has a conflict of interest or in accordance with a policy adopted by council. ***(It was suggested that gender language be corrected in this paragraph; however, during a recent Recodification, the General Assembly made such amendments which is currently reflected).***

The yeas and nays shall be taken upon the passage of every ordinance and resolution and entered together with the text of the ordinance or resolution upon the journal of the proceedings of the council. The journal shall be deemed conclusive evidence of the facts stated therein except in the case of fraud. *(Amend to Address Electronic Voting)*

Section 2.12. Action Requiring an Ordinance.

In addition to other act required by law or by specific provision of this charter to be done by ordinance, those acts of the city council shall be by ordinance which:

(1) Adopt or amend an administrative code or establish, alter, or abolish any city department, office, or agency;
(2) Provide for a fine or other penalty or establish a rule or regulation for violation of which a fine or other penalty is imposed;
(3) Levy taxes;
(4) Grant, renew, or extend a franchise;
(5) Regulate the rate charged for its services by a public utility;
(6) Authorize the borrowing of money;
(7) Convey or lease or authorize the conveyance or lease of any lands of the city;
(8) Regulate land use and development;
(9) Amend or repeal any ordinance previously adopted; or
(10) Adopt, with or without amendment, ordinances proposed under the initiative power.

Acts other than those referred to in the preceding sentence may be done either by ordinance or by resolution.

~~Sec. 18. Ordinances authorized; maximum penalty for violation.~~ *(Move Struck Text to Dover Code - Also in Section 2.13 - Ordinances in General)*

~~The council is hereby vested with the authority to adopt ordinances of every kind relating to any subject coming within the powers and functions of the city, or relating to the government of the city, its peace and order, its sanitation, appearance and beauty, the health, safety, convenience and comfort of its population, and the protection and preservation of property, and to fix and impose and enforce the payment of, fines and penalties for the violation of any such ordinance; provided that no fine or penalty shall exceed the sum of one thousand dollars ($1,000.00); and no provision in this Charter as to ordinances on any particular subject shall be deemed or held to be restrictive of the power to adopt ordinances on any subject not specifically enumerated.~~

~~Section 2.13 - Ordinances in General.~~ *(Move Struck Text to Dover Code)*

~~(a) Form. Every proposed ordinance shall be introduced in writing and in the form required for final adoption. No ordinance shall contain more than one subject, which shall be clearly expressed in its title. The enaction clause shall be "The city of Dover hereby ordains . . ." Any ordinance which repeals or amends an existing ordinance or part of the city code shall set out in full the ordinance, sections or subsections to be repealed or amended, and shall indicate matters to be omitted by enclosing it in brackets or by strikeout type and shall indicate new matters by underscoring or by italics.~~

~~(b) Procedure. Any member at any regular or special meeting of the council may introduce an ordinance. Upon introduction of any ordinance, the city clerk shall distribute a copy to each council member and to the city manager, shall file a reasonable number of copies in the office of the city clerk and such other public places as the council may designate, and sahll publish the ordinance together with a notice setting out the time and place for a public hearing thereon and for its consideration by the council. The public hearing shall follow the publication by at least seven days, may be held separately or in connection with a regular or special council meeting and may be adjourned from time to time; all persons interested shall have an opportunity to be heard. After the hearing, the council may adopt the ordinance with or without amendment or reject it, but if it is amended as to any matter of substance, the council may not adopt it until the ordinance or its amended sections have been subjected to all the procedures herein before required in the case of a newly introduce ordinance. As soon as practicable after adoption, the clerk shall have the ordinance and a notice of its adoption published and available at a reasonable price.~~

~~(c) Effective Date. Except as otherwise provided in this charter, every adopted ordinance shall become effective at the expiration of 30 days after adoption or at any later date specified therein.~~

~~(d) "Publish" Defined. As used in this section, the term "publish" means to print in the contemporary means of information sharing, which includes but is not limited to, one or more newspapers of general circulation in the city, and, if available, in a web site: (1) the ordinance or a brief summary thereof, and (2) the places where copies of it have been filed and the times when they are available for public inspection and purchase at a reasonable price.~~

~~**Sec. 18. Ordinances authorized; maximum penalty for violation.**~~ ***(Move Struck Text to Dover Code - Also in Section 2.12 - Action Requiring an Ordinance)***

~~**The council is hereby vested with the authority to adopt ordinances of every kind relating to any subject coming within the powers and functions of the city, or relating to the government of the city, its peace and order, its sanitation, appearance and beauty, the health, safety, convenience and comfort of its population, and the protection and preservation of property, and to fix and impose and enforce the payment of, fines and penalties for the violation of any such ordinance; provided that no fine or penalty shall exceed the sum of one thousand dollars ($1,000.00); and no provision in this Charter as to ordinances on any particular subject shall be deemed or held to be restrictive of the power to adopt ordinances on any subject not specifically enumerated.**~~

(Chapter 1 - General Provisions, Sec. 1-9 - Sponsoring, Consideration, Passage and Effective Date of Ordinances and Charter Amendments)

Sec. 1-9. Sponsoring, consideration, passage and effective date of ordinances and Charter amendments.

(a) Requirements for passage. No ordinance, except emergency ordinances, shall be passed by the council until it is:

(1) Announced at one regular council meeting, which announcement shall be made by the city clerk outlining the nature of the ordinance and stated when it will be considered for passage at a subsequent regular council meeting; and

(2) Read by synopsis, outline or otherwise at the subsequently announced meeting of the council prior to being voted upon by the council.

(b) Emergency ordinances; effective date of ordinances. Emergency ordinances may be passed by the council at any time, but must be designated as such that their immediate passage is necessary to serve the health and welfare of the city. Ordinances shall be passed in accordance with the provisions of section 10 of the Charter. All ordinances which do not state an effective date shall be effective immediately upon their adoption by the council and their approval by the mayor, except as otherwise provided in section 10 of the Charter.

(c) Sponsors. With the exception of emergency ordinances, zoning ordinances or map amendments, ordinance amendments submitted by council-appointed staff or a committee, and ordinances passed in consideration of a comprehensive review of the Code, all other ordinances or proposed Charter changes must have three sponsors, to consist of three members of the council, before they may are presented to the appropriate committee for consideration and subsequent recommendation to the council.
(Code 1968, § 1-8; Ord. of 3-12-1990; Ord. of 7-10-1995; Ord. of 2-12-2001; Ord. of 11-24-2003; Code 1981, § 1-6)

~~**(Article II - Mayor and Council). Sec. 19. Power of council to define and abate nuisances.**~~ ***(Move Struck Text to Dover Code)***

~~**The council shall have power to define nuisances and cause their abatement. The operation of any instrument, device, or machine of any kind whatsoever, that shall cause electrical interference with radio or television reception within the limits of the city shall, at the option of the council, be deemed to be a nuisance.**~~

~~**Sec. 21. Power of council to adopt zoning ordinances.**~~ ***(Move Struck Text to Dover Code)***

~~**The council may adopt zoning ordinances limiting and restricting to specified districts, and regulating therein, buildings and structures according to their construction and the nature and extent of their use.**~~

~~**Section 2.14. Emergency Ordinances.**~~ **(Keep wording of current Dover Code - See Section 1-9 below)**

~~To meet a public emergency affecting life, health, property or the public peace, the city council may adopt one or more emergency ordinances, but such ordinances may not levy taxes, grant, renew or extend a franchise, regulate the rate charged by any public utility for its services or authorize the borrowing of money except as provided in § 5.07 (b). An emergency ordinance shall be introduced in the form and manner prescribed for ordinances generally, except that it shall be plainly designated as an emergency ordinance and shall contain, after the enacting clause, a declaration stating that an emergency exists and describing it in clear and specific terms. An emergency ordinance may be adopted with or without amendment or rejected at the meeting at which it is introduced, but the affirmative vote of at least _____ Members shall be required for adoption. After its adoption, the ordinance shall be published and printed as prescribed for other adopted ordinances. It shall become effective upon adoption or at such later time as it may specify. Every emergency ordinance except one made pursuant to § 5.07 (b) shall automatically stand repealed as of the sixty-first day following the date on which it was adopted, but this shall not prevent re-enactment of the ordinance in the manner specified in this section if the emergency still exists. An emergency ordinance may also be repealed by adoption of a repealing ordinance in the same manner specified in this section for adoption of emergency ordinances.~~

(Chapter 1 - General Provisions, Sec. 1-9 - Sponsoring, Consideration, Passage and Effective Date of Ordinances and Charter Amendments)

Sec. 1-9. Sponsoring, consideration, passage and effective date of ordinances and Charter amendments.

(a) Requirements for passage. No ordinance, except emergency ordinances, shall be passed by the council until it is:

(1) Announced at one regular council meeting, which announcement shall be made by the city clerk outlining the nature of the ordinance and stated when it will be considered for passage at a subsequent regular council meeting; and

(2) Read by synopsis, outline or otherwise at the subsequently announced meeting of the council prior to being voted upon by the council.

(b) Emergency ordinances; effective date of ordinances. Emergency ordinances may be passed by the council at any time, but must be designated as such that their immediate passage is necessary to serve the health and welfare of the city. Ordinances shall be passed in accordance with the provisions of section 10 of the Charter. All ordinances which do not state an effective date shall be effective immediately upon their adoption by the council and their approval by the mayor, except as otherwise provided in section 10 of the Charter.

(c) Sponsors. With the exception of emergency ordinances, zoning ordinances or map amendments, ordinance amendments submitted by council-appointed staff or a committee, and ordinances passed in consideration of a comprehensive review of the Code, all other ordinances or proposed Charter changes must have three sponsors, to consist of three members of the council, before they may are presented to the appropriate committee for consideration and subsequent recommendation to the council.
(Code 1968, § 1-8; Ord. of 3-12-1990; Ord. of 7-10-1995; Ord. of 2-12-2001; Ord. of 11-24-2003; Code 1981, § 1-6)

Section 2.15. Codes of Technical Regulations.

The city council may adopt any standard code of technical regulations by reference thereto in an adopting ordinance. The procedure and requirements governing such an adopting ordinance shall be as prescribed for ordinances generally except that:

(1) The requirements of § 2.13 for distribution and filing of copies of the ordinance shall be construed to include copies of the code of technical regulations as well as of the adopting ordinance, and

(2) A copy of each adopted code of technical regulations as well as of the adopting ordinance shall be authenticated and recorded by the city clerk pursuant to § 2.16(a).

Copies of any adopted code of technical regulations shall be made available by the city clerk for distribution or for purchase at a reasonable price.

(Article II - Mayor and Council)
Sec. 20. Power of council to provide for fire protection measures. ***(Revisit with Regard to Who Provides Fire Protection for Annexed Properties - see also Section 46-41 of the Dover Code)***

The council shall have power to adopt all measures requisite or appropriate for protection against fire. To this end the council may adopt ordinances prohibiting the use of building materials that the council deem would create a fire hazard, and may zone or district the city and make particular provisions for particular zones or districts with regard to buildings and building materials. This power shall be deemed to embrace new buildings or additions to or alterations of existing structures of every kind. The council shall have the power to condemn any building or structure or portion thereof that it deems to be a health hazard or constitutes a fire menace or to require or cause the same to be torn down, removed, or so altered as to eliminate the health hazard or menace of fire.

(Chapter 46 - Fire Prevention and Protection) Sec. 46-121. Adopted.

(a) International Fire Code adopted. A certain document, three copies of which are on file in the office of the department of planning of the city, being marked and designated as "International Fire Code, 2003 Edition," as published by the International Code Council, be and is hereby adopted as the Fire Prevention Code of the City of Dover in the State of Delaware; for the control of buildings, structures and premises as herein provided; and each and all of the regulations, provisions, penalties, conditions and terms of said International Fire Code, are hereby referred to, adopted and made part hereof as if fully set out in this section, with additions, insertions, deletions and changes as follows:

Section 101.1. Insert "City of Dover", in place of [NAME OF JURISDICTION].
Delete in their entirety: Sections 105.6 Required operational permits, through 105.7.12 Temporary membrane structures, tents, and canopies.

(b) National Fire Codes adopted. There is hereby adopted the most recently published edition of the National Fire Prevention Association's (NFPA) National Fire Codes (excluding NFPA Codes 11C, 13E, 402M, -41s, 422, 424M-473, 901-906, 1001-1041, 1201-1410, 1452-1999, 5000), three copies of which are on file in the office of the fire marshal.

(c) The more restrictive provisions of the International Fire Codes as set forth in subsection (a) above or the National Fire Codes as set forth in subsection (b) above shall apply whenever they may be in conflict.

(d) It shall be unlawful for any person to violate any of the provisions of the publications adopted in subsection (a) or (b).
(Code 1968, § 14-1; Ord. of 3-12-1972, § 2; Code 1981, § 7-56; Ord. of 4-9-1984, § 4; Ord. of 3-11-1991; Ord. of 11-22-1993; Ord. of 1-27-1997; Ord. of 3-13-2000; Ord. of 4-11-2005(6))

Sec. 22. Power of council to regulate construction of buildings and require permits; building inspector authorized.

The power of the council to adopt ordinances for the safety of the city and its population shall be deemed to embrace the right to prescribe the height and thickness of the walls of any building and the kind and grade of materials used in the construction thereof.

The council may provide for the issuance of building permits and forbid the construction of a new building or the addition to or alteration and repair of an existing building except when a building permit has been obtained therefore. The council may appoint a building inspector and prescribe his/her powers and duties.

Sec. 25. Power of council to operate light, power or water plant.

The council shall have power to operate a light, power and water plant for the city, and to do all things necessary for its maintenance and operation. The council may at their option transmit electric current and or water from its said plant to places or properties outside of the city limits upon such terms, charges and conditions as they shall determine.

The council shall have power to adopt ordinances, rules and regulations in regard to the use for public or private purposes of electric current distributed and or water furnished by the city and the amount to be paid by the users thereof, and

fix fines and penalties for any willful or negligent injury or damage to its water and light plant, and to any objectionable use in connection with its light and water system, and to any interference with or obstruction of the said system.

(Chapter 110 - Utilities)
Sec. 110-31. Electric service handbook incorporated by reference.

The City of Dover Municipal Electric Department's Service Handbook is hereby incorporated by reference into the laws of the city. A copy of the aforesaid handbook shall be filed in the city clerk's office and available to the public for inspection.
(Code 1981, § 22-16)

(Chapter 22 -Buildings and Building Regulations)

ARTICLE III. BUILDING CODE
Sec. 22-61. Adopted.

(a) International Building Code adopted. Certain documents, three copies of which are on file in the department of planning and inspections of the city being marked and designated as "The International Building Code, 2003

Edition" as published by the International Code Council be and is hereby adopted as the Building Code of the City of Dover in the State of Delaware; for the control of buildings and structures as herein provided; and each and all of the regulations, provisions, penalties, conditions and terms of said International Building Code, are hereby referred to, adopted and made a part hereof as if fully set out in this section, with the additions, insertions, deletions and changes as follows: . . .

ARTICLE VI - PLUMBING CODE
Sec. 22-181. Adopted.

(a) Certain documents, three copies of which are on file in the office of the department of planning and inspections in the city, being marked and designated as International Plumbing Code, including appendix chapters B, C, D, E, F, G, as referenced in the building code adopted in 5-16(a) [subsection 22-61(a)], published by the International Code Council, be and is hereby adopted as the code of the City of Dover for regulating the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use or maintenance of plumbing systems in the city and providing for the issuance of permits and collection of fees therefore; and each and all of the regulations, provisions, conditions and terms of such International Plumbing Code, as referenced in the building code adopted in 5-16(a) [subsection 22-61(a)], published by the International Code Council, on file in the office of the City of Dover are hereby referred to, adopted and made a part hereof as if fully set out in this section. The following sections are hereby revised:

ARTICLE IV - ELECTRICAL INSTALLATIONS
Sec. 22-101. Electrical code adopted.

(a) Copies filed; effect. There is hereby adopted by reference, for the purpose of establishing rules and regulations for the installation, renewal, extension, and reception of electric wiring and electric apparatus in existing buildings, structures or outdoor electrical displays or signs, that certain code known as the "National Electrical Code," as recommended by the National Fire Protection Association, and the same is hereby adopted and incorporated as fully as if set out at length herein, and shall be controlling for all electrical wiring and apparatus in buildings, structures, or outdoor electrical displays, or signs within the city.

(b) Violations. It shall be unlawful for any person to violate any of the provisions of the code adopted in subsection (a) of this section.
(Ord. of 10-23-1972, § 1; Code 1981, § 5-31; Ord. of 3-11-1991; Ord. of 4-11-2005(3))

ARTICLE V - MECHANICAL CODE.
Sec. 22-141. Adopted.

(a) Certain documents, three copies of which are on file in the office of the department of inspections and [of] the city, being marked and designated as the International Mechanical Code, including appendix chapter "A", as referenced in the building code adopted in subsection 22-61(a), published by the International Code Council, be and is hereby adopted as the code of the city for regulating the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use or maintenance of mechanical systems in the city and providing for the issuance of permits and collection of fees therefore; and each and all of the regulations, provisions, conditions and terms of such International Mechanical Code, as referenced in the building code adopted in section 22-61(a), published by the International Code Council, on file in the office of the city are hereby referred to, adopted and made a part hereof as if fully set out in this section. The following sections of the International Mechanical Code are hereby revised:

ARTICLE VII - PROPERTY MAINTENANCE CODE.
Sec. 22-221. Adopted.

(a) A certain document, three copies of which are on file in the office of the department of planning and inspections of the city, being marked and designated as "The International Property Maintenance Code, 2003" as published by the International Code Council, be and is hereby adopted as the Property Maintenance Code of the City of Dover, in the State of Delaware; for the control of buildings and structures as herein provided; and each and all of the regulations, provisions, penalties, conditions and terms of said property maintenance code are hereby referred to, adopted, and made a part hereof, as if fully set out in this section, with the following additions, insertions, deletions and changes:

~~**Section 2.16. Authentication and Recording; Codification; Printing of Ordinances and Resolutions.**~~ **(Keep wording of current Dover Code - See Section 1-16 below)**

~~**(a) Authentication and Recording.** The city clerk shall authenticate by signing and shall record in full in a properly indexed book kept for the purpose all ordinances and resolutions adopted by the city council.~~

~~**(b) Codification.** Within three years after adoption of this charter and at least every ten years thereafter, the city council shall provide for the preparation of a general codification of all city ordinances and resolutions having the force and effect of law. The general codification shall be adopted by the council by ordinance and shall be published, together with this charter and any amendments thereto, pertinent provisions of the constitution and other laws of the state of Delaware, and such codes of technical regulations and other rules and regulations as the council may specify. This compilation shall be known and cited officially as the Dover city code. Copies of the code shall be furnished to city officers, placed in libraries, public offices, and, if available, in a web site for free public reference and made available for purchase by the public at a reasonable price fixed by the council.~~

~~**(c) Printing of Ordinances and Resolutions.** The city council shall cause each ordinance and resolution having the force and effect of law and each amendment to this charter to be printed promptly following its adoption, and the printed ordinances, resolutions and charter amendments shall be distributed or sold to the public at reasonable prices as fixed by the council. Following publication of the first Dover city code and at all times thereafter, the ordinances, resolutions and charter amendments shall be printed in substantially the same style as the code currently in effect and shall be suitable in form for integration therein. The council shall make such further arrangements as it deems desirable with respect to reproduction and distribution of any current changes in or additions to the provisions of the constitution and other laws of the state of Delaware, or the codes of technical regulations and other rules and regulations included in the code.~~

(Chapter 1 - General Provisions) Sec. 1-16. Supplementation of Code.

(a) By contract or by city personnel, supplements to this Code shall be prepared and printed whenever authorized or directed by the city council. A supplement to the Code shall include all substantive permanent and general parts of ordinances adopted during the period covered by the supplement and all changes made thereby in the Code. The pages of a supplement shall be so numbered that they will fit properly into the Code and will, where necessary, replace pages which have become obsolete or partially obsolete, and the new pages shall be so prepared that, when they have been inserted, the Code will be current through the date of the adoption of the latest ordinance included in the supplement.

(b) In the preparation of a supplement to this Code, all portions of the Code that have been replaced shall be excluded from the Code by the omission thereof from reprinted pages.

(c) When preparing a supplement to this Code, the codifier (meaning the person authorized to prepare the supplement) may make formal, nonsubstantive changes in ordinances and parts of ordinances included in the supplement, insofar as it is necessary to do so to embody them into a unified code. For example, the codifier may:

(1) Organize the ordinance material into appropriate subdivisions;

(2) Provide appropriate catchlines, headings and titles for sections and other subdivisions of the Code printed in the supplement, and make changes in such catchlines, headings and titles;

(3) Assign appropriate numbers to sections and other subdivisions to be inserted in the Code, and, where necessary to accommodate new material, change existing section or other subdivision numbers;

(4) Change the term "this ordinance," or terms of the same meaning, to "this chapter," "this article," "this division," etc., as the case may be, or to "sections _____ to _____," inserting section numbers to indicate the sections of the Code that embody the substantive sections of the ordinances incorporated into the Code; and

(5) Make other nonsubstantive changes necessary to preserve the original meaning of ordinance sections inserted into the Code, but in no case shall the codifier may any change in the meaning or effect of ordinance material included in the supplement or already embodied in the Code.

Article III
CITY MANAGER

Section 3.01. Appointment; Qualifications; Compensation.

The city council by a majority vote of its total membership shall appoint a city manager for an indefinite term and fix the manager's compensation. The city manager shall be appointed solely on the basis of education and experience in the accepted competencies and practices of local government management. The manager need not be a resident of the city of state at the time of appointment, but may reside outside the city while in office only with the approval of the council.

(Article III - City Manager) Sec. 33. The city manager generally. ***(Consider Changing Title)*** **(Also See Section 2.05(a) and 3.02)**

The council shall appoint a city manager who shall be the chief administrative officer of the city. The City Manager need not, when appointed, be a resident of the city or the state. No member of the council shall, during the time for which elected, be chosen as city manager. The manager shall be appointed for an indefinite term but shall be removable at the pleasure of the council. Before the manager may be removed he/she shall, if he/she so demand, be given a written statement of the reasons alleged for his/her removal and the right to be heard publicly thereon at a meeting of the council prior to the final vote on the question of his/her removal, but pending and during such hearing the council may suspend him/her from office. The action of the council in suspending or removing the manager shall be final, it being the intention of this Charter to vest all authority and fix all responsibility for such suspension or removal in the council. In case of the absence or disability of the manager the council may designate some qualified person to perform the duties of the office during such absence or disability.

Section 3.02. Removal.

If the city manager declines to resign at the request of the city council, the city council may suspend the manager by a resolution approved by the majority of the total membership of the city council. Such resolution shall set forth the reasons for suspension and proposed removal. A copy of such resolution shall be served immediately upon the city manager. The city manager shall have fifteen days in which to reply thereto in writing, and upon request, shall be afforded a public hearing, which shall occur not earlier than ten days nor later than fifteen days after such hearing is requested. After the public hearing, if one is requested, and after full consideration, the city council by a majority vote of its total membership may adopt a final resolution of removal. The city manager shall continue to receive full salary until the effective date of a final resolution of removal.

(Article III - City Manager) Sec. 33. The city manager generally. ***(Consider Changing Title)*** **(Also See Section 2.05(a) and 3.01)**

The council shall appoint a city manager who shall be the chief administrative officer of the city. The City Manager need not, when appointed, be a resident of the city or the state. No member of the council shall, during the time for which elected, be chosen as city manager. The manager shall be appointed for an indefinite term but shall be removable at the pleasure of the council. Before the manager may be removed he/she shall, if he/she so demand, be given a written statement of the reasons alleged for his/her removal and the right to be heard publicly thereon at a meeting of the council prior to the final vote on the question of his/her removal, but pending and during such hearing the council may suspend him/her from office. The action of the council in suspending or removing the manager shall be final, it being the intention of this Charter to vest all authority and fix all responsibility for such suspension or removal in the council. In case of the absence or disability of the manager the council may designate some qualified person to perform the duties of the office during such absence or disability.

~~**Section 3.03. Acting City Manager.**~~ ***(Move Struck Text to Dover Code)***

~~**By letter filed with the city clerk, the city manager shall designate a city officer or employee to exercise the powers and perform the duties of city manager during the manager's temporary absence or disability; the city council may revoke such designation at any time and appoint another officer of the city to serve until the city manager returns.**~~

Section 3.04. Powers and Duties of the City Manager.

The city manager shall be the chief executive officer of the city, responsible to the council for the management of all city affairs placed in the manager's charge by or under this charter. The city manager shall:

(1) Appoint and suspend or remove all city employees and appointive administrative officers provided for by or under this charter, except as otherwise provided by law, this charter or personnel rules adopted pursuant to this charter. The city manager may authorize any administrative officer subject to the manager's direction and supervision to exercise these powers with respect to subordinates in that officer's department, office or agency;

(2) Direct and supervise the administration of all departments, offices and agencies of the city, except as otherwise provided by this charter or by law;

(3) Attend all city council meetings. The city manager shall have the right to take part in discussion but shall not vote;
(4) See that all laws, provisions of this charter and acts of the city council, subject to enforcement by the city manager or by officers subject to the manager's direction and supervision, are faithfully executed;
(5) Prepare and submit the annual budget and capital program to the city council, and implement the final budget approved by council to achieve the goals of the city;
(6) Submit to the city council and make available to the public a complete report on the finances and administrative activities of the city as of the end of each fiscal year;
(7) Make such other reports as the city council may require concerning operations;
(8) Keep the city council fully advised as to the financial condition and future needs of the city;
(9) Make recommendations to the city council concerning the affairs of the city and facilitate the work of the city council in developing policy;
(10) Provide staff support service3s for the mayor and council members;
(11) Assist the council to develop long term goals for the city and strategies to implement these goals;
(12) Encourage and provide staff support for regional and intergovernmental cooperation;
(13) Promote partnerships among council, staff, and citizens in developing public policy and building a sense of community; and
(14) Perform such other duties as are specified in this charter or may be required by the city council.

Sec. 34. Responsibility of manager; powers of appointment and removal.

The city manager shall be responsible to the council for the proper administration of all affairs of the city placed in his/her charge, and to that end, except as otherwise provided herein, he/she shall have the power to appoint and remove all employees in the administrative service of the affairs of the city under his/her charge. All such appointment shall be without definite term.

Sec. 35. Removal of employees by manager.

Employees appointed by the city manager, or under his/her authorization, may be removed by him/her at any time. The decision of the manager in any such case shall be final and there shall be no appeal therefrom to any other officer, body or court whatsoever.

Sec. 37. Duties of the manager.

It shall be the duty of the city manager to supervise the administration of the affairs of the city under his/her charge; to make such recommendations to the council concerning the affairs of the city as may seem to him/her desirable; to keep the council advised of the financial conditions and future needs of the city; to prepare and submit to the council the annual budget estimate; to prepare and submit to the council such reports as may be required by that body; and to perform such other duties as may be prescribed by this Charter or required of him/her by ordinance or resolution of the council.

~~**Sec. 38. Right of manager to sit in council meetings.**~~ ***(Move Struck Text to Dover Code)***

~~**The city manager and such other officers of the city as may be designated by vote of the council, shall be entitled to seats in the council, but shall have no vote therein.**~~

Sec. 40. Other functions of city manager.

The city manager shall have charge of the light and water plant operated by the city, and of the light and water and sewer systems of the city. The City Manager shall have charge of the supervision of the streets, gutters, curbs and sidewalks of the city and of all work relating thereto. The City Manager shall have charge of the administration of all provisions of this Charter and ordinances and regulations of the council relating to affairs of the city, when not otherwise provided for by this Charter or by any ordinance or resolution of the council. The City Manager shall ex officio be the collector of taxes for the city. It shall be his/her duty to collect all water rents and fees for the tapping of water mains and sewers, all charges for electric current and all city revenue from any source whatsoever. The City Manager shall pay over to the city treasurer at least monthly, and oftener if required by council, all moneys received or collected by him/her and by any employee under him/her.

The City Manager shall keep a full and strict account of all moneys received and all transfers made by him/her to the City Treasurer and such accounts shall be at all times open to inspection by the council. The City Manager shall make such reports and at such times as the council shall direct.

Sec 41. This Section has been intentionally left blank.

Article IV
DEPARTMENTS, OFFICES, AND AGENCIES

Section 4.01. General Provisions.

(a) Creation of Departments. The city council may establish city departments, offices, or agencies in addition to those created by this charter and may prescribe the functions of all departments, offices, and agencies. No function assigned by this charter to a particular department, office, or agency may be discontinued or, unless this charter specifically so provides, assigned to any other.

(b) Direction by City Manager. All departments, offices, and agencies under the direction and supervision of the city manager shall be administered by an officer appointed by and subject to the direction and supervision of the manager. With the consent of council, the city manager may serve as the head of one or more such departments, offices, or agencies or may appoint one person as the head of two or more of them.

(Article II - Mayor and Council)
Sec. 20. Power of council to provide for fire protection measures. ***(Revisit with Regard to Who Provides Fire Protection for Annexed Properties - see also Section 46-41 of the Dover Code)***

The council shall have power to adopt all measures requisite or appropriate for protection against fire. To this end the council may adopt ordinances prohibiting the use of building materials that the council deem would create a fire hazard, and may zone or district the city and make particular provisions for particular zones or districts with regard to buildings and building materials. This power shall be deemed to embrace new buildings or additions to or alterations of existing structures of every kind. The council shall have the power to condemn any building or structure or portion thereof that it deems to be a health hazard or constitutes a fire menace or to require or cause the same to be torn down, removed, or so altered as to eliminate the health hazard or menace of fire.

(Chapter 46 - Fire Prevention and Protection) Sec. 46-121. Adopted.

(a) International Fire Code adopted. A certain document, three copies of which are on file in the office of the department of planning of the city, being marked and designated as "International Fire Code, 2003 Edition," as published by the International Code Council, be and is hereby adopted as the Fire Prevention Code of the City of Dover in the State of Delaware; for the control of buildings, structures and premises as herein provided; and each and all of the regulations, provisions, penalties, conditions and terms of said International Fire Code, are hereby referred to, adopted and made part hereof as if fully set out in this section, with additions, insertions, deletions and changes as follows:

Section 101.1. Insert "City of Dover", in place of [NAME OF JURISDICTION].
Delete in their entirety: Sections 105.6 Required operational permits, through 105.7.12 Temporary membrane structures, tents, and canopies.

(b) National Fire Codes adopted. There is hereby adopted the most recently published edition of the National Fire Prevention Association's (NFPA) National Fire Codes (excluding NFPA Codes 11C, 13E, 402M, -41s, 422, 424M-473, 901-906, 1001-1041, 1201-1410, 1452-1999, 5000), three copies of which are on file in the office of the fire marshal.

(c) The more restrictive provisions of the International Fire Codes as set forth in subsection (a) above or the National Fire Codes as set forth in subsection (b) above shall apply whenever they may be in conflict.

(d) It shall be unlawful for any person to violate any of the provisions of the publications adopted in subsection (a) or (b).
(Code 1968, § 14-1; Ord. of 3-12-1972, § 2; Code 1981, § 7-56; Ord. of 4-9-1984, § 4; Ord. of 3-11-1991; Ord. of 11-22-1993; Ord. of 1-27-1997; Ord. of 3-13-2000; Ord. of 4-11-2005(6))

Sec. 22. Power of council to regulate construction of buildings and require permits; building inspector authorized.

The power of the council to adopt ordinances for the safety of the city and its population shall be deemed to embrace the right to prescribe the height and thickness of the walls of any building and the kind and grade of materials used in the construction thereof.

The council may provide for the issuance of building permits and forbid the construction of a new building or the addition to or alteration and repair of an existing building except when a building permit has been obtained therefore. The council may appoint a building inspector and prescribe his/her powers and duties.

Sec. 23. Power of council to create city planning commission; members generally.

The council may create a city planning commission for the development, improvement, and beautification of the city, and prescribe its powers and duties. No member of the planning commission may hold at the same time, any elected city office.

Members of any planning commission created by the city shall consist of two (2) members from each council district and one member serving at large.

All members of the planning commission must be residents of the City of Dover.

Each appointed member of the commission shall receive per diem reimbursement for expenses to be paid quarterly for preparation and attendance at each meeting of the planning commission attended in an amount to be set by council.

Sec. 24. Power of council to franchise or license public utilities and common carriers.

The council shall have the right to grant or refuse franchises or licenses to public utilities and common carriers and fix the terms and conditions thereof and to regulate their use of the streets, lanes, alleys, rights-of-way, and air space or airways of the city.

Sec. 25. Power of council to operate light, power or water plant.

The council shall have power to operate a light, power and water plant for the city, and to do all things necessary for its maintenance and operation. The council may at their option transmit electric current and or water from its said plant to places or properties outside of the city limits upon such terms, charges and conditions as they shall determine.

The council shall have power to adopt ordinances, rules and regulations in regard to the use for public or private purposes of electric current distributed and or water furnished by the city and the amount to be paid by the users thereof, and

fix fines and penalties for any willful or negligent injury or damage to its water and light plant, and to any objectionable use in connection with its light and water system, and to any interference with or obstruction of the said system.

(Chapter 110 - Utilities)
Sec. 110-31. Electric service handbook incorporated by reference.

The City of Dover Municipal Electric Department's Service Handbook is hereby incorporated by reference into the laws of the city. A copy of the aforesaid handbook shall be filed in the city clerk's office and available to the public for inspection.
(Code 1981, § 22-16)

(Chapter 22 -Buildings and Building Regulations)

ARTICLE III. BUILDING CODE
Sec. 22-61. Adopted.

(a) International Building Code adopted. Certain documents, three copies of which are on file in the department of planning and inspections of the city being marked and designated as "The International Building Code, 2003 Edition" as published by the International Code Council be and is hereby adopted as the Building Code of the City of Dover in the State of Delaware; for the control of buildings and structures as herein provided; and each and all of the regulations, provisions, penalties, conditions and terms of said International Building Code, are hereby referred to, adopted and made a part hereof as if fully set out in this section, with the additions, insertions, deletions and changes as follows: . . .

ARTICLE VI - PLUMBING CODE

Sec. 22-181. Adopted.

(a) Certain documents, three copies of which are on file in the office of the department of planning and inspections in the city, being marked and designated as International Plumbing Code, including appendix chapters B, C, D, E, F, G, as referenced in the building code adopted in 5-16(a) [subsection 22-61(a)], published by the International Code Council, be and is hereby adopted as the code of the City of Dover for regulating the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use or maintenance of plumbing systems in the city and providing for the issuance of permits and collection of fees therefore; and each and all of the regulations, provisions, conditions and terms of such International Plumbing Code, as referenced in the building code adopted in 5-16(a) [subsection 22-61(a)], published by the International Code Council, on file in the office of the City of Dover are hereby referred to, adopted and made a part hereof as if fully set out in this section. The following sections are hereby revised:

ARTICLE IV - ELECTRICAL INSTALLATIONS

Sec. 22-101. Electrical code adopted.

(a) Copies filed; effect. There is hereby adopted by reference, for the purpose of establishing rules and regulations for the installation, renewal, extension, and reception of electric wiring and electric apparatus in existing buildings, structures or outdoor electrical displays or signs, that certain code known as the "National Electrical Code," as recommended by the National Fire Protection Association, and the same is hereby adopted and incorporated as fully as if set out at length herein, and shall be controlling for all electrical wiring and apparatus in buildings, structures, or outdoor electrical displays, or signs within the city.

(b) Violations. It shall be unlawful for any person to violate any of the provisions of the code adopted in subsection (a) of this section.
(Ord. of 10-23-1972, § 1; Code 1981, § 5-31; Ord. of 3-11-1991; Ord. of 4-11-2005(3))

Sec. 26. Power of council with reference to sewers.

The council shall have superintendence and supervision of the sewers and the sewer system of the city. They shall have power to install any or additional sewers in the city. The council may by condemnation proceedings take for sewer purposes, private land, or the right to use private land under the surface thereof, for the laying of sewer mains. The proceedings by condemnation under this section shall be the same as prescribed by Section 27 of this Charter with regard to the laying out of new streets, and the resolutions referred to in said section shall be modified to cover the case contemplated by this present section.

The council shall have power to make all ordinances, rules and regulations regarding the sewers and sewer system of the city and the use thereof, and may fix fines and penalties for the violation of the provisions of such ordinances. The council may require any property in the city to be connected with the water and sewer mains and to compel the owner of such property to pay the cost of such connection and the tapping fee or charge therefore. The connecting with the water or sewer mains and the tapping thereof shall be under the regulation and control of the council.

The council may extend the sewer system of the city to places outside of the city limits upon such terms, charges and conditions as it shall determine.

The council is hereby authorized to impose a charge or rent for the use of the sewer system of the city, both within and without the limits of the city, and in addition to the connection or tapping charges.

Sec. 27. Power of council to layout, locate, abandon, etc., streets, sidewalks, etc.

The council shall have power and authority to lay out, locate, accept, and open new streets and to widen and to alter existing streets or parts thereof, and to vacate or abandon streets or parts thereof, whenever they shall deem it for the best interest of the city.

Whenever, the land comprehended or included in any street, or part thereof, vacated or abandoned under this section is owned by the city, the council may, in their discretion, sell such land either at private or public sale and for such consideration as the council shall deem proper, and shall have the right and power to convey to the purchaser or purchasers thereof a good and sufficient title thereto.

The word 'street' shall be deemed and held to comprehend and include sidewalks, lanes and alleys.

Sec. 28. Power of council to pave streets, sidewalks, etc. and levy assessment for public improvements; municipal lien docket. ***(Discuss Details Further)***

The council shall have power to pave or repave, or to cause to be paved, or repaved, the streets and sidewalks of the city, or any part or portion thereof, with such material or materials as it shall determine.

