

**ATTACHMENT #1 - Revised 01-23-2006 (pg. 6)**  
**2005 CHARTER REVIEW COMMITTEE MINUTES 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				
<i>Article I - Powers of the City</i>	<i>Article 1 - General Provisions</i>			
	Section 1 - Municipal Corporation Continued; Boundaries.		√	
	Section 1A - Procedure to Extend Boundaries		√	
	Section 2 - Status, General Corporate Powers, Specific Provisions for Condemnation of Property <i>*Review current provisions of condemnation of properties in light of the recent eminent domain decision</i>		√	

<b>MODEL CITY CHARTER</b>	<b>CURRENT CITY CHARTER</b>	<b>CITY CODE</b>	PROPOSED CITY CHARTER	DELETE
Section 1.01 - Powers of the City	Section 3 - Enumeration of Power not Exclusive; Manner of Exercise of Powers; <del>Employee Pension, Benefit and Retirement Systems Authorized</del> (Not addressed in Model City Charter)		√	
	<del>Section 3 - Enumeration of Power not Exclusive; Manner of Exercise of Powers; Employee Pension, Benefit and Retirement Systems Authorized</del> (Not addressed in Model City Charter)			√ DC
Section 1.02 - Construction			√	
Section 1.03 - Intergovernmental Relations			√	
<u>Article II - City Council</u>				
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		√	
	Article II - Mayor and Council Section 7 - Nomination Petitions for Candidates for Council and Mayor			√ DC

<b>MODEL CITY CHARTER</b>	<b>CURRENT CITY CHARTER</b>	<b>CITY CODE</b>	PROPOSED CITY CHARTER	DELETE
Section 2.03 - Mayor	<p>Article II - Mayor and Council</p> <p>Section 14 - Duties of Mayor</p> <p>Section 15 - Council President/Vice-Mayor, duties of</p> <p>CODE REFERENCE: <i>Chapter 2 - Administration, Article IV - Officers and Employees, Division 2 - Mayor, Section 2-221. Duties and Responsibilities.</i></p>		√	
Section 2.04 - Compensation; Expenses	<p>Article II - Mayor and Council</p> <p>Section 12 - Compensation and Expenses—Mayor and Council and Other Elected or Appointed Officials</p> <p>CODE REFERENCE: <i>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</i></p>		√	
Section 2.05 - Prohibitions (a) Holding Other Office	<p>Article II - Mayor and Council</p> <p>Section 5 - Council to Be Legislative Body; Size; Districts; Terms of Mayor and Councilmen; Qualifications.</p> <p>Article III - City Manager</p> <p>Section 33 - the City Manager Generally</p>		√	

<b>MODEL CITY CHARTER</b>	<b>CURRENT CITY CHARTER</b>	<b>CITY CODE</b>	PROPOSED CITY CHARTER	DELETE
(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 <i>*Possible Split (Power to Fix Procedure)</i>		√	
Section 2.08 - City Clerk	Article II - Mayor and Council Section 16 - Clerk of Council		√	
	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		√	


<b>MODEL CITY CHARTER</b>	<b>CURRENT CITY CHARTER</b>	<b>CITY CODE</b>	PROPOSED CITY CHARTER	DELETE
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.  <i>CODE REFERENCE: Chapter 2 - Administration, Article II - City Council, Division 2 - Meetings</i>  <i>Section 2-51. Regular meetings</i> <i>Section 2-52. Special meetings.</i> <i>Section 2-53. Cancellation of meetings; one meeting per month required</i>		√	
(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. <i>*Section 2.07 (Redundant)*Possible Split (Power to Fix Procedure)</i>		√	
(c) Voting	Article II - Mayor and Council Section 10 - Meetings of Mayor and Council--Procedure. <i>*Amend to Address Electronic Voting</i>		√	
Section 2.12 - Action Requiring an Ordinance	√ Article II - Mayor and Council √DC Section 18 - Ordinances authorized; maximum penalty for violation.		√	√ DC