The power hereby conferred shall be exercised in the following manner, to wit:

SIDEWALKS

A. The city council, at such time as it shall determine that the condition or conditions of a particular street or streets, or portion thereof, requires that sidewalks be laid, or that the sidewalks then existing, if there be sidewalks laid, should be improved, or upon the petition of a majority of persons owning property along any of the streets, or a portion of any of the streets of the said city, asking that the sidewalks abutting on said street or streets, be improved, or that sidewalks be laid where there are none at the time of the filing of the petition, may direct the property owner or owners to lay or replace sidewalks with such material or materials, as, in the judgment of the said Council of the City of Dover, may seem best under the circumstances.

It shall be the duty of the city manager to give at least fifteen (15) days notice in writing to the owner or owners of the property affected by the action of the said council. Said notices shall be served in the manner following: A copy thereof shall be delivered personally to the owner or owners of said property, or a copy thereof shall be left with the tenant in possession of the property, or a copy thereof shall be sent by registered mail to the last known post office address of the owner or owners of the said property or properties so affected. Service of such notice by either of said methods shall be sufficient to bind the owner or owners under the provisions of this Charter.

It shall be the duty of the owner or owners, after notice shall have been given in either of the ways above designated, to forthwith cause the said sidewalks to be laid or the improvement or alterations thereof to be made, as directed in said notice.

Upon the failure of the owner or owners to lay or cause to be laid or improved or altered, the sidewalks or portion thereof, according to the direction of said notice, it shall be the duty of the City Manager to cause the said sidewalks to be laid or altered or improved, as the case may be, according to the terms of such notice.

STREETS

B. The council shall adopt an ordinance or resolution stating, in effect, that on a named day and at a named hour and place, the council will meet to consider the question of paving or repaving, with specified material or materials, the named street in front of the property of named owners, and, of assessing the cost thereof against the owners. Said ordinance or resolution shall be published at least one week prior to the meeting aforesaid in at least one issue of a newspaper published in the city. The council shall hold a meeting in accordance with said ordinance or resolution and shall hear thereat the named owners of property and other residents of the city appearing on the questions presented in said ordinance or resolution.

After such hearing, the council shall decide, either at said meeting or at a subsequent meeting, whether or not to proceed with the paving or repaving specified in said ordinance or resolution; provided, however, that the council shall not proceed with such improvement if, at or prior to the hearing aforesaid, the council shall be presented with a written objection thereto signed by a majority of the owners of real property in front of which such paving or repaving was contemplated. The provisions of this subsection, relating to the paving or repaving of streets, shall be deemed to apply to and include curbs and gutters.

SPECIAL ASSESSMENTS

C. The city shall have the authority to levy and collect special assessments upon property in a limited and determinable area for special benefits accruing to such property as a consequence of any municipal public work or improvement, and to provide for the payment of all, or any part of, the cost of the work, service or improvement out of the proceeds of such special assessments.

When the term "owner" or "owners" is used with respect to special assessments, it shall be deemed to mean the person or persons who owned the property in question at the time of the enactment of the assessment ordinance, and, any change in ownership thereafter shall not be deemed to affect any of the steps or proceedings described in this Charter with respect to special assessments.

The council shall also have the authority to enact ordinances which provide for the levy and collection of assessments against property owners for the cost of installation of sanitary sewers, storm sewers, water mains, streets, sidewalks, street lights, curbs, gutters and other public improvements.

Such ordinances shall prescribe:

(1) The basis to determine the amount which shall be assessed upon the properties abutting the public work or improvement;

(2) What portion of corner properties shall be considered frontage and what portion side frontage and whether there shall be any exemption on side frontage;

(3) Payment provisions providing for payment in installments, except that assessments for current services or service connections shall be payable within one year; and

(4) Rules under which individual appeals shall be heard.

All special assessments and all water and sewer service charges shall be liens and shall be entered in the municipal lien docket as liens.

The council may provide for the payment of special assessments for whatever purpose levied by installments, but assessments for permanent improvements shall be paid in annual or more frequent installments, and, assessments for current services shall be payable within one year.

MUNICIPAL LIEN DOCKET

D. A docket known as the "City of Dover Municipal Lien Docket" shall be prepared and maintained by the city manager. The docket shall be substantially the same in form as the judgment docket for Kent County and shall contain an index according to the name of the owner against whom such lien has been assessed. All taxes and all charges for water service, sewer service, garbage service, electric service, grass cutting services and debris removal, dangerous building ordinance costs and assessments, special assessments for municipal improvements of any nature, and all other charges or assessments made by the city against property owners may be recorded in the municipal lien docket and shall be and constitute a lien upon all of the real estate of the taxable against or upon whom such taxes and/or charges are laid or imposed, of which such taxable was seized at any time after such taxes and/or charges have been levied and imposed, situate in the City of Dover. All liens so recorded shall continue in full force and effect until the same plus accrued costs have been paid in full. Upon payment in full of the lien and all costs, it shall be the duty of the city manager to enter forthwith upon the docket the date of final payment and the words "satisfied in full." Failure to record liens in the municipal lien docket shall not affect liens otherwise provided for in 25 Del. section 2901, et seq.

Sec. 29. Streets, sidewalks, etc. to be under control of council; power of council to prescribe grades thereon and regulate traffic.

The streets, sidewalks, lanes and alleys in the city shall be under the supervision, management and control of the council, and the council may prescribe the grades thereof and adopt ordinances regulating the use thereof and the traffic thereon.

Sec. 30. Power of council to provide for disposal of garbage and sewage.

The council shall have power to provide for the incineration or other sanitary disposal of litter, debris, refuse, garbage and sewage.

Sec. 31. Power of council to regulate parking and provide parking lots.

The council shall have power to adopt ordinances regulating the parking of automobiles and motor vehicles within the city, and may lease or purchase land to be used for parking purposes.

Section 4.02. Personnel System.

(a) Merit Principle. All appointments and promotions of city officers and employees shall be made solely on the basis of merit and fitness demonstrated by a valid and reliable examination or other evidence of competence.

(b) Merit System. Consistent with all applicable federal and state laws the city council shall provide by ordinance for the establishment, regulation, and maintenance of a merit system governing personnel policies necessary to effective administration of the employees of the city's departments, offices and agencies, including but not limited to classification and pay plans, examinations, force reduction, removals, working conditions, provisional and exempt appointments, in-service training, grievances and relationships with employee organizations.

(Article V – Miscellaneous Provisions)
Sec. 53. Police; mayor to be conservator of peace.

There shall be a city police force, the number thereof and their salaries shall be determined by the council, but they shall be chosen and appointed by the mayor. The mayor is hereby vested with all the powers of a conservator of the peace within the city limits. The Mayor shall appoint a Chief of Police subject to removal at any time by the Mayor in accordance with applicable laws. The members of the police force shall be subject to his/her direction and orders delivered through the proper chain of command and in accordance with applicable laws and ordinances. They shall preserve peace and order, and compel obedience within the city limits to the ordinances of the city and the laws of the state. They shall have such other duties as the council and the mayor shall prescribe by ordinance.

Each member of the police force shall be vested with all the power and authority within the city limits and within one mile outside of said limits, (and, in the case of the pursuit of an offender, without limit) of a constable of Kent County.

(Article II - Mayor and Council)
Sec. 12. Compensation and expenses --Mayor and council and other elected or appointed officials.

The council shall determine the annual salary and emoluments of the mayor and council and other elected or appointed officials by ordinance. Members of the council, the mayor and other elected or appointed officials shall receive reimbursement for actual and necessary expenses incurred when on official business as prescribed by city ordinance or policy.

Sec. 32. Council to determine salaries of city appointees and employees

The salaries or emoluments of all city appointees and city employees shall be determined by the council through the pay system and Collective Bargaining Agreements as amended.

Section 4.03. Legal Officer.

(a) Appointment.

Alt I - There shall be a legal officer of the city appointed by the city manager as provided in § 4.01(b).

Alt II - There shall be a legal officer of the city appointed by the city manager subject to confirmation by the city council.

Alt III - There shall be a legal officer of the city appointed by the city council.

(b) Role. The legal officer shall serve as chief legal adviser to the council, the manager and all city departments, offices and agencies, shall represent the city in all legal proceedings and shall perform any other duties prescribed by state law, by this charter or by ordinance.

(Article V - Miscellaneous Provisions)
Sec. 54. City solicitor.

At the annual meeting the council shall elect a city solicitor for the term of one year or until his/her successor has been duly chosen and qualified.

The city solicitor may be removed during his/her term by a vote of three-fourths of the members elected to the council.

The city solicitor shall be an attorney at law who shall have practiced in the State of Delaware for at least five (5) years. The City solicitor shall be the chief legal adviser of and attorney for the city. It shall be his/her duty, either personally or by such assistants as they may designate, to attend meetings of the council; to give advice in writing, when so requested, to the council or the city manager; to prosecute or defend, as the case may be, all suits or cases to which the city may be a party; to prosecute for all offenses against the ordinances of the city and for such offenses against the laws of the state as may be required of him/her by law; to prepare all contracts, bonds and other instruments in writing in which the city is concerned, and to endorse on each his/her approval of the form and correctness thereof; and to perform such other duties of a legal nature as the council may by ordinance require. In addition to the duties imposed upon the solicitor by this Charter or required of him/her by ordinance or resolution of the council he/she shall perform any duties imposed upon the chief legal officers of municipalities by law.

At the annual meeting the council shall elect a deputy city solicitor for the term of one year or until his/her successor has been duly chosen and qualified. The deputy city solicitor shall be an attorney-at-law entitled to practice law in the State of Delaware, and shall serve in such manner as shall be determined by the city solicitor to be necessary and proper.

~~**Section 4.04. Land Use, Development and Environmental Planning.**~~ **(Keep wording of current Zoning Code, Appendix B of the Dover Code - See Section 1-9 below)**

~~Consistent with all applicable federal and state laws with respect to land use, development, and environmental planning, the city council shall:~~

~~(1) Designate an agency or agencies to carry out the planning function and such decision-making responsibilities as may be specified by ordinance;~~
~~(2) Adopt a comprehensive plan and determine to what extent zoning and other land use control ordinances must be consistent with the plan;~~
~~(3) Determine to what extent the comprehensive plan and zoning and other land use ordinances must be consistent with regional plan(s); and~~
~~(4) Adopt development regulations, to be specified by ordinance, to implement the plan.~~

~~The designated agency, the city manager, and the mayor and council shall seek to act in cooperation with other jurisdictions and organizations in their region to promote integrated approaches to regional issues.~~

Article V
FINANCIAL MANAGEMENT

~~**(ARTICLE IV. FINANCIAL AFFAIRS)**~~
~~**Sec. 42. Signing of warrants.**~~ ***(Move Struck Text to Dover Code)***

~~The City treasurer shall pay out no money except upon warrant signed by the city manager and countersigned by the mayor.~~

~~The mayor and the city manager shall sign no warrants on the city treasurer except pursuant to appropriations or resolutions theretofore made by the council.~~

~~The City treasurer shall keep a true and detailed account of all moneys received and of all moneys paid out by him/her. The City treasurer shall preserve all vouchers for moneys paid by him/her. His/her books and accounts shall at all times be open to inspection by the council or the mayor or the city manager.~~

~~The City treasurer shall make such reports and at such times as the council may direct.~~

~~The city treasurer shall be required to give bond in such amount and in such form and with such surety as the council shall determine or approve.~~

~~**Section 5.01. Fiscal Year.**~~ ***(Move Struck Text to Dover Code)***

~~**The fiscal year of the city shall begin on the first day of July and end on the last day of June.**~~

~~**Sec. 43. Fiscal year.**~~

~~The fiscal year of the city shall begin the first day of July and shall end with the next succeeding thirtieth day of June.~~

Section 5.02. Submission of Budget and Budget Message.

On or before the _____ day of _____ of each year, the city manager shall submit to the city council a budget for the ensuing fiscal year and an accompanying message.

Sec. 44. Annual budget. **(Also in Section 5.03 - Budget Message; 5.04 - Budget; and 5.05 - City Council Action on Budget)** *Members of the CRC had no objections to the request of the Treasurer/Finance Director for Section 44 to be moved to Article III, under the City Manager*

On or before the second Monday of May of each year, the city manager shall prepare and submit to the council, a budget, presenting a financial plan for conducting the affairs of the city for the ensuing fiscal year. The total of proposed expenditures shall not exceed the total of anticipated income.

The budget shall include the following information:

1. A detailed statement showing the expenses of conducting each department and office of the city for the current year and last preceding fiscal year.

2. A detailed estimate of the expenses of conducting each department and office of the city for the ensuing fiscal year with reasons for the increases and decreases recommended.

3. The amount of the debt of the city together with a schedule of maturities of bond issues.

4. A statement showing the amount required for interest on the city debt and for paying off any bonds maturing during the year and the amount required for the sinking fund.

5. An itemized statement of all anticipated income of the city with a comparative statement of the amounts received by the city from each of the same or similar sources for the last preceding and current fiscal years.

6. An estimate of the amount of money to be received from taxes.

7. Such other information as the city manager may think desirable or as may be required by the council.

The council shall on or before the second Monday in the month of June in each year adopt a budget for the succeeding fiscal year. The council shall, so far as possible, adhere to the budget so adopted in the making of appropriations.

Section 5.03. Budget Message.

The city manager's message shall explain the budget both in fiscal terms and in terms of the work programs, linking those programs to organizational goals and community priorities. It shall outline the proposed financial policies of the city for the ensuing fiscal year and the impact of those policies on future years. It shall describe the important features of the budget, indicate any major changes from the current year in financial policies, expenditures, and revenues together with the reasons for such changes, summarize the city's debt position, including factors affecting the ability to raise resources through debt issues, and include such other material as the city manager deems desireable.

Sec. 44. Annual budget. (Also in Section 5.02 - Submission of Budget and Budget Message; 5.04 - Budget; and 5.05 - City Council Action on Budget)

On or before the second Monday of May of each year, the city manager shall prepare and submit to the council, a budget, presenting a financial plan for conducting the affairs of the city for the ensuing fiscal year. The total of proposed expenditures shall not exceed the total of anticipated income.

The budget shall include the following information:

1. A detailed statement showing the expenses of conducting each department and office of the city for the current year and last preceding fiscal year.

2. A detailed estimate of the expenses of conducting each department and office of the city for the ensuing fiscal year with reasons for the increases and decreases recommended.

3. The amount of the debt of the city together with a schedule of maturities of bond issues.

4. A statement showing the amount required for interest on the city debt and for paying off any bonds maturing during the year and the amount required for the sinking fund.

5. An itemized statement of all anticipated income of the city with a comparative statement of the amounts received by the city from each of the same or similar sources for the last preceding and current fiscal years.

6. An estimate of the amount of money to be received from taxes.

7. Such other information as the city manager may think desirable or as may be required by the council.

The council shall on or before the second Monday in the month of June in each year adopt a budget for the succeeding fiscal year. The council shall, so far as possible, adhere to the budget so adopted in the making of appropriations.

Section 5.04. Budget.

The budget shall provide a complete financial plan of all city funds and activities for the ensuing fiscal year and, except as required by law or this charter, shall be in such form as the city manager deems desirable or the city council may require for effective management and an understanding of the relationship between the budget and the city's strategic goals. The budget shall begin with a clear general summary of its contents; shall show in detail all estimated income, indicating the proposed property tax levy, and all proposed expenditures, including debt service, for the ensuing fiscal year; and shall be so arranged as to show comparative figures for actual and estimated income and expenditures of the current fiscal year and actual income and expenditures of the preceding fiscal year. It shall indicate in separate sections:

(1) The proposed goals and expenditures for current operations during the ensuing fiscal year, detailed for each fund by department or by other organization unit and program, purpose or activity, method of financing such expenditures, and methods to measure outcomes and performance related to the goals;

(2) Proposed longer-term goals and capital expenditures during the ensuing fiscal year, detailed for each fund by department or by other organization unit when practicable, the proposed method of financing each such capital expenditures, and methods to measure outcomes and performance related to the goals; and

(3) The proposed goals, anticipated income and expenses, profits and loss for the ensuing year for each utility or other enterprise fund or internal service fund operated by the city, and methods to measure outcomes and performance related to the goals. For any fund, the total of proposed expenditures shall not exceed the total of estimated income plus carried forward fund balance exclusive of reserves.

Sec. 44. Annual budget. (Also in Section 5.02 - Submission of Budget and Budget Message; 5.03 - Budget Message; and 5.05 - City Council Action on Budget)

On or before the second Monday of May of each year, the city manager shall prepare and submit to the council, a budget, presenting a financial plan for conducting the affairs of the city for the ensuing fiscal year. The total of proposed expenditures shall not exceed the total of anticipated income.

The budget shall include the following information:

1. A detailed statement showing the expenses of conducting each department and office of the city for the current year and last preceding fiscal year.

2. A detailed estimate of the expenses of conducting each department and office of the city for the ensuing fiscal year with reasons for the increases and decreases recommended.

3. The amount of the debt of the city together with a schedule of maturities of bond issues.

4. A statement showing the amount required for interest on the city debt and for paying off any bonds maturing during the year and the amount required for the sinking fund.

5. An itemized statement of all anticipated income of the city with a comparative statement of the amounts received by the city from each of the same or similar sources for the last preceding and current fiscal years.

6. An estimate of the amount of money to be received from taxes.

7. Such other information as the city manager may think desirable or as may be required by the council.

The council shall on or before the second Monday in the month of June in each year adopt a budget for the succeeding fiscal year. The council shall, so far as possible, adhere to the budget so adopted in the making of appropriations.

Section 5.05. City Council Action of Budget.

(a) Notice and Hearing. The city council shall publish the general summary of the budget and a notice stating:

(1) The times and places where copies of the message and budget are available for inspection by the public, and
(2) The time and place, not less than two weeks after such publication, for a public hearing(s) on the budget.

(b) Amendment Before Adoption. After the public hearing, the city council may adopt the budget with or without amendment. In amending the budget, it may add or increase programs or amounts and may delete or decrease any programs or amounts, except expenditures required by law or for debt service or for an estimated cash deficit, provided that no amendment to the budget shall increase the authorized expenditures to an amount greater than total estimated income.

(c) Adoption. The city council shall adopt the budget on or before the _____ day of the _____ _____ month of the fiscal year currently ending. If it fails to adopt the budget by this date, the budget proposed by the city manager shall go into effect.

(d) "Publish" defined. As used in this article, the term "publish" means to print in the contemporary means of information sharing, which includes but is not limited to, one or more newspapers of general circulation in the city, and, if available, in a web site.

Sec. 44. Annual budget. (Also in Section 5.02 - Submission of Budget and Budget Message; 5.03 - Budget Message; and 5.04 - Budget)

On or before the second Monday of May of each year, the city manager shall prepare and submit to the council, a budget, presenting a financial plan for conducting the affairs of the city for the ensuing fiscal year. The total of proposed expenditures shall not exceed the total of anticipated income.

The budget shall include the following information:

1. A detailed statement showing the expenses of conducting each department and office of the city for the current year and last preceding fiscal year.

2. A detailed estimate of the expenses of conducting each department and office of the city for the ensuing fiscal year with reasons for the increases and decreases recommended.

3. The amount of the debt of the city together with a schedule of maturities of bond issues.

4. A statement showing the amount required for interest on the city debt and for paying off any bonds maturing during the year and the amount required for the sinking fund.

5. An itemized statement of all anticipated income of the city with a comparative statement of the amounts received by the city from each of the same or similar sources for the last preceding and current fiscal years.

6. An estimate of the amount of money to be received from taxes.

7. Such other information as the city manager may think desirable or as may be required by the council.

The council shall on or before the second Monday in the month of June in each year adopt a budget for the succeeding fiscal year. The council shall, so far as possible, adhere to the budget so adopted in the making of appropriations.

~~**Sec. 45. Payment of claims; issuance of warrants after approval of city manager; reports by manager thereon to council.**~~ ***(Move Struck Text to Dover Code)***

~~No claim against the city shall be paid except on an order on the treasurer, signed by the city manager, and approved and countersigned by the mayor. The city manager shall examine all payrolls, bills and other claims and demands against the city and shall issue no warrant for payment, unless he/she finds that the claim is proper and in proper form and correctly computed.~~

~~Sec. 47. General assessment; levy on utility property.~~ ***(Move Struck Text to Dover Code)***

~~The City shall cause to be made a true, just, and impartial valuation and assessment of all real property within the city, locating each parcel of real property by street and number or other description. The valuation and assessment shall be made every three years by an assessor or assessors who shall be elected by the Council at its annual meeting by majority vote thereof. An assessor must be a freeholder within the corporate limits of the city. Before entering upon the duties of office, an assessor shall be sworn or affirmed by the Mayor to perform the duties of the assessor's office with fidelity and without favor or partiality.~~

~~Whenever Council shall direct, all real property in the City of Dover shall be assessed by a certified independent outside appraiser chosen by Council. This assessment shall be in lieu of the valuation and assessment made by a freeholder assessor elected by Council as described hereinabove and in lieu of the assessor's duties described hereinabove.~~

~~In addition to an assessment every three years, the assessor or assessors shall include supplemental assessments made annually for the purposes of (1) adding property not included in the last assessment~~ ***(shall be included with the supplemental quarterly billing)*** ~~or (2) increasing or decreasing the assessment value of property which was included in the last general assessment.~~

~~The assessment made every three years and any supplemental assessments made annually shall be made prior to the first day of May in any given year and shall be known as the general assessment.~~

~~The general assessment shall be set down by the assessor or assessors in~~ ***three (3)*** ~~**two (2)** or more copies, as the Council shall direct, and shall be delivered to the Council as soon as made. The Council shall, prior to the fifteenth day of May of each year, cause a copy of the general assessment to be posted in~~ ***three (3)*** ~~**two (2)** public places in the city for ten (10) days.~~

~~The Council may direct that appeals from any general assessment be heard by a committee of not less than three (3) Council members appointed by the Council president. The committee of Council members shall sit at a stated place and time to hear the appeals of all taxpayers dissatisfied with the assessment of their properties, shall collect such information as they consider proper and necessary, and shall report their findings and recommendations to a meeting of the full Council. At the meeting of the full Council the recommendations of the committee shall be received, together with such other information as the Council shall permit or require, and the appeal of each dissatisfied taxpayer shall be heard. The Council shall have full power to correct, revise, alter, add to, deduct, and take from the general assessment. The decision of a majority of the Council members elected shall be final and conclusive. A Council member may not vote on his or her own appeal.~~

~~Notice of the place and time that a committee of Council members will sit to hear appeals and of the place and time that the full Council will sit to act on such appeals shall be posted with the general assessment in~~ ***three (3)*** ~~two (2) public places for a period of ten (10) days. Notice of the posting of the copies of the general assessment and of the place and time of the meetings of the committee of Council members and of the full Council to hear appeals shall be published in at least one issue of a newspaper published in the city.~~

~~The assessment as revised and adjusted by the Council shall be the basis for the levy and collection of taxes for the city.~~

~~The Council shall have the right to levy and collect taxes on gas mains, telephone, telegraph, communications systems, or trolley poles or other erection of like character within the limits of the city, together with the wires thereon strung; and to this end the Council may at any time direct the same to be included in or added to the general assessment.~~

~~Nothing contained in this section shall be deemed or held to invalidate or otherwise effect any assessment made prior to the approval of this section or any tax levied thereunder.~~

~~**Section 5.06. Appropriation and Revenue Ordinances.** *(Move Struck Text to Dover Code)*~~

~~**To implement the adopted budget, the city council shall adopt, prior to the beginning of the fiscal year:**~~

~~**(a) an appropriation ordinance making appropriations by department, fund, service, strategy or other organizational unit and authorizing an allocation for each program or activity;**~~

~~**(b) a tax levy ordinance authorizing the property tax levy or levies and setting the tax rate or rates; and**~~

~~**(c) any other ordinances required to authorize new revenues or to amend the rates or other features of existing taxes or other revenue sources.**~~

~~**Sec. 48. Maximum budget.** *(Move Struck Text to Dover Code)*~~

~~The council shall in the month of June of each year determine the amount of money to be raised for the city for general purposes for the next fiscal year not exceeding two (2) percent of the total taxable assessment for a general tax, and shall also determine the amount of money required to be raised in such year by the city for interest, sinking fund and redemption of the bonds of the city. A reasonable sum for delinquencies, discounts and costs of collection may be added by the council to the amounts aforesaid. The amounts determined as aforesaid together with any additional sum or sums authorized to be levied and collected, as in this section hereinafter provided, shall be levied and collected by the council on the property and persons assessed as aforesaid and in accordance with such assessment and according to a rate established by the council.~~

~~**Sec. 49A. Assessment, payment, and collection of taxes for new construction.** *(Move Struck Text to Dover Code)*~~

~~In the event that the mayor and council of the City of Dover desire to collect and levy taxes on newly constructed property not taxed by virtue of the city's annual assessment, the city may enact an ordinance to do so provided that: At the beginning of each quarter of each year, there shall be a true, just, and impartial valuation and assessment of all newly constructed real property within the city, locating each parcel of real property by street and number or other description. Property shall be deemed to be newly constructed when the city permits occupancy and use. The said valuation and assessment shall be made by an assessor or assessors who shall be elected by council in accordance with the provisions set forth in Section 47 of this Charter.~~

~~The aforementioned assessment shall be during the months of January, April, July, and October of each year.~~

~~The aforementioned assessment shall be deemed a general assessment for all property with new construction.~~

~~The council may direct appeals from any general assessment for new construction in accordance with Section 47 of this Charter.~~

~~Nothing in this section contained shall be deemed or held to invalidate or otherwise affect any assessment made prior to the approval of this section or any tax levied thereunder.~~

~~All taxes shall be paid to the collector of taxes. Said taxes shall be paid within thirty (30) days of billing and those taxes not paid shall accrue a penalty in the amount of one and one-half (1½) percent per month. For every tax that is not paid as prescribed herein, the tax collector shall have all the powers conferred upon or vested in the Receiver of Taxes and County Treasurer for Kent County.~~

~~The council shall have the authority to allow errors and delinquents in the assessment.~~

~~The provisions of 9 Del. C. § 8705 and 25 Del. C. §§ 2901 through 2905, as they may from time to time be amended, shall be deemed and held to apply to all taxes laid and imposed upon the provisions of this Charter.~~

~~Sec. 49. Payment and collection of taxes; errors and delinquents in assessments.~~ ***(Move Struck Text to Dover Code)***

~~All taxes shall be paid to the collector of taxes. For all taxes not paid on or before July 31st in the calendar year that they are assessed, there shall be added and collected a one and one-half percent (1.5% (18% per annum) for every month or fraction of a month after the 31st day of July that said taxes remain unpaid.~~

~~It shall be the duty of the collector of taxes to proceed forthwith to collect all taxes unpaid by the first day of October in the calendar year that they were assessed and in the collection of said taxes he/she shall have all the powers conferred upon or vested in the Receiver of Taxes and County Treasurer for Kent County.~~

~~The council shall have the authority to allow errors and delinquents in the assessment.~~

~~The provisions of §8705, Title 9 of the Delaware Code shall be deemed and held to apply to all taxes laid and imposed under the provisions of this Charter.~~

Sec. 50. Debt limit.

(a) Whenever the needs of the city shall require more money than is at the time in the city treasury from current receipts, the council shall be authorized and empowered to anticipate current revenue by borrowing such sums as shall be needed not in excess of one (1) percent of the total taxable assessment for a general tax. The amount so borrowed shall be paid back out of current revenue received thereafter.

To exercise the power aforesaid the council shall adopt a resolution to that effect, which resolution shall require the affirmative vote of at least three-fourths of all the members of the council, and the approval of the mayor. The indebtedness created under this section shall be evidenced by the bond, or note, of the city, and the faith and credit of the city shall be deemed to be pledged thereby.

(b) The mayor and council is hereby authorized and empowered to borrow from time to time on the faith and credit of The City of Dover sums of money for such purposes as may be deemed necessary and proper by the mayor and council of the said city which purpose shall be consistent with the powers conferred upon the mayor and council of The City of Dover by the Charter thereof, as amended, for the management and maintenance of the said city and for these purposes the mayor and council shall have full power and authority to issue bonds of the said "The City of Dover."

The aggregate of the amounts so borrowed together with all other bonded indebtedness for which the full faith and credit of The City of Dover has been pledged shall not at any time exceed a sum equal to ***five (5)*** ~~**twenty-five (25)**~~ percent of the total assessed value of real property situate within the bounds of The City of Dover as such boundaries shall from time to time appear.

The said bonds shall be issued in one or more series, shall bear such date or dates, shall mature at such time or times, shall bear interest at such rate or rates, shall be payable at such time or times, and at such place or places, shall be in such denominations, and shall contain such other provisions as the mayor and council may provide and shall be set forth in the said bonds. Said bonds may or may not be coupon bonds and may be registered or otherwise as the mayor and council deem advisable.

The mayor and council shall direct and effect the preparation and sale of said bonds at such time or times, at such price or prices, and upon such terms as the said mayor and council deem advisable, and all the monies arising from the sale of said bonds shall be used for the municipal purposes of The City of Dover specified in the resolution authorizing their issue.

The form of said bonds and of any coupons which may be thereunto attached shall be as prescribed by the mayor and council, and all such bonds shall be signed by the mayor and the treasurer of The City of Dover and sealed with the corporate seal thereof. Facsimile signatures of the mayor and treasurer and a facsimile of the corporate seal may be imprinted upon such bonds and any coupons attached to said bonds in lieu of the signatures of the said mayor and treasurer in their own handwriting and of the affixing of the corporate seal itself.

Said bonds of The City of Dover shall be exempt from all state, county and municipal taxes.

The mayor and council of The City of Dover are hereby authorized and required to levy and raise by taxation in each and every year such sums of money as may be required to pay the interest accrued on said bonds while all or any of said bonds remain unpaid, and the said mayor and the city council are further authorized and required to levy and raise by taxation, from time to time such sum or sums of money as shall be needed to establish such sinking funds as the said mayor and the city council may at their discretion authorize for the redemption of said bonds, or any of them, at or before their maturity and such sum or sums of money as shall be required to otherwise redeem any or all or said bonds at or before their maturity. Taxes for interest and for redemption of said bonds shall be levied and raised as taxes for general municipal purposes in the said city are levied and raised and shall be in addition to those levied and raised for any and all other municipal purposes.

A statement appearing in the bonds issued under the provisions of this section to the effect that the bonds have been duly authorized shall be deemed and held to be conclusive evidence in favor of the lawful holder of any such bonds that the terms and conditions of this section have been fully met and complied with.

(c) Bonds may be authorized and issued pursuant to subsection (b), without a referendum vote, by a resolution of the council which shall have the affirmative vote of three-fourths of the members thereof and the approval of the mayor, for the following purposes:

(i) to finance public storm sewers, streets and appurtenances provided that no more than ***1/4 of 1% of total assessed value of real property of*** ~~**one million dollars ($1,000,000.00)**~~ aggregate principal amount of bonds may be issued at any one time pursuant to this clause (i) and any new bonds issued pursuant to this clause (i) may not cause the total aggregate principal amount of bonds outstanding at any one time pursuant to this clause (i) to exceed one (1) percent of the total taxable assessment for a general tax at the time such new bonds are issued; and

(ii) to refund bonds secured by the city's full faith and credit, prior to their stated maturity, provided that (A) the present value of the aggregate principal and interest payments of the refunding bonds are not greater than the present value of the aggregate principal and interest payments on the bonds to be refunded determined by discounting at the effective interest rate on the refunding bonds, calculated based on the internal rate of return: and (B) at the time of issuance of the refunding bonds there are deposited in escrow, pledged to secure the refunded bonds, sufficient monies and/or direct obligations of, or obligations the principal of and interest on which are guaranteed by, the United States government, which, without regard to any reinvestment earnings, will be sufficient to pay when due all interest, principal and redemption price on the refunded bonds at maturity or upon earlier call for redemption.

(d) Except for bonds issued pursuant to subsection (c) hereof, all bonds issued under the provisions of subsection (b) shall first be approved by a referendum vote of the qualified voters (as herein defined) of The City of Dover.

Notice of the holding of such referendum election shall be authorized by resolution of the mayor and council, published once a week, for at least three (3) consecutive weeks in at least one newspaper circulated in The City of Dover, Delaware. Such notice shall be set out in summary form the amount and purposes of such bond issue, the date and place of holding the referendum election and the hours the polls will be open.

At said referendum election "qualified voter" shall mean every natural person who is a resident or a nonresident taxable of the city, of the age of eighteen (18) years or upwards. Each qualified voter shall be eligible to vote and shall have one vote.

The City Assessor or his/her designee shall attend the election with the last city assessment and tax payment records for the inspection of the election officers. The referendum election shall be held at such date as the mayor and council shall designate. The referendum election shall be held at such suitable place in said city as the mayor and council shall designate in said published notice. The polls shall be open from 7:00 a.m. (local time), and shall close at 8:00 p.m. (local time). The judge of the election shall, in the case of a tie vote on the bond issue cast the deciding vote, otherwise judge of the election shall refrain from voting, but the election clerks may vote.

The total votes cast for and the total votes cast against the bond issue shall be certified as correct by at least two (2) of the election officers and delivered to the mayor, or to the clerk of council immediately after the total vote count has been certified.

The mayor and council shall at the next regular meeting after the election, or at a special meeting, receive the results of the referendum election and make the same a part of the minutes of said meeting, whereupon if a majority of the votes cast were for the bond issue bonds herein provided for may be issued and sold as provided in subsection (b), but if at such referendum election the majority of the votes cast were against the bond issue, then no bonds shall be issued nor shall any money be borrowed pursuant to the resolution submitted to the referendum.

(e) In addition to the power otherwise granted in this section, the mayor and council may issue special assessment revenue bonds to finance those public projects for which the city may levy and collect special assessments pursuant to Section 28 of this Charter. Such bonds shall not obligate the faith and credit of the city, but shall be payable solely from the proceeds of the special assessments which are pledged to the payment thereof. Such bonds shall be authorized without a referendum vote by a resolution of the council which shall have the affirmative vote of three-fourths of the members thereof and the approval of the mayor.

(f) After authorization of the sale of bonds as provided in this section and in anticipation of the sale and issuance of said bonds, the mayor and council may borrow money and issue notes of the city for the purpose and to the extent of the amount of bonds authorized to be sold, less the amount of any bonds theretofore issued under such authority. The said borrowing shall be authorized by a resolution of the council which shall have the affirmative vote of three-fourths of the members thereof and the approval of the mayor, and the note or notes thereby authorized shall be signed by the mayor and treasurer of the city. When issued and signed in accordance with this subsection (f), the faith and credit of the city shall be deemed to be pledged for the repayment of all said notes, except those issued pursuant to subsection (e) hereof.

The note or notes issued in anticipation of a bond issue may be renewed from time to time, but the proceeds of the sale of such bonds shall, to the extent necessary, be first used to pay and retire such notes. Said notes may be redeemed at par and accrued interest at any time prior to their maturity if the right so to do shall have been reserved.

(g) For the purposes of the debt limitations prescribed in this section, (i) any bonds which have been refunded pursuant to subsection (c)(ii) shall be treated as no longer outstanding; and (ii) bonded indebtedness, principal amount of bonds and bonds outstanding shall be determined without regard to original issue discount.

Section 5.07. Amendments after Adoption.

(a) Supplemental Appropriations. If during or before the fiscal year the city manager certifies that there are available for appropriation revenues in excess of those estimated in the budget, the city council by ordinance may make supplemental appropriations for the year up to the amount of such excess.

(b) Emergency Appropriations. To address a public emergency affecting life, health, property or the public peace, the city council may make emergency appropriations. Such appropriations may be made by emergency ordinance in accordance with the provisions of § 2.14. To the extent that there are no available unappropriated revenues or a sufficient fund balance to meet such appropriations, the council may by such emergency ordinance authorize the issuance of emergency notes, which may be renewed from time to time, but the emergency notes and renewals of any fiscal year shall be paid or refinanced as long-term debt not later than the last day of the fiscal year next succeeding that in which the emergency appropriation was made.

(c) Reduction of Appropriations. If at any time during the fiscal year it appears probable to the city manager that the revenues or fund balances available will be insufficient to finance the expenditures for which appropriations have been authorized, the manager shall report to the city council without delay, indicating the estimated amount of the deficit, any remedial action taken by the manager and recommendations as to any other steps to be taken. The council shall then take such further action as it deems necessary to prevent or reduce any deficit and for that purpose it may by ordinance reduce or eliminate one or more appropriations.

(d) Transfer of Appropriations. At any time during or before the fiscal year, the city council may be resolution transfer part or all of the unencumbered appropriation balance from one department, fund, service, strategy or organizational unit to the appropriation for other departments or organizational units or a new appropriation. The manager may transfer funds among programs within a department, fund, service, strategy or organizational unit and shall report such transfers to the council in writing in a timely manner.

(e) Limitation; Effective Date. No appropriation for debt service may be reduced or transferred, except to the extent that the debt is refinanced and less debt service is required, and no appropriation may be reduced below any amount required by law to be appropriated or by more than the amount of the unencumbered balance thereof. The supplemental and emergency appropriations and reduction or transfer of appropriations authorized by this section may be made effective immediately upon adoption.

Section 5.08. Administration and Fiduciary Oversight of the Budget.

The city council shall provide by ordinance the procedures for administration and fiduciary oversight of the budget.

Section 5.09. Capital Program.

(a) Submission to City Council. The city manager shall prepare and submit to the city council a multi-year capital program no later than three months before the final date for submission of the budget.

(b) Contents. The capital program shall include:

(1) A clear general summary of its contents;
(2) Identification of the long-term goals of the community;
(3) A list of all capital improvements and other capital expenditures which are proposed to be undertaken during the fiscal years next ensuing, with appropriate supporting information as to the necessity for each;
(4) Cost estimates and recommended time schedules for each improvement or other capital expenditure;
(5) Method of financing upon which each capital expenditure is to be reliant;
(6) The estimated annual cost of operating and maintaining the facilities to be constructed or acquired;
(7) A commentary on how the plan addresses the sustainability of the community and the region of which it is a part; and
(8) Methods to measure outcomes and performance of the capital plan related to the long-term goals of the community.

The above shall be revised and extended each year with regard to capital improvements still pending or in process of construction or acquisition.

Section 5.10. City Council Action on Capital Program.

(a) Notice and Hearing. The city council shall publish the general summary of the capital program and a notice stating:

(1) The times and places where copies of the capital program are available for inspection by the public, and
(2) The time and place, not less than two weeks after such publication, for a public hearing(s) on the capital program.

(b) Adoption. The city council by resolution shall adopt the capital program with or without amendment after the public hearing and on or before the _____ day of the _____ month of the current fiscal year.

Section 5.11. Independent Audit.

The city council shall provide for an independent annual audit of all city accounts and my provide for more frequent audits as it deems necessary. An independent certified public accountant or firm of such accountants shall make such audits. Such audits should be performed in accordance with Generally Accepted Auditing Standards (GAAS) and Generally Accepted Governmental Auditing Standards (GAGAS).

The Council shall designate no fewer than three of its members to serve as an Audit Committee. This Committee shall:

(1) Lead the process of selecting an independent auditor;
(2) Direct the work of the independent auditor as to the scope of the annual audit and any matters of concern with respect to internal controls; and
(3) Receive the report of the internal auditor and present that report to the council with any recommendations from the Committee.

The council shall, using competitive bidding, designate such accountant or firm annually, or for a period not exceeding five years, but the designation for any particular fiscal year shall be made no later than 30 days after the beginning of such fiscal year. The standard for independence is that the auditor must be capable of exercising objective and impartial judgement on all issues encompassed within the audit engagement. No accountant or firm may provide any other services to the city during the time it is retained to provide independent audits to the city. The city council may waive this requirement by a majority vote at a public hearing. If the state makes such an audit, the council may accept it as satisfying the requirements of this section.

Article IV. Financial Affairs, Sec. 46. Annual audit. (Also in Section 2.10 - Independent Audit)

Annually in the month of July the council shall have the finances of the city and the books and accounts of the city manager and the city treasurer audited by a certified accountant.

As soon as practicable after such audit has been completed, the council shall cause to be made and published a report of the city's finances for the preceding fiscal year.

~~**Section 5.12. Public Records.**~~ ***Governed by Sate Laws.***

~~Copies of the budget, capital program, independent audits, and appropriation and revenue ordinances shall be public records.~~

Article VI
ELECTIONS

Section 6.01. City Elections.

(a) Regular Elections. The regular city election shall be held [at the time established by state law] on the first _____ [day of week], in _____ [fall or spring month of odd- or even- numbered year], and every 2 years thereafter.

Sec. 6. Municipal election dates.

Regular municipal elections shall be held each year on the third Tuesday in April and shall be known as regular municipal elections. All other municipal elections that may be held shall be known as special municipal elections. At the regular municipal election held on the third Tuesday in April of any odd numbered year, five (5) councilmen shall be elected for a term of two (2) years, 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, as provided in Section 5 of this Charter. At the regular municipal election held on the third Tuesday in April of any even numbered year, four (4) councilmen shall be elected by district voting from each of the districts as designated by council for a term of two (2) years, and a mayor shall be elected by the voters of the city for a term of two (2) years, as provided in Section 5 of this Charter.

Sec. 8. Time and place of elections; election board; counting of votes; determination of winners; tie votes; persons eligible to vote; voter registration; official ballots and voting machines; absentee ballots.

The regular municipal election shall be held annually on the third Tuesday of April. At each such regular municipal election, the polls shall be opened at 7:00 a.m. and closed at 8:00 p.m. The council may designate the places of election and make all necessary rules and regulations not inconsistent with this Charter or with other laws of the State of Delaware for the conduct of elections, for the prevention of fraud in elections, and for the recount of ballots in case of doubt or fraud.

All elections shall be held by an election board. The City Clerk may designate such other persons as he/she shall deem necessary to assist the members of the election board in the conduct of the election and counting of the ballots. Should any or all of the members of the election board be absent from the place of election at 7:00 a.m. on the day of the election or fail or neglect to act in the conduct of such election during the time the polls are open and until the ballots are counted and the results of the election certified, the voters of the city present at such time may choose from the qualified voters of the city such person or persons as shall be necessary to fill places made vacant by the absence or neglect aforesaid.

When the polls are closed, the election board shall publicly count the votes and shall certify the results of the election to each of the persons elected and to the council. The candidate for the office of mayor who receives the highest number of votes cast for that office shall be declared to be elected mayor; the candidate for the office of at-large councilman who receives the highest number of votes cast for that office shall be declared to be elected at-large councilman; and the candidates for the offices of councilmen from each district who receive the highest number of votes cast by voters who reside in that district and cast votes for councilmen of that district shall be declared to be elected to that office. In the event of a tie vote for any office, a special election for said office(s) only shall be held within thirty (30) days and the registration books shall remain closed until the outcome of the special election is determined.

Every resident of the City of Dover who shall have reached the age of eighteen (18) years by the time of the election and who is properly registered to vote shall be entitled to vote at all regular or special municipal elections. A voter will be considered properly registered to vote if they are properly registered to vote for state elections in accordance with Title 15 of the Delaware Code as amended.

The council shall provide for the use of voting machines in all regular and special municipal elections in conformity with Title 15 of the Delaware Code by ordinance duly adopted by council. Voting machines shall be used in accordance with Title 15 of the Delaware Code and by ordinance duly adopted by council. The names of the candidates for each office shall be listed in alphabetical order on the voting machines under the name of the office to which they seek election. The voters shall designate their choice of candidates in accordance with the regular method of operation of voting machines. The council may provide sample ballots plainly marked as such and printed on paper of any color except white to be distributed to any voter or candidate who requests them prior to or during the election.

Any qualified voter, duly registered, who shall be unable to appear to cast their ballot at any election either because of being in the public service of the United States or of this state, or because they will be unavoidably absent from the city on the day of the election, or because of his/her sickness or physical disability may cast a ballot at such election by absentee ballot to be counted in the total of such election. The council may provide the rules and regulations for such absentee voting by ordinance for all elections.

(b) Registered Voter Defined. All citizens legally registered under the constitution and laws of the State of Delaware to vote in the city shall be registered voters of the city within the meaning of this charter.

Sec. 8. Time and place of elections; election board; counting of votes; determination of winners; tie votes; persons eligible to vote; voter registration; official ballots and voting machines; absentee ballots.

The regular municipal election shall be held annually on the third Tuesday of April. At each such regular municipal election, the polls shall be opened at 7:00 a.m. and closed at 8:00 p.m. The council may designate the places of election and make all necessary rules and regulations not inconsistent with this Charter or with other laws of the State of Delaware for the conduct of elections, for the prevention of fraud in elections, and for the recount of ballots in case of doubt or fraud.

All elections shall be held by an election board. The City Clerk may designate such other persons as he/she shall deem necessary to assist the members of the election board in the conduct of the election and counting of the ballots. Should any or all of the members of the election board be absent from the place of election

at 7:00 a.m. on the day of the election or fail or neglect to act in the conduct of such election during the time the polls are open and until the ballots are counted and the results of the election certified, the voters of the city present at such time may choose from the qualified voters of the city such person or persons as shall be necessary to fill places made vacant by the absence or neglect aforesaid.

When the polls are closed, the election board shall publicly count the votes and shall certify the results of the election to each of the persons elected and to the council. The candidate for the office of mayor who receives the highest number of votes cast for that office shall be declared to be elected mayor; the candidate for the office of at-large councilman who receives the highest number of votes cast for that office shall be declared to be elected at-large councilman; and the candidates for the offices of councilmen from each district who receive the highest number of votes cast by voters who reside in that district and cast votes for councilmen of that district shall be declared to be elected to that office. In the event of a tie vote for any office, a special election for said office(s) only shall be held within thirty (30) days and the registration books shall remain closed until the outcome of the special election is determined.

Every resident of the City of Dover who shall have reached the age of eighteen (18) years by the time of the election and who is properly registered to vote shall be entitled to vote at all regular or special municipal elections. A voter will be considered properly registered to vote if they are properly registered to vote for state elections in accordance with Title 15 of the Delaware Code as amended.

The council shall provide for the use of voting machines in all regular and special municipal elections in conformity with Title 15 of the Delaware Code by ordinance duly adopted by council. Voting machines shall be used in accordance with Title 15 of the Delaware Code and by ordinance duly adopted by council. The names of the candidates for each office shall be listed in alphabetical order on the voting machines under the name of the office to which they seek election. The voters shall designate their choice of candidates in accordance with the regular method of operation of voting machines. The council may provide sample ballots plainly marked as such and printed on paper of any color except white to be distributed to any voter or candidate who requests them prior to or during the election.

Any qualified voter, duly registered, who shall be unable to appear to cast their ballot at any election either because of being in the public service of the United States or of this state, or because they will be unavoidably absent from the city on the day of the election, or because of his/her sickness or physical disability may cast a ballot at such election by absentee ballot to be counted in the total of such election. The council may provide the rules and regulations for such absentee voting by ordinance for all elections.

(Dover Code Reference: Chapter 34 - Elections, Article II - Voter registration, Section 34-31 - Requirements)

Sec. 34-31. Requirements.

No person shall vote, or be allowed to vote, in any municipal election unless such person is properly registered to vote for state elections in accordance with title 15 of the Delaware Code (15 Del. C. § 1101 et seq.), and as otherwise qualified to vote as required in section 8 of the city Charter. The city clerk shall close the registration records at the close of the business day on the last working day of March of each year before the annual election, and only those voters properly registered as of thattime shall be entitled to vote at the following annual election, and the registration records of the city shall remain closed until the first working day in May.
(Code 1981, § 2-26; Ord. of 1-9-1989; Ord. of 11-26-1990, § 2)

(c) Conduct of Elections. The provisions of the general election laws of the State of Delaware shall apply to elections held under this charter. All elections provided for by the charter shall be conducted by the election authorities established by law. Candidates shall run for office without party designation. For the conduct of city elections, for the prevention of fraud in such elections and for the recount of ballots in cases of doubt or fraud, the city council shall adopt ordinances consistent with law and this charter, and the election authorities may adopt further regulations consistent with law and this charter and the ordinances of the council. Such ordinances and regulations pertaining to elections shall be publicized in the manner of city ordinances generally.

Sec. 8. Time and place of elections; election board; counting of votes; determination of winners; tie votes; persons eligible to vote; voter registration; official ballots and voting machines; absentee ballots.

The regular municipal election shall be held annually on the third Tuesday of April. At each such regular municipal election, the polls shall be opened at 7:00 a.m. and closed at 8:00 p.m. The council may designate the places of election and make all necessary rules and regulations not inconsistent with this Charter or with other laws of the State of Delaware for the conduct of elections, for the prevention of fraud in elections, and for the recount of ballots in case of doubt or fraud.

All elections shall be held by an election board. The City Clerk may designate such other persons as he/she shall deem necessary to assist the members of the election board in the conduct of the election and counting of the ballots. Should any or all of the members of the election board be absent from the place of election at 7:00 a.m. on the day of the election or fail or neglect to act in the conduct of such election during the time the polls are open and until the ballots are counted and the results of the election certified, the voters of the city present at such time may choose from the qualified voters of the city such person or persons as shall be necessary to fill places made vacant by the absence or neglect aforesaid.

When the polls are closed, the election board shall publicly count the votes and shall certify the results of the election to each of the persons elected and to the council. The candidate for the office of mayor who receives the highest number of votes cast for that office shall be declared to be elected mayor; the candidate for the office of at-large councilman who receives the highest number of votes cast for that office shall be declared to be elected at-large councilman; and the candidates for the offices of councilmen from each district who receive the highest number of votes cast by voters who reside in that district and cast votes for councilmen of that district shall be declared to be elected to that office. In the event of a tie vote for any office, a special election for said office(s) only shall be held within thirty (30) days and the registration books shall remain closed until the outcome of the special election is determined.

Every resident of the City of Dover who shall have reached the age of eighteen (18) years by the time of the election and who is properly registered to vote shall be entitled to vote at all regular or special municipal elections. A voter will be considered properly registered to vote if they are properly registered to vote for state elections in accordance with Title 15 of the Delaware Code as amended.

The council shall provide for the use of voting machines in all regular and special municipal elections in conformity with Title 15 of the Delaware Code by ordinance duly adopted by council. Voting machines shall be used in accordance with Title 15 of the Delaware Code and by ordinance duly adopted by council. The names of the candidates for each office shall be listed in alphabetical order on the voting machines under

the name of the office to which they seek election. The voters shall designate their choice of candidates in accordance with the regular method of operation of voting machines. The council may provide sample ballots plainly marked as such and printed on paper of any color except white to be distributed to any voter or candidate who requests them prior to or during the election.

Any qualified voter, duly registered, who shall be unable to appear to cast their ballot at any election either because of being in the public service of the United States or of this state, or because they will be unavoidably absent from the city on the day of the election, or because of his/her sickness or physical disability may cast a ballot at such election by absentee ballot to be counted in the total of such election. The council may provide the rules and regulations for such absentee voting by ordinance for all elections.

(d) Proportional Representation. The council may be elected by proportional representation by the method of the single transferable vote.

Sec. 8. Time and place of elections; election board; counting of votes; determination of winners; tie votes; persons eligible to vote; voter registration; official ballots and voting machines; absentee ballots.

The regular municipal election shall be held annually on the third Tuesday of April. At each such regular municipal election, the polls shall be opened at 7:00 a.m. and closed at 8:00 p.m. The council may designate the places of election and make all necessary rules and regulations not inconsistent with this Charter or with other laws of the State of Delaware for the conduct of elections, for the prevention of fraud in elections, and for the recount of ballots in case of doubt or fraud.

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The council shall provide for the use of voting machines in all regular and special municipal elections in conformity with Title 15 of the Delaware Code by ordinance duly adopted by council. Voting machines shall be used in accordance with Title 15 of the Delaware Code and by ordinance duly adopted by council. The names of the candidates for each office shall be listed in alphabetical order on the voting machines under the name of the office to which they seek election. The voters shall designate their choice of candidates in accordance with the regular method of operation of voting machines. The council may provide sample ballots plainly marked as such and printed on paper of any color except white to be distributed to any voter or candidate who requests them prior to or during the election.

Any qualified voter, duly registered, who shall be unable to appear to cast their ballot at any election either because of being in the public service of the United States or of this state, or because they will be unavoidably absent from the city on the day of the election, or because of his/her sickness or physical disability may cast a ballot at such election by absentee ballot to be counted in the total of such election. The council may provide the rules and regulations for such absentee voting by ordinance for all elections.

(e) Beginning of term. The terms of council members shall begin the _____ day of _____ _____ after their election.

(Article II - Mayor and Council) Sec. 9. Meetings of mayor and council--Generally.

At 7:30 p.m. on the second Monday in May following a regular municipal election, the mayor and council shall meet at the usual place for holding council meetings and the newly elected officers shall assume the duties of office, being first duly sworn or affirmed to perform their duties with fidelity. Such meeting shall be called or known as the annual meeting. Thereafter, the council shall hold regular meetings at such times as may be prescribed by ordinance, but not less frequently than once each month. Special meetings may be called and held as prescribed by ordinance. All meetings of the council shall be open to the public except scheduled executive sessions.

At the annual meeting held on the second Monday in May, the members of council shall elect one of their members to serve as council president, such term to be in effect until the next regularly scheduled annual meeting or until a successor is elected. The council president shall serve as vice-mayor. Council president shall preside over regular and special council meetings.

The mayor shall preside over the annual meeting and quarterly town meetings, and at the annual meeting present a state of the city message and offer mayoral appointments for council confirmation. The mayor, upon recommendation from the council president, will present council appointments for council approval.

In the event of absence of the council president, then the senior member of council in terms of length of service as a councilman shall assume the duties of the council president and shall be designated council president acting. In the event that two (2) or more members of council have the same seniority in terms of length of service as a councilman, then the members of council shall vote and elect one of those as council president acting. Council president acting shall fulfill all of the duties and responsibilities of council president during his/her period of unavailability or absence.

Section 6.02. Council Districts; Adjustment of Districts (for use with Alternatives II, III and IV of Section 6.03).

(a) Number of Districts. There shall be _____ city council districts.

(Article II - Mayor and Council) Sec. 5. Council to be legislative body; size; districts; terms of mayor and councilmen; qualifications. (Also in Section 6.02(c) and (d) and 6.03)

The council shall be the legislative body of the city and composed of nine (9) 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 (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 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 ***four (4)*** ~~**two (2)**~~ years commencing on the second Monday in May following their election and continuing for a term of ***four (4)*** ~~**two (2)**~~ years until the second Monday in May or until their successor has been duly elected and qualified. ***(Should include recall provision)***

The term of the councilmen shall be for two (2) years. In 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 each regular municipal election held in an even numbered year, four (4) 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 (2) 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 (21) years of age or older; 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; and if they have a year remaining on their term, then their office as councilman shall be filled at the same annual election in which they have filed to run for the office of mayor.

(Dover Code Reference: Chapter 2 - Administration, Article II - City Council, Division 1 - Generally, Section 2-31 - District boundaries)

Sec. 2-31. District boundaries.

In order that the members of the council shall be distributed over the city, the city shall be divided into four representative districts and two members of the council shall be residents of each district. Such districts are to be distributed as follows:

(1) District 1. District 1 is defined as the area within the corporate limits of the city contained within the following boundaries:

Beginning at the boundary line of the corporate limits of the city, at a point in the centerline of West Denneys Road at its intersection with the centerline of Fork Branch; then running in a westerly direction with said line of West Denneys Road to its intersection with the centerline of Kenton Road; then running in a southerly direction with said centerline of Kenton Road to its intersection with the centerline of Chestnut Grove Road; then running in a westerly direction with said centerline of Chestnut Grove Road to the corporate limits of the city; then following the corporate limits of the city to the centerline of State Route 8; then running in an easterly direction with the centerline of State Route 8 to the corporate limits of the city west of Mifflin Road; then following the corporate limits of the city to the centerline of Hazlettville Road; then in an easterly direction with said centerline of Hazlettville Road to its intersection with the centerline of Saulsbury Road; then in a northerly directionwith said line of Saulsbury Road to its intersection with the centerline of Walker Road; then in a westerly direction with said line of Walker Road to its intersection with Kenton Road; then in a northerly direction with said centerline of Kenton Road to its intersection with the centerline of College Road; then running in a northeasterly direction with said centerline of College Road to its intersection with McKee Road; then in a northwesterly direction with said centerline of McKee Road to its intersection with the corporate limits of the city at or near Scarborough Road; then running in a northerly direction with the corporate limits of the city to its intersection with the centerline of Fork Branch; then running with said centerline of Fork Branch to Denneys Road, excluding within these given boundaries any areas not within the corporate limits of the city.

(2) District 2. District 2 is defined as the area within the corporate limits of the city contained within the following boundaries:

Beginning at the boundary line of the corporate limits of the city, at a point in the centerline of Hazlettville Road; then running in an easterly direction with said line of Hazlettville Road to its intersection with the centerline of Federal Street; then running in a southerly direction with said line of Federal Street to its intersection with the centerline of Water Street; then running in an easterly direction with said line of Water Street in a straight line to the intersection of the extended centerline of Water Street with the centerline of Saint Jones River; then running in a southerly direction with said line of Saint Jones River to its intersection with the centerline of State Highway Route 13; then running in a northerly direction with said centerline of State Highway Route 13 to its intersection with the centerline of Court Street; then running in an westerly direction with said centerline of Court Street to its intersection with the centerline of Saint Jones River; then running in a northerly direction with said line of Saint Jones River to its intersection with the centerline of East Loockerman Street; then running in westerly direction with the centerline of Loockerman Street to its intersection with the centerline of South Bradford Street; then running in a northerly direction with said centerline of South Bradford Street a distance of 303.5 feet to a straight line extension of the

northern property line of parcel number 077.09-02-124; then running in a westerly direction with the northern property lines of parcel numbers 077.09-02-124 and 077.09-02-110 to the intersection of a straight line extension of the northern property line of parcel number 077.09-02-110 and the centerline of South Governors Avenue; then running in a northerly direction with the centerline of South Governors Avenue to its intersection with the centerline of Division Street; then with the centerline of Division Street which becomes North Little Creek Road to the corporate limits of the city on the southerly side of North Little Creek Road; then with said corporate limits of the city to the intersection of the centerline of Horsepond Road and State Route 9; then continuing with the southern corporate limits of the city to the place of beginning, excluding within these given boundaries any areas not within the corporate limits of the city.

(3) District 3. District 3 is defined as the area within the corporate limits of the city lying within the following boundaries:

Beginning at the boundary line of the corporate limits of the city, at a point in the centerline of North Little Creek Road; then running in a westerly direction with said line of North Little Creek Road which becomes Division Street to its intersection with the centerline of South Governors Avenue; then running in a northerly direction with said line of South Governors Avenue to its intersection with the centerline of William Street; then running in a westerly direction with said line of William Street toits intersection with the centerline of Pear Street; then running in a northerly direction of said line of Pear Street to its intersection with the centerline of Walker Road; then running in an easterly direction with said line of Walker Road to its intersection with the centerline of North State Street; then running in a northerly direction with said centerline of North State Street to its intersection with the centerline of State Route 13; then running in a northerly direction with said line of State Route 13 to its intersection with the corporate limits of the city; then running with the corporate limits of the city to its intersection with the centerline of North Little Creek Road, the place of beginning, excluding within these given boundaries any areas not within the corporate limits of the city.

(4) District 4. District 4 is defined as the area within the corporate limits of the city lying within the following boundaries:

Beginning at a point in the centerline of State Highway Route 13, where it intersects with the centerline of West Denneys Road; then running in a westerly direction with said line of West Denneys Road to its intersection with the centerline of Fork Branch; then running in a southeasterly direction with said line of Fork Branch and the corporate limits of the city to the intersection of the corporate limits of the city with the centerline of McKee Road; then running in a southeasterly direction with said line of McKee Road to its intersection with the centerline of College Road; then running in a westerly direction with said line of College Road to its intersection with the centerline of Kenton Road; then running in a northerly direction with said line of Kenton Road to its intersection with the centerline of Walker Road; then running in an easterly direction with said line of Walker Road to its intersection with the centerline of Saulsbury Road; then running in a southerly direction with said line of Saulsbury Road to its intersection with the centerline of West North Street; then running in an easterly direction with said line of West North Street to its intersection with the centerline of Federal Street; then running in a southerly direction with said centerline of Federal Street to its with the centerline of Water Street; then running in an easterly direction with said line of Water Street and a straight line extension thereof to the centerline of the Saint Jones River, then running in a southerly directionto its intersection with the centerline of State Highway Route 13; then running in a northerly direction with said centerline of State Highway Route 13 to its intersection with the centerline of Court Street; then running in a westerly direction with said line of Court Street to its intersection with the centerline of the Saint Jones River; then running in a northerly direction with said centerline of the Saint Jones River to its intersection with the centerline of Loockerman Street; then running in a westerly direction with said centerline of Loockerman Street to its intersection with the centerline of South Bradford Street; then running in a northerly direction with said centerline of South Bradford Street a distance of 303.5 feet to a straight line extension of the northern property line of parcel number 077.09-02-124; then running in a westerly direction with the northern property lines of parcel numbers 077.09-02-124 and 077.09-02-110 to the intersection of a straight line extension of the northern property line of

parcel number 077.09-02-110 and the centerline of South Governors Avenue; then running in a northerly direction with the centerline of South Governors Avenue to its intersection with the centerline of William Street; then running in a westerly direction with the centerline of William Street to its intersection with the centerline of Pear Street; then running in a northerly direction with the centerline of Pear Street to its intersection with the centerline of Walker Road; then running in an easterly direction with the centerline of Walker Road to its intersection with the centerline of North State Street; then running in a northerly direction with the centerline of North State Street to its intersection with the centerline of State Route 13; then running in a northerly direction with the centerline of State Route 13 to its intersection with the centerline of Denneys Road, the beginning point, excluding within these given boundaries any areas not within the corporate limits of the city.
(Code 1981, § 2-56; Ord. of 8-25-1986; Ord. of 1-9-1989; Ord. of 4-27-1992; Ord. of 3-8-2004(1), § 2-56)

(b) Districting Commission; Composition; Appointment; Terms; Vacancies; Compensation.

(1) There shall be a districting commission consisting of five members. No more than two commission members may belong to the same political party. The city council shall appoint four members. These four members shall, with the affirmative vote of at least three, choose the fifth member who shall be chairman.
(2) No member of the commission shall be employed by the city or hold any other elected or appointed position in the city.
(3) The city council shall appoint the commission no later than one year and five months before the first general election of the city council after each federal decennial census. The commission's term shall end upon adoption of a districting plan, as set forth in § 6.02(c).
(4) In the event of a vacancy on the commission by death, resignation or otherwise, the city council shall appoint a new member enrolled in the same political party from which his or her predecessor was selected to serve the balance of the term remaining.
(5) No member of the districting commission shall be removed from office by the city council except for cause and upon notice and hearing.
(6) The members of the commission shall serve without compensation except that each member shall be allowed actual and necessary expenses to be audited in the same manner as other city charges.
(7) The commission may hire or contract for necessary staff assistance and may require agencies of city government to provide technical assistance. The commission shall have a budget as provided by the city council.

Sec. 8. Time and place of elections; election board; counting of votes; determination of winners; tie votes; persons eligible to vote; voter registration; official ballots and voting machines; absentee ballots.

The regular municipal election shall be held annually on the third Tuesday of April. At each such regular municipal election, the polls shall be opened at 7:00 a.m. and closed at 8:00 p.m. The council may designate the places of election and make all necessary rules and regulations not inconsistent with this Charter or with other laws of the State of Delaware for the conduct of elections, for the prevention of fraud in elections, and for the recount of ballots in case of doubt or fraud.

All elections shall be held by an election board. The City Clerk may designate such other persons as he/she shall deem necessary to assist the members of the election board in the conduct of the election and counting of the ballots. Should any or all of the members of the election board be absent from the place of election

at 7:00 a.m. on the day of the election or fail or neglect to act in the conduct of such election during the time the polls are open and until the ballots are counted and the results of the election certified, the voters of the city present at such time may choose from the qualified voters of the city such person or persons as shall be necessary to fill places made vacant by the absence or neglect aforesaid.

When the polls are closed, the election board shall publicly count the votes and shall certify the results of the election to each of the persons elected and to the council. The candidate for the office of mayor who receives the highest number of votes cast for that office shall be declared to be elected mayor; the candidate for the office of at-large councilman who receives the highest number of votes cast for that office shall be declared to be elected at-large councilman; and the candidates for the offices of councilmen from each district who receive the highest number of votes cast by voters who reside in that district and cast votes for councilmen of that district shall be declared to be elected to that office. In the event of a tie vote for any office, a special election for said office(s) only shall be held within thirty (30) days and the registration books shall remain closed until the outcome of the special election is determined.

Every resident of the City of Dover who shall have reached the age of eighteen (18) years by the time of the election and who is properly registered to vote shall be entitled to vote at all regular or special municipal elections. A voter will be considered properly registered to vote if they are properly registered to vote for state elections in accordance with Title 15 of the Delaware Code as amended.

The council shall provide for the use of voting machines in all regular and special municipal elections in conformity with Title 15 of the Delaware Code by ordinance duly adopted by council. Voting machines shall be used in accordance with Title 15 of the Delaware Code and by ordinance duly adopted by council. The names of the candidates for each office shall be listed in alphabetical order on the voting machines under the name of the office to which they seek election. The voters shall designate their choice of candidates in accordance with the regular method of operation of voting machines. The council may provide sample ballots plainly marked as such and printed on paper of any color except white to be distributed to any voter or candidate who requests them prior to or during the election.

Any qualified voter, duly registered, who shall be unable to appear to cast their ballot at any election either because of being in the public service of the United States or of this state, or because they will be unavoidably absent from the city on the day of the election, or because of his/her sickness or physical disability may cast a ballot at such election by absentee ballot to be counted in the total of such election. The council may provide the rules and regulations for such absentee voting by ordinance for all elections.

(c) Powers and Duties of the Commission; Hearings; Submissions and Approval of Plan.

(1) Following each decennial census, the commission shall consult the city council and shall prepare a plan for dividing the city into districts for the election of council members. In preparing the plan, the commission shall be guided by the criteria set forth in § 6.02(d). The report on the plan shall include a map and description of districts recommended.

(2) The commission shall hold one or more public hearings not less than one month before it submits the plan to the city council. The commission shall make its plan available to the public for inspection and comment not less than one month before its public hearing.

(3) The commission shall submit its plan to the city council not less than one year before the first general election of the city council after each decennial census.

(4) The plan shall be deemed adopted by the city council unless disapproved within three weeks by the vote of the majority of all members of the city council. If the city council fails to adopt the plan, it shall return the plan to the commission with its objections of individual members of the council.

(5) Upon rejection of its plan, the commission shall prepare a revised plan and shall submit such revised plan to the city council no later than nine months before the first general election of the city council after the decennial census. Such revised plan shall be deemed adopted by the city council unless disapproved within two weeks by the vote of two-thirds of all of the members of the city council and unless, by a vote of two-thirds of all of its members, the city council votes to file a petition in the _____ Court, _____ County, for a determination that the plan fails to meet the requirements of this charter. The city council shall file its petition no later than ten days after its disapproval of the plan. Upon a final determination upon appeal, if any, that the plan meets the requirements of this charter, the plan shall be deemed adopted by the city council and the commission shall deliver the plan to the city clerk. The plan delivered to the city clerk shall include a map and description of the districts.

(6) If in any year population figures are not available at least one year and five months before the first general election following the decennial census, the city council may, by local law, shorten the time periods provided for districting commission action in paragraphs (2), (3), (4), and (5) of this subsection.

(Article II - Mayor and Council) Sec. 5. Council to be legislative body; size; districts; terms of mayor and councilmen; qualifications. (Also in Section 6.02(a) and (d) and 6.03)

The council shall be the legislative body of the city and composed of nine (9) 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 (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 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 ***four (4)*** ~~**two (2)**~~ years commencing on the second Monday in May following their election and continuing for a term of ***four (4)*** ~~**two (2)**~~ years until the second Monday in May or until their successor has been duly elected and qualified. ***(Should include recall provision)***

The term of the councilmen shall be for two (2) years. In 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 each regular municipal election held in an even numbered year, four (4) 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 (2) 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 (21) years of age or older; 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; and if they have a year remaining on their term, then their office as councilman shall be filled at the same annual election in which they have filed to run for the office of mayor.

(d) Districting Plan; Criteria. In preparation of its plan for dividing the city into districts for the election of council members, the commission shall apply the following criteria which, to the extent practicable, shall be applied and given priority in the order in which they are herein set forth.

(1) Districts shall be equal in population except where deviations from equality result from the application of the provisions hereinafter set forth, but no such deviation may exceed five percent of the average population for all city council districts according to the figures available from the most recent census.

(2) Districts shall consist of contiguous territory; but land areas separated by waterways shall not be included in the same district unless said waterways are traversed by highway bridges, tunnels or regularly scheduled ferry services both termini of which are within the district, except that, population permitting, islands not connected to the mainland or to other islands by bridge, tunnel or regular ferry services shall be included in the same district as the nearest land area within the city and, where such subdivisions exist, within the same ward or equivalent subdivision as described in paragraph (5) below.

(3) In cities whose territory encompasses more than one county or portions of more than one county, the number of districts, which include territory in more than one county, shall be as small as possible.

(4) in the establishment of districts within cities whose territory is divided into wards or equivalent subdivisions whose boundaries have remained substantially unaltered for at least fifteen years, the number of such wards or equivalent subdivisions whose territory is divided among more than one district shall be as small as possible.

(5) Consistent with the foregoing provisions, the aggregate length of all district boundaries shall be as short as possible.

WHEN A CITY OPTS FOR REDISTRICTING BY THE CITY COUNCIL, THE FOLLOWING PROVISIONS SHOULD BE SUBSTITUTED IN SECTION 6.02(b) AND (c) AND A NEW SECTION 6.02(d) BE ADDED AS FOLLOWS:

(b) Council to Redistrict. *Following each decennial census, the city council shall, by ordinance, adjust the boundaries of the city council districts using the criteria set forth in Section 6.02(e).*

(c) Procedures.

(1) The city council shall hold one or more public hearings prior to bringing any proposed plan to a vote. Proposed plans must be available to the public for inspection and comment not less than one month before the first public hearing on said plan. The plan shall include a map and description of the districts recommended.

(2) The city council shall approve a districting plan no later than 10 months (300 days) prior to the first regular city election following the decennial census.

(d) Failure to Enact Ordinance. *If the city council fails to enact a redistricting plan within the required time, the city attorney shall, the following business day, inform the _____ Court, _____ County, and ask that a special master be appointed to do the redistricting. The special master shall, within sixty days, provide the Court with a plan drawn in accordance with the criteria set forth in § 6.02(e). That plan shall have the force of law unless the court finds it does not comply with said criteria. The court shall cause an approved plan to go into effect no later than 210 days prior to the first regular city election after the decennial census. The city shall be liable for all reasonable costs incurred by the special master in preparing the plan for the court.*

SUBSECTIONS 6.03(d) AND (e) OF THE *MODEL* SHOULD BE RETAINED, RELETTERED (e) AND (f), RESPECTIVELY, AND THE WORDS "CITY COUNCIL" SUBSTITUTED FOR "COMMISSION".

(Article II - Mayor and Council) Sec. 5. Council to be legislative body; size; districts; terms of mayor and councilmen; qualifications. (Also in Section 6.02(a) and (c) and 6.03)

The council shall be the legislative body of the city and composed of nine (9) 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 (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 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 ***four (4)*** ~~**two (2)**~~ years commencing on the second Monday in May following their election and continuing for a term of ***four (4)*** ~~**two (2)**~~ years until the second Monday in May or until their successor has been duly elected and qualified. ***(Should include recall provision)***

The term of the councilmen shall be for two (2) years. In 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 each regular municipal election held in an even numbered year, four (4) 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 (2) 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 (21) years of age or older; 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; and if they have a year remaining on their term, then their office as councilman shall be filled at the same annual election in which they have filed to run for the office of mayor.

(e) Effect of Enactment. The new city council districts and boundaries as of the date of enactment shall supersede previous council districts and boundaries for all purposes of the next regular city election, including nominations. The new districts and boundaries shall supersede previous districts and boundaries for all other purposes as of the date on which all council members elected at that regular city election take office.

Section 6.03. Methods of Electing Council Members.

The text in this section complements the information on the composition of the council found in Article II, §2.02(c).

~~**Alternative I - Option A - Council Elected At Large; Mayor Elected by the Council**~~

~~At the first election under this charter _____ Council members shall be elected; the _____ [one-half plus one] candidates receiving the greatest number of votes shall serve for terms of four years, and the _____ [remainder of the council] candidates receiving the next greatest number of votes shall serve for terms of two years. Commencing at the next regular election and at all subsequent elections, all council members shall be elected for four-year terms.~~

~~**Alternative I - Option B - Council Elected At Large; Mayor Elected Separately**~~

~~At the first election under this charter _____ Council members shall be elected; the _____ [one-half the number of council members] candidates receiving the greatest number of votes shall serve for terms of four~~

~~years, and the _____ [one-half the number council members] candidates receiving the next greatest number of votes shall serve for terms of two years. Commencing at the next regular election and at all subsequent elections, all council members shall be elected for four-year terms.~~

~~Alternative II - Option A - Council Elected At Large with District Residency Requirment; Mayor Elected By the Council~~

~~At the first election under this charter _____ Council members shall be elected; the _____ [one-half plus one] candidates receiving the greatest number of votes shall serve for terms of four years, and the _____ [remainder of the council] candidates receiving the next greatest number of votes shall serve for terms of two years. Commencing at the next regular election and at all subsequent elections, all council members shall be elected for four-year terms.~~

~~Alternative II - Option B - Council Elected At Large with District Residency Requirement; Mayor Elected Separately~~

~~At the first election under this charter _____ Council members shall be elected; the _____ [one-half the number of council members] candidates receiving the greatest number of votes shall serve for terms of four years, and the _____ [one-half the number council members] candidates receiving the next greatest number of votes shall serve for terms of two years. Commencing at the next regular election and at all subsequent elections, all council members shall be elected for four-year terms.~~

~~Alternative III - Option A - Mixed At Large and Single Member District System; Mayor Elected by the Council~~

~~At the first election under this charter _____ Council members shall be elected; all district candidates and the _____ at-large candidates receiving the greatest number of votes shall serve for terms of four years, and the _____ at-large candidates receiving the next greatest number of votes shall serve for terms of two years. Commencing at the next regular election and at all subsequent elections, all council members shall be elected for four-year terms.~~

~~Alternative III - Option B - Mixed At Large and Single Member District System; Mayor Elected Separately~~

~~At the first election under this charter _____ Council members shall be elected; all district candidates and the _____ at-large candidates receiving the greatest number of votes shall serve for terms of four years, and the _____ at-large candidates receiving the next greatest number of votes shall serve for terms of two years. Commencing at the next regular election and at all subsequent elections, all council members shall be elected for four-year terms.~~

Alternative IV - Single-Member District System

At the first election under this charter ____ Council members shall be elected; council members from odd-numbered districts shall serve for terms of ***one year*** **~~two years~~**, and council members from even-numbered districts shall serve for terms of ***two*** **~~four~~** years. Commencing at the next regular election and at all subsequent elections, all council members shall be elected for ***two*** **~~four~~**-year terms.

(Article II - Mayor and Council) Sec. 5. Council to be legislative body; size; districts; terms of mayor and councilmen; qualifications. (Also in Section 6.02(a), (c) and (d))

The council shall be the legislative body of the city and composed of nine (9) 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 (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 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 ***four (4)*** ~~**two (2)**~~ years commencing on the second Monday in May following their election and continuing for a term of ***four (4)*** ~~**two (2)**~~ years until the second Monday in May or until their successor has been duly elected and qualified. ***(Should include recall provision)***

The term of the councilmen shall be for two (2) years. In 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 each regular municipal election held in an even numbered year, four (4) 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 (2) 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 (21) years of age or older; 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; and if they have a year remaining on their term, then their office as councilman shall be filled at the same annual election in which they have filed to run for the office of mayor.