<b>MODEL CITY CHARTER</b>	<b>CURRENT CITY CHARTER</b>	<b>CITY CODE</b>	PROPOSED CITY CHARTER	DELETE
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
	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
<p>Section 2.15 - Codes of Technical Regulations</p>	<p>Article II - Mayor and Council  Section 20 - Power of Council to Provide for Fire Protection Measures</p> <p><i>CODE REFERENCE: Chapter 46 - Fire Prevention and Protection, Article III - Fire Codes, Section 46-121 - Adopted.</i>  (a) <i>International Fire Code adopted</i></p> <p>Article II - Mayor and Council  Section 22. - Power of council to regulate construction of buildings and require permits; building inspector authorized.</p> <p><i>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</i></p>		√	
<p>Section 2.15 - Codes of Technical Regulations (Continued)</p>	<p>Article II - Mayor and Council  Section 25 - Power of Council to Operate Light, Power or Water Plant.</p> <p><i>CODE REFERENCE: Chapter 110 - Utilities, Article II - Electric Service  Section 110-31 - Electric service handbook incorporated by reference</i></p>		√	

<b>MODEL CITY CHARTER</b>	<b>CURRENT CITY CHARTER</b>	<b>CITY CODE</b>	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
<u>Article III - City Manager</u>	<u>Article III - City Manager</u>			
Section 3.01 - Appointment; Qualifications; Compensation	Section 33 - The City Manager Generally <i>*Possible Change in Title</i>		√	
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.		√	
<u>Article III - City Manager (Continued)</u>	<u>Article III - City Manager (Continued)</u>			
	Section 38 - Right of Manager to Sit in Council Meetings			√

MODEL CITY CHARTER	CURRENT CITY CHARTER	CITY CODE	PROPOSED CITY CHARTER	DELETE
<u>Article IV - Departments, Offices, and Agencies</u>				
Section 4.01 - General Provisions	<p>Article II - Mayor and Council Section 20 - Power of council to provide for fire protection measures.</p> <p><i>CODE REFERENCE: Chapter 46 - Fire Prevention and Protection, Article II - Fire Department, Division 1 - Generally, Section 46-41 - Created; purpose</i> <i>*Revisit with Regard to Who Provides Fire Protection for Annexed Properties</i></p> <p>~~~~</p> <p>Article II - Mayor and Council, Section 22 - Power of Council to Regulate Construction of Buildings and Require Permits; Building Inspector Authorized</p> <p><i>CODE REFERENCE: Chapter 22 - Buildings and Building Regulations Article II - Building Inspector, Section. 22-31 - Office created; appointment.</i></p> <p>~~~~</p> <p>Article II - Mayor and Council, Section 23 - Power of Council to Create City Planning Commission; Members Generally</p> <p><i>CODE REFERENCE: Chapter 82 - Planning, Section 82-1 -Planning Commission and 82-2 - City Planner</i></p>	<p>Chapter 26 - Businesses, Article II, Licenses, Section 26-32 - Licensing Division of the Department of Planning and Inspections Created.</p> <p>Chapter 38, Emergencies - Article II, Civil Emergencies Section 38-52 - Director</p> <p>Chapter 74 - Parks and Recreation, Section 74-4 - Director</p>	√	