~~Sec. 7. Nomination petitions for candidates for council and mayor.~~*(Move Struck Text to Dover Code)*

~~The mode of nomination of candidates for the council and for mayor shall be by petition, signed by not less than *25/100* ten (10) nor more than *50/150* twenty-five (25) electors of the city, filed with the clerk of council on or before 4:00 p.m. on the second Friday of February of each year for candidates for council and on or before 4:00 p.m. on the last working day in January for candidates for mayor in the years when a mayor is to be elected. Should the second Friday of February fall on a legal holiday, the filing date shall be 4:00 p.m. on the next working day thereafter which is not a legal holiday.~~ *(Council by District = 25 and 50; Council At-Large and Mayor = 100 and 150)*

~~Whenever a petition nominating a person for the office of mayor or councilman shall have been filed as above prescribed, the name of such person shall be printed on the ballot for the regular municipal election as a candidate for the office for which they were nominated, provided they possess the qualifications prescribed by this Charter for a candidate for such office.~~

~~No nominating petition shall designate more than one person to be voted for as a member of council or as mayor.~~

~~The signers of a nominating petition for a member of the council must be electors of the city residing in the city election district in which the nominee resides; but the signers to the nominating petition for the mayor and for the at-large councilman may be city electors residing in the city at-large.~~

~~There must be attached to each nominating petition an affidavit of the circulator thereof, stating the number of signers and that each signature appended thereto was made in their presence, and is the genuine signature of the person whose name it purports to be, and that all of said signers are entitled to vote at the regular municipal election referred to; and, in the case of a petition nominating a candidate for councilman running from a particular district and to be elected by district voting, that the circulator of the petition verily believes that each signer of said petition is a resident of the same city election district in which the nominee resides.~~

~~With each signature shall be stated the place of residence of the signer, giving the street and number or other description sufficient to identify the same. The form of the nominating petition shall be substantially as follows:~~

~~We, the undersigned, electors of The City of Dover, hereby nominate _____, who resides in the _____ City District of the said City of Dover, for the office of Councilman (or for the office of Mayor as the case may be) to be voted for at the regular municipal election to be held in the said City, on the _____ day of _____ in the year _____; and we individually certify that we are qualified to vote for a candidate for the office named, and that we have not signed any other nominating petition for that office, and that our places of residences are truly stated after our signatures.~~

~~Name _____~~

~~Street and Number _____~~

~~(Space for Signatures)~~

~~STATE OF DELAWARE~~

~~KENT COUNTY~~

~~SS.~~

~~_____ being duly sworn (or affirmed) deposes and says that they were the circulator of the foregoing petition paper containing _____ signatures, and that the signatures appended thereto were made in his/her presence, and are the signatures of the persons whose names they purport to be, and that they verily believes the residence of each signer thereof to be truly stated, and that all of said signers are entitled to vote at the regular municipal election referred to in said paper; and, in case the petition is nominating a candidate for councilman to be elected from a specific district by district voting, that each signer of said petition is a resident of the same city election district in which the nominee resides.~~

~~(Signed) _____~~

~~Subscribed and sworn to (or affirmed) before me this _____ day of _____~~

~~_____ Justice of the Peace (or Notary Public)~~

Section 6.04. Initiative, Citizen Referendum, and Recall.

(a) ~~**Alternative I - Provisions Provided by State Law.** The powers of initiative, citizen referendum, and recall are hereby reserved to the electors of the city.~~

Alternative II - General Authority for Initiative, Citizen Referendum, and Recall.

(1) Initiative. The registered voters of the city shall have power to proposed ordinances to the council and, if the council fails to adopt an ordinance so proposed without any change in substance, to adopt or reject it at a city election, but such power shall not extend to the budget or capital program or any ordinance relating to appropriation of money, levy of taxes or salaries of city officers or employees.

(2) Citizen Referendum. The registered voters of the city shall have power to require reconsideration by the council of any adopted ordinance and, if the council fails to repeal an ordinance so reconsidered, to approve or reject it at a city election, but such power shall not extend to the budget or capital program or any emergency ordinance or ordinance relating to appropriation of money or levy of taxes.

(3) Recall. The registered voters of the city shall have power to recall elected officials of the city, but no recall petition shall be filed against any official within six months after the official takes office, nor, in case of a member subjected to a recall election and not removed, until at least six months after the election.

(b) Commencement of Proceeding; Petitioners' Committee; Affidavit. Any five registered voters may commence initiative, citizen referendum, or recall proceedings by filing with the city clerk an affidavit stating they will constitute the petitioners' committee and be responsible for circulating the petition and filing it in proper form, stating their names and addresses and specifying the address to which all notices to the committee are to be sent, and setting out in full the proposed initiative ordinance, citing the ordinance sought to be reconsidered, or stating the name and title of the officer sought to be recalled accompanied by a statement, not to exceed 200 words, of the reasons for the recall. Grounds for recall should relate to and affect the administration of the official's office, and be of a substantial nature directly affecting the rights and interests of the public. Promptly after receipt of a recall petition, the clerk shall serve, personally or by certified mail, a copy of the affidavit on the elected officer sought to be recalled. Within 10 days of service of the affidavit, the elected officer sought to be recalled may file a statement with the city clerk, not to exceed 200 words, in response. Promptly after the affidavit of the petitioners' committee is filed, and the response, if any, of the elected official sought to be recalled is filed, the clerk shall issue the appropriate petition blanks to the petitioners' committee.

(c) Petitions.

(1) Number of Signatures. Initiative and citizen referendum petitions must be signed by registered voters of the city equal in number to at least [5 to 10] percent of the total number of registered voters to vote at the last regular election. Recall petitions must be signed by registered voters of the city equal in number to at least [10 to 20] percent of the total number of registered voters to vote at the last regular election.

(2) Form and Content. All papers of a petition shall be uniform in size and style and shall be assembled as one instrument for filing. Each signature shall be executed in ink or indelible pencil and shall be followed by the address of the person signing. Initiative and citizen referendum petitions shall contain or have attached thereto throughout their circulation the full text of the ordinance proposed or sought to be reconsidered. Recall petitions shall contain the name and title of the official sought to be recalled, the statement of grounds for the recall, and the response of the official sought to be recalled, if any. If no response was filed, the petition shall so state.

(3) Affidavit of Circulator. Each paper of a petition shall have attached to it when filed an affidavit executed by the person circulating it stating that he or she personally circulated the paper, the number of signatures thereon, that all the signatures were affixed in his or her presence, that he or she believes them to be the genuine signatures of the persons whose names they purport to be and that each signer had an opportunity before signing to read the full text of the ordinance proposed or sought to be reconsidered.

(4) Time for Filing Referendum and Recall Petitions. Referendum petitions must be filed within 30 days after adoption by the council of the ordinance sought to be reconsidered. Recall petitions must be filed within [40 to 160] days of the filing of the petitioners' affidavit initiating the recall procedure.

(d) Procedure after Filing.

(1) Certificate of Clerk; Amendment. Within twenty days after the petition is filed, the city clerk shall complete a certificate as to its sufficiency, specifying, if its is insufficient, the particulars

wherein it is defective and shall promptly send a copy of the certificate to the petitioners' committee by registered mail. A petition certified insufficient for lack of the required number of valid signatures may be amended once if the petitioners' committee files a notice of intention to amend it with the clerk within two days after receiving the copy of his or her certificate and files a supplementary petition upon additional papers within ten days after receiving the copy of such certificate. Such supplementary petition shall comply with the requirements of paragraphs (2) and (3) of §6.04(c), and within five days after it is filed the clerk shall complete a certificate as to the sufficiency of the petition as amended and promptly send a copy of such certificate to the petitioners' committee by registered mail as in the case of an original petition. If a petition or amended petition is certified sufficient, or if a petition or amended petition is certified insufficient and the petitioners' committee does not elect to amend or request council review under paragraph (2) of this subsection within the time required, the clerk shall promptly present his or her certificate to the council and the certificate shall then be a final determination as to the sufficiency of the petition.

(2) Council Review. If a petition has been certified insufficient and the petitioners committee does not file notice of intention to amend it or if an amended petition has been certified insufficient, the committee may, within two days after receiving the copy of such certificate, file a request that it be reviewed by the council. The council shall review the certificate at its next meeting following the filing of such request and approve or disapprove it, and the council's determination shall then be a final determination as to the sufficiency of the petition. A council member who is the subject of a recall petition shall not be eligible to act in the determination of sufficiency or insufficiency of the petition.

(3) Court Review; New Petition. A final determination as to the sufficiency of a petition shall be subject to court review. A final determination of insufficiency, even if sustained upon court review, shall not prejudice the filing of a new petition for the same purpose.

(e) Referendum Petitions; Suspension of Effect of Ordinance. When a referendum petition is filed with the city clerk, the ordinance sought to be reconsidered shall be suspended from taking effect. Such suspension shall terminate when:

(i) There is a final determination of insufficiency of the petition, or
(ii) The petitioners' committee withdraws the petition, or
(iii) The council repeals the ordinance, or
(iv) Thirty days have elapsed after a vote of the city on the ordinance.

(f) Action of Petitions.

(1) Action by Council. When an initiative or referendum petition has been finally determined sufficient, the council shall promptly consider the proposed initiative ordinance in the manner provided in Article II or reconsider the referred ordinance by voting is repeal. If the council fails to adopt a proposed initiative ordinance without any change in substance within sixty days or fails to repeal the referred ordinance within thirty days after the date the petition was finally determined sufficient, it shall submit the proposed or referred ordinance to the voters of the city. The council shall promptly order a recall election to occur within _____ [30 to 90] days of the date the recall petition was finally determined sufficient.

(2) Submission to Voters of proposed or Referred Ordinances. The vote of the city on a proposed or referred ordinance shall be held not less then 30 days and not later than one year from the date of the final council vote thereon. If no regular city election is to be held within the period prescribed in this subsection, the council shall provide for a special election; otherwise, the vote shall be held at the same time as such regular election, except that the council may in its discretion provide for a special election at an earlier date within the prescribed period. Copies of the proposed or referred ordinance shall be made available at the polls.

(3) Withdrawal of Petitions. An initiative, referendum, or recall petition may be withdrawn at any time prior to the fifteenth day preceding the day scheduled for a vote of the city by filing with the city clerk a request for withdrawal signed by at least two-thirds of the petitioners' committee. Upon the filing of such request the petition shall have no further force or effect and all proceedings thereon shall be terminated.

(g) Results of Election.

(1) Initiative. If a majority of the registered voters voting on a proposed initiative ordinance vote in its favor, it shall be considered adopted upon certification of the election results and shall be treated in all respects in the same manner as ordinances of the same kind adopted by the council. If conflicting ordinances are approved at the same election, the one receiving the greatest number of affirmative votes shall prevail to the extent of such conflict.

(2) Referendum. If a majority of the registered voters voting on a referred ordinance vote against it, it shall be considered repealed upon certification of the election results.

(3) Recall. Ballots used at recall elections shall read: "Shall [name] be recalled (removed) from the office of _____?" If a majority of the registered voters voting on a proposed recall vote in its favor, the official is removed and the winning candidate for successor, if any, shall be elected as a replacement for the duration of the unexpired term. Otherwise the vacancy shall be filled in accordance with § 2.06(c).

Article VII
GENERAL PROVISIONS

~~**Section 7.01. Conflicts of Interest; Board of Ethics.**~~ **(Keep wording of current Dover Code - See Chapter 30 below)**

~~**(a) Conflicts of Interest.** The use of public office for private gain is prohibited. The city council shall implement this prohibition by ordinance, the terms of which shall include, but not be limited to: acting in an official capacity on matters in which the official has a private financial interest clearly separate from that of the general public; the acceptance of gifts and other things of value; acting in a private capacity on matters dealt with as a public official; the use of confidential information; and appearances by city officials before other city agencies on behalf of private interests. This ordinance shall include a statement of purpose and shall provide for reasonable public disclosure of finances by officials with major decision-making authority over monetary expenditures and contractual and regulatory matters and, insofar as permissible under state law, shall provide for fines and imprisonment for violations.~~

(Dover Code: Chapter 30 - Code of Conduct and Ethics Commission, Article II - Code of Conduct)
ARTICLE II. CODE OF CONDUCT. Sec. 30-31. Applicability; statement of policy.

(a) Applicability. This article shall be applicable to all elected and appointed officials and all employees of the city.

(b) Statement of policy. The proper operation of democratic government requires that public officials and employees be independent, impartial, and responsible to the people; that governmental decisions and policies be made in the proper channels of the governmental structure; that public office not be used for personal gain; and that the public has confidence in the integrity of its government. In recognition of these goals, there is hereby established a code of conduct for all city employees and officials. The purpose of this code of conduct is to establish ethical standards of conduct for all such officials and employees by setting forth those acts or actions that are incompatible with the best interests of the city and by directing disclosure by such officials and employees of private financial or other interests in matters affecting the city. The city council finds and declares as matters of public policy goals and objectives for all city employees and elected and appointed officials, the following:

(1) Public trust. In our democratic form of government, the conduct of officials and employees of the city must hold the respect and confidence of the people. They must, therefore, avoid conduct which is in violation of their public trust or which creates a justifiable impression among the public that such trust is being violated.

(2) Standards. To ensure propriety and to preserve public confidence, officials and employees of the city must have the benefit of specific standards to guide their conduct and disciplinary mechanisms to guarantee uniform maintenance of those standards. Some standards of this type are so vital to government that violation thereof should subject the violator to criminal penalties.

(3) Public service. In our democratic form of government, it is both necessary and desirable that all citizens should be encouraged to assume public office and employment, and that, therefore, the activities of officers and employees of the city should not be unduly circumscribed.

(4) Performance of duty. Elected city officials are obligated to uphold the fundamental legal principles of our system of government, as set forth in the United States Constitution, the state constitution, and the city Charter, as well as all applicable provisions of federal, state and local law and court decisions. They are bound to do so, and the failure to so act shall constitute malfeasance in office.

(5) Fairness. City officials and employees shall strive for the highest standard of fairness in all of their activities and shall not grant any special consideration, treatment, or advantage to any citizen beyond that which is available to every other citizen.

(6) Use of private information. In the course of their official responsibilities, city officials and employees are often privy to categories of information which are of a private nature and are legally protected from public disclosure. City officials and employees shall maintain the privacy of such information, and they shall not take advantage of such information for personal gain, or the personal gain of friends or family.
(Code 1981, § 2-8; Ord. of 7-13-1998)

Sec. 30-32. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:
Close relative means a person's parents, spouse, children (natural or adopted), and siblings of the whole and half-blood.

Commission and ethics commission mean the city ethics commission as established by this chapter.

Compensation means any money, thing of value, or any other economic benefit of any kind or nature whatsoever conferred on or received by any person in return for services rendered or to be rendered by the official or employee, or by another.

Employee includes all persons who receive compensation as an employee of the city or a city agency, and shall not include persons that are elected or appointed to serve as mayor, city councilmember or a member of any city committee, commission or board, whether paid or unpaid.
Financial interest. A person has financial interest in a private enterprise if:

(1) He has a legal or equitable ownership interest in the enterprise of more than ten percent (one percent or more in the case of a corporation the stock of which is regularly traded on an established securities market);

(2) He is associated with the enterprise and received from the enterprise during the last calendar year, or might reasonably be expected to receive from the enterprise during the current or the next calendar year, income in excess of $5,000.00 for services as an employee, officer, director, trustee, or independent contractor; or

(3) He is a creditor of a private enterprise in an amount equal to ten percent or more of the debt of that enterprise (one percent or more in the case of a corporation the securities of which are regularly traded on an established securities market).

Matter means an application, petition, request, business dealing, contract, subcontract, or any other transaction of any sort with the city.

Official means any elected or appointed official of the city and all members of any committee, commission or board appointed by the mayor of the city or appointed by the city council.

Official responsibility means any direct administrative or operating authority at any level, either exercisable alone or with others, either personally or through subordinates, to approve, disapprove, recommend or otherwise direct action on behalf of the city.

Personal or private interest means an interest in a matter which tends to impair the independent judgment of an official or employee in the performance of his duties with respect to that matter.
Private enterprise means any activity conducted by any person, whether conducted for profit or not for profit, and includes the ownership of real or personal property. The term "private enterprise" does not include any activity of the city, of any political subdivision, or of any agency, authority, or instrumentality thereof.
(Code 1981, § 2-9; Ord. of 7-13-1998)

Sec. 30-33. Prohibitions relating to conflicts of interest.

(a) Restrictions on exercise of official authority.

(1) Prohibited participation. No city employee or official may participate on behalf of the city in the review or disposition of any matter pending before the city in which he has a personal or private interest, provided that, upon request from any person with official responsibility with respect to the matter, any such person who has such a personal or private interest may nevertheless respond to questions concerning any such matter. A personal or private interest in a matter is an interest which tends to impair a person's independence of judgment in the performance of his duties with respect to that matter.

(2) Impairment of judgment. A person has an interest which tends to impair his independence of judgment in the performance of his duties with respect to any matter when:

a. Any action or inaction with respect to the matter would result in a financial benefit or detriment to accrue to the person or a close relative to a greater extent than such benefit or detriment would accrue to others who are members of the same class or group of persons; or

b. The person or a close relative has a financial interest in a private enterprise which enterprise or interest would be affected by any action or inaction on a matter to a lesser or greater extent than like enterprises or other interests in the same enterprise.

(3) Statutory responsibility. In any case where a person has a statutory responsibility with respect to action or inaction on any matter where he has a personal or private interest and there is no provision for the delegation of such responsibility to another person, the person may exercise responsibility with respect to such matter, provided that, promptly after becoming aware of such conflict of interest, he files a written statement with the ethics commission, fully disclosing the personal or private interest and explaining why it is not possible to delegate responsibility for the matter to another person.

(b) Restrictions on representing another's interest before the city.

(1) Prohibited. No city employee or official may represent or otherwise assist any private enterprise with respect to any matter before the city.

(2) Exception. This subsection (b) shall not preclude any city employee or official from appearing before the city or otherwise assisting any private enterprise with respect to any matter in the exercise of his official duties.

(c) Restriction on contracting with the city.

(1) Prohibited. No city employee or official shall benefit from any contract with the city, nor solicit any contract, and shall not enter into any contract with the city (other than an employment contract).

(2) Ownership of enterprise. No private enterprise in which a city employee or official has a legal or equitable ownership of more than ten percent (more than one percent in the case of a corporation the stock of which is regularly traded on an established securities market) shall enter into any contract with the city (other than an employment contract) unless such contract was made or let after public notice and competitive bidding.

(d) Postemployment restrictions. No person who has served as a city employee or official shall represent or otherwise assist any private enterprise on any matter involving the city, for a period of two years after termination of his employment or elected or appointed status with the city, if he gave an opinion, conducted an investigation or otherwise was directly and materially responsible for such matter in the course of his official duties as a city employee or official, nor shall any former city employee or official disclose confidential information gained by reason of his public position, nor shall he otherwise use such information for personal gain or benefit.

(e) Unauthorized disclosure of confidential information. No person shall disclose any information required to be maintained confidential by the ethics commission under section 30-34(d), 30-35(b) or 30-73.

(f) Abuse of office.

(1) Political contributions. No elected city official shall agree to sponsor legislation, or to influence in any manner the formulation or passage of legislation, in exchange for political contributions or promises thereof.

(2) Substantial interest. No elected city official shall vote for, or promote in any manner whatsoever, legislation affecting any subject matter in which he has a substantial interest. Any such interest shall be disclosed by said elected official prior to a vote on any such legislation, and said elected official shall vote "abstain" when called upon to vote.

(3) Use of city property. No city official or employee shall request or permit the use of city-owned vehicles, equipment, materials, or property for personal convenience or profit, except when such services are available to the public generally or are provided for the use of such official or employee in the conduct of official business as a matter of municipal policy.

(4) Personal gain. No city official or employee shall utilize the influence of his office or position for personal pecuniary gain, or to avoid the legal consequences of his personal conduct.

(g) Criminal sanctions.

(1) Penalties. Any person who knowingly or willfully violates any provision of this section shall be guilty of a misdemeanor, punishable for each such violation by imprisonment of not more than one year and by a fine not to exceed $1,000.00.

(2) Time limitations. A prosecution for a violation of this section shall be subject to the time limitations of 11 Del. C. § 205.

(h) Contracts voidable by court action. In addition to any other penalty provided by law, any contract entered into by any city agency in violation of this chapter shall be voidable by the city agency; provided that in determining whether any court action should be taken to void such a contract pursuant to this subsection, the city agency shall consider the interests of innocent third parties who may be damaged thereby. Any court action to void any transaction must be initiated within 30 days after the city agency involved has, or should have, knowledge of such violation.
(Code 1981, § 2-10; Ord. of 7-13-1998)

Sec. 30-34. Established.

(a) Appearance of violation. Each city employee and official shall endeavor to pursue a course of conduct which will not raise suspicion among the public that he is engaging in acts which are in violation of his public trust and which will not reflect unfavorably upon the city and its government.
(b) Private interest; gifts. No city employee or official shall have any interest in any private enterprise, nor shall be incur any obligation of any nature which is in substantial conflict with the proper performance of his duties in the public interest. No city employee or official shall accept other employment, any compensation, gift, payment of expenses or any other thing of monetary value under circumstances in which such acceptance may result in any of the following:

(1) Impairment of independence of judgment in the exercise of official duties;
(2) An undertaking to give preferential treatment to any person;
(3) The making of a governmental decision outside official channels; or
(4) Any adverse effect on the confidence of the public in the integrity of the government of the city.

(c) Interest in private enterprise. No city employee or official shall acquire a financial interest in any private enterprise which he has reason to believe may be directly involved in decisions to be made by him in an official capacity on behalf of the city.

(d) Disclosure statement. Any city employee or official who has a financial interest in any private enterprise which is subject to the regulatory jurisdiction of, or does business with, any city agency (and any city official who has a financial interest in any private enterprise which is subject to the regulatory jurisdiction of, or does business with, the city agency on which he serves as an appointee) shall file with the ethics commission a written statement fully disclosing the same. Such disclosure shall be confidential and the ethics commission shall not release such disclosed information, except as may be necessary for the enforcement of this article. The filing of such disclosure statement shall be a condition of commencing and continuing employment or appointed status with the city.

(e) Private gain. No city employee or official shall use his public office to secure unwarranted privileges, private advancement or gain.

(f) Confidential information; prohibited activity. No city employee or official shall engage in any activity beyond the scope of his public position which might reasonably be expected to require or induce him to disclose confidential information acquired by him by reason of his public position.
(g) Disclosure of information. No city employee or official shall, beyond the scope of his public position, disclose confidential information gained by reason of his public position, nor shall he otherwise use such information for personal gain or benefit.

(h) Sexual favors. No city employee or official, in the course of his public responsibilities, shall use the granting of sexual favors as a condition, either explicit or implicit, for an individual's favorable treatment by that person or a city agency.
(Code 1981, § 2-11; Ord. of 7-13-1998)

Sec. 30-35. Waivers of restrictions and advisory opinions.

(a) Authority of ethics commission. Notwithstanding the provisions of sections 30-33 and 30-34, upon the written request of any city agency or of any individual who is or was a city employee or city official, the ethics commission may grant a waiver to the specific prohibitions contained therein if the ethics commission determines that the literal application of such prohibition in a particular case is not necessary to achieve the public purposes of this chapter or would result in an undue hardship on any employee or official. Any such waiver may be granted only by written decision of the ethics commission. Any person who acts in good faith reliance upon any such waiver decision shall not be subject to discipline or other sanction hereunder with respect to the matters covered by the waiver decision, provided there was a full disclosure to the ethics commission of all material facts necessary for the waiver decision.

(b) Waiver information confidential; exceptions. Any application for a waiver, any proceeding and any decision with respect thereto shall be maintained confidential by the ethics commission, provided that:

> *(1) Applicant's request. Public disclosure shall be made by the ethics commission upon the written request of the applicant;*
>
> *(2) Violations. The ethics commission may make such public disclosure as it determines is required in connection with the prosecution of any violation of this chapter;*
>
> *(3) Evidence of crime. The ethics commission shall report to appropriate federal, state and/or city authorities substantial evidence of any criminal violation which may come to its attention; and*
>
> *(4) Public record. In the event that a waiver is granted, the waiver decision and the record of all proceedings relating thereto shall be open to public inspection.*

(c) Advisory opinion authorized. Upon the written request of any city employee or official, the ethics commission may issue an advisory opinion as to the applicability of this chapter to any particular fact or situation. Any person who acts in good faith reliance upon any such advisory opinion shall not be subject to discipline or other sanction hereunder with respect to the matters covered by the advisory opinion, provided there was a full disclosure to the ethics commission of all material facts necessary for the advisory opinion.

(d) Advisory opinion confidential; exceptions. Any application for an advisory opinion, any proceeding and any decision with respect thereto shall be maintained confidential by the ethics commission, provided that:

(1) Applicant's request. Public disclosure shall be made by the ethics commission upon the written request of the applicant;

(2) Violations. The ethics commission may make such public disclosure as it determines is required in connection with the prosecution of any violation of this article; and

(3) Evidence of crime. The ethics commission shall report to appropriate federal, state and/or city authorities substantial evidence of any criminal violation which may come to its attention.
(Code 1981, § 2-12; Ord. of 7-13-1998)

Secs. 30-36--30-70. Reserved.

~~**(b) Board of Ethics.** The city council shall, by ordinance, establish an independent board of ethics to administer and enforce the conflict of interest and financial disclosure ordinances. No member of the board may hold elective or appointed office under the city or any other government or hold any political party office. Insofar as possible under state law, the city council shall authorize the board to issue binding advisory opinions, conduct investigations on its own initiative and on referral or complaint from officials or citizens, subpoena witnesses and documents, refer cases for prosecution, impose administrative fines, and to hire independent counsel. The city council shall appropriate sufficient funds to the board of ethics to enable it to perform the duties assigned to it and to provide annual training and education of city officials and employees, including candidates for public office, regarding the ethics code.~~

(Dover Code: Article III - Ethics Commission, Section 30-71 - Established; Composition; Removal; Terms of Office; Vacancies; Chairperson; Quorum; Compensation; Legal Counsel)

Sec. 30-71. Established; composition; removal; terms of office; vacancies; chairperson; quorum; compensation; legal counsel.

(a) Established; composition; removal. The city ethics commission is hereby established to administer and implement this chapter. The ethics commission shall consist of five members appointed by the mayor and confirmed by the city council. No member of the commission shall hold any elected or appointed office under the government of the United States or the state, county, or city, or be a candidate for any such office. Members of the ethics commission may be removed by the mayor, with the concurrence of the city council, for substantial neglectof duty, gross misconduct in office or a violation of this chapter.

(b) Terms of office; vacancies. A member of the ethics commission shall be appointed for a term of office of five years and until his successor has been appointed and has qualified. The members shall be appointed for staggered terms of office, and until their successors have been appointed. When a vacancy occurs in the membership of the ethics commission, it shall be filled by appointment for the unexpired portion of the term in the same manner as the original appointment.

(c) Chairperson; quorum. The ethics commission shall elect a chairperson from among its membership. Three members of the ethics commission shall constitute a quorum and, if a quorum is present, a vacancy on the ethics commission shall not impair the right of the remaining members to exercise all the powers of the ethics commission. Disciplinary hearings may be conducted and sanctions may be imposed only by the affirmative action of at least three members; otherwise, the ethics commission may delegate authority to the chairperson to act for the ethics commission between meetings.

(d) Compensation. Members of the ethics commission shall receive no compensation.

(e) Legal counsel. The city solicitor shall provide legal counsel to the ethics commission and shall be the legal representative of the ethics commission in connection with its duties hereunder, on a case-by-case basis, or determine that outside counsel is needed and obtain such outside counsel for a particular matter.
(Code 1981, § 2-13; Ord. of 7-13-1998)

~~Section 7.02. Prohibitions.~~ **(Keep wording of current Dover Code - See Chapter 30 below)**

~~(a) Activities Prohibited.~~

~~(1) No person shall be appointed to or removed from, or in any way favored or discriminated against with respect to any city position or appointive city administrative office because of race, gender, age, sexual orientation, disability, religion, country of origin, or political affiliation.~~

~~(2) No person shall willfully make any false statement, certificate, mark, rating or report in regard to any test, certification or appointment under the provisions of this charter or the rules and regulations made there under, or in any manner commit or attempt to commit any fraud preventing the impartial execution of such provisions, rules and regulations.~~

~~(3) No person who seeks appointment or promotion with respect to any city position or appointive city administrative office shall directly or indirectly give, render or pay any money, service or other valuable thing to any person for or in connection with his or her test, appointment, proposed appointment, promotion or proposed promotion.~~

~~(4) No person shall knowingly or willfully solicit or assist in soliciting any assessment, subscription or contribution for any political party or political purpose to be used in conjunction with any city election from any city officer or city employee.~~

~~(5) No city officer or city employee shall knowingly or willfully make, solicit or receive any contribution to the campaign funds of any political party or committee to be used in a city election or to campaign funds to be used in support of or opposition to any candidate for election to city office or city ballot issue. Further, no city employee shall knowingly or willfully participate in any aspect of any political campaign on behalf of or opposition to any candidate for city office. This section shall not be construed to limit any person's right to exercise rights as a citizen to express opinions or to cast a vote nor shall it be construed to prohibit any person from active participation in political campaigns at any other level of government.~~

~~(b) Penalties.~~ ~~Any person convicted of a violation of this section shall be ineligible for a period of five years following such conviction to hold any city office or position and, if an officer or employee of the city, shall immediately forfeit his or her office or position. The city council shall establish by ordinance such further penalties as it may deem appropriate.~~

(Chapter 30 - Code of Conduct and Ethics Commission, Section 30-33 - Prohibitions Relating to Conflicts of Interest)

Sec. 30-33. Prohibitions relating to conflicts of interest.

(a) Restrictions on exercise of official authority.

(1) Prohibited participation. No city employee or official may participate on behalf of the city in the review or disposition of any matter pending before the city in which he has a personal or private interest, provided that, upon request from any person with official responsibility with respect to the matter, any such person who has such a personal or private interest may nevertheless respond to questions concerning any such matter. A personal or private interest in a matter is an interest which tends to impair a person's independence of judgment in the performance of his duties with respect to that matter.

(2) Impairment of judgment. A person has an interest which tends to impair his independence of judgment in the performance of his duties with respect to any matter when:

a. Any action or inaction with respect to the matter would result in a financial benefit or detriment to accrue to the person or a close relative to a greater extent than such benefit or detriment would accrue to others who are members of the same class or group of persons; or

b. The person or a close relative has a financial interest in a private enterprise which enterprise or interest would be affected by any action or inaction on a matter to a lesser or greater extent than like enterprises or other interests in the same enterprise.

(3) Statutory responsibility. In any case where a person has a statutory responsibility with respect to action or inaction on any matter where he has a personal or private interest and there is no provision for the delegation of such responsibility to another person, the person may exercise responsibility with respect to such matter, provided that, promptly after becoming aware of such conflict of interest, he files a written statement with the ethics commission, fully disclosing the personal or private interest and explaining why it is not possible to delegate responsibility for the matter to another person.

(b) Restrictions on representing another's interest before the city.

(1) Prohibited. No city employee or official may represent or otherwise assist any private enterprise with respect to any matter before the city.

(2) Exception. This subsection (b) shall not preclude any city employee or official from appearing before the city or otherwise assisting any private enterprise with respect to any matter in the exercise of his official duties.

(c) Restriction on contracting with the city.

(1) Prohibited. No city employee or official shall benefit from any contract with the city, nor solicit any contract, and shall not enter into any contract with the city (other than an employment contract).

(2) Ownership of enterprise. No private enterprise in which a city employee or official has a legal or equitable ownership of more than ten percent (more than one percent in the case of a corporation the stock of which is regularly traded on an established securities market) shall enter into any contract with the city (other than an employment contract) unless such contract was made or let after public notice and competitive bidding.

(d) Postemployment restrictions. No person who has served as a city employee or official shall represent or otherwise assist any private enterprise on any matter involving the city, for a period of two years after termination of his employment or elected or appointed status with the city, if he gave an opinion, conducted an investigation or otherwise was directly and materially responsible for such matter in the course of his official duties as a city employee or official, nor shall any former city employee or official disclose confidential information gained by reason of his public position, nor shall he otherwise use such information for personal gain or benefit.

(e) Unauthorized disclosure of confidential information. No person shall disclose any information required to be maintained confidential by the ethics commission under section 30-34(d), 30-35(b) or 30-73.

(f) Abuse of office.

(1) Political contributions. No elected city official shall agree to sponsor legislation, or to influence in any manner the formulation or passage of legislation, in exchange for political contributions or promises thereof.

(2) Substantial interest. No elected city official shall vote for, or promote in any manner whatsoever, legislation affecting any subject matter in which he has a substantial interest. Any such interest shall be disclosed by said elected official prior to a vote on any such legislation, and said elected official shall vote "abstain" when called upon to vote.

(3) Use of city property. No city official or employee shall request or permit the use of city-owned vehicles, equipment, materials, or property for personal convenience or profit, except when such services are available to the public generally or are provided for the use of such official or employee in the conduct of official business as a matter of municipal policy.

(4) Personal gain. No city official or employee shall utilize the influence of his office or position for personal pecuniary gain, or to avoid the legal consequences of his personal conduct.

(g) Criminal sanctions.

(1) Penalties. Any person who knowingly or willfully violates any provision of this section shall be guilty of a misdemeanor, punishable for each such violation by imprisonment of not more than one year and by a fine not to exceed $1,000.00.

(2) Time limitations. A prosecution for a violation of this section shall be subject to the time limitations of 11 Del. C. § 205.

(h) Contracts voidable by court action. In addition to any other penalty provided by law, any contract entered into by any city agency in violation of this chapter shall be voidable by the city agency; provided that in determining whether any court action should be taken to void such a contract pursuant to this subsection, the city agency shall consider the interests of innocent third parties who may be damaged thereby. Any court action to void any transaction must be initiated within 30 days after the city agency involved has, or should have, knowledge of such violation.
(Code 1981, § 2-10; Ord. of 7-13-1998)

~~**Section 7.03. Campaign Finance.**~~

~~**(a) Disclosure.** The city council shall enact ordinances to protect the ability of city residents to be informed of the financing used in support of, or against, campaigns for locally elected office. The terms of such ordinances shall include, but not be limited to, requirements upon candidates and candidate committees~~

to report in a timely manner to the appropriate city office: contributions received, including the name, address, employer, and occupation of each contributor who has contributed _____ Or more; expenditures made; and obligations entered into by such candidate or candidate committee. In so far as is permissible under state law, such regulations shall also provide for fines and imprisonment for violations. The ordinance shall provide for convenient public disclosure of such information by the most appropriate means available to the city.

(b) Contribution and Spending Limitations. In order to combat the potential for, and appearance of, corruption, and to preserve the ability of all qualified citizens to run for public office, the city shall, in so far as permitted by state and federal law, have the authority to enact ordinances designed to limit contributions and expenditures by, or on behalf of, candidates for locally elected office. Ordinances pursuant to this section may include, but are not limited to: limitations on candidate and candidate committees that affect the amount, time, place, and source of financial and in-kind contributions; and, voluntary limitations on candidate and candidate committee expenditures tied to financial or non-financial incentives.

Governed by State Laws

Article VIII
CHARTER AMENDMENT

The Introduction provided in the Model City Charter indicates: "All charters require modification from time to time. In states where the constitution or statutes prohibit cities from adopting their own methods of charter revision, this article cannot be used.". City is in this class; therefore, article cannot be used.

Section 8.01. Proposal of Amendment.

Amendments to this charter may be framed and proposed:

(a) In the manner provided by law, or
(b) By ordinance of the council containing the full text of the proposed amendment and effective upon adoption, or
(c) By report of a charter commission created by ordinance, or
(d) By the voters of the city.

Proposal of an amendment by the voters of the city shall be by petition containing the full text of the proposed amendment and shall be governed by the same procedures and requirements prescribed in Article VI for initiative petitions until such time as a final determination as to the sufficiency of the petition is made, except that there shall be no limitation as to subject matter and that the petition must be signed by registered voters of the city equal in number to at least [5 to 10] percent of the total number of those registered to vote at the last regular city election. The petitioners' committee may withdraw the petition at any time before the fifteenth day immediately preceding the day scheduled for the city vote on the amendment.

Section 8.02. Election.

Upon delivery to the city election authorities of the report of a charter commission or delivery by the city clerk of an adopted ordinance or a petition finally determined sufficient, proposing an amendment pursuant to Section 8.01, the election authorities s hall submit the proposed amendment to the voters of the city at an

~~election. Such election shall be announced by a notice containing the complete text of the proposed amendment and published in one or more newspapers of general circulation in the city at least thirty days prior to the date of the election. The election shall be held not less than 60 and not more than 120 days after the adoption of the ordinance or report or the final determination of sufficiency of the petition proposing the amendment. If no regular election is to be held within that period, the council shall provide for a special election on the proposed amendment; otherwise, the holding of a special election shall be as specified in state law.~~

~~**Section 8.03. Adoption of Amendment.**~~

~~If a majority of those voting upon a proposed charter amendment vote in favor of it, the amendment shall become effective at the time fixed in the amendment or, if no time is therein fixed, 30 days after its adoption by the voters.~~

Article IX
TRANSITION AND SEVERABILITY

Section 9.01. Officers and Employees.

(a) Rights and Privileges Preserved. Nothing in this charter except as otherwise specifically provided shall affect or impair the rights or privileges of persons who are city officers or employees at the time of its adoption.

(b) Continuance of Office or Employment. Except as specifically provided by this charter, if at the time this charter takes full effect, a city administrative officer or employee holds any office or position which is or can be abolished by or under this charter, he or she shall continue in such office or position until the taking effect of some specific provision under this charter directing that he or she vacate the office or position.

(c) Personnel System. An employee holding a city position at the time this charter takes full effect, who was serving in that same or a comparable position at the time of its adoption, shall not be subject to competitive tests as a condition of continuance in the same position but in all other respects shall be subject to the personnel system provided for in §4.02.

~~**Section 9.02. Departments, Offices, and Agencies.**~~ ***(Move Struck Text to Dover Code)***

~~**(a) Transfer of Powers. If a city department, office or agency is abolished by this charter, the powers and duties given it by law shall be transferred to the city department, office or agency designated in this charter or, if the charter makes no provision, designated by the city council.**~~

~~**(b) Property and Records. All property, records and equipment of any department, office or agency existing when this charter is adopted shall be transferred to the department, office or agency assuming its powers and duties, but, in the event that the powers or duties are to be discontinued or divided between units or in the event that any conflict arises regarding a transfer, such property, records or equipment shall be transferred to one or more departments, offices or agencies designated by the city council in accordance with this charter.**~~

~~**Section 9.03. Pending Matters.**~~ ***(Move Struck Text to Dover Code)***

~~**All rights, claims, actions, orders, contracts, and legal administrative proceedings shall continued except as modified pursuant to the provisions of this charter and in each case shall be maintained, carried on or dealt with by the city department, office or agency appropriate under this charter.**~~

Section 9.04. State and Municipal Laws.

(a) In General. All city ordinances, resolutions, orders and regulations which are in force when this charter becomes fully effective are repealed to the extent that they are inconsistent or interfere with the effective operation of this charter or of ordinances or resolutions adopted pursuant thereto. To the extent that the constitution and laws of the State of_____ Permit, all laws relating to or affecting this city or its agencies, officers or employees which are in force when this charter becomes fully effective are superseded to the extent that they are inconsistent or interfere with the effective operation of this charter or of ordinances or resolutions adopted pursuant thereto.

(b) Specific Provisions. Without limitation of the general operation of subsection (a) or of the number of nature of the provisions to which it applies:

(1) The following laws and parts of laws generally affecting counties or city agencies, officers or employees are inapplicable to the City of _____ Or its agencies, officers or employees: [enumeration]
(2) The following public local laws relating to the City of _____ Are superseded: [enumeration]
(3) The following ordinances, resolutions, orders, and regulations of _____ [former city governing body] are repealed: [enumeration]

Section 9.05. Schedule.

(a) First Election. At the time of its adoption, this charter shall be in effect to the extent necessary in order that the first election of members of the city council may be conducted in accordance with the provisions of this charter. The first election shall be held on the _____ of _____. The [city officials to be designated] shall prepare and adopt temporary regulations that are applicable only to the first election and designed to insure its property conduct and to prevent fraud and provide for recount of ballots in cases of doubt or fraud.

(b) Time of Taking Full Effect. The charter shall be in full effect for all purposes on and after the date and time of the first meeting of the newly elected city council provided in §9.05(c).

(c) First Council Meeting. On the _____ of _____ following the first election of city council members under this charter, the newly elected members of the council shall meet at _____ [time] at _____ _____ [place]:

(1) For the purpose of electing the [mayor and] deputy mayor, or appointing or considering the appointment of a city manager or acting city manager, and choosing, if it so desires, one of its members to act as temporary clerk pending appointment of a city clerk pursuant to §2.08; and ***Note: Omit bracketed words if §2.03, Alternative II is used.***

(2) For the purpose of adopting ordinances and resolutions necessary to effect the transition of government under the charter and to maintain effective city government during that transition.

(d) Temporary Ordinances. In adopting ordinances as provided in §9.05(c), the city council shall follow the procedures prescribed in §2.12, except that at its first meeting or any meeting held within sixty days thereafter, the council may adopt temporary ordinances to deal with cases in which there is an urgent need for prompt action in connection with the transition of government and in which the delay incident to the appropriate ordinance procedure would probably cause serious hardship or impairment of effective city government. Every temporary ordinance shall be plainly labeled as such but shall be introduced in the form and manner prescribed for ordinances generally. A temporary ordinance may be considered and may be adopted with or without amendment or rejected at the meeting at which it is introduced. After adoption of a temporary ordinance, the council shall cause it to be printed and published as prescribed for other adopted ordinances. A temporary ordinance shall become effective upon adoption or at such later time preceding automatic repeal under this subsection as it may specify, and the referendum power shall not extend to any such ordinance. Every temporary ordinance, including any amendments made thereto after adoption, shall automatically stand repealed as of the ninety-first day following the date on which it was adopted, renewed, or otherwise continued except by adoption in the manner prescribed in §2.12 or ordinances of the kind concerned.

(e) Initial Expenses. The initial expenses of the city council, including the expense of recruiting a city manager, shall be paid by the city on vouchers signed by the council chairman.

(f) Initial Salary of Mayor and Council Members. The mayor shall receive an annual salary in the amount of $_____ and each other council member in the amount of $_____, until such amount is changed by the council in accordance with the provisions of this charter.

Section 9.06. Severability.

If any provision of this charter is held invalid, the other provisions of the charter shall not be affected. If the application of the charter or any of its provisions to any person or circumstance is held invalid, the application of the charter and its provisions to other persons or circumstances shall not be affected.

~~**Sec. 55. Printed copies of ordinances and resolutions to be proper evidence.**~~

~~Printed copies of the ordinances and resolutions of the City Council of Dover, published by authority of the council, shall be admitted as evidence thereof in all courts, and in pleading it shall not be necessary to recite or draw them out at large.~~

~~**Sec. 56. Repeal of prior acts.**~~

~~**All acts or parts of acts inconsistent with or in conflict with the provisions of this Charter are hereby repealed.**~~

Sec. 57. Severability.

If any part of this Charter, as it may from time to time be amended, are held to be unconstitutional, such holding shall not be deemed to invalidate the remaining portions of this Charter or amendments thereto."

~~**Article V - Miscellaneous Provisions. Sec. 51. Trees.**~~

~~Trees being among the chief beauties of the city, and their preservation requiring that they be treated with special care and intelligence, the city manager is empowered to appropriate annually an amount of money adequate for their care and preservation. The City Manager may be given authority to take necessary or appropriate action to prevent injuries to trees from electric wires or from any other source or cause whatsoever, and to combat the pests and diseases to which they are subject, and when necessary to employ tree experts provided that they do not exceed the appropriation made by the council.~~

~~**Sec. 52. This section intentionally left blank.**~~

Approved March 23, 1931.

(73 Del. Laws, c. 242; 73 Del. Laws, c. 114)
(36 Del. Laws, c. 158, 4/10/29; as amended by 37 Del. Laws, c. 150; 37 Del. Laws, c. 151; 37 Del. Laws, c. 152; 38 Del. Laws, c. 99; 40 Del. Laws, c. 159; 46 Del. Laws, c. 1; 46 Del. Laws, c. 275; 46 Del. Laws, c. 283; 47 Del. Laws, c. 219; 47 Del. Laws, c. 313; 47 Del. Laws, c. 314; 47 Del. Laws, c. 330; 48 Del. Laws, c. 323; 48 Del. Laws, c. 334; 48 Del. Laws, c. 336; 49 Del. Laws, c. 314; 49 Del. Laws, c. 318; 51 Del. Laws, c. 92; 51 Del. Laws, c. 93; 52 Del. Laws, c. 112; 52 Del. Laws, c. 136; 54 Del. Laws, c. 96; 54 Del. Laws, c. 165; 56 Del. Laws, c. 49; 59 Del. Laws, c. 98; 59 Del. Laws, c. 165; 60 Del. Laws, c. 301; 60 Del. Laws, c. 311; 60 Del. Laws, c. 456; 61 Del. Laws, c. 147; 62 Del. Laws, c. 100; 64 Del. Laws, c. 5; 64 Del. Laws, c. 143; 65 Del. Laws, c. 28; 65 Del. Laws, c. 479; 66 Del. Laws, c. 63; 66 Del. Laws, c. 180; 66 Del. Laws, c. 361; 66 Del. Laws, c. 365; 67 Del. Laws, c. 7; 68 Del. Laws, c. 16; 68 Del. Laws, c. 18; 68 Del. Laws, c. 20; 68 Del. Laws, c. 339; 69 Del. Laws, c. 09; 69 Del. Laws, c. 31; 71 Del. Laws, c. 64; 72 Del. Laws, c. 277; 73 Del. Laws, c. 114; 73 Del. Laws, c. 284; 75 Del. Laws, c. 175)

/jg
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Green, Janice

Subject: FW: Charter Review Committee Questions

From: Tina Sanchez [mailto:tsanchez@schmittrod.com]
Sent: Tuesday, June 06, 2006 3:22 PM
To: McDowell, Traci
Subject: FW: Charter Review Committee Questions

To: Traci McDowell

RE: Charter Review Committee Questions

Mr Rodriguez has asked that I provide his below answers to your issues regarding the Charter Review Committee. If you have any questions, please do not hesitate to contact us. Thanks.

ANSWER 1: About ³life tenants²: the easiest example to give you is a husband who has title to the residential home completely in his name and if he outlives his wife, he wants her to have a life estate in the home but when she dies he wants the home to go to his two (2) children. He can take care of this either by Will or by Deed which vests a life estate in the wife (meaning that she has ownership of the property during her lifetime and the two (2) children have the remainder interest in the property.) When she dies the life estate ends and the two (2) children then become the complete owners of the home. So what our charter does is to give the life tenant or the holder of the life estate the right to vote during her lifetime to the exclusion of the two (2) children. Of course, when the wife dies, her life estate ends, and the two (2) children then become the absolute owners of the property and they have the right to vote. The theory is that the person having the ownership of the property at the time of the annexation referendum should be the one who is entitled to vote.

ANSWER 2: About the terms ³Comfort² and ³Convenience² in Section 2 of the Charter: these terms deal with the power given by the General Assembly to the City of Dover and are merely general terms. These two (2) terms are not as important as ³Sanitation² which would give the power to install sewers, treatment plants, etc... or the terms ³Peace and Order² which generally would mean having the police power. All of these terms are generally handled more specifically in later provisions in the Charter. The terms can be changed but as you know this would require a Charter amendment approved by the General Assembly and once you start asking for the General Assembly to amend the Charter you must come up with some specific reasons and as you know at times it can develop into politics. In my opinion, I would not want to touch this language because it merely deals with general terms giving general powers to the City.

ANSWER 3: About the Charter for the City of Harrington which authorizes the Annexation Agreements: these are normally referred to as ³Pre-Annexation Agreements.² It allows the municipality and the property owner to enter in to a Pre-Annexation Agreement regarding land sought to be annexed. The purpose of the Agreement is said to be the encouragement of expanding the city limits in a uniform, economical and efficient manner. Zoning is a permissible subject of a Pre-Annexation Agreement. The Agreement in entered into prior to the annexation referendum between the city and the property owner and if the annexation referendum passes, then the Agreement is binding upon the city and the property owner and any successor owner of the land. The seven (7) year limitation that has been questioned merely means that there should be some finality to the Pre-Annexation Agreement so that the purpose and intent of the Agreement is a accomplished within a certain period of time. The seven (7) year period is an arbitrary figure and could be a shorter period of time or a longer period of time or could omitted in its entirety.

Please let me know if you need any further clarification on any of the questions.

From: "Nicholas H. Rodriguez" <nrodriguez@schmittrod.com>
Date: Fri, 02 Jun 2006 15:25:29 -0400
To: Tina Sanchez <tsanchez@schmittrod.com>
Cc: wpepper@schmittrod.com
Subject: FW: Charter Review Committee Questions

Tina is typing the answers

From: "McDowell, Traci" <tmcdowell@dover.de.us>
To: <NRodriguez@schmittrod.com>
Subject: Charter Review Committee Questions
Date: Wed, May 31, 2006, 10:12 AM

> Mr. Rodriguez,
>
> The Charter Review Committee has two sections they would like clarification on. The first, Sec. 1A (below) in red is language about "life tenants". Can you explain what this means and why the life tenant would be entitled to vote in an annexation referendum and the other holders would not be. It is somewhat confusing because without a "life tenant" all owners listed on the deed would be entitled to vote.
>
> Sec. 1A. Procedure to extend boundaries.
>
> In order to extend the boundaries of the City of Dover the council shall adopt a resolution proposing the inclusion of territory or territories within the limits of the City of Dover and calling for a special election to be held in said territory or territories in accordance with Title 22, Chapter 1, Section 101, Delaware Code (22 Del. C. Â§ 101) insofar as applicable. Said resolution shall contain a description of the territory or territories proposed to be annexed and shall specify the date of such election,

which shall be not less than 30 nor more than 60 days after the adoption of said resolution, and the place or places of said election. Said resolution shall be published in at least two issues of a newspaper of general circulation within the City of Dover at least two weeks prior to the day of said election.

Elections may be held in more than one of said territories on the same day, but the said elections shall be separate; only the votes of qualified voters of a territory as herein described shall be counted in the election to determine whether the territory shall be annexed.

Any such election shall be held by the election officers of the election district or districts of Kent County which shall include the territory proposed to be annexed. Every person 18 years of age or upwards who is duly registered upon the books of registered voters for said election district, or districts, who is a resident of the territory proposed to be included within the limits of the City of Dover, and who does not own real estate within said territory shall be entitled to one vote at the election todetermine whether said territory shall be annexed; and every person who is the owner of real estate within a territory proposed to be included assessed to them on the assessment records of Kent County, shall be entitled to one vote. Owners of real estate in common shall be entitled to one vote each. **Life tenants shall be entitled to one vote each but the holders of the remainder interest or similar interest subject to the life estate shall not be entitled to vote.** Corporations, firms or associations shall be entitled to one vote, the same as private persons.

The second question pertains to Sec. 2 (below). They are interested in knowing where this terminology comes from and if they are able to change it, either by adding or deleting words such as comfort and convenience.

Sec. 2. Status, general corporate powers, specific provisions for condemnation of property.
The inhabitants of the City of Dover within the boundaries defined in section 1 of this Charter, or within the boundaries hereafter established, shall continue to be a body politic and corporate, by the name of "the City of Dover," and under that name shall have perpetual succession; may have and use a corporate seal; may sue and be sued; may hold and acquire by purchase, gift, devise, lease or condemnation, real property and personal property within or without its boundaries for any municipal purpose, in fee simple or lesser estate or interest, and may sell, lease, hold, manage, and control such property as its interest may require; and shall have all other powers and functions requisite or appropriate for the government of the city, its peace and order, its sanitation, appearance and beauty, the health, safety, convenience, comfort and well-being of its population, and the protection and preservation of property, public and private.
Whenever it shall be necessary for any municipal purpose to condemn any real property or personal property under this Charter, except as is herein otherwise specifically provided, the council must follow applicable state law.
(Amd. of 7-12-2005 (S.B. 126))

The committee also reviewed the charter for the City of Harrington with regard to the annexation procedure (below) and would like to know what the text in red means and why it would be in there.

3.2.7 Annexation Agreements. Notwithstanding any provision herein to the contrary, where, pursuant to §3.1.2 of this Charter, annexation proceedings are initiated by a property owner(s) holding record title to real property in territory contiguous to the then existing corporate limits of the City, such petition may be made contingent upon an annexation agreement with the City which agreement may address any matters which would be relevant to the subject lands, if annexed. By way of example and not in limitation, such agreement may address zoning, subdivision approval, tax relief, public utilities, and public improvements. In the event the City Council approves such an agreement and votes to accept a petition under §3.1.2 of this Charter, such Annexation Agreement shall be deemed a material part of the annexation and shall be included in all subsequent steps of the annexation procedure; that is: (1) the resolution and notices adopted by the City Council pursuant to §3.1.3 shall recite that the proposed annexation includes and is subject to annexation agreement, shall briefly summarize its terms, and shall state that copies of the Agreement are available for inspection upon request at the City Hall; (2) if the results of the election are favorable to the proposed annexation, the resolution annexing the territory (as provided by §3.2.5) shall recite that the annexation is subject to an annexation agreement and shall incorporate the terms of such

agreement by specific reference; and the City shall be bound to honor the provisions of such agreement unless released therefrom by the petitioner(s).

Provided further, that no agreement made at the time of annexation under this §3.2.7 shall extend beyond seven years from the date the property is annexed into the City; and such agreements shall be null, void, and unenforceable after the expiration of said seven years.

An annexation agreement may be modified or amended by mutual agreement of the petitioner and the City Council at any time prior to the resolution ordering the Annexation Election pursuant to §3.1.3 of this Charter, but any material modification or amendment thereafter shall be deemed to be the withdrawal of the original petition and the filing of a new petition under §3.1.2.

Please let me know if you need clarification on any of these questions.

Thanks!

Traci A. McDowell, CMC
Traci A. McDowell, CMC
Assistant City Clerk
City of Dover
City Clerk's Office
e-mail: tmcdowell@dover.de.us
Ph: 736-7009
Fax: 736-5068

COMPARATIVE TABLE OF THE CITY OF DOVER CHARTER AND THE *MODEL CITY CHARTER*

MODEL CITY CHARTER	CURRENT CITY CHARTER	CITY CODE	PROPOSED CITY CHARTER	DELETE
Preamble				
Article I - Powers of the City	Article I - General Provisions			
Article II - City Council	Article II - Mayor and Council			
Article III - City Manager	Article III - City Manager			
Article IV - Departments, Offices, and Agencies				
Article V - Financial Management	Article IV - Financial Affairs			
Article VI - Elections				
Article VII - General Provisions	Article V - Miscellaneous Provisions			
Article VIII - Charter Amendment				
Article IX - Transition and Severability				
Article I - Powers of the City	*Article 1 - General Provisions*			
	Section 1 - Municipal Corporation Continued; Boundaries.		√	

MODEL CITY CHARTER	CURRENT CITY CHARTER	CITY CODE	PROPOSED CITY CHARTER	DELETE
	Section 1A - Procedure to Extend Boundaries		√	
	Section 2 - Status, General Corporate Powers, Specific Provisions for Condemnation of Property **Review current provisions of condemnation of properties in light of the recent eminent domain decision*		√	
Section 1.01 - Powers of the City	Section 3 - Enumeration of Power not Exclusive; Manner of Exercise of Powers; ~~Employee Pension, Benefit and Retirement Systems Authorized (Not addressed in Model City Charter)~~		√	
	~~Section 3 - Enumeration of Power not Exclusive; Manner of Exercise of Powers;~~ Employee Pension, Benefit and Retirement Systems Authorized (Not addressed in Model City Charter)			√ DC
Section 1.02 - Construction			√	
Section 1.03 - Intergovernmental Relations			√	
Article II - City Council				
Section 2.01 - General Powers and Duties	Article II - Mayor and Council Section 4 - Government Vested in Mayor and City Council		√	

MODEL CITY CHARTER	CURRENT CITY CHARTER	CITY CODE	PROPOSED CITY CHARTER	DELETE
Section 2.02 - Eligibility, Terms, and Composition	Article II - Mayor and Council Section 5 - Council to be Legislative Body; Size; Districts; Terms of Mayor and Councilmen; qualifications		√	
	Article II - Mayor and Council Section 7 - Nomination Petitions for Candidates for Council and Mayor			√ DC
Section 2.03 - Mayor	Article II - Mayor and Council Section 14 - Duties of Mayor Section 15 - Council President/Vice-Mayor, duties of CODE REFERENCE: *Chapter 2 - Administration, Article IV - Officers and Employees, Division 2 - Mayor, Section 2-221. Duties and Responsibilities.*		√	
Section 2.04 - Compensation; Expenses	Article II - Mayor and Council Section 12 - Compensation and Expenses–Mayor and Council and Other Elected or Appointed Officials *CODE REFERENCE: Chapter 2 - Administration, Article IV - Officers and Employees, Division 1 - Generally, Section 2-201 - Compensation and Expenses for Mayor, Council, Employees and Other Elected or Appointed Officials*		√	

MODEL CITY CHARTER	CURRENT CITY CHARTER	CITY CODE	PROPOSED CITY CHARTER	DELETE
Section 2.05 - Prohibitions (a) Holding Other Office	Article II - Mayor and Council Section 5 - Council to Be Legislative Body; Size; Districts; Terms of Mayor and Councilmen; Qualifications. Article III - City Manager Section 33 - the City Manager Generally		√	
(b) Appointments and Removals (c) Interference with Administration	Article III - City Manager Section 35 - Removal of Employees by Manager Section 36 - Council Not to Interfere with Appointments or Removals of Manager; Giving Orders to Subordinates of Manager Prohibited; Penalty for Same		√	
Section 2.06 - Vacancies; Forfeiture of Office; Filling Vacancies	Article II - Mayor and Council Section 13 - Filling Vacancies for Council or Mayor		√	
Section 2.07 - Judge of Qualifications	Article II - Mayor and Council Section 11 - Council to Be Judge of Election Results and Qualification of Members; Power to Fix Procedure **Possible Split (Power to Fix Procedure)*		√	
Section 2.08 - City Clerk	Article II - Mayor and Council Section 16 - Clerk of Council		√	

MODEL CITY CHARTER	CURRENT CITY CHARTER	CITY CODE	PROPOSED CITY CHARTER	DELETE
	Article II - Mayor and Council Section 17 - City Treasurer		√	
Section 2.09 - Investigations	Article III - City Manager Section 39 - Investigations by Council		√	
Section 2.10 - Independent Audit	Article IV - Financial Affairs Section 46 - Annual audit		√	
Section 2.11 - Procedure (a) Meetings	Article II - Mayor and Council Section 9 - Meetings of mayor and council--Generally Section 10 - Meetings of mayor and council--Procedure. State law references: Open meetings required, 29 Del. C. § 10004. *CODE REFERENCE: Chapter 2 - Administration, Article II - City Council, Division 2 - Meetings* *Section 2-51. Regular meetings* *Section 2-52. Special meetings.* *Section 2-53. Cancellation of meetings; one meeting per month required*		√	

MODEL CITY CHARTER	CURRENT CITY CHARTER	CITY CODE	PROPOSED CITY CHARTER	DELETE
(b) Rules and Journal	Article II - Mayor and Council Section 10 - Meetings of Mayor and Council--Procedure. Section 11 - Council to be judge of election results and qualification of members; power to fix procedure. **Section 2.07 (Redundant)*Possible Split (Power to Fix Procedure)*		√	
(c) Voting	Article II - Mayor and Council Section 10 - Meetings of Mayor and Council--Procedure. **Amend to Address Electronic Voting*		√	
Section 2.12 - Action Requiring an Ordinance	√Article II - Mayor and Council √DC Section 18 - Ordinances authorized; maximum penalty for violation.		√	√DC
Section 2.13 - Ordinances in General	Article II - Mayor and Council Section 18. Ordinances authorized; maximum penalty for violation.	Chapter 1 - General Provisions, Section 1-9 - Sponsoring, Consideration, Passage and Effective Date of Ordinances and Charter Amendments		√DC

MODEL CITY CHARTER	CURRENT CITY CHARTER	CITY CODE	PROPOSED CITY CHARTER	DELETE
	Article II - Mayor and Council Section 21 - Power of Council to Adopt Zoning Ordinances Section 19 - Power of Council to Define and Abate Nuisances	√	(Corrected 01/23/06 - moved to City Code)	
Section 2.14 -Emergency Ordinances		Chapter 1 - General Provisions, Section 1-9 - Sponsoring, Consideration, Passage and Effective Date of Ordinances and Charter Amendments		KEEP DC

MODEL CITY CHARTER	CURRENT CITY CHARTER	CITY CODE	PROPOSED CITY CHARTER	DELETE
Section 2.15 - Codes of Technical Regulations	Article II - Mayor and Council Section 20 - Power of Council to Provide for Fire Protection Measures *CODE REFERENCE: Chapter 46 - Fire Prevention and Protection, Article III - Fire Codes, Section 46-121 - Adopted.* *(a) International Fire Code adopted* Article II - Mayor and Council Section 22. - Power of council to regulate construction of buildings and require permits; building inspector authorized. *CODE REFERENCE: Chapter 22 - Buildings and Building Regulations* *Article III - Building Code, Section 22-61 - Adopted* *Article VI - Plumbing Code, Section. 22-181. Adopted* *Article IV - Electrical Installations, Section 22-101 - Electrical code adopted* *Article V - Mechanical Code* *Sec. 22-141. Adopted.* *Article VII - Property Maintenance Code* *Section 22-221. Adopted*		√	
Section 2.15 - Codes of Technical Regulations (Continued)	Article II - Mayor and Council Section 25 - Power of Council to Operate Light, Power or Water Plant. *CODE REFERENCE: Chapter 110 - Utilities, Article II - Electric Service* *Section 110-31 - Electric service handbook incorporated by reference*		√	

MODEL CITY CHARTER	CURRENT CITY CHARTER	CITY CODE	PROPOSED CITY CHARTER	DELETE
Section 2.16 - Authentication and Recording; Codification; Printing of Ordinances and Resolutions		Chapter 1 - General Provisions Section 1-16 - Supplementation of Code.		KEEP DC
Article III - City Manager	*Article III - City Manager*			
Section 3.01 - Appointment; Qualifications; Compensation	Section 33 - The City Manager Generally **Possible Change in Title*		√	
Section 3.02 - Removal	Section 33 - The City Manager Generally		√	
Section 3.03 - Acting City Manager				√ DC
Section 3.04 - Powers and Duties of the City Manager	Section 34 - Responsibility of manager; powers of appointment and removal. Section 35 - Removal of Employees by Manager Section 37 - Duties of the Manager Section 40 - Other Functions of City Manager.		√	
Article III - City Manager (Continued)	*Article III - City Manager (Continued)*			
	Section 38 - Right of Manager to Sit in Council Meetings			√

MODEL CITY CHARTER	CURRENT CITY CHARTER	CITY CODE	PROPOSED CITY CHARTER	DELETE
Article IV - Departments, Offices, and Agencies				
Section 4.01 - General Provisions	Article II - Mayor and Council Section 20 - Power of council to provide for fire protection measures. *CODE REFERENCE: Chapter 46 - Fire Prevention and Protection, Article II - Fire Department, Division 1 - Generally, Section 46-41 - Created; purpose* **Revisit with Regard to Who Provides Fire Protection for Annexed Properties* ~~~ Article II - Mayor and Council, Section 22 - Power of Council to Regulate Construction of Buildings and Require Permits; Building Inspector Authorized *CODE REFERENCE: Chapter 22 - Buildings and Building Regulations Article II - Building Inspector, Section. 22-31 - Office created; appointment.* ~~~ Article II - Mayor and Council, Section 23 - Power of Council to Create City Planning Commission; Members Generally *CODE REFERENCE: Chapter 82 - Planning, Section 82-1 -Planning Commission and 82-2 - City Planner*	Chapter 26 - Businesses, Article II, Licenses, Section 26-32 - Licensing Division of the Department of Planning and Inspections Created. Chapter 38, Emergencies - Article II, Civil Emergencies Section 38-52 - Director Chapter 74 - Parks and Recreation, Section 74-4 - Director	√	

MODEL CITY CHARTER	CURRENT CITY CHARTER	CITY CODE	PROPOSED CITY CHARTER	DELETE
Section 4.01 - General Provisions (Continued)	Article II - Mayor and Council, Section 24 - Power of Council to Franchise or License Public Utilities and Common Carriers Article II - Mayor and Council, Section 25 - Power of council to operate light, power or water plant **Recommend Adding "and Other Enterprise Funds"* *CODE REFERENCE: Chapter 110 - Utilities, Article II - Electric Service, Section 110-31 - Electric service handbook incorporated by reference* *CODE REFERENCE: Chapter 110 - UTILITIES, ARTICLE III - WATER SERVICE, Section 110-62 - Water department created.* *CODE REFERENCE: Chapter 110 - UTILITIES, ARTICLE IV - SEWER SERVICE, Section 110-232 - Sewer department created.* Article II - Mayor and Council Section 26 - Power of Council with Reference to Sewers *CODE REFERENCE: Chapter 10 - Utilities, Article IV - Sewer Service*		√	

MODEL CITY CHARTER	CURRENT CITY CHARTER	CITY CODE	PROPOSED CITY CHARTER	DELETE
Section 4.01 - General Provisions (Continued)	Article II - Mayor and Council Section 27 - Power of Council to Layout, Locate, Abandon, etc., Streets, Sidewalks, etc *CODE REFERENCE: Chapter 98 - Streets, Sidewalks and Other Public Places, Article I - In General, Section 98-1 - Street department created; purpose.* Article II - Mayor and Council Section 28 - Power of council to pave streets, sidewalks, etc. and levy assessment for public improvements; municipal lien docket. **Discuss Details Further* Article II - Mayor and Council Section 29 - Streets, sidewalks, etc. to be under control of council; power of council to prescribe grades thereon and regulate Article II - Mayor and Council Section 30 - Power of Council to Provide for Disposal of Garbage and Sewage Article II - Mayor and Council Section 31 - Power of council to regulate parking and provide parking lots		√	

MODEL CITY CHARTER	CURRENT CITY CHARTER	CITY CODE	PROPOSED CITY CHARTER	DELETE
Section 4.02 - Personnel System	Article II - Mayor and Council Article V - Miscellaneous Provisions, Section 53 - Police; Mayor to Be Conservator of Peace *CODE REFERENCE: Chapter 62 - Law Enforcement, Article II - Police Department, Section 62-31 - Generally.* *(a) Established.* Article II - Mayor and Council Section 12 - Compensation and expenses--Mayor and council and other elected or appointed officials Article II - Mayor and Council Section 32 - Council to determine salaries of city appointees and employees.		√	
Section 4.03 - Legal Officer	Article V. Miscellaneous Provisions - Section 54. City solicitor.		√	
Section 4.04 - Land Use, Development, and Environmental Planning		Appendix B - Zoning		KEEP
Article V - Financial Management	*Article IV - Financial Affairs*			
	Section 42. Signing of warrants.			√ DC
Section 5.01 - Fiscal Year	Section 43 - Fiscal Year			√ DC
Section 5.01 - Fiscal Year	Section 43 - Fiscal Year			√ DC

MODEL CITY CHARTER	CURRENT CITY CHARTER	CITY CODE	PROPOSED CITY CHARTER	DELETE
Section 5.02 - Submission of Budget and Budget Message	Section 44. Annual budget		√	
Section 5.03 - Budget Message	Section 44. Annual budget		√	
Section 5.04 - Budget	Section 44. Annual budget		√	
Section 5.05 - City Council Action on Budget	Section 44. Annual budget		√	
	Section 45. Payment of claims; issuance of warrants after approval of city manager; reports by manager thereon to council.			√ DC
	Section 47. General Assessment; Levy on Utility Property			√ DC
Section 5.06 - Appropriation and Revenue Ordinances	Section 48. Maximum budget. Section 49A. Assessment, payment, and collection of taxes for new construction.			√ DC
	Section 49. Payment and Collection of Taxes; Errors and Delinquents in Assessments			√ DC
	Section 50. Debt Limit		√	
Section 5.07 - Amendments After Adoption			√	
Section 5.08 - Administration and Fiduciary Oversight of the Budget			√	
Section 5.09 - Capital Program			√	

MODEL CITY CHARTER	CURRENT CITY CHARTER	CITY CODE	PROPOSED CITY CHARTER	DELETE
Section 5.10 - City Council Action on Capital Program			√	
Section 5.11 - Independent Audit	Article IV - Financial Affairs Section 46 - Annual Audit		√	
Section 5.12 - Public Records	Governed by State Laws		√	
	Article V - Miscellaneous Provisions			
	Section 51 - Trees			√ DC
	Section 52 - Blank			√
	Section 55 - Printed Copies of Ordinances and Resolutions to be Proper Evidence			√ DC
	Section 56 - Repeal of Prior Acts			√
Article VI - Elections				
Section 6.01 - City Elections (a) Regular Elections	Article II - Mayor and Council Section 6 - Municipal Election Dates Article II - Mayor and Council Section 8 - Time and Place of Elections; Election Board; Counting of Votes; Determination of Winners; Tie Votes; Persons Eligible to Vote; Voter Registration; Official Ballots and Voting Machines; Absentee Ballots		√	

MODEL CITY CHARTER	CURRENT CITY CHARTER	CITY CODE	PROPOSED CITY CHARTER	DELETE
(b) Registered Voter Defined	Article II - Mayor and Council Section 8 - Time and Place of Elections; Election Board; Counting of Votes; Determination of Winners; Tie Votes; Persons Eligible to Vote; Voter Registration; Official Ballots and Voting Machines; Absentee Ballots *CODE REFERENCE: Chapter 34 - Elections, Article II - Voter Registration, Section 34-31 - Requirements.*		√	
(c) Conduct of Elections	Article II - Mayor and Council Section 8 - Time and Place of Elections; Election Board; Counting of Votes; Determination of Winners; Tie Votes; Persons Eligible to Vote; Voter Registration; Official Ballots and Voting Machines; Absentee Ballots		√	
(d) Proportional Representation	Article II - Mayor and Council, Section 8 - Time and Place of Elections; Election Board; Counting of Votes; Determination of Winners; Tie Votes; Persons Eligible to Vote; Voter Registration; Official Ballots and Voting Machines; Absentee Ballots		√	
(e) Beginning of Term	Article II - Mayor and Council, Section 9 - Meetings of Mayor and Council--generally		√	

MODEL CITY CHARTER	CURRENT CITY CHARTER	CITY CODE	PROPOSED CITY CHARTER	DELETE
Section 6.02- Council Districts; Adjustment of Districts (for use with Alternatives II, III and IV of § 6.03) (a) Number of Districts	Article II - Mayor and Council, Section 5 - Council to Be Legislative Body; Size; Districts; Terms of Mayor and Councilmen; Qualifications *CODE REFERENCE: Chapter 2 - Administration, Article II - City Council, Division 1 - Generally, Section 2-31 - District boundaries*		√	
(b) Districting Commission; Composition; Appointment; Terms; Vacancies; Compensation	Article II - Mayor and Council Section 8 - Time and Place of Elections; Election Board; Counting of Votes; Determination of Winners; Tie Votes; Persons Eligible to Vote; Voter Registration; Official Ballots and Voting Machines; Absentee Ballots		√	
(c) Powers and Duties of the Commission; Hearings, Submissions and Approval of Plan	Article II - Mayor and Council Section 5 - Council to be legislative body; size; districts; terms of mayor and councilmen; qualifications.		√	
(d) Districting Plan; Criteria	Article II - Mayor and Council, Section 5. Council to be legislative body; size; districts; terms of mayor and councilmen; qualifications		√	
(e) Effect of Enactment			√	
Section 6.03 - Methods of Electing Council Members	Article II - Mayor and Council, Section 5. Council to be legislative body; size; districts; terms of mayor and councilmen; qualifications.		√	
Section 6.04 - Initiative, Citizen Referendum, and Recall			√	

MODEL CITY CHARTER	CURRENT CITY CHARTER	CITY CODE	PROPOSED CITY CHARTER	DELETE
Article VII - General Provisions				
Section 7.01 - Conflicts of Interest; Board of Ethics		Chapter 30 - Code of Conduct and Ethics Commission Article II - Code of Conduct Article III - Ethics Commission, Section 30-71 - Established; Composition; Removal; Terms of Office; Vacancies; Chairperson; Quorum; Compensation; Legal Counsel.		KEEP DC
Section 7.02 - Prohibitions		Chapter 30 - Code of Conduct and Ethics Commission Section 30-33 - Prohibitions Relating to Conflicts of Interest		KEEP DC
Section 7.03 - Campaign Finance	Governed by State Laws			
Article VIII - Charter Amendment	Please Note Introduction - City is in that class; therefore, article cannot be used			
Article IX - Transition and Severability				

MODEL CITY CHARTER	CURRENT CITY CHARTER	CITY CODE	PROPOSED CITY CHARTER	DELETE
Section 9.01 - Officers and Employees			√	
(a) Rights and Privileges Preserved			√	
Section 9.02 - Departments, Offices, and Agencies				√ DC
Section 9.03 - Pending Matters				√ DC
Section 9.04 - State and Municipal Laws			√	
Section 9.05 - Schedule			√	
Section 9.06 - Severability	Article V - Miscellaneous Provisions - Section 61 - Severability		√	

2005 CHARTER REVIEW COMMITTEE

The 2005 Charter Review Committee met on September 15, 2005, at 7:00 p.m. with Chairman Leary presiding. Members present were Mr. Christiansen, Mrs. Greenwood, Mr. Jones, Mrs. Malone, Dr. Miller, and Mr. Scheller. Mr. Merritt was absent. Members of Council present were Council President Williams (departed at 7:18 p.m.) and Mr. Ruane. Mrs. McDowell was also present.

AGENDA ADDITIONS/DELETIONS

Mrs. Malone moved for approval of the agenda, seconded by Mr. Scheller and unanimously carried.

Self Introductions of Membership

Members provided brief self-introductions.

Welcoming by Council President Williams and Explanation of the Committee's Purpose

Council President Williams welcomed and thanked members for serving on the 2005 Charter Review Committee. She advised members that she has requested Mr. Leary to Chair the committee and, in the event of his absence, he will appoint a member to chair the meeting.

Council President Williams advised members that their purpose would be to formulate recommendations regarding the form of government, election process, terms of office, and other amendments deemed necessary to assure the continued orderly growth and efficient management of the City. She reminded members that a preliminary report should be presented to the Mayor and Council within six (6) months, with a final report, including recommendations, to be submitted within twelve (12) months of organizing.

Adoption of *Robert's Rules of Order Newly Revised* - Parliamentary Authority for Conducting Meetings

Chairman Leary advised members that the City of Dover has adopted Robert's Rules as the parliamentary rules for conducting its meetings. He noted that adoption of the Rules would mean that, as chair, he would be able to participate in the meetings as a member; however, he would not make or second motions and would only vote in the case of a tie.

Mr. Jones moved to adopt *Robert's Rules of Order Newly Revised* as the parliamentary authority for conducting the meetings of the 2005 Charter Review Committee, seconded by Mr. Scheller.

Mr. Christiansen stated that he believes that all members of the committee, including the chair, should have a vote.

The motion to adopt *Robert's Rules of Order Newly Revised* as the parliamentary authority for conducting the meetings of the 2005 Charter Review Committee was carried by a vote of five (5) yes, one (1) no (Mr. Christiansen), and one (1) absent (Mr. Merritt).