<b>MODEL CITY CHARTER</b>	<b>CURRENT CITY CHARTER</b>	<b>CITY CODE</b>	PROPOSED CITY CHARTER	DELETE
<p>Section 4.01 - General Provisions (Continued)</p>	<p>Article II - Mayor and Council, Section 24 - Power of Council to Franchise or License Public Utilities and Common Carriers</p> <p>Article II - Mayor and Council, Section 25 - Power of council to operate light, power or water plant <i>*Recommend Adding "and Other Enterprise Funds"</i></p> <p><i>CODE REFERENCE: Chapter 110 - Utilities, Article II - Electric Service, Section 110-31 - Electric service handbook incorporated by reference</i></p> <p><i>CODE REFERENCE: Chapter 110 - UTILITIES, ARTICLE III - WATER SERVICE, Section 110-62 - Water department created.</i></p> <p><i>CODE REFERENCE: Chapter 110 - UTILITIES, ARTICLE IV - SEWER SERVICE, Section 110-232 - Sewer department created.</i></p> <p>Article II - Mayor and Council Section 26 - Power of Council with Reference to Sewers</p> <p><i>CODE REFERENCE: Chapter 10 - Utilities, Article IV - Sewer Service</i></p>			

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<p>Section 4.01 - General Provisions (Continued)</p>	<p>Article II - Mayor and Council Section 27 - Power of Council to Layout, Locate, Abandon, etc., Streets, Sidewalks, etc</p> <p><i>CODE REFERENCE: Chapter 98 - Streets, Sidewalks and Other Public Places, Article I - In General, Section 98-1 - Street department created; purpose.</i></p> <p>Article II - Mayor and Council Section 28 - Power of council to pave streets, sidewalks, etc. and levy assessment for public improvements; municipal lien docket. <i>*Discuss Details Further</i></p> <p>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</p> <p>Article II - Mayor and Council Section 30 - Power of Council to Provide for Disposal of Garbage and Sewage</p> <p>Article II - Mayor and Council Section 31 - Power of council to regulate parking and provide parking lots</p>			

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Section 4.02 - Personnel System	<p>Article II - Mayor and Council</p> <p>Article V - Miscellaneous Provisions, Section 53 - Police; Mayor to Be Conservator of Peace</p> <p><i>CODE REFERENCE: Chapter 62 - Law Enforcement, Article II - Police Department, Section 62-31 - Generally.</i> <i>(a) Established.</i></p> <p>Article II - Mayor and Council Section 12 - Compensation and expenses--Mayor and council and other elected or appointed officials</p> <p>Article II - Mayor and Council Section 32 - Council to determine salaries of city appointees and employees.</p>		√	
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
<i>Article V - Financial Management</i>	<i>Article IV - Financial Affairs</i>			
	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
Section 5.02 - Submission of Budget and Budget Message	Section 44. Annual budget		√	

<b>MODEL CITY CHARTER</b>	<b>CURRENT CITY CHARTER</b>	<b>CITY CODE</b>	<b>PROPOSED CITY CHARTER</b>	<b>DELETE</b>
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			√	
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		√	

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	<i>Article V - Miscellaneous Provisions</i>			
	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			√
<i>Article VI - Elections</i>				
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  <i>CODE REFERENCE: Chapter 34 - Elections, Article II - Voter Registration, Section 34-31 - Requirements.</i>		√	

<b>MODEL CITY CHARTER</b>	<b>CURRENT CITY CHARTER</b>	<b>CITY CODE</b>	PROPOSED CITY CHARTER	DELETE
(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		√	
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  <i>CODE REFERENCE: Chapter 2 - Administration, Article II - City Council, Division 1 - Generally, Section 2-31 - District boundaries</i>		√	
(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.		√	

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(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			√	

<b>MODEL CITY CHARTER</b>	<b>CURRENT CITY CHARTER</b>	<b>CITY CODE</b>	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.		<b>KEEP DC</b>
Section 7.02 - Prohibitions		Chapter 30 - Code of Conduct and Ethics Commission Section 30-33 - Prohibitions Relating to Conflicts of Interest		<b>KEEP DC</b>
Section 7.03 - Campaign Finance	Governed by State Laws			
<i>Article VIII - Charter Amendment</i>	Please Note Introduction - City is in that class; therefore, article cannot be used			
<i>Article IX - Transition and Severability</i>				

<b>MODEL CITY CHARTER</b>	<b>CURRENT CITY CHARTER</b>	<b>CITY CODE</b>	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		√	

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