Discussion - Meeting Dates and Times, Meeting Format, Etc.

Chairman Leary stated that he had been advised that the third (3rd) Thursday of each month appeared to suit most members. He noted that Mr. Merritt has had a change in his schedule, which he will discuss with Council President Williams.

Chairman Leary suggested that the meetings begin at 7:00 p.m. and run until approximately 9:00 p.m. If more time is needed, an additional meeting can be scheduled. He advised members that meeting notices and correspondence would be delivered through the City Clerk's Office. Mr. Leary requested members to forward any correspondence that they may receive to the Clerk's Office for distribution to other members.

For the next meeting, scheduled for October 20, 2005 at 7:00 p.m., Chairman Leary suggested discussing the existing Charter and any changes proposed for Article I - In General. If time permits, the committee will continue on to Article II - Mayor and Council. Chairman Leary also suggested that members review the City of Dover Charter, the "Model City Charter", and the PAS Study in preparation for the next meeting. Members were also provided suggestions for consideration provided by Senator Still.

Adjournment

Mr. Christiansen moved for adjournment, seconded by Mr. Jones and unanimously carried.

Meeting Adjourned at 7:44 P.M.

Respectfully submitted,

Thomas J. Leary, Chairman

TJL/tm

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2005 CHARTER REVIEW COMMITTEE

The 2005 Charter Review Committee met on October 20, 2005, at 7:00 p.m. with Chairman Leary presiding. Members present were Mr. Christiansen, Mrs. Greenwood, Mr. Jones, Mrs. Malone, Dr. Miller, and Mr. Scheller. Mr. Merritt was absent. Councilman Ruane and Mrs. McDowell were also present.

AGENDA ADDITIONS/DELETIONS

Mr. Scheller moved for approval of the agenda, seconded by Mr. Christiansen and unanimously carried.

Discussion - Review of City Charter

Members reviewed a Comparative Table of the City of Dover Charter and the *Model City Charter* and made preliminary decisions to either retain items for the Proposed City Charter, delete items from the Proposed Charter, or move to the City of Dover Code (***Attachment #1***).

It was the consensus of members that at their next meeting, scheduled for November 17, 2005 at 7:00 p.m., they would use the *Model City Charter* as their framework and incorporate those sections of the City of Dover Charter that they feel should be retained.

Adjournment

Mr. Jones moved for adjournment, seconded by Mr. Christiansen and unanimously carried.

Meeting Adjourned at 8:40 P.M

Respectfully submitted,

Thomas J. Leary, Chairman

TJL/tm
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Attachment
Attachment #1 - Comparative Table as Revised 10-20-05

MODEL CITY CHARTER	CURRENT CITY CHARTER	CITY CODE	PROPOSED CITY CHARTER	DELETE
Preamble				
Article I - Powers of the City	Article I - General Provisions			
Article II - City Council	Article II - Mayor and Council			
Article III - City Manager	Article III - City Manager			
Article IV - Departments, Offices, and Agencies				
Article V - Financial Management	Article IV - Financial Affairs			
Article VI - Elections				
Article VII - General Provisions	Article V - Miscellaneous Provisions			
Article VIII - Charter Amendment				
Article IX - Transition and Severability				
Article I - Powers of the City	*Article 1 - General Provisions*			
	Section 1 - Municipal Corporation Continued; Boundaries.		√	
	Section 1A - Procedure to Extend Boundaries		√	

MODEL CITY CHARTER	CURRENT CITY CHARTER	CITY CODE	PROPOSED CITY CHARTER	DELETE
	Section 2 - Status, General Corporate Powers, Specific Provisions for Condemnation of Property **Review current provisions of condemnation of properties in light of the recent eminent domain decision*		√	
Section 1.01 - Powers of the City	Section 3 - Enumeration of Power not Exclusive; Manner of Exercise of Powers; ~~Employee Pension, Benefit and Retirement Systems Authorized (Not addressed in Model City Charter)~~		√	
	~~Section 3 - Enumeration of Power not Exclusive; Manner of Exercise of Powers;~~ Employee Pension, Benefit and Retirement Systems Authorized (Not addressed in Model City Charter)			√ DC
Section 1.02 - Construction			√	
Section 1.03 - Intergovernmental Relations			√	
Article II - City Council				
Section 2.01 - General Powers and Duties	Article II - Mayor and Council Section 4 - Government Vested in Mayor and City Council		√	
Section 2.02 - Eligibility, Terms, and Composition	Article II - Mayor and Council Section 5 - Council to be Legislative Body; Size; Districts; Terms of Mayor and Councilmen; qualifications		√	

MODEL CITY CHARTER	CURRENT CITY CHARTER	CITY CODE	PROPOSED CITY CHARTER	DELETE
	Article II - Mayor and Council Section 7 - Nomination Petitions for Candidates for Council and Mayor			√ DC
Section 2.03 - Mayor	Article II - Mayor and Council Section 14 - Duties of Mayor Section 15 - Council President/Vice-Mayor, duties of CODE REFERENCE: *Chapter 2 - Administration, Article IV - Officers and Employees, Division 2 - Mayor, Section 2-221. Duties and Responsibilities.*		√	
Section 2.04 - Compensation; Expenses	Article II - Mayor and Council Section 12 - Compensation and Expenses–Mayor and Council and Other Elected or Appointed Officials *CODE REFERENCE: Chapter 2 - Administration, Article IV - Officers and Employees, Division 1 - Generally, Section 2-201 - Compensation and Expenses for Mayor, Council, Employees and Other Elected or Appointed Officials*		√	

MODEL CITY CHARTER	CURRENT CITY CHARTER	CITY CODE	PROPOSED CITY CHARTER	DELETE
Section 2.05 - Prohibitions (a) Holding Other Office	Article II - Mayor and Council Section 5 - Council to Be Legislative Body; Size; Districts; Terms of Mayor and Councilmen; Qualifications. Article III - City Manager Section 33 - the City Manager Generally		√	
(b) Appointments and Removals (c) Interference with Administration	Article III - City Manager Section 35 - Removal of Employees by Manager Section 36 - Council Not to Interfere with Appointments or Removals of Manager; Giving Orders to Subordinates of Manager Prohibited; Penalty for Same		√	
Section 2.06 - Vacancies; Forfeiture of Office; Filling Vacancies	Article II - Mayor and Council Section 13 - Filling Vacancies for Council or Mayor		√	
Section 2.07 - Judge of Qualifications	Article II - Mayor and Council Section 11 - Council to Be Judge of Election Results and Qualification of Members; Power to Fix Procedure **Possible Split (Power to Fix Procedure)*		√	
Section 2.08 - City Clerk	Article II - Mayor and Council Section 16 - Clerk of Council		√	

MODEL CITY CHARTER	CURRENT CITY CHARTER	CITY CODE	PROPOSED CITY CHARTER	DELETE
	Article II - Mayor and Council Section 17 - City Treasurer		√	
Section 2.09 - Investigations	Article III - City Manager Section 39 - Investigations by Council		√	
Section 2.10 - Independent Audit	Article IV - Financial Affairs Section 46 - Annual audit		√	
Section 2.11 - Procedure (a) Meetings	Article II - Mayor and Council Section 9 - Meetings of mayor and council--Generally Section 10 - Meetings of mayor and council--Procedure. State law references: Open meetings required, 29 Del. C. § 10004. *CODE REFERENCE: Chapter 2 - Administration, Article II - City Council, Division 2 - Meetings* *Section 2-51. Regular meetings* *Section 2-52. Special meetings.* *Section 2-53. Cancellation of meetings; one meeting per month required*		√	

MODEL CITY CHARTER	CURRENT CITY CHARTER	CITY CODE	PROPOSED CITY CHARTER	DELETE
(b) Rules and Journal	Article II - Mayor and Council Section 10 - Meetings of Mayor and Council--Procedure. Section 11 - Council to be judge of election results and qualification of members; power to fix procedure. **Section 2.07 (Redundant)*Possible Split (Power to Fix Procedure)*		√	
(c) Voting	Article II - Mayor and Council Section 10 - Meetings of Mayor and Council--Procedure. **Amend to Address Electronic Voting*		√	
Section 2.12 - Action Requiring an Ordinance	√Article II - Mayor and Council √DC Section 18 - Ordinances authorized; maximum penalty for violation.		√	√DC
Section 2.13 - Ordinances in General	Article II - Mayor and Council Section 18. Ordinances authorized; maximum penalty for violation.	Chapter 1 - General Provisions, Section 1-9 - Sponsoring, Consideration, Passage and Effective Date of Ordinances and Charter Amendments		√DC

MODEL CITY CHARTER	CURRENT CITY CHARTER	CITY CODE	PROPOSED CITY CHARTER	DELETE
	Article II - Mayor and Council Section 21 - Power of Council to Adopt Zoning Ordinances Section 19 - Power of Council to Define and Abate Nuisances	√	(Corrected 01/23/06 - moved to City Code)	
Section 2.14 -Emergency Ordinances		Chapter 1 - General Provisions, Section 1-9 - Sponsoring, Consideration, Passage and Effective Date of Ordinances and Charter Amendments		KEEP DC

MODEL CITY CHARTER	CURRENT CITY CHARTER	CITY CODE	PROPOSED CITY CHARTER	DELETE
Section 2.15 - Codes of Technical Regulations	Article II - Mayor and Council Section 20 - Power of Council to Provide for Fire Protection Measures *CODE REFERENCE: Chapter 46 - Fire Prevention and Protection, Article III - Fire Codes, Section 46-121 - Adopted.* *(a) International Fire Code adopted* Article II - Mayor and Council Section 22. - Power of council to regulate construction of buildings and require permits; building inspector authorized. *CODE REFERENCE: Chapter 22 - Buildings and Building Regulations* *Article III - Building Code, Section 22-61 - Adopted* *Article VI - Plumbing Code, Section. 22-181. Adopted* *Article IV - Electrical Installations, Section 22-101 - Electrical code adopted* *Article V - Mechanical Code* *Sec. 22-141. Adopted.* *Article VII - Property Maintenance Code* *Section 22-221. Adopted*		√	

MODEL CITY CHARTER	CURRENT CITY CHARTER	CITY CODE	PROPOSED CITY CHARTER	DELETE
Section 2.15 - Codes of Technical Regulations (Continued)	Article II - Mayor and Council Section 25 - Power of Council to Operate Light, Power or Water Plant. *CODE REFERENCE: Chapter 110 - Utilities, Article II - Electric Service* *Section 110-31 - Electric service handbook incorporated by reference*		√	
Section 2.16 - Authentication and Recording; Codification; Printing of Ordinances and Resolutions		Chapter 1 - General Provisions Section 1-16 - Supplementation of Code.		KEEP DC
Article III - City Manager	*Article III - City Manager*			
Section 3.01 - Appointment; Qualifications; Compensation	Section 33 - The City Manager Generally **Possible Change in Title*		√	
Section 3.02 - Removal	Section 33 - The City Manager Generally		√	
Section 3.03 - Acting City Manager				√ DC

MODEL CITY CHARTER	CURRENT CITY CHARTER	CITY CODE	PROPOSED CITY CHARTER	DELETE
Section 3.04 - Powers and Duties of the City Manager	Section 34 - Responsibility of manager; powers of appointment and removal. Section 35 - Removal of Employees by Manager Section 37 - Duties of the Manager Section 40 - Other Functions of City Manager.		√	
Article III - City Manager (Continued)	*Article III - City Manager (Continued)*			
	Section 38 - Right of Manager to Sit in Council Meetings			√

MODEL CITY CHARTER	CURRENT CITY CHARTER	CITY CODE	PROPOSED CITY CHARTER	DELETE
Article IV - Departments, Offices, and Agencies				
Section 4.01 - General Provisions	Article II - Mayor and Council Section 20 - Power of council to provide for fire protection measures. *CODE REFERENCE: Chapter 46 - Fire Prevention and Protection, Article II - Fire Department, Division 1 - Generally, Section 46-41 - Created; purpose* **Revisit with Regard to Who Provides Fire Protection for Annexed Properties* ~~~ Article II - Mayor and Council, Section 22 - Power of Council to Regulate Construction of Buildings and Require Permits; Building Inspector Authorized *CODE REFERENCE: Chapter 22 - Buildings and Building Regulations Article II - Building Inspector, Section. 22-31 - Office created; appointment.* ~~~ Article II - Mayor and Council, Section 23 - Power of Council to Create City Planning Commission; Members Generally *CODE REFERENCE: Chapter 82 - Planning, Section 82-1 -Planning Commission and 82-2 - City Planner*	Chapter 26 - Businesses, Article II, Licenses, Section 26-32 - Licensing Division of the Department of Planning and Inspections Created. Chapter 38, Emergencies - Article II, Civil Emergencies Section 38-52 - Director Chapter 74 - Parks and Recreation, Section 74-4 - Director	√	

MODEL CITY CHARTER	CURRENT CITY CHARTER	CITY CODE	PROPOSED CITY CHARTER	DELETE
Section 4.01 - General Provisions (Continued)	Article II - Mayor and Council, Section 24 - Power of Council to Franchise or License Public Utilities and Common Carriers Article II - Mayor and Council, Section 25 - Power of council to operate light, power or water plant **Recommend Adding "and Other Enterprise Funds"* *CODE REFERENCE: Chapter 110 - Utilities, Article II - Electric Service, Section 110-31 - Electric service handbook incorporated by reference* *CODE REFERENCE: Chapter 110 - UTILITIES, ARTICLE III - WATER SERVICE, Section 110-62 - Water department created.* *CODE REFERENCE: Chapter 110 - UTILITIES, ARTICLE IV - SEWER SERVICE, Section 110-232 - Sewer department created.* Article II - Mayor and Council Section 26 - Power of Council with Reference to Sewers *CODE REFERENCE: Chapter 10 - Utilities, Article IV - Sewer Service*		√	

MODEL CITY CHARTER	CURRENT CITY CHARTER	CITY CODE	PROPOSED CITY CHARTER	DELETE
Section 4.01 - General Provisions (Continued)	Article II - Mayor and Council Section 27 - Power of Council to Layout, Locate, Abandon, etc., Streets, Sidewalks, etc *CODE REFERENCE: Chapter 98 - Streets, Sidewalks and Other Public Places, Article I - In General, Section 98-1 - Street department created; purpose.* Article II - Mayor and Council Section 28 - Power of council to pave streets, sidewalks, etc. and levy assessment for public improvements; municipal lien docket. **Discuss Details Further* Article II - Mayor and Council Section 29 - Streets, sidewalks, etc. to be under control of council; power of council to prescribe grades thereon and regulate Article II - Mayor and Council Section 30 - Power of Council to Provide for Disposal of Garbage and Sewage Article II - Mayor and Council Section 31 - Power of council to regulate parking and provide parking lots		√	

MODEL CITY CHARTER	CURRENT CITY CHARTER	CITY CODE	PROPOSED CITY CHARTER	DELETE
Section 4.02 - Personnel System	Article II - Mayor and Council Article V - Miscellaneous Provisions, Section 53 - Police; Mayor to Be Conservator of Peace *CODE REFERENCE: Chapter 62 - Law Enforcement, Article II - Police Department, Section 62-31 - Generally.* *(a) Established.* Article II - Mayor and Council Section 12 - Compensation and expenses--Mayor and council and other elected or appointed officials Article II - Mayor and Council Section 32 - Council to determine salaries of city appointees and employees.		√	
Section 4.03 - Legal Officer	Article V. Miscellaneous Provisions - Section 54. City solicitor.		√	
Section 4.04 - Land Use, Development, and Environmental Planning		Appendix B - Zoning		KEEP
Article V - Financial Management	*Article IV - Financial Affairs*			
	Section 42. Signing of warrants.			√ DC
Section 5.01 - Fiscal Year	Section 43 - Fiscal Year			√ DC

MODEL CITY CHARTER	CURRENT CITY CHARTER	CITY CODE	PROPOSED CITY CHARTER	DELETE
Section 5.01 - Fiscal Year	Section 43 - Fiscal Year			√ DC
Section 5.02 - Submission of Budget and Budget Message	Section 44. Annual budget		√	
Section 5.03 - Budget Message	Section 44. Annual budget		√	
Section 5.04 - Budget	Section 44. Annual budget		√	
Section 5.05 - City Council Action on Budget	Section 44. Annual budget		√	
	Section 45. Payment of claims; issuance of warrants after approval of city manager; reports by manager thereon to council.			√ DC
	Section 47. General Assessment; Levy on Utility Property			√ DC
Section 5.06 - Appropriation and Revenue Ordinances	Section 48. Maximum budget. Section 49A. Assessment, payment, and collection of taxes for new construction.			√ DC
	Section 49. Payment and Collection of Taxes; Errors and Delinquents in Assessments			√ DC
	Section 50. Debt Limit		√	
Section 5.07 - Amendments After Adoption			√	

MODEL CITY CHARTER	CURRENT CITY CHARTER	CITY CODE	PROPOSED CITY CHARTER	DELETE
Section 5.08 - Administration and Fiduciary Oversight of the Budget			√	
Section 5.09 - Capital Program			√	
Section 5.10 - City Council Action on Capital Program			√	
Section 5.11 - Independent Audit	Article IV - Financial Affairs Section 46 - Annual Audit		√	
Section 5.12 - Public Records	Governed by State Laws		√	
	Article V - Miscellaneous Provisions			
	Section 51 - Trees			√ DC
	Section 52 - Blank			√
	Section 55 - Printed Copies of Ordinances and Resolutions to be Proper Evidence			√ DC
	Section 56 - Repeal of Prior Acts			√
Article VI - Elections				

MODEL CITY CHARTER	CURRENT CITY CHARTER	CITY CODE	PROPOSED CITY CHARTER	DELETE
Section 6.01 - City Elections (a) Regular Elections	Article II - Mayor and Council Section 6 - Municipal Election Dates Article II - Mayor and Council Section 8 - Time and Place of Elections; Election Board; Counting of Votes; Determination of Winners; Tie Votes; Persons Eligible to Vote; Voter Registration; Official Ballots and Voting Machines; Absentee Ballots		√	
(b) Registered Voter Defined	Article II - Mayor and Council Section 8 - Time and Place of Elections; Election Board; Counting of Votes; Determination of Winners; Tie Votes; Persons Eligible to Vote; Voter Registration; Official Ballots and Voting Machines; Absentee Ballots *CODE REFERENCE: Chapter 34 - Elections, Article II - Voter Registration, Section 34-31 - Requirements.*		√	
(c) Conduct of Elections	Article II - Mayor and Council Section 8 - Time and Place of Elections; Election Board; Counting of Votes; Determination of Winners; Tie Votes; Persons Eligible to Vote; Voter Registration; Official Ballots and Voting Machines; Absentee Ballots		√	

MODEL CITY CHARTER	CURRENT CITY CHARTER	CITY CODE	PROPOSED CITY CHARTER	DELETE
(d) Proportional Representation	Article II - Mayor and Council, Section 8 - Time and Place of Elections; Election Board; Counting of Votes; Determination of Winners; Tie Votes; Persons Eligible to Vote; Voter Registration; Official Ballots and Voting Machines; Absentee Ballots		√	
(e) Beginning of Term	Article II - Mayor and Council, Section 9 - Meetings of Mayor and Council--generally		√	
Section 6.02- Council Districts; Adjustment of Districts (for use with Alternatives II, III and IV of § 6.03) (a) Number of Districts	Article II - Mayor and Council, Section 5 - Council to Be Legislative Body; Size; Districts; Terms of Mayor and Councilmen; Qualifications *CODE REFERENCE: Chapter 2 - Administration, Article II - City Council, Division 1 - Generally, Section 2-31 - District boundaries*		√	
(b) Districting Commission; Composition; Appointment; Terms; Vacancies; Compensation	Article II - Mayor and Council Section 8 - Time and Place of Elections; Election Board; Counting of Votes; Determination of Winners; Tie Votes; Persons Eligible to Vote; Voter Registration; Official Ballots and Voting Machines; Absentee Ballots		√	
(c) Powers and Duties of the Commission; Hearings, Submissions and Approval of Plan	Article II - Mayor and Council Section 5 - Council to be legislative body; size; districts; terms of mayor and councilmen; qualifications.		√	

MODEL CITY CHARTER	CURRENT CITY CHARTER	CITY CODE	PROPOSED CITY CHARTER	DELETE
(d) Districting Plan; Criteria	Article II - Mayor and Council, Section 5. Council to be legislative body; size; districts; terms of mayor and councilmen; qualifications		√	
(e) Effect of Enactment			√	
Section 6.03 - Methods of Electing Council Members	Article II - Mayor and Council, Section 5. Council to be legislative body; size; districts; terms of mayor and councilmen; qualifications.		√	
Section 6.04 - Initiative, Citizen Referendum, and Recall			√	

MODEL CITY CHARTER	CURRENT CITY CHARTER	CITY CODE	PROPOSED CITY CHARTER	DELETE
Article VII - General Provisions				
Section 7.01 - Conflicts of Interest; Board of Ethics		Chapter 30 - Code of Conduct and Ethics Commission Article II - Code of Conduct Article III - Ethics Commission, Section 30-71 - Established; Composition; Removal; Terms of Office; Vacancies; Chairperson; Quorum; Compensation; Legal Counsel.		KEEP DC
Section 7.02 - Prohibitions		Chapter 30 - Code of Conduct and Ethics Commission Section 30-33 - Prohibitions Relating to Conflicts of Interest		KEEP DC
Section 7.03 - Campaign Finance	Governed by State Laws			
Article VIII - Charter Amendment	Please Note Introduction - City is in that class; therefore, article cannot be used			
Article IX - Transition and Severability				

MODEL CITY CHARTER	CURRENT CITY CHARTER	CITY CODE	PROPOSED CITY CHARTER	DELETE
Section 9.01 - Officers and Employees			√	
(a) Rights and Privileges Preserved			√	
Section 9.02 - Departments, Offices, and Agencies				√ DC
Section 9.03 - Pending Matters				√ DC
Section 9.04 - State and Municipal Laws			√	
Section 9.05 - Schedule			√	
Section 9.06 - Severability	Article V - Miscellaneous Provisions - Section 61 - Severability		√	

2005 CHARTER REVIEW COMMITTEE

The 2005 Charter Review Committee met on November 17, 2005, at 7:00 p.m. with Chairman Leary presiding. Members present were Mr. Christiansen, Mrs. Greenwood, Mrs. Malone, and Dr. Miller. Mr. Scheller and Mr. Jones were absent. Mrs. McDowell was also present.

AGENDA ADDITIONS/DELETIONS

Mr. Christiansen moved for approval of the agenda, seconded by Dr. Miller and unanimously carried.

Discussion - Review of City Charter

Members discussed options for the form of government, including the possibility of a strong Mayor as the Chief Executive Officer with a professional City Manager. With this form of government members suggested that a search committee comprised of the Mayor, Council President, and Standing Committee Chairs would serve as a search committee for future City Managers and the City Manager would be nominated by the Mayor and confirmed by Council. The role of Council would be legislative and appropriative in this form of government.

Members discussed several different options for the number of Council districts and how members might be elected, such as six (6) districts with the Council president and two (2) Council members being elected at large. Mr. Leary advised members that the demographics of Dover have become so diluted that it is difficult to draw the boundary lines for the minority district. Members also discussed the NAACP consent decree with regard to an increased number of districts being beneficial in establishing a minority district or enabling the City to have two (2) minority districts.

Terms of office for the Mayor and Council were discussed, including the possibility of adopting a recall option for both offices and eliminating the requirement that Council members relinquish their seat in order to run for another office, such as Mayor, Levy Court, etc.

Due to a scheduling conflict, the next meeting was scheduled for Wednesday, December 14, 2005 at 7:00 p.m.

Adjournment

Mr. Christiansen moved for adjournment, seconded by Dr. Miller and unanimously carried.

Meeting Adjourned at 8:49 P.M.

Respectfully submitted,

Thomas J. Leary, Chairman

TJL/tm

2005 CHARTER REVIEW COMMITTEE

The 2005 Charter Review Committee met on December 14, 2005, at 7:00 p.m. with Chairman Leary presiding. Members present were Mr. Christiansen, Mr. Jones, Mrs. Malone, Dr. Miller, and Mr. Scheller. Mrs. Greenwood was absent. Mrs. McDowell was also present.

AGENDA ADDITIONS/DELETIONS

Mrs. Malone moved for approval of the agenda, seconded by Mr. Jones and unanimously carried.

Setting of Public Hearing

Members discussed dates and locations of the four (4) public hearings that will be held. It was the consensus of members that the Second District Public Hearing would be held on Thursday, January 19, 2006 in the Council Chambers of City Hall.

Members also discussed possible locations for the future public hearings, including the Modern Maturity Center, the Schwartz Center, and Wesley College.

Discussion - Review of City Charter

Since the Fourth District Municipal Election was held the previous day, members discussed the option of holding runoff elections in the future to ensure a clear majority winner, the possibility of charging candidates a filing fee to discourage frivolous filings, and the possibility of increasing the number of voting districts. Members also discussed the procedure for filing for office in other municipalities and requested information on surrounding communities for future discussion.

Mr. Christiansen moved to adjourn, seconded by Mr. Scheller and unanimously carried.

Meeting Adjourned at 8:57 P.M.

Respectfully submitted,

Thomas J. Leary, Chairman

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2005 CHARTER REVIEW COMMITTEE

The 2005 Charter Review Committee met on January 19, 2006, at 7:00 p.m. with Mr. Christiansen presiding in the absence of Chairman Leary. Members present were Mrs. Greenwood, Mr. Jones, Mrs. Malone, Dr. Miller, Mr. Scheller, and Mrs. Merritt. Members of Council present were Mr. Ruane, Mr. Salters, and Mrs. Russell. Mrs. McDowell was also present.

AGENDA ADDITIONS/DELETIONS

Mr. Jones moved for approval of the agenda, seconded by Mrs. Malone and unanimously carried.

Public Hearing - Review of City Charter

Mr. Christiansen provided a brief history of the Review of the City of Dover Charter and outlined the purpose and duties of the 2005 Charter Review Committee.

Mr. Christiansen declared the public hearing open.

Mr. William Daisey, 215 Pine Street, stated that the Council/Mayor form of government is currently being used by 3,400 cities in the United States. It was his feeling that this form of government, which provides for a full-time City Manager to oversee the day-to-day operations, has served the City of Dover well for many years and should be retained.

With regard to redistricting, Mr. Daisey expressed concern that it would be impossible for a minority to be elected in an at-large system, while district voting guarantees minority representation.

Mr. Daisey stated that he was unaware of any filing fees in the State of Delaware and it was his feeling that it would discourage participation in the election process.

Dr. Margaret McKay, 54 Rodney Road, stated that she was the researcher and expert witness for the NAACP in the 1985 lawsuit brought against the City of Dover. She noted that she was not currently representing the NAACP, nor was she speaking on their behalf.

Dr. McKay cautioned members that moving from an administrative Mayor to a strong Mayor could risk undermining the spirit and intent of the 1988 Consent Order since the Mayor is elected at-large and at-large elections are not historically friendly to racial minorities. She noted that taking power from the Council, which is more representative of the citizens of the City, and giving it to a strong Mayor would reduce the racial minority's vote in policy making and minimize their political clout and input. Dr. McKay advised members that making the Mayor a voting member of City Council would weaken the representation of Council because the Council negotiates and the Mayor implements the policies of the Council. Their functions are not compatible.

With regards to the number of voting districts, Dr. McKay suggested that additional districts, particularly at-large districts, would also weaken the relative electoral clout of the City's racial minorities.

Dr. McKay recommended adopting an Instant Runoff election system for both Council and Mayoral races in order to ensure a majority winner.

Ms. Ellen Wasfi, 286 Pine Valley Road, explained the Instant Runoff Voting process whereby, on a single ballot, voters rank the candidates in order of preference. If no candidate wins more than 50% of the first choice votes, the lowest placing finishers are eliminated and the second or, if necessary, third choices on the ballots are counted until someone garners a majority. Instant Runoff Voting literature was provided to members. She noted that adapting voting equipment to tabulate ranked choice has been the biggest problem encountered in implementing Instant Run-Off Voting. Ms. Wasfi also noted that voter education is the key to successful Instant Run-Off Voting.

Mrs. Fran Hettinger, 63 Sackarackin Avenue, advised members that she was a City of Dover retiree who worked under both Council appointed department heads and City Manager department heads. It was her feeling that the department heads under the City Manager were sometimes neglected and she suggested that all departments, with the exception of the City Clerk and Finance Director, should be moved under the direction of the City Manager. Mrs. Hettinger stated that she prefers the Mayor/Council form of government with the Mayor as a figurehead.

Mr. William McGlumphy, 437 Alder Road, stated that it would be necessary to leave personalities out of the Charter Review in order to move away from the hybrid Mayor/Council form of government. It was his feeling that the City was not large enough nor adequately prepared to move to a strong Mayor form of government since it puts too much power into the hands of one individual without checks and balances. Mr. McGlumphy discussed the differences between the Mayor/Council and strong Mayor forms of government and referenced *"Council-Manager or "Strong Mayor" The Choice is Clear - Learn the Facts About Council-Manager Government"*, which was prepared by the California City Management Foundation. He suggested that members review the minutes of the November 27, 2001 Council Retreat, the December 18, 2001 Council Retreat, the March 22, 2004 Council Meeting, and the PAS Study.

Mr. David Anderson, 217 Cecil Street, felt that the current form of government was working and the Mayor and Council should remain separate. He also felt the candidate filing process and district representation were serving their purpose and did not require changes.

Mr. Anderson suggested that a write-in referendum provision be included in the Charter to allow a set percentage of voters to bring issues forward by petition for consideration on the next ballot. He also suggested that any member of Council should be permitted to introduce an ordinance, Charter change, or budgetary amendment without a second. Mr. Anderson also noted that since Council members are elected by the people, members should be permitted to bring any issues to the floor for consideration. It was also his feeling that city planning is such a vital function which effects citizens directly, it should be under the direction of an elected position, such as the Mayor or Council.

Mr. Anderson also made the following suggestions: the Dover Human Relations Commission should have subpoena power, the budget year should end before the election to allow members who have been working on the budget for nine (9) months the opportunity to adopt the budget, remove the provision that a member of Council resign prior to running for Mayor, and the protection of property rights to ensure against eminent domain issues.

Mr. Richard Ornauer, 17 Mifflin Road, stated that he felt it was important for the City Manager to have a full staff to guide the City and administer the policies of City Council. With the exception of the fiscal aspect of the operation of the City, which should be done in conjunction with the City Manager, he felt that all other services should be combined under the one person responsible directly to the City Council who appoints him or her.

Mr. Cecil Wilson, 130 Brandywine Drive, noting that Mr. Christiansen was considering running for Mayor, asked if there was a conflict with his serving on the 2005 Charter Review Committee. Mr. Christiansen stated if he decided to run for Mayor, he would step down from the committee.

Mr. Christiansen declared the public hearing closed.

Mr. Jones moved for adjournment, seconded by Mrs. Greenwood and unanimously carried.

Meeting Adjourned at 8:20 P.M.

Respectfully submitted,

Robin R. Christiansen
Acting Chairman

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2005 CHARTER REVIEW COMMITTEE

The 2005 Charter Review Committee met on February 16, 2006, at 7:11 p.m. with Chairman Leary presiding. Members present were Mr. Christiansen, Mrs. Greenwood, Dr. Miller, Mr. Jones, and Mr. Scheller. Mrs. Malone and Mrs. Merritt were absent. Mrs. McDowell was also present.

AGENDA ADDITIONS/DELETIONS

Dr. Miller moved for approval of the agenda, seconded by Mr. Jones and unanimously carried.

Discussion of 1988 Consent Decree with City Solicitor and Invited Parties

Chairman Leary noted that Deputy City Solicitor Pepper and current and former members of the NAACP had been invited to provide members with information regarding the 1988 Consent Decree of the NAACP. He advised members that, unfortunately, Mr. Pepper was sick and unable to attend this meeting.

As requested by Mr. Leary, others present introduced themselves, as follows: Mr. Leon Lewis, President of the Central Delaware Branch of the NAACP; Dr. Margaret McKay, expert witness and research assistant for NAACP suit against the City; and Mr. Cecil Wilson, Past President of the NAACP and plaintiff of the suit against the City.

Having such a relative part in the current City Charter, Mr. Lewis questioned why National representation of the NAACP had not been invited to attend. Concurring, Mr. Wilson stated that he had received a telephone call from the City requesting the telephone number for Mr. Lewis; however, he was not aware of the reasoning for the City's wanting the number. He also stated that he was not specifically invited and felt that he and City Solicitor Rodriguez should certainly be a part of any discussion regarding the 1988 Consent Decree.

Responding, Mr. Leary explained that the intention of this agenda item was to provide members background information only. Mr. Wilson felt that all parties should be participants in setting the stage for understanding this matter. He suggested that rather than a telephone call, the President of the NAACP should have officially been invited by the committee by letter, not by telephone. He also felt that an official letter of invitation should have been sent to himself, as the plaintiff, as well as Dr. McKay and any other involved parties with the 1988 Consent Decree.

Considering the absence of the President of the National NAACP, and others that Mr. Lewis and Dr. McKay may identify as being pertinent to any discussion regarding the 1988 Consent Decree, it was Mr. Christiansen's opinion that the matter should be tabled, the committee apologize for the oversight, as has been done by the Chair, and that the issue be rescheduled until all pertinent parties are available to allow further discussion.

Mr. Christiansen moved to table the matter, allowing the Chair and City Clerk to meet with Mr. Lewis, Mr. Wilson, and Dr. McKay after adjournment, to determine all pertinent parties to be included in the discussion. The motion was seconded by Mr. Scheller.

Referring to the Regular Council Meeting Minutes of March 22, 2004, Mr. Wilson noted that the late Councilman Pitts had given specific details regarding the process for discussing the City Charter as it relates to the 1988 Consent Decree and those that minimally should be inclusive of any discussions. He read excerpts of the minutes, as follows:

"Mr. Pitts felt that there could be objections from the NAACP for any changes. He advised members that any changes to the Consent Decree would require the City to contact the National Office of the NAACP. He stated that previous discussions with the National Office indicate that now is not the time for any changes to be made to the Consent Decree; however, there could be a possibility for consideration of changes to be made in the year 2010."

"Mr. Pitts explained that before contacting the National Office of the NAACP, the first point of contact would be with the Local Chapter of the NAACP, then the State Chapter. An agreement would need to be reached with the Local and State Chapters before contacting the National Office. He reminded members that the City was previously advised that the Local Chapter would consider the possibility of reviewing the matter for the year 2010."

"Mr. Pitts stated that the City of Dover was not the only municipality affected by action of the NAACP and that it was a national problem. As a result, the Decrees were issued state by state. In order to make changes, not only is consent required at the local level but the entire national agenda must be considered."

Mr. Scheller stated his feeling that the statement made by Councilman Pitts was relative to there being discussion of change; however, he explained that members of the Charter Review Committee were merely interested in having an historical retrospect of the lawsuit that resulted in the 1988 Consent Decree.

Regardless of the committee's intentions, Mr. Leary explained his concurrence with Mr. Christiansen and felt that there should not be any discussion regarding this matter until representatives of the NAACP are satisfied with the inclusion of all pertinent parties.

On a call for the question by Mr. Christiansen, the motion to table this matter for a future meeting was unanimously carried.

On behalf of the Committee, Mr. Leary relayed his sincere apologies for the informality of the invitation to attend being offensive or not considered as an official invitation to attend the meeting.

Setting of Future Meeting Dates and Topics for Discussion

Mr. Leary noted that the City Council is expecting a Report of the Committee during the month of March 2006, and requested that members provide him with their thoughts as to what should be included. He would then schedule a meeting to finalize the report. Mr. Leary noted that the next regular meeting is scheduled for March 16th and suggested that members discuss the draft report to be submitted to Council at that time.

Mrs. Greenwood stated that during the last public hearing, there were several who spoke who indicated that they were going to submit ideas and thoughts. To date, she has not received copies of these statements and requested that all members be provided with copies as soon as possible. Mr. Leary assured members that the City Clerk's Office will forward copies of this information to all members.

Mr. Christiansen suggested that members schedule a meeting for March 15th for the discussion regarding the 1988 Consent Decree, assuring that an approved list of guests of representatives of the NAACP and other pertinent individuals are officially invited to attend. Responding to Mrs. McDowell, Mr. Christiansen suggested that Mr. Lewis be contacted to obtain the list of representatives of the NAACP that should be officially invited. Members also requested that City Solicitor Rodriguez be in attendance at this meeting.

Mr. Christiansen indicated that he had written letters sometime between 1983 and 1984 regarding district voting and form of government, which is when Dr. McKay got involved with the issue. He requested that staff attempt to locate those letters and provide copies to members to provide more understanding.

Some members felt that the letter to the NAACP should include specific topics that should be discussed at the meeting, provide a time limit for their presentation, and request that background material be provided in advance to facilitate the committee's deliberation.

There being no objections and no further business, Mr. Leary declared the meeting adjourned.

Meeting Adjourned at 7:40 P.M.

Respectfully submitted,

Thomas J. Leary, Chairman

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2005 CHARTER REVIEW COMMITTEE

The 2005 Charter Review Committee met on March 16, 2006, at 7:03 p.m. with Chairman Leary presiding. Members present were Mr. Christiansen, Mrs. Greenwood, Dr. Miller, Mrs. Merritt, and Mr. Scheller. Mr. Jones and Mrs. Malone were absent. Mrs. McDowell was also present.

AGENDA ADDITIONS/DELETIONS

Mr. Leary requested the addition of the following agenda items:

#A-1 - Correspondence from City Manager Regarding Form of Government
#A-2 - Congratulations - Appointment of City Clerk
#A-3 - Request of Council for Review of the Increase of Bond Limit

Dr. Miller moved for approval of the agenda, as amended, seconded by Mrs. Greenwood and unanimously carried.

Correspondence from City Manager Regarding Form of Government

Chairman Leary submitted correspondence received from Mr. DePrima, City Manager, regarding 2005 Governance Survey and other article relative to the Form of Government. Copies of this information will be distributed to members by the City Clerk's Office.

Congratulations to Mrs. Traci McDowell - Council Appointment of City Clerk

Chairman Leary advised members that during the last Council Meeting, Mrs. Traci McDowell was appointed to serve as the City Clerk, effective May 17, 2006. He and other members congratulated Mrs. McDowell on her promotion.

Request of Council for Review of the Increase of Bond Limit

Chairman Leary advised members that during the last Council Meeting, members accepted the recommendation of the Legislative, Finance, and Administration Committee to request that the 2005 Charter Review Committee review the section of the Charter regarding the possibility of an increase of Bond Limit. He noted that Mrs. Mitchell, Treasurer/Finance Director, has submitted information regarding this matter and suggested that a meeting be scheduled for early April for discussion of this item.

Members scheduled a meeting for April 6, 2006, from 7:00 p.m. to 9:00 p.m., for a presentation by the Treasurer/Finance Director and requested that this matter be the only item on the agenda.

Discussion - Draft Report to Council

Chairman Leary noted that the Committee is charged with submitting a 6-Month Report to City Council. He suggested that there not be a presentation and that it simply be a written report.

Members discussed various items to be included in the report. It was noted that the committee reviewed a comparative table of the City Charter and the *Model City Charter - 8th Edition* and made preliminary recommendations regarding proposed code and charter changes. Although there has been extensive review of the form of government, number of council districts, election processes, etc., there have been no formal recommendations made by the Charter Review Committee.

Based on the comments made, Mr. Leary stated he would draft a letter to the Mayor and Council to serve as the 6-Month Report of the 2005 Charter Review Committee. He assured members that a draft will be distributed to members for their review and recommendations prior to finalizing and submitting the report to City Council.

Mr. Scheller moved for adjournment, seconded by Mrs. Greenwood and unanimously carried.

Meeting adjourned at 7:50 P.M.

Respectfully submitted,

Thomas J. Leary, Chairman

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2005 CHARTER REVIEW COMMITTEE

The 2005 Charter Review Committee met on April 13, 2006, at 7:00 p.m. with Chairman Leary presiding. Members present were Mrs. Merritt, Mrs. Greenwood, Mr. Scheller, Mrs. Malone, and Dr. Miller. Mr. Christiansen and Mr. Jones were absent. Councilman Ruane, Mrs. Mitchell, Mr. DePrima, and Mrs. McDowell were also present.

AGENDA ADDITIONS/DELETIONS

Mrs. Malone moved for approval of the agenda, seconded by Mr. Scheller and unanimously carried.

CHARTER REVIEW - ARTICLE IV - SEC. 50 - DEBT LIMIT

During their Regular Meeting of March 27, 2006, Council referred "Discussion - Increase of Bond Limit" to the 2005 Charter Review Committee for their review and recommendation, as recommended by the Legislative, Finance, and Administration Committee. Mrs. Mitchell, Treasurer/Finance Director, provided a presentation to members on Debt Limit and Debt Management Policy (***Attachment #1***).

With reference to Section 50(d), which states "Except for bonds issued pursuant to subsection (c) hereof, all bonds issued under the provisions of subsection (b) shall first be approved by a referendum vote of the qualified voters (as herein defined) of the City of Dover.", members felt that it was important to retain the citizen participation provided by the referendum requirement.

Dr. Miller moved to retain the referendum requirement in some form, seconded by Mrs. Malone and unanimously carried.

After review and discussion, the committee proposed amendments to the City Charter, as follows:

Mrs. Malone moved to amend Section 50(c)(i) to read "To finance public storm sewers, streets and appurtenances provided that no more than *1/4 of 1% of total assessed value of real property* ~~$1,000,000.00~~ of aggregate principal amount of bonds may be issued at any one time pursuant to this clause (i) and any new bonds issued pursuant of this clause (i) may not cause the total aggregate principal amount of bonds outstanding at any one time pursuant to this clause (i) to exceed one percent of the total taxable assessment for a general tax at the time such new bonds are issued; and". The motion was seconded by Dr. Miller and carried with three (3) yes, one (1) no (Mrs. Greenwood), one (1) abstention (Mrs. Merritt) (*Chairman votes only in case of a tie*).

Mrs. Merritt moved to establish a debt management policy, to be reviewed every three (3) years. The motion was seconded by Mrs. Malone and carried with Mrs. Greenwood voting no.

Dr. Miller moved to amend Section 50(b), second paragraph, to read "The aggregate of the amounts so borrowed together with all other bonded indebtedness for which the full faith and credit of the City of Dover has been pledged shall not at any time exceed a sum equal to ~~25~~ 5 percent of the total assessed value of real property situate within the bounds of the City of Dover as such boundaries shall from time to time appear. The motion was seconded by Mrs. Malone and unanimously carried.

Mrs. Merritt moved for adjournment, seconded by Mrs. Malone and unanimously carried.

Meeting Adjourned at 8:49 P.M.

Respectfully submitted,

Thomas J. Leary, Chairman

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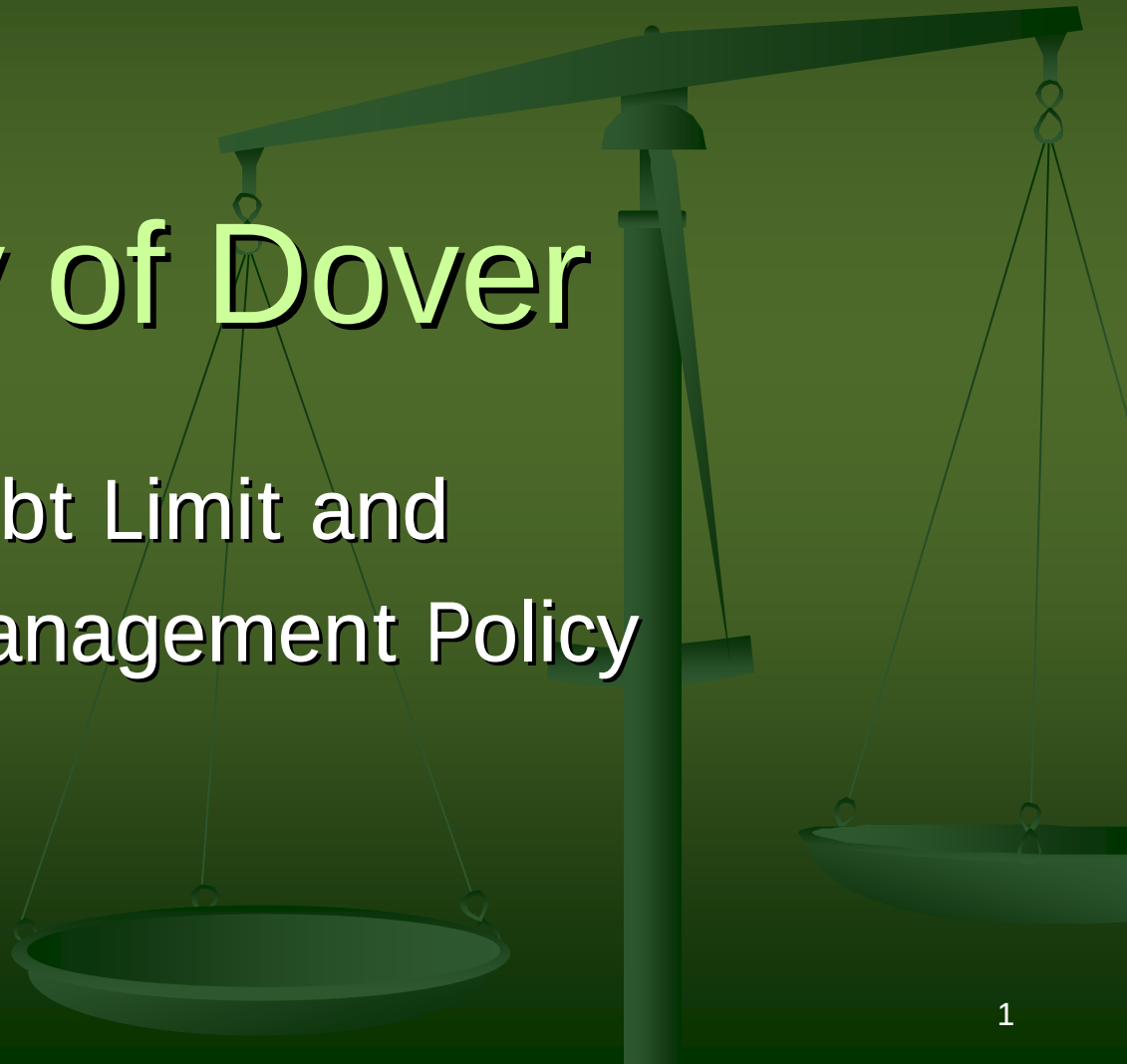
Attachment #1 - Debt Limit and Debt Management Policy Presentation

City of Dover

Debt Limit and
Debt Management Policy



1983

- Charter was changed in 1983, setting the $1,000,000 referendum limit
- How has inflation impacted $1,000,000 since 1983?
- InflationData.com
  - Long term average annual inflation rate from 1913 through 2005 is 3.4%
  - Cumulative inflation January 1983 – December 2005 = 101.23%
  - ($1,000,000 x 101.23%) + $1,000,000 = $2,012,300

Local Communities

Public Hearing & Resolution = All	Referendum	Bond Issuance Vote	Assessed Value Limit	Expenditure Limit
Dover	Yes > $1 million	Super Majority	25%	---
New Castle Cty	No	Super Majority	3%	15%(incl Airport)
Kent County	No	Super Majority	12%	---
Sussex County	No	Super Majority	12%	---
Wilmington	No	Majority	---	17.5%
Newark	Yes	Majority	10%	---
Smyrna	Yes if aggregate > 4.5% of value	Super Majority	12%	---
Milford	Yes	Majority	4.5%	---
Seaford	Yes	Majority	25%	---
Laurel	Yes > $5 million	Majority	50%	---
Lewes	Yes	Majority	25%	---
Rehoboth Beach	Yes > $2 million	Majority	25%	---

Other Local Debt Policies

- State of Delaware
  - Prohibited to issue new debt greater than 5% of budget
  - Annual debt repayments cannot exceed 25% of available cash balances
  - 10 year trend of debt to revenues & expenditures = 3.5%
- New Castle County
  - Debt Margin not to exceed 3% of assessed value
  - Debt shall not exceed $250 per capita
  - 60% debt principal to be retired in 10 years
  - Overlapping debt per capita shall not exceed $935

Referendum

- Policy decision
- How much input you would like from the public
- Provides a system of checks and balances in how much debt burden the community is willing to accept
- Debt Management Policy with conservative elements will serve to provide a system of checks and balances

Debt Management Policies

- Purpose to ensure fiscal prudence and continuity while maintaining long-term financial security. To codify the amount of debt service and overall debt allowed help ensure that outstanding and planned debt levels do not exceed an amount that can be supported by the existing and projected revenue base.
- Develop a policy that can be realistically adhered to rather than a more stringent policy that is likely to be overridden or violated.
- Reasons –
  - Debt policies transmit a message to investors and rating agencies that a community is committed to sound financial management
  - Debt policies can provide consistency and continuity to public policy development
  - Provides a set of guidelines to govern planning and execution of transactions and projects

Conditions for Debt Issuance

- Purpose & Uses – i.e. bond proceeds should be limited to financing the costs of planning, design, land acquisition, buildings, permanent structures, and attached fixtures or equipment.
- Types of Debt – general obligation bonds, revenue bonds, lease/purchase agreements, etc...
- Project life – economic value lasting more than a fixed number of years
- Refunding policies – when advantageous to reduce interest cost or remove a burdensome or restrictive covenant

Common Restrictions or Limitations

- Prohibited uses – projects as part of the operating budget and infrastructure that receive a majority of funding from fees and charges are generally not appropriate
- Size of issuance – policy limitations on the size of issuance
- Limitations on maturity – (a) maturity of debt cannot exceed expected life of asset and/or (b) debt repayments accelerated to pay over 50% in 7 – 10 years
- Statutory limitations

Common Statutory Limitations

- Legally authorized debt limits
- Tax or expenditure ceilings
- Referendum approval – usually associated with General Obligation Bonds
- Inclusion of pension/benefit liabilities in calculating authorized debt limits
- Overlapping debt restrictions
  - i.e. City/County/School tax aggregate limitations

Debt Service Limitations

- Affordability – what is our capacity for debt
- Rating agencies have established favored targets
- Benchmarking to compare to other local jurisdictions
- Sample capacity limitations
  - Debt service expenditures as a percent of revenues
  - Per capita limitations incorporates concept of ability to pay - wealthier communities can manage larger debt burdens; reveals total amount of debt per community resident; demographics
  - Expenditure limitations which put a cap on debt service as a percentage of total expenditures
  - Market or Assessed Value Limitations – limit the total amount outstanding to a percentage of market or assessed value of taxable property (usually wise to evaluate periodically due to changes in market conditions)

Other Policy Elements

- Establishment of debt service funds
- Credit enhancements – insurance or letters of credit
- Investment of bond proceeds – whom, where, and how; restrictions;
- Investment & financial advisors – procurement of services
- Sale of bond process – competitively or negotiated
- Bond rating goals, disclosure, and intergovernmental cooperation
- Rating agency relations

Fitch Ratings

- Main element – debt affordability
- Tied to capital improvement plan
- Targets that measure debt against financial and economic indicators
- Viewed in the context of overall risk profile, focusing on area wealth as evidence by income levels and property tax base
- Most common targets
  - Debt as a % of market value of property – Typical policies limit 2% - 5% of market value
  - Debt per capita – Typical $200 - $1,300 per capita
  - Debt service as a % of revenues/expenditures – Typical 8% - 12%
  - Principal amortization rates – 50% or more in 10 years

Fitch Ratings

- Favored key elements of policies across the nation
  - Fairfax County, VA – Annual debt issuance limit – less than 10% of general fund expenses & 3% of market value of property. Budget highlights compliance over a 10 year trend
  - Pasadena, CA – Comprehensive policy incorporating capital planning
  - Boston, MA – Conservative debt management targets and analysis of projected compliance, i.e. 7% of general fund expenditures
  - Tempe, AZ – A dedicated minimum level of pay-as-you-go financing (5% of CIP), as well as specific affordability goals that include all tax supported debt. i.e. debt per capita $700 - $800, debt to market value 1.1% - 1.25%
  - Sedgwick County, KS – Inclusion all direct, overlapping, and underlying debt in ratio calculations

Affordability

- Most important element
- Consideration of current revenues, risk of loss of any one revenue source, and community economics
- Which revenues carry less risk of loss and therefore available for debt service payments
- Taxes, licenses, fees, fines, & transfers from other funds

City of Dover
Current Outstanding Debt – 6/30/05

- Comprehensive Annual Financial Report
  - Notes to Financial Statements – page 68 through page 73
    - Bonded Indebtedness
      - General Obligation - $3,475,000 ($335,000 due 7/1/05)
      - Water/Wastewater Revenue - $8,429,336 ($1,376,271 due 7/1/05)
      - Electric Revenue - $22,535,000 ($1,855,000 due 7/1/05)

City of Dover
Current Measures – 6/30/05

- Comprehensive Annual Financial Report
  - Statistical Section – pages 135 – 141
  - General Obligation Bonds
    - Overlapping debt – City/County/Capital School District = $22,235,217
    - Debt service ratio to General Fund Expenditures – Last ten years – highest 5.12% in 1997, lowest 1.58% in 2005;
    - Debt per capita = $108.45 (Population 32,043 last Census)
    - Ratio of bonded debt to market (assessed) value = .20%
    - Debt margin – Debt limit less current outstanding bonded debt
      - Based on prior assessed values of $1,764,347,700
      - Limit 25% of assessed value
      - Current bonded debt $3,475,000
      - Debt margin = $437,611,925

General Fund

- Current receipts from taxes, licenses, frees and transfers - $25,049,921
- Not included are receipts that are specifically for operating expenses, one time receipts, grants, and beginning budget balance (i.e. police extra duty, homeland security grants, & sale of land)
- Operating Expenditures - $23,546,699
- Not included are debt service, reimbursed expenses, homeland security grant expenses, and budget balance
- Additional receipts over budget to cover debt service, OPEB, and transfers to other accounts (i.e. capital project reserve) - $1,503,222
- OPEB Presentation on 1/9/06 indicated the General Fund impact would be $1,539,864

General Fund

- Current debt service $400,000 - $500,000
- Drops to $328,000 in 2010
- Every $1 million issued in bonds approximates $110,000 in annual debt service
- Property tax increase to finance the additional debt service on $1 million would approximate $.0047; a $.01 increase approximates $233,715

Recommendation

- Debt Management Policy
  - Incorporate capital planning and affordability analysis to determine if current revenues can support additional debt or if rate/fee increases will be necessary or if there is a potential additional revenue source
  - Debt service financed through taxes and rates of those who benefit from the project
  - Conservative policy elements
    - General Obligation aggregate indebtedness - 1% of assessed/market value = $23,371,450 (already in Charter Section 50(c)(i))
    - G.O. Bonded Debt per capita = $700 - $800
    - Annual debt service - 7% of non-one time revenues, less reimbursements (would provide specific list) = $1,753,495
    - Sinking fund requirements – i.e. maximum debt service
    - If you would like to keep some type of referendum requirement – Additional debt service equates to a property tax rate increase greater than 10% (At current values = $.033 rate = $771,258 in receipts towards debt service payments of $770,000 or $7 million bonded indebtedness)

Questions or Comments

2005 CHARTER REVIEW COMMITTEE

The 2005 Charter Review Committee met on April 20, 2006, at 7:00 p.m. with Chairman Leary presiding. Members present were Mrs. Malone, Mr. Jones, and Mrs. Greenwood. Mrs. Merritt, Mr. Scheller, Dr. Miller and Mr. Christiansen were absent. Mrs. McDowell was also present.

This meeting was scheduled to discuss the information presented on Instant Runoff Voting in a joint meeting of members of City Council, the 2005 Charter Review Committee, and the City of Dover Election Board held earlier in the evening.

Due to the lack of a quorum, no discussion was held and with no further business to be discussed, the meeting was adjourned.

Meeting Adjourned at 7:15 P.M.

Respectfully submitted,

Thomas J. Leary
Chairman

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2005 CHARTER REVIEW COMMITTEE

The 2005 Charter Review Committee met on May 11, 2006, at 7:00 p.m. with Chairman Leary presiding. Members present were Mr. Christiansen, Mrs. Greenwood, Mr. Jones, and Mr. Scheller. Mrs. Malone, Dr. Miller, and Mrs. Merritt were absent. Mrs. McDowell was also present.

AGENDA ADDITIONS/DELETIONS

Mr. Leary requested that the agenda items be reversed, since members of City Staff are present for the discussion of item #2.

Mr. Jones moved for approval of the agenda, as amended, seconded by Mr. Christiansen and unanimously carried.

CHARTER REVIEW - ARTICLE IV

Members reviewed the following Sections of Article IV of the City Charter, as follows:

Sections 47, 49, 49A, and 50

Mr. Donald Capuano, City Assessor, reviewed Sections 47, 49, 49A, and 50 with members.

It was noted that there is a need to simply update the wording in these sections (i.e. Charter mentions trolley polls, but no mention of cell towers). Responding to Mr. Leary, Mr. Capuano stated that ideally, in-house reevaluations should be accomplished annually for residential properties and on a contract basis every so often for commercial properties. He explained that the biggest equity dispute is for residential property. He felt that the in-house reevaluations could be accomplished by the City Assessor's Office if staffed properly. Mr. Capuano suggested that the Charter include language that would allow for an equalization study to be accomplished. The City Council would then make decisions once the study is submitted.

Mr. Capuano also advised members of property that has been "missed", explaining that there are situations where there was a building permit issued and finalized and the property has not been included in the assessment. He explained that other jurisdictions have a declaration of value form that helps prevent this type of situation from occurring. He also felt that there should be an omitted assessment clause that would allow for the City to collect previous year taxes when and if the property has not been included in the assessment for some reason.

Concurring, members suggested that the omission clause provide a limit on the time allowed for collection of the taxes for previous years, such as three (3) years for residential and five (5) years for commercial properties.

After much discussion and review, Mr. Leary requested that Mr. Capuano provide members with updated language for Section 47 of the City Charter, and background information, as well as other recommended amendments to the various Sections of the City Charter involving tax assessment to be submitted to members for their review and consideration.

It was noted that Section 50 was considered during their meeting of April 13, 2006 and that the recommendation would be forwarded to the Legislative, Finance, and Administration Committee for consideration. Responding to Mrs. Greenwood, Mrs. McDowell indicated that the committee's recommendation on Section 50 has been scheduled to be considered by the Legislative, Finance, and

Administration Committee during their meeting of June 12, 2006 for their review and recommendation to City Council.

Mr. Christiansen reminded members that he was not in attendance during the committee's deliberation on Section 50 and for the record, it was his opinion that the Debt Limit should remain at its current level. He explained that there are other governmental bodies, school boards, etc. that attempt to circumvent the publics' rights. Feeling that it is imperative that the public be kept a part and partial of such events, Mr. Christiansen suggested that the $1M limit was set to force Council to act in a fiscally responsible manner and receptive to the needs of its citizens.

Being a minority on this vote, Mrs. Greenwood indicated that there were only three (3) members, out of a membership of eight (8), that voted in favor of changing the limit to "no more that 1/4 of 1% of total assessed value of real property", which would equate to approximately $4.5M to $5M.

There being no objections, Chairman Leary declared the meeting recessed at 8:11 p.m. and reconvened the meeting at 8:15 p.m.

Sections 42, 43, 44, 45, 46, and 48

Mr. Leary noted that the Treasurer/Finance Director has suggested that Section 44 be moved to Article III, under the City Manager. There were no objections by members for this amendment.

DISCUSSION - INSTANT RUNOFF VOTING PRESENTATION OF APRIL 20, 2006

Mr. Leary reminded members that there was a joint meeting of the City Council, 2005 Charter Review Committee, and Election Board held on April 20, 2006 for a Presentation on Instant Runoff Voting. He stated that it has been tradition that, when there are more than two (2) candidates, individuals are elected by a plurality vote, which in some cases could reflect less than 50% of the voters.

Mr. Jones moved that the City Charter continue to reflect simple plurality requirement for elections, seconded by Mrs. Greenwood and unanimously carried.

Mr. Leary noted that the City Solicitor is unable to attend the committee meeting scheduled for May 18, 2006 at 7:00 p.m. and that he is attempting to schedule a meeting for June 12, 2006. After discussing this matter, members suggested that during the May 18, 2006 meeting, members should continue their review of the City Charter.

Mr. Jones moved for adjournment, seconded by Mrs. Greenwood and unanimously carried.

Meeting Adjourned at 8:40 P.M.

Respectfully submitted,

Thomas J. Leary, Chairman

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2005 CHARTER REVIEW COMMITTEE

The 2005 Charter Review Committee met on May 18, 2006, at 7:20 p.m. with Chairman Leary presiding. Members present were Mr. Christiansen, Mrs. Greenwood, Mrs. Merritt and Mr. Scheller. Mrs. Malone, Dr. Miller, and Mr. Jones were absent. Mrs. McDowell was also present.

AGENDA ADDITIONS/DELETIONS

There being no objections, the agenda was approved as presented.

CHARTER REVIEW - ARTICLE I

Members reviewed the following Sections of Article I of the City Charter, as follows:

Sections 1, and 1A

After reviewing Sections 1 and 1A, of the City Charter, the following recommendations were made by members:

The first paragraph of Section 1A should include publication on the City's Website.

Members requested a legal clarification of the meaning of the second to the last sentence in paragraph three (3) of Section 1A, which reads *"Life tenants shall be entitled to one vote each but the holders of the remainder interest or similar interest subject to the life estate shall not be entitled to vote."*

Referring to the fifth paragraph of Section 1A, members suggested that polls be open for 8:30 a.m. to 5:00 p.m. rather than 11:00 a.m. to 8:00 p.m.

It was also suggested that there be a provision allowing for absentee ballots in Section 1A.

Mrs. McDowell explained the process involved with the annexation of property, including the assignment of a zoning classification. Since the City can only zone property that is within the corporate limits, property is first annexed and then a zoning classification is assigned. She advised members that there are occasions when a zoning classification is not beneficial for the applicant requesting annexation and therefore, would need to withdrawal the request for annexation, based on a recommendation for zoning classification from the Planning Commission (since Council would not consider the Planning Commission's recommendation until after annexation has been approved). Although Council would not necessarily approve the zoning classification recommended by the Planning Commission, an applicant would not know the results until after annexation of the property occurred.

Mrs. McDowell provided members with information from other municipalities (example provided from the City of Harrington and Milford) that provide for other means of annexing property, such as by petition or agreement, which could save the City and applicants time and money from being required to hold annexation referendums. It was noted that the example provided from Harrington also includes a provision to provide the zoning classification for the property proposed for annexation.

With regards to the zoning classification provided in Annexation Agreements, members felt that if the City were to allow for such agreements, the process involving the Planning Commission's review and recommendation for zoning should not be circumvented.

There was also discussion regarding annexation agreements becoming null and void after an expiration date (example provided indicated seven years).

> Members suggested that the concept of the annexation agreement, particularly the reversion paragraph, be referred to the City Planner and City Clerk for their review and recommendation.

Section 2

After reviewing Section 2 of the City Charter, members felt that this section was very liberal in the condemnation of property and suggested that additional information be provided on the language (why terminology). Members suggested that any act included in Section 2 require a 3/4 vote of Council.

Section 3

It was noted that the last paragraph of Section 3 appears to be displaced and should be repositioned to a more appropriate Section within the Charter.

Mr. Leary noted that the City Solicitor is scheduled to provide an overview of the 1988 Consent Decree to members during their meeting of June 15, 2006. The committee's next regular meeting is scheduled for June 1, 2006.

Mrs. Greenwood moved for adjournment, seconded by Mrs. Merritt and unanimously carried.

Meeting Adjourned at 8:43 P.M.

Respectfully submitted,

Thomas J. Leary, Chairman

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2005 CHARTER REVIEW COMMITTEE

The 2005 Charter Review Committee met on June 1, 2006, at 7:26 p.m. with Chairman Leary presiding. Members present were Mrs. Greenwood, Mrs. Merritt, and Dr. Miller. Mr. Christiansen (resigned, submitted letter of resignation), Mrs. Malone, Mr. Jones and Mr. Scheller were absent. Mrs. McDowell was also present.

AGENDA ADDITIONS/DELETIONS

Mr. Leary requested the addition of item #A-1 - Correspondence from Robin Christiansen. He also requested that items #1-A - Section 4 and #1-B - Section 5 be deferred until all members of the committee are present.

Dr. Miller moved for approval of the agenda, as amended, seconded by Mrs. Merritt and unanimously carried.

CORRESPONDENCE - ROBIN R. CHRISTIANSEN

Mr. Leary read a letter of resignation received from Robin R. Christiansen (***Attachment #1***) into the record. He requested that if any member has a suggestion for his replacement, that they notify him as soon as possible so that he can request the City Council to fulfill this vacancy.

Mrs. Greenwood moved for acceptance of the letter of resignation from Robin Christiansen, seconded by Dr. Miller and unanimously carried.

CHARTER REVIEW - ARTICLE II

Members reviewed the following Sections of Article II of the City Charter, as follows:

Sections 6, 8, 9, 11, and 12

After reviewing Sections 6, 8, 9, 11, and 12, of the City Charter, members did not recommend any changes. Mr. Leary noted that the General Assembly is currently considering legislation to amend Title 15 of the Delaware Code that will most likely cause further review of Section 8 of the City Charter for possible amendments.

Sections 7, 10, and 13

After reviewing Sections 7, 10, and 13, of the City Charter, the following recommendations were made by members:

Members had previously recommended that Section 7 be moved to the Dover Code.

Referring to the fifth paragraph of Section 10, members felt that the third word "may" should be replaced with "shall". It was also suggested that the gender language in this paragraph be corrected to reflect non-gender. Mr. Leary advised members that more detailed requirements of Council regarding their voting on issues is included in Section 30, Code of Conduct, of the Dover Code.

Regarding Section 13, members questioned what would constitute "moral turpitude" and requested that the City Solicitor provide new language to better clarify its intended meaning.

Sections 14 and 15

After discussing Sections 14 and 15 at length, it was the consensus of members that Sections 14 and 15 be deferred to be discussed along with Sections 4 and 5.

Mrs. Greenwood moved for adjournment, seconded by Dr. Miller and unanimously carried.

Meeting Adjourned at 8:38 P.M.

Respectfully submitted,

Thomas J. Leary, Chairman

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Attachment - Letter of Resignation Dated May 25, 2006 Submitted by Robin Christiansen

ROBIN R. CHRISTIANSEN
714 CAROL STREET
DOVER, DELAWARE 19904

MAY 25, 2006

MR. THOMAS LEARY
CHAIRMAN
CHARTER REVIEW COMMITTEE 2005
CITY of DOVER
DOVER, DELAWARE 19903

DEAR MR. LEARY, Tom

PLEASE ACCEPT THIS LETTER AS FORMAL NOTIFICATION OF MY RESIGNATION FROM THE CHARTER REVIEW COMMITTEE 2005 EFFECTIVE JUNE 1st 2006. IT HAS BEEN AN HONOR TO HAVE BEEN APPOINTED TO THE COMMITTEE, AND TO HAVE HAD THE OPPORTUNITY TO WORK WITH YOU AND THE OTHER DISTINGUISHED MEMBERS OF THIS MOST IMPORTANT BODY.

HOWEVER, WITH THE RESIGNATION OF COUNCILMAN ROBERT RITTER, I HAVE BEEN ENCOURAGED BY FRIENDS AND NEIGHBORS TO SEEK THAT OFFICE AND FULLFILL THE REMAINDER OF HIS UNEXPIRED TERM OF OFFICE. I FIRMLY BELIEVE IN THE WORK OF THE CHARTER REVIEW COMMITTEE, BUT I BELIEVE THAT IT WOULD BE UNFAIR TO PARTICIPATE IN IT'S FUTURE DELIBERATIONS AS AN ACTIVE CANTIDATE FOR ELECTIVE OFFICE. I WOULD NOT WANT ANY DISTRACTION OR QUESTIONING OF INTENTIONS REGARDING THIS MOST IMPORTANT TASK PERCIEVED OR IMPLIED.

I WILL CONTINUE TO ENTHUSIASTICALLY SUPPORT THE EFFORTS OF YOU AND THE MEMBERS OF YOUR COMMITTEE. I LOOK FORWARD TO THE FINAL REPORT MAPPING THE FUTURE OF OUR CITY AND HER CITIZENS.

AGAIN, I THANK YOU FOR THE OPPORTUNITY TO SERVE,
YOURS FOR A BETTER DOVER,

Robin R. Christiansen

ROBIN R. CHRISTIANSEN

2005 CHARTER REVIEW COMMITTEE

The 2005 Charter Review Committee met on June 15, 2006, at 7:05 p.m. with Chairman Leary presiding. Members present were Mrs. Greenwood, Dr. Miller, Mr. Jones, and Mr. Scheller. Mrs. Malone and Mrs. Merritt were absent. Mrs. McDowell was also present.

AGENDA ADDITIONS/DELETIONS

Dr. Miller moved for approval of the agenda, seconded by Mr. Jones and unanimously carried.

Discussion - Overview of 1988 Consent Decree by Deputy City Solicitor Pepper

Deputy City Solicitor Pepper advised members that in 1985, the City of Dover Council consisted of eight (8) members and although they had to reside within their district, they were elected at large. Meetings of City Council were presided over by the Mayor. In 1985, the Central Delaware Branch of the NAACP filed suit against the City challenging the at-large election system as a violation of the Voting Rights Act. The City defended the case until the decision by the U.S. Supreme Court in Thorton vs. Jingles, which made the City's defense of the case untenable. Therefore, the City entered into negotiations to resolve the matter which resulted in the 1988 Consent Decree.

Deputy City Solicitor Pepper explained that the Decree required a new district election system, created a minority district with at least 65% black population, established one (1) member of Council to be elected at-large, and created a Council President/Vice-Mayor, who would be responsible for presiding over Council Meetings. He noted that the Mayor retained veto power.

Deputy City Solicitor Pepper stated that the Consent Decree is a judgement of the court. He advised members that the Decree can be modified if the City can establish significant change in circumstances or facts of the law. In order to meet the 65% black population requirement, he stated that the population of the Fourth Council District is much less than that of the other districts, which may not be in compliance with the "one-man, one-vote" law. Deputy City Solicitor Pepper stated that this issue will only become more difficult after the 2010 Census and suggested that it may be necessary to change the number of districts, such as creating eight (8) Council Districts with one (1) member elected, rather than four (4) Council Districts with two (2) members elected. Although the Decree can be modified, it governs the City's conduct today. The City cannot unilaterally, without going to court and obtaining modification, change the number of districts, elections being conducted by district, who serves as the presiding officer, the number of council members, etc.

Responding to Mr. Leary, Deputy City Solicitor Pepper stated that the City would be required to file a Motion with the District Court for Modification of the Consent Decree. He reminded members that the City would be required to show significant change in a factual and/or legal situation.

In response to Mr. Jones, Mr. Leary stated that since the City Charter is impacted by the Consent Decree, it was his opinion that if it was determined that it would be impossible to have a change made to the Consent Decree, there would be no purpose for members to take the time to review those items contained in the City Charter. However, if members chose, they could review these sections of the Charter, make recommendations, and then when presented to Council, it would be their decision as to whether or not the changes warrant pursuing a request to the court for a modification.

Members thanked Deputy City Solicitor Pepper for taking the time to meet with them and provide the overview of the Consent Decree.

Mr. Jones moved to adjourn, seconded by Dr. Miller and unanimously carried.

Meeting adjourned at 7:40 P.M.

Respectfully submitted,

Thomas J. Leary, Chairman

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2005 CHARTER REVIEW COMMITTEE

The 2005 Charter Review Committee met on July 6, 2006, at 7:17 p.m. with Chairman Leary presiding. Members present were Mrs. Greenwood, Mrs. Malone, Dr. Miller, Mr. Scheller, and Mrs. Merritt. Mr. Jones was absent. Mrs. McDowell was also present.

AGENDA ADDITIONS/DELETIONS

Dr. Miller moved for approval of the agenda, seconded by Mrs. Merritt and unanimously carried.

Discussion of Presentation by Deputy City Solicitor Pepper on the Consent Decree

Mr. Leary reminded members that during their meeting of June 15, 2006, Deputy City Solicitor Pepper provided an overview of the 1988 Consent Decree. Mr. Leary questioned if members wish to review those Sections of the City Charter that are impacted by the Consent Decree.

Mrs. Greenwood stated that it was her understanding that there are specific areas of the Charter that cannot be amended until there is a change made to the Consent Decree; therefore, she questioned why members would take time to consider any amendments.

Responding, Mr. Leary explained that if it is the desire of the committee, members can review and make recommendations to Council; however, any changes to those Sections that are impacted by the Consent Decree would require the City to file a modification with the courts prior to making any amendments. He stated that if members chose, they could review these sections of the Charter, make recommendations, and then when presented to Council, it would be their decision as to whether or not the changes warrant pursuing a request to the court for a modification to the Consent Decree.

Based on the comments from Deputy City Solicitor Pepper during the June 15, 2006 meeting, Mr. Scheller felt that at this time, there is little probability of any change being approved to the Consent Decree. He questioned if it would be appropriate for members to submit a consideration for review in the future, rather than a recommendation, of increasing the number of Council Districts from four (4) to eight (8).

Mr. Leary reminded members that the Deputy City Solicitor explained that the facts as developed in the Consent Decree would have to have changed substantially in order to be a reason to consider amending the Consent Decree. Since the black population continues to disperse throughout the city and it is becoming more and more difficult to obtain 65% black voters within one (1) district, given that there are a total of four (4) districts of Council, it was his opinion that when Council attempts to redraw the Council Districts after the 2010 Census, those difficulties will probably be encountered and it will be necessary to consider taking some action in order to maintain compliance.

Mr. Leary noted that although parts of certain Sections of the Charter are mandated by the Consent Decree, there are other parts of these Sections that could be amended (i.e. Council-Manager or Strong Mayor form of government). As an example, he stated that the Charter currently gives the Mayor the right to veto which is not addressed in the Consent Decree; therefore, this is an issue that members could consider for formulating a recommendation for an amendment.

It was the consensus of members that the City would need to consider changing the number of voting districts in the future (after the 2010 Census); however, they did not wish to make any suggestions regarding issues involving the Consent Decree at this time.

Form of Government

Members reviewed information provided entitled *Council-Manager or "Strong-Mayor"* produced by the California City Management Foundation (***Attachment #1***) as well as information from the National League of Cities entitled *About Cities: Forms of Municipal Government* (***Attachment #2***).

Mrs. Merritt moved to suspend the rules to allow former Mayor Hutchison to address members of the committee, seconded by Mr. Scheller and unanimously carried.

Former Mayor Hutchison advised members that he is a strong believer in the Council-Manager/Strong-Mayor form of government. Regarding concerns for protection of the City Manager, Mr. Hutchison stated that language could be included that would require the dismissal of a City Manager to be based on just cause and approval of Council by majority vote. He felt that it is critical that Mayor and Council work together and currently, for the City of Dover, there is a clear separation between these two offices.

Responding to Mr. Leary, Mr. Hutchison stated that there would be certain employees that would report directly to the Mayor rather than the City Manager, such as the Treasurer/Finance Director. He also relayed his support for four (4) year terms and felt that there should be a means, such as recall, for voters to dismiss anyone prior to their term if there is cause.

There being no objections, the meeting was recessed at 7:23 p.m. and reconvened at 7:30 p.m.

By a show of hands, Mr. Leary noted that three (3) members felt that there should be a change to the form of government, that being a Mayor-Council, with the Mayor having strong powers (as defined in the *Council-Manager or "Strong-Mayor"* document provided to members. There were two (2) members that felt that the City should have a Council-Manager form of government.

By a show of hands, Mr. Leary noted that three (3) members felt that the term of office for the Mayor should be increased to four (4) years and that there should be a recall provision included.

Responding to Mrs. Merritt, Mr. Leary clarified that members can submit recommendations to City Council that would amend Sections of the Charter that are impacted by the Consent Decree. He explained that although there may be issues that cannot be changed at this time, he suggested that the recommendation would be presented to Council for consideration at this time for making the amendments when and if the Consent Decree is amended.

Mr. Leary stated that he will talk with the Council President and the Mayor to determine the City's position on re-opening negotiations with the NAACP for amending the Consent Decree and report back to members of the committee.

In response to Mrs. Merritt, Mr. Leary stated that it was his understanding that if there is no agreement between the NAACP and the City and the City wished to pursue amending the Consent Decree, there would be legal fees involved.

Mr. Leary distributed a letter from Mr. DePrima, providing information regarding a request of Senator Still for consideration of the establishment of a Compensation Commission who would have the objective of making recommendations regarding salaries for the Mayor, City Council and paid members of City committees and commissions. He stated that this will be an issue to be discussed by members at their next meeting scheduled to be held on July 20, 2006 at 7:00 p.m.

Mrs. Merritt moved for adjournment, seconded by Mr. Scheller and unanimously carried.

Meeting Adjourned at 8:51 P.M.

Respectfully submitted,

Thomas J. Leary, Chairman

TJL/tm/jg
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Attachments
Attachment #1 - Council-Manager or "Strong-Mayor"
Attachment #2 - About Cities: Forms of Municipal Government

COUNCIL-MANAGER OR "STRONG MAYOR"

The Choice is Clear

Learn the Facts About Council-Manager Government

Everyone wants strong political leadership—neighborhoods, civic leaders, and the business community included. And today's complex communities cannot succeed without the guidance of effective mayors who provide a sense of direction and contribute to the smooth functioning of a local government.

But communities also need thoughtful, dedicated council members, who work with the mayor to establish appropriate policy, and competent, professional managers to carry out those policies. None of the three are mutually exclusive; they can and do work together today in many of the country's successful council-manager communities.

Today council-manager government is the fastest growing form of government in the United States; it frees up the elected body to establish policy, which is carried out by an appointed manager and an administrative staff. The manager is accountable to the entire council for the satisfactory implementation of council policy and the day-to-day administration of municipal affairs.

There are compelling reasons why many of the nation's most successful cities and towns have adopted council-manager government rather than the "strong-mayor" form. Council-manager government encourages neighborhood input into the political process, diffuses the power of special interests, and eliminates partisan politics from municipal hiring, firing, and contracting decisions.

People who take time to learn the facts about council-manager government are likely to join the ranks of those who favor this popular form. Consider the following when deciding which form of government is best for your community:

Neighborhoods Strengthen Their Voice

The council-manager form encourages open communication between citizens and their government. Under this form, each member of the governing body has an equal voice in policy development and administrative oversight. This gives neighborhoods and diverse groups a greater opportunity to influence policy.

Under the "strong mayor" form, political power is concentrated in the mayor, which means that other members of the elected body relinquish at least some of their policy-making power and influence. This loss of decision-making power among council members can have a chilling effect on the voices of neighborhoods and city residents.

The Power of Special Interests is Diffused

Under the council-manager form of government, involvement of the entire elected body ensures a more balanced approach to community decision making, so that all interests can be expressed and heard—not just those that are well funded. Under the "strong mayor" form, however, it's easier for special interests to use money and political power to influence a single elected official, rather than having to secure a majority of the city council's support for their agenda.

Merit-Based Decision Making Vs. Partisan Politics

Under council-manager government, qualifications and performance—and not skillful navigation of the political election process—are the criteria the elected body uses to select a professional manager. The professional manager, in turn, uses his or her education, experience, and training to select department heads and other key managers to oversee the efficient delivery of services. In this way, council-manager government maintains critical checks and balances to ensure accountability at city hall.

Functioning much like a business organization's chief executive officer, the appointed professional manager administers the daily operations of the community. Through a professional staff, the manager ensures the effective provision of services and enforces the policies adopted by the elected body. He or she, in turn, uses merit as the leading criterion for making all hiring and personnel decisions.

Appointed local government managers have no guaranteed term of office or tenure. They can be dismissed by the council at any time, for any reason. As a result, they constantly must respond to citizens and be dedicated to the highest ideals of honesty, integrity, and excellence in the management and delivery of public services.

Under the "strong mayor" form of government, the day-to-day management of community operations shifts to the mayor, who often lacks the appropriate training, education, and experience in municipal administration and finance to oversee the delivery of essential community services. Also, under the "strong mayor" form, the temptation is strong to make decisions regarding the hiring and firing of key department head positions—such as the police chief, public works director, and finance director—based on the applicant's political support rather than his or her professional qualifications.

Many Successful Cities Use Council-Manager Government

Council-manager government works. It balances diverse interests, responds quickly to challenges, and brings the community together to resolve even the toughest issues.

Currently, more than 75.5 million Americans live in council-manager communities, and the system continues to flourish. This form of government is used by thousands of small, medium, and large jurisdictions, including San Antonio, Texas; San Diego, Sacramento, and San Jose, California; and Phoenix, Arizona. Consider these examples:

History Argues for the Council-Manager Form of Government

Approximately 90 years old, the council-manager form of government has proven its adaptability; today it is the most popular choice of structure among U.S. communities with populations of 2,500 or greater. During the past dozen years, for example, an average of 44 U.S. cities annually have adopted the council-manager form, while an average of only two per year have abandoned it.

Council-manager government, however, was not always an option. In the late 19th and early 20th centuries, there was widespread corruption, graft, and nepotism among U.S. cities. The stories of New York City's Tammany Hall and Kansas City's Pendergrast machine are only two examples of the misuse of local government power during this time.

By the early 20th century, reformers were looking for ways to return control of municipal government to citizens. Those reformers advocated the council-manager structure of government to eliminate the corruption found in many cities. With its emphasis on professional training and accountability, the council-manager form of government was adopted by a number of cities in the 1920s and 1930s.

San Jose, California (pop. 835,500)
Long viewed as the "capital" of Silicon Valley, San Jose uses the council-manager form of government to successfully manage diverse interests in an environment of rapid residential and commercial growth.

Phoenix, Arizona (pop. 983,392)
In 1993, Phoenix captured the international Bartelsmann Award for being one of the two best managed cities in the world. Today, the city continues to maintain its reputation as a model U.S. community.

Boulder, Colorado (pop. 85,127)
One of the nation's most beautiful and environmentally conscious communities, the city of Boulder successfully balances environmental quality with a vibrant business climate.

Dayton, Ohio (182, 044)
Dayton enhanced the process of involving citizens in community decision making by creating neighborhood-based priority boards to deal with key funding, service, and neighborhood issues.

It took years to diffuse the power entrenched in turn-of-the-century city political machines and special interests. Today, however, citizens throughout the U.S. have resumed control by adopting or retaining council-manager government in their community and enjoying representative democracy at its best.

Prepared by the California City Management Foundation
1998

More Power More Authority
More Money More Special Interests
Greater Chance for Corruption

City of Davis historically has poor Voter Turnout. Just recently 10-12% of Eligible voter Population selected Mayor. Poor Foc, Early Than A Contest

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NATIONAL LEAGUE OF CITIES
Strengthening & promoting cities as centers of opportunity, leadership and governance

November 19, 2005

About Cities : Forms of municipal government

The Constitution of the United States of America does not mention local governments. Local governments are created by and regulated by the states. This means that to speak about cities or other forms of local government in the United States is to speak about fifty different legal and political situations. The states outline the powers of municipal governments in charters.

Historically, there are four forms for municipal government in the United States:

- the mayor-council;
- council-manager;
- commission; and
- town meeting.

A recent survey determined that the predominant forms are:

- Council-Manager form of government with 58%
- Mayor-Council form of government with 38%
- Other form of government with 4% (Including the commission and town meeting)

Recent studies indicate that the distinctions between the mayor-council and the council-manager forms are becoming smaller and smaller. City officials continually change the structure of the municipal government. Those cities with a primarily mayor-council form often adopt features to improve management, while council-manager cities adopt features to increase their political responsiveness, and leadership.

Sources:

DeSantis,Victor S. and Tari Renner. "City Government Structures: an Attempt at Classification" *State and Local Government Review*, vol. 34, no. 2, (Spring 2002).

Barnes, William R. *Forms and Structure of Municipal Government in the United States*, presentation to the Convention of Scottish Local Authorities on October 24, 1991 in Edinburgh, Scotland.

Frederickson, H. George, Curtis Wood, and Brett Logan. "How American City Governments Have Changed: The Evolution of the Model City Charter" *National Civic Review*. vol. 90, no. 1, (2001).

Frederickson, H. George, and Gary Alan Johnson. "The Adapted American City: A Study in Institutional Dynamics." *Urban Affairs Review* vol. 36, no. 6 (July 2001).

National League of Cities. *Choices of the Citizenry: Forms of Municipal Government*. Washington, DC: National League of Cities, May 1989.

Svara, James H. "The Shifting Boundary Between Elected Officials and City Managers in Large Council-Manager Cities" *Public Administration Review*, vol. 59, no. 1 (January-February 1999).

Svara, James H. *Two Decades of Continuity and Change in American City Councils*. commissioned by the National League of Cities, September, 2003.

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NATIONAL LEAGUE OF CITIES
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November 19, 2005

About Cities : The Four Historic Forms of City Government

Mayor-Council

Characteristics include:

- Separation of powers between directly elected mayor and city council
- Mayor has executive powers while council has legislative powers
- Mayor is directly elected to office, often full-time and paid

This form tends to be in older, larger cities, or in very small cities, under 25,000 population. It is most popular in the Mid-Atlantic and Midwestern parts of the US. Depending on the city charter, the mayor could have weak or strong powers. Cities with variations in the mayor-council form of government are:

- Los Angeles, CA;
- Houston, TX;
- Topeka, KS; and
- Minneapolis, MN.

Council-manager

Characteristics include:

- City council oversees the general administration, makes policy, sets budget
- Council hires a city manager to carry out day-to-day administrative operations
- Often the mayor is chosen from among the council on a rotating basis

This form is common in cities of population over 10,000, mainly in the Southeast and Pacific coast areas. Depending on the city charter, the mayor could have weak or strong powers. Some examples are:

- Phoenix, AZ;
- San Diego, CA;
- Salt Lake City, UT; and
- Rockville, MD.

Commission

Characteristics include:

- Voters elect a individual commissioners to a small governing board
- Each commissioner is responsible for one specific aspect, such as fire, police, public works, health, finance
- One commissioner is designated as chairman or mayor, who presides over meetings
- The commission has both a legislative and executive functions

The commission form of city government is the oldest form of government in the US, but exists today in only a few cities, such as:

- Sunrise, FL; and
- Fairview, TN.

Representative Town Meeting

Characteristics include:

- All citizens can attend and participate in town meeting discussion

- Individuals are chosen by the general electorate to represent them in voting
- Each town meeting must be announced with a warrant that provides the date, time, and location of the meeting and specifies the items to be discussed
- The selectmen are responsible for implementing policy

The town meeting is lauded as the purest form of democracy since it allows all voters a say in how the town is run. However, it is quite rare, mainly found in small municipalities in the New England states, such as:

- Bowdoin, ME; and
- Lexington, MA.

Sources:

DeSantis,Victor S. and Tari Renner. "City Government Structures: an Attempt at Classification" *State and Local Government Review*, vol. 34, no. 2, (Spring 2002).

Forms and Structure of Municipal Government in the United States, presentation by William R. Barnes to the Convention of Scottish Local Authorities on October 24, 1991 in Edinburgh, Scotland.

Frederickson, H. George, Curtis Wood, and Brett Logan. "How American City Governments Have Changed: The Evolution of the Model City Charter" *National Civic Review.* vol. 90, no. 1, (2001).

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NATIONAL LEAGUE OF CITIES
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November 19, 2005

About Cities : Powers of the mayor

Cities in the United States are sometimes categorized as having either "weak" and "strong" mayors. Most "strong" mayors are in the mayor-council form of government, and are directly elected by citizens to that office. Most "weak" mayors are mayors in a council-manager form, and are elected by and from the council.

The distinction is in the level of political power and administrative authority provided by the city charter to the mayor. In actual practice, there is no sharp line between "weak" and "strong" mayors. Rather there are continua of authority and power, along which cities are spread.

Yet, it is useful to contrast the differences.

Characteristics of a "weak" mayor:

- **The council is powerful, with both legislative and executive authority**
- **The mayor is not truly the chief executive, with limited power and/or no veto power**
- **The council can prevent the mayor from effectively supervising city administration**
- **There may be many administrative boards and commissions that operate independently from the city government**

Characteristics of a "strong" mayor:

- **The mayor is the chief executive officer, centralizing executive power**
- **The mayor directs the administrative structure, appointing and removing of department heads**
- **While the council has legislative power, the mayor has veto power**
- **The council is relieved of day-to-day administration**

Sources:

DeSantis,Victor S. and Tari Renner. "City Government Structures: an Attempt at Classification" ***State and Local Government Review,*** **vol. 34, no. 2, (Spring 2002).**

Forms and Structure of Municipal Government in the United States, presentation by William R. Barnes to the Convention of Scottish Local Authorities on October 24, 1991 in Edinburgh, Scotland.

Frederickson, H. George, Curtis Wood, and Brett Logan. "How American City Governments Have Changed: The Evolution of the Model City Charter" ***National Civic Review.*** **vol. 90, no. 1, (2001).**

Frederickson, H. George, and Gary Alan Johnson. "The Adapted American City: A Study in Institutional Dynamics." ***Urban Affairs Review*** **vol. 36, no. 6 (July 2001).**

National League of Cities. ***Choices of the Citizenry: Forms of Municipal Government.*** **Washington, DC: National League of Cities, May 1989.**

Svara, James H. "The Shifting Boundary Between Elected Officials and City Managers in Large Council-Manager Cities" ***Public Administration Review,*** **vol. 59, no. 1 (January-February 1999).**

Svara, James H. ***Two Decades of Continuity and Change in American City Councils.*** **commissioned by the National League of Cities, September, 2003.**

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2005 CHARTER REVIEW COMMITTEE

The 2005 Charter Review Committee met on July 20, 2006, at 7:05 p.m. with Acting Chairwoman Malone presiding in the absence of Chairman Leary. Members present were Mrs. Greenwood, Dr. Miller, Mr. Scheller, and Mr. Jones. Mrs. Merritt and Mr. Leary were absent. Mrs. McDowell was also present.

AGENDA ADDITIONS/DELETIONS

Dr. Miller moved for approval of the agenda, seconded by Mr. Scheller and unanimously carried.

Discussion - Creation of a Compensation Commission

Members were provided a request of Senator Still for consideration of the establishment of a Compensation Commission who would have the objective of making recommendations regarding salaries for the Mayor, City Council, and paid members of City committees and commissions. Senator Still advised members that Annapolis, Maryland has a similar commission which meets every two years and suggested that such a commission established by the City Charter for Dover could prove to be very useful to the citizens of Dover.

Members reviewed various aspects for the establishment of a Compensation Commission and utilized the ordinance adopted by the City of Annapolis as a guide and formulated the following recommendations:

A - Recommend establishment of a Compensation Commission to consider compensation for the Council and Mayor;

B - Recommend that the Commission consist of five (5) members, one (1) to be appointed by the Mayor, one (1) by the Council President, three (3) by Council. Members shall be City residents who are registered to vote in City elections. That the Finance Director and Human Resources Director shall serve as ex-officio, non-voting members;

C - Recommend that the appointments be made during the Annual Meeting, with meetings to be held as needed, with a report due to Council six (6) months prior to the election, with one (1) public hearing held prior to their submission of the report to Council;

D - Recommend that members serve two (2) year terms and cannot be re-appointed within the next two (2) years.

E - Recommend including a similar paragraph to Paragraph (3) of Section 4 of the City of Annapolis Code, to read as follows: *"Upon receiving the resolution of the commission, the city council may reduce or reject the commission's recommendation, but it may not increase any item in the resolution. The recommendations contained in the resolution, and any permitted changes to such recommendations, shall not become effective unless adopted by ordinance enacted at least three (3) months prior to the elections of the next succeeding Mayor and Council, and shall take effect only for the next succeeding terms of office of the mayor and Council".*

Dr. Miller moved for approval of the recommendations A through E, as discussed by members. The motion was seconded by Mr. Jones and unanimously carried.

Mrs. Malone noted that the next meeting is scheduled for August 3, 2006 at 7:00 p.m.

Mr. Jones moved for adjournment, seconded by Mr. Scheller and unanimously carried.

Meeting Adjourned at 7:55 P.M.

Respectfully submitted,

Holly Malone, Acting Chairwoman

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2005 CHARTER REVIEW COMMITTEE

The 2005 Charter Review Committee met on September 7, 2006, at 7:12 p.m. with Chairman Leary presiding. Members present were Mrs. Greenwood, Mrs. Malone, Dr. Miller, and Mr. Jones. Mrs. Merritt and Mr. Scheller were absent. Mrs. McDowell was also present.

AGENDA ADDITIONS/DELETIONS

Mr. Leary requested the addition of item #2 - Housekeeping Items.

Dr. Miller moved for approval of the agenda, as amended, seconded by Mrs. Malone and unanimously carried.

CHARTER REVIEW - ARTICLE IV, FINANCIAL AFFAIRS

During their meeting of May 11, 2006, the City Assessor, Mr. Capuano, met with members to review sections of Article IV of the City Charter. Members requested that Mr. Capuano provide members with updated language for Section 47 and background information, as well as other recommended amendments to the various Sections of the City Charter involving tax assessment to be submitted to members for their review and consideration.

Mr. Capuano advised members that during the previous meeting (May 11, 2006), he did not recognize that there are many state laws that regulate issues that he had relayed concern. Therefore, it was not necessary for him to make certain changes, but rather read the state laws and have them implemented. Mr. Capuano submitted recommendations for amending Sections 47 and 49, as follows:

Section 47 - General Assembly Assessment and Levy on Utility Property

Noting that the first paragraph of Section 47 lacked qualifications for the certified independent outside appraiser as well as standards, Mr. Capuano suggested that it be amended to require the appraiser to be certified by the State of Delaware; International Association of Assessing Officers (IAAO) or other Appraisal Organization subject to the Uniform Standards of Professional Appraisal Practices (USPAP).

With regards to the supplemental assessments as indicated in the third paragraph of Section 47, Mr. Capuano suggested that item (1) include "*shall be included with the supplemental/quarterly billing*".

As discussed during the last meeting, Mr. Capuano suggested amending the fifth paragraph of Section 47 by requiring three (3) or more copies (rather than two) and posted in three (3) public places (rather than two). The same would be true for the seventh paragraph, changing two (2) public places to three (3) public places.

Mrs. Greenwood moved to accept the proposed amendments to Section 47 as presented by the City Assessor. The motion was seconded by Dr. Miller and unanimously carried.

Section 49 - Payment and Collection of Taxes; Errors and Delinquents in Assessments

Mr. Capuano advised members that since his tenure (April 2006), he has discovered millions of dollars that have been omitted from the tax rolls. Technically, he, as the City Assessor, cannot assess those properties for years past. He stated that most states have laws that allow for back taxes to be collected for three (3), five (5), or six (6) years.

Members requested that Mr. Capuano provide language to include in the Charter that would allow for the collection of taxes for properties omitted, retro-active to three (3) years, to members for their review.

Housekeeping Items

Mr. Leary reminded members that there are topics that need to be resolved. He noted that the initial charge of the committee, allowed for members to develop a final recommendation to submit to Council in one year, which would be September 2006. In speaking with some members of Council unofficially, he stated that they have indicated their preference of members taking more time and doing a thorough job rather than meeting a deadline.

Mr. Leary noted that members still need to review Section 7 of the City Charter. Mrs. Greenwood reminded members that the committee has been charged with conducting four (4) public hearings and that only one (1) public hearing has been held. She also stated that she would like for members to discuss the Police Department reporting to the Mayor.

Mr. Leary also provided members with a letter (***Attachment #1***) received from Mr. DePrima, City Manager, requesting that members reconsider the "form of government" as was discussed during the committee meeting of July 6, 2006. Mr. DePrima would like for members to allow a guest speaker, Mr. Carl Luft, Town Manager of Newark, to present some perspective on the subject. Mr. Luft is a respected City Manager with over 25 years of experience and was recently endorsed by the N.E. ICMA Chapter President as the leading nominee for the ICMA Board of Directors.

There were no objections from members to grant the request of Mr. DePrima and to schedule a meeting for this discussion.

Mr. Leary suggested the following meeting dates: September 21st, 28th, and October 5th.

Mrs. Malone moved for adjournment, seconded by Dr. Miller and unanimously carried.

Meeting Adjourned at 7:40 P.M.

Respectfully submitted,

Thomas J. Leary, Chairman

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Attachment #1 - Letter from Mr. DePrima, City Manager, Dated September 7, 2006

City of Dover

September 7, 2006

Mr. Thomas J. Leary
Chairman, Charter Review Committee
22 Shinnecock Rd.
Dover, DE 19904

Dear Mr. Leary:

Thank you for updating me on the progress of the Charter Review Committee. I would like to request that the Committee reopen the discussion on "form of government." Unfortunately, I was unable to attend the meeting where this item was discussed.

I noted from our discussion that not all members were present for this very important issue. The vote was three to two in favor of a modified strong mayor form of government. I do realize that as Chairman, you did not vote since there was no tie vote to break.

I would like to come to one of your October meetings to present some perspective on the subject and bring Mr. Carl Luft, Town Manager of Newark, with me. Newark has a more traditional city manager form of government. Carl is a respected city manager with over 25 years of experience. He was recently endorsed by the N.E. ICMA Chapter President as the leading nominee for the ICMA Board of Directors. Carl would be a great resource person for answers to your questions on the traditional city manager form of government.

If you have any questions or concerns, please contact me at 736-7005 or by e-mail at tdeprima@dover.de.us.

Sincerely,

ANTHONY J. DEPRIMA, AICP
City Manager

AJD/clc

cc: Charter Review Committee
Carl Luft

c:/Tony/City Manager/Leary-Form of Govt. Request

2005 CHARTER REVIEW COMMITTEE

The 2005 Charter Review Committee met on September 21, 2006, at 7:00 p.m. with Chairman Leary presiding. Members present were Mrs. Greenwood, Mr. Jones, Mrs. Malone, Mrs. Merritt (arrived at 7:21 p.m.), and Mr. Scheller. Dr. Miller was absent. Mrs. McDowell was also present.

AGENDA ADDITIONS/DELETIONS

Mrs. Malone moved for approval of the agenda, seconded by Mr. Jones and unanimously carried.

ARTICLE II - MAYOR AND COUNCIL, SECTION 7 - NOMINATION PETITIONS FOR CANDIDATES FOR COUNCIL AND MAYOR

During the committee's initial review of the City Charter (meeting of October 20, 2005) and as noted during their meeting of June 1, 2006, members recommended that Section 7 be moved from the City Charter to the City Code.

Mr. Leary stated that depending on the recommendation of members with regards to the election date (Sections 6 and 8), it may be necessary to change the nominating petition requirements and questioned if there was any desire to make any amendments in this regard.

Mrs. Malone advised members that currently, when elected to office, new members are responsible for adopting a budget that has been considered for several months prior to its adoption. She felt that there should be more time allotted for new members to become acclimated with the budget before being required to take action on its adoption.

Responding, Mr. Leary stated that the Consent Decree includes an April election date; however, he reminded members that Council may request an amendment to the Consent Decree. It was his opinion that the committee could make recommendations that, if and when members of Council request such an amendment, certain items be considered for possible amendments.

Mrs. Malone moved to recommend a thorough examination of the election date to provide new members time to review the budget prior to adoption and to increase voter participation, if and when the Consent Decree is negotiated. The motion was seconded by Mr. Jones and unanimously carried.

In reviewing Section 7, there was much discussion regarding the possibility of recommending that a filing fee be instituted or whether the number of signatures on the petition should be increased. It was noted that the filing petition requirements have been in affect for several years and if based on population, it should be increased to reflect a more adequate number to indicate support.

Mrs. Malone moved to amend Section 7 to require "not less than 25 nor more than 50 electors" for city council filing for a district seat and "not less than 100 nor more than 150" for both council at-large and mayor filing petitions. The motion was seconded by Mrs. Merritt and unanimously carried.

DISCUSSION - REVIEW OF CITY CHARTER

Mr. Leary advised members that after meeting with the Council President and the Mayor, there is no objection to the final recommendation from the committee being submitted beyond the one (1) year time period. He also advised members that they are confident that members of Council will be conducting several public hearings and, therefore, the committee is not required to conduct any more public hearings.

Mr. Leary advised members that during the meeting of October 26, 2006, there will be a presentation by Mr. Luft, as requested by Mr. DePrima, City Manager, and considered by members during their September 7, 2006 meeting. After this meeting, he suggested that the committee recess for an indefinite period of time, which will allow the City Clerk's Office to complete all the minutes of the committee meetings, and he can begin formulating a formal written report to be submitted to Council. Once he has completed a draft report, members will reconvene to assure that all members approve the final report prior to its submission to City Council.

Mr. Jones moved for adjournment, seconded by Mrs. Malone and unanimously carried.

Meeting Adjourned at 7:43 P.M.

Respectfully submitted,

Thomas J. Leary, Chairman

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2005 CHARTER REVIEW COMMITTEE

The 2005 Charter Review Committee met on October 26, 2006, at 7:13 p.m. with Chairman Leary presiding. Members present were Mrs. Greenwood, Mr. Jones, Mrs. Malone, Mr. Scheller, and Mrs. Merritt. Dr. Miller was absent. Mrs. McDowell was also present.

AGENDA ADDITIONS/DELETIONS

Mrs. Malone moved for approval of the agenda, seconded by Mr. Scheller and unanimously carried.

DISCUSSION - FORM OF GOVERNMENT - GUEST SPEAKER MR. TOM WONTOREK, CITY MANAGER - CITY OF LEWES, DELAWARE

During their meeting of September 7, 2006, there were no objections from members to grant the request of the City Manager, Mr. DePrima, for members to reconsider the "form of government" and the opportunity to have a guest speaker to provide some perspective on the subject as was discussed during the committee meeting of July 6, 2006.

Mr. DePrima introduced Mr. Thomas Wontorek, City Manager for the City of Lewes, Delaware (*Biography Attached*), who has served as a City Manager for several jurisdictions. He advised members that Mr. Carl Luft, City Manager of Newark, was not able to attend the meeting.

Mr. DePrima briefly reviewed with members his role as the City Manager for the City of Dover. In the City Manager profession, he explained that there is no term of office - "everyday is an election day", because there is an open contract. Typically a City Manager is hired and continues to serve in that capacity until they are dismissed or leave voluntarily.

With regards to the Council relationship, Mr. DePrima stated that he has regular weekly meetings with the Council President and meets with the Standing Committee Chairs once a month (currently only the Legislative, Finance, and Administration and Utility Committee Chairs have elected to do so). There are also meetings held twice each month with the Council President, Mayor, and Chairman of each Standing Committee, that are held specifically to review agendas for their preparation.

Although he does not have regularly scheduled meetings with the Mayor, Mr. DePrima advised members that there is language involving the City's Budget included in the Mayor's job description and he recently participated in the department budget meetings and interacted as part of the budget team.

Mr. DePrima stated that when the Mayor and City Manager do interact it is typically to discuss constituent complaints. He explained that people expect to be able to call their Mayor to submit a complaint. The Mayor takes these constituent issues, as do members of City Council, and then discusses them with him for resolution. He also interacts with the Mayor regarding economic development (recruiting), and legislation affecting the City, since the Mayor serves as liaison to legislators. Mr. DePrima stated that during a state of emergency, the Mayor is in charge and that this particular Mayor has been very active in this regard. Therefore, homeland security is another issue that they discuss on a regular basis. He also advised members that the Mayor's Office is included in the budget and is treated like any other department. Like a department, the Mayor must develop strategic goals, objectives, and programs, which are presented to Council for approval as a part of the annual budget.

For the City of Dover, most department heads report to the City Manager. Mr. DePrima stated that the City Charter is clear that City Council is prohibited from giving direction to an employee of the City Manager. He advised members that recently, he has been given the responsibility of providing oversight to the day to day operations of the Planning and Inspections Department and Tax Assessors Office. He disagreed with the notion that this was done as a result of a personality change. It was his opinion that the reason Council made this change is due to the difficulty to provide proper, regular, daily oversight over employees. Without it, he explained how a department can decline and it not become known until it is at a crisis stage. Mr. DePrima advised members that this is what happened in the Tax Assessors Office with record keeping. He advised members that there was a Planning Director that was not reporting to work, but it was not known to Council until it became a public controversy. Mr. DePrima noted that this would not be the case for an office such as the City Clerk since Council is in constant contact with that office.

Mr. DePrima reiterated that although there are nine (9) members of Council, he does not feel that he works for nine (9) bosses, but rather a Council. He also does not feel there is an issue with micro-managing and that most of the communications with Council is to address constituents' concerns.

Mr. Wontorek advised members that each of the cities he has worked in as the City Manager, it has been a basic Council-Manager Form of Government. In Wisconsin, his title was City Administrator, which appears to be more like what has been described for the City of Dover. He was hired by the Council, which consisted of 16 members, with the Mayor (part-time) presiding over Council meetings, who voted only when there was a tie vote. Within the Council, they elected one of their members to serve as President of the Council, who chaired Committee of the Whole meetings.

Mr. Wontorek stated that generally in the academic structure of what the Council-Manager form of government is, the accountability should be to one (1) elected body and then the various department heads reporting to that executive who then reports to the Council. Until recently, he advised members that, in Lewes, the Mayor was the supervisor of the Police Chief. The Charter has been amended requiring the appointment by and accountability of the Police Chief to the City Manager.

Responding to Mr. Leary, Mr. Wontorek stated that although he has no experience with the Strong-Mayor form of government, he felt that a positive comment from his colleagues that do work under that form would be that the Strong-Mayor is directly accountable to the citizenry and is responsible for the administration of the department rather than having to go through the Council and appointed manager. At the same time, he stated that in speaking with department heads who have worked in a Strong-Mayor form of government, particular those that have partisan elections, are looking to change their employment.

Mr. Wontorek advised members that in every city he has worked for all department heads were accountable to the City Manager, including the Finance Director and City Planner, although the City Planner would receive planning direction from the Planning Commission.

With the Finance Director and Treasurer reporting to the City Manager, Mr. Leary felt that one of the positions should not be responsible to the City Manager to allow for "check and balance" against any possible improprieties. Responding, Mr. Wontorek stated that the Council Members actually have signing authorities on a number of accounts as far as expenditures, approval of checks, etc. There also is an independent outside audit that conducts an audit annually.

Mr. DePrima advised members that at one time, he envied those municipalities whose Finance Director reported directly to their City Manager; however, from his own experience, he advised members that in many ways, he prefers the independent Finance Director. He explained that it is good to have a co-worker who is independent and can give the City Manager a "wake up call", someone who is being absolutely honest and not just saying what the City Manager wants to hear. Personally, he feels that it sometimes has proven to be very beneficial.

In offering his personal opinion regarding the City's current form of government, Mr. DePrima stated that although he is an advocate for the City Manager, it was his opinion that the City's current organization could be stronger. He felt that the Mayor should be the presiding officer to eliminate any need to report to two (2) individuals (Mayor and Council President), because even though he is not responsible to report to the Mayor, out of respect for the position, he feels obligated.

Regarding the recommendation of the Committee for the City Manager reporting to a Strong Mayor, but appointed by the Council, Mr. DePrima felt that it could create confusion since, in essence, there really would be two (2) bosses. The City Manager would be required to work with the Mayor on a daily basis, who he may or may not agree on issues, and then have a Council who may disagree with the Mayor, which would truly place the City Manager in an uncertain position. The beauty of the City-Manager Form of Government is that there is one (1) boss, that being the City Council as a whole, and could work just as well having the City Manager report to the Mayor if he is a part of City Council (as presiding officer of Council). Mr. DePrima indicated his support for the full-time Mayor and felt that the Mayor could take on the added role of coordinating agendas and presiding over Council Meetings. However, he warned members that historically, when there is a full-time Mayor within a jurisdiction whose members are non-partisan, partisan politics typically follow.

Responding to Mrs. Merritt, Mr. DePrima confirmed that his suggestion is that the City Manager would report to the Mayor as a line of communication as opposed to a line of authority and that the line of authority would be to the majority of Council, including the Mayor.

In response to Mrs. Malone, it was Mr. DePrima's feeling that the current budget calendar and the time of the election for City Council works well. He advised members that to alleviate any feelings of newly elected members of Council from being cognizant of a budget that they will be voting on, staff provides all candidates with a budget and offers budget orientation. The alternative would be for a Council that votes on a budget and then is not elected, with a new member to serve, would be subject to work with a budget and programs for a year that a person they recently defeated had voted. Although a new member may be rushed, it was his opinion that it is better to have a new member vote on a budget that they will be working with rather than being a part of a budget that they were not given the opportunity to vote on. It was his feeling that an even worse situation that could occur is if there was a particular program that the new member did not like and was elected

because of that particular issue, only for it to be included and made a part of the budget because it was voted on by a previous Council.

Mr. DePrima also advised members that it is beneficial for the City to have the same fiscal year as the State of Delaware since the City receives financing from the State.

Members thanked both Mr. DePrima and Mr. Wontorek for their time.

Mr. Leary noted that the committee remains in the process of putting together the written report to City Council. Although a vote has been taken regarding the form of government issue, as a result of this evening's presentation, he questioned if members would want to revisit discussion on this issue.

Mrs. Merritt indicated she would like to discuss the issue further, and wished that the presentation this evening was made in concert with the meeting held to discuss the form of government issue. She also reminded members that the final vote by members regarding the form of government was divided, which she felt is an indication that additional discussion is warranted, particularly in light of the new information and understanding as a result of the information provided this evening.

Before voting on this matter again, Mrs. Greenwood requested that members be provided with a definition of the Strong-Mayor Form of Government, including specific details as to the duties and responsibilities of the Mayor.

Concurring, Mr. Scheller also suggested that there be flow charts of both the City-Manager and Strong-Mayor Forms of Government, depicting very clearly to compare and contrast the differences.

With members concurrence, Mr. Leary noted that the next meeting will be held on Monday, November 20, 2006 at 7:00 p.m.

Mrs. Malone moved for adjournment, seconded by Mr. Scheller and unanimously carried.

Meeting Adjourned at 8:59 P.M.

Respectfully submitted,

Thomas J. Leary, Chairman

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Attachment - Biography of Thomas Wontorek

THOMAS J. WONTOREK

PROFESSIONAL EXPERIENCE
City Manager, City of Lewes, Delaware since May 2006
City Administrator, City of Wauwatosa. Wisconsin – 5 years
Town Manager, Farmington, Connecticut – 15 years
Town Manager, Town of North Branford, Connecticut – 8 years
Assistant Town Manager, Town of Newington, Connecticut – 4 years
Assistant City Manager, City of Alcoa, Tennessee – 2 years

EDUCATION
M.P.A., University of Oklahoma, Norman Oklahoma
B.A., Calumet College, East Chicago, Indiana

MILITARY
Captain, U.S. Air Force – 5 years, Honorable Discharge
Titan II ICBM Evaluation Crew Commander

2005 CHARTER REVIEW COMMITTEE

The 2005 Charter Review Committee met on November 20, 2006, at 7:00 p.m. with Chairman Leary presiding. Members present were Mrs. Greenwood, Mrs. Malone, Dr. Miller, and Mr. Scheller. Mr. Jones and Mrs. Merritt was absent. Mrs. McDowell was also present.

AGENDA ADDITIONS/DELETIONS

Mrs. Malone moved for approval of the agenda, seconded by Dr. Miller and unanimously carried.

DISCUSSION - FORM OF GOVERNMENT

Mr. Leary reminded members that during their meeting of October 26, 2006, Mr. DePrima (City Manager for the City of Dover) and Mr. Wontorek (City Manager for the City of Lewes) gave a presentation regarding form of government. As a result of the information provided, although members had already voted regarding the form of government issue, it was the consensus of members that the matter be discussed further.

As requested, members were provided the four (4) historic forms of City Government as provided by the National League of Cities, which provided an explanation and characteristics of the various forms of governments, including Mayor-Council, Council-Manager, Commission, and Representative Town Meeting. In addition, members were provided organizational charts from other municipalities depicting their form of government. Organizational charts were provided for both the Mayor-Council (City of Minneapolis, Minnesota) and Council-Manager (Hagerstown, Maryland) Forms of Government.

Information was also provided from the National League of Cities regarding the distinction between those jurisdictions that have either "weak" or "strong" mayors. It was noted that most "strong" mayors are in the mayor-council form of government and are directly elected by the citizens. Most "weak" mayors are mayors in a council-manager form of government and are elected by and from the council.

Mrs. Malone felt that the committee would benefit from hearing from other Mayors and City Managers.

Noting that the holiday season is approaching, Mr. Scheller stated that his interest is with cities that may have already gone through this process and talking with those committee members, suggesting the possible use of video-conferencing. He suggested that contact should be made with those jurisdictions that are the same size as Dover and have a different form of government.

Mrs. Mitchell, Treasurer/Finance Director, offered to develop a list of cities that are similar in size to the City of Dover and have a different form of government to provide to members for their review.

In addition, Mr. Leary offered to talk with Mr. O'Connor, the previous City Manager for the City of Dover, to get his thoughts on the subject matter.

City Clerk's Office Note: Following the meeting, Mr. Leary contacted the City Clerk's Office and suggested that no further action be taken by the committee until the final review of all recommendations. All members were contacted by Mrs. McDowell and the majority agreed.

Without objection, Mr. Leary adjourned the meeting.

Meeting Adjourned at 7:45 P.M.

Respectfully submitted,

Thomas J. Leary, Chairman

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