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

AMENDMENT #1

Amend Chapter 5. Building and Building Regulations, Article II. Building Code, Section 5-16 Adopted, by deleting in its entirety and by inserting in lieu thereof, the following:

Sec. 5-16. Adopted.

(a) There is hereby adopted by reference that certain publication known as the BOCA National Building Code 1993, recommended by the Building Officials and Code Administrators International, Inc. Three (3) copies of such publication are on file in the office of the building inspector, and such publications is adopted and incorporated as if set out a length herein.

(b) It shall be unlawful for any person to violate any of the provision of the publication adopted in subsection (a).

AMENDMENT #2

Amend Chapter 5. Building and Building Regulations, Article IV. Mechanical Code, Section 5-56 Adopted, by deleting in its entirety and by inserting in lieu thereof, the following:

Sec. 5-56. Adopted.

(a) There is hereby adopted by reference that certain publication known as the BOCA National Mechanical Code 1993, recommended by Building Officials and Code Administrators International, Inc. Three (3) copies of such publication are on file in the office of the building inspector, and such publication is adopted and incorporated as if set out at length herein.

(b) It shall be unlawful for any person to violate any of the provisions of the publication adopted in subsection (a).

AMENDMENT #3

Amend Chapter 5. Building and Building Regulations, Article V. Plumbing Code, Section 5-71 Adopted, by deleting in its entirety and by inserting in lieu thereof, the following:

Sec. 5-71. Adopted.

(a) There is hereby adopted by reference that certain publication known as the BOCA National Plumbing Code 1993, recommended by Building Officials and Code Administrators International, Inc. Three (3) copies of such publication are on file in the office of the building inspector, and such publication is adopted and incorporated as if set out at length herein.

(b) It shall be unlawful for any person to violate any of the provisions of the publication adopted in subsection (a).

AMENDMENT #4

Amend Chapter 10. Housing Code, Article I. General, Section 10-1 Adopted, by deleting in its entirety and by inserting in lieu thereof, the following:

Sec. 10-1. Adopted.

(a) There is hereby adopted by reference that certain publication known as the BOCA National Property Maintenance Code 1993, recommended by the Building Officials and Code Administrators International, Inc. Three (3) copies of such publication are on file in the office of the building inspector, and such publications is adopted and incorporated as if set out a length herein.

(b) It shall be unlawful for any person to violate any of the provision of the publication adopted in subsection (a).

SYNOPSIS

Amendments #1 through #4 adopt the 1993 BOCA Building, Mechanical, Plumbing Codes and Property Maintenance Codes. The city has been using the 1987 codes.

AMENDMENT #5

Amend Chapter 5. Building and Building Regulations, Article II. Building Code, Section 5-20 Building Code Board of Appeals, by deleting in its entirety.

AMENDMENT #6

Amend Chapter 5. Building and Building Regulations, Article IV. Mechanical Code, Section 5-60 Mechanical Code Board of Appeals, by deleting in its entirety.

AMENDMENT #7

Amend Chapter 5. Building and Building Regulations, Article V. Plumbing Code, Section 5-75 Plumbing Code Board of Appeals, by deleting in its entirety and renumbering subsequent sections.

AMENDMENT #8

Amend Chapter 5. Building and Building Regulations, Article I. General, by creating a new subsection as follows:

Section 5-3 Construction Code Appeals Committee

(a) There shall be a Committee to be called the Construction Code Appeals Committee consisting of three (3) members, one of whom shall be the city manager and the other two (2) being elected city officials. The city officials shall be appointed by the City Council President at its annual meeting.

(b) Whenever any person is aggrieved by a decision of the Building Inspector with respect to the provision of this chapter it is the right of that person to appeal to the Construction Code Board of Appeals. Such appeal must be filed, in writing, within (30) days after the determination by the Building Inspector.
Upon receipt of such appeal, the Construction Code Appeals Committee shall set a time and place in not less than ten (10) nor more than thirty (30) days for the purpose of hearing the appeal. Notice of the time and place of the hearing of the appeals shall be given to all parties at which time they may appear and be heard. The determination by the Construction Code Appeal Committee shall be final in all cases.

SYNOPSIS

Amendments #5 through #8 consolidate construction appeals under one appeal committee instead of the three committees identified in the current code, this brings the code into line with actual practices. In addition these amendments creates time limits for appeals and hearing dates, establishes notice requirements, and establishes the final authority of the committee. These matters are absent or not clearly stated in the current code.

AMENDMENT #9

Amend Chapter 5. Building and Building Regulations, Article II. Building Code, Section 5-21. Fees for Permits. by creating a new subsection as follows:

(h) Fees established in Subsections (a) through (b) shall double in the event that a permit is applied for after construction has commenced without the permission of the Building Inspector. The building inspector may waive the doubling of fees in cases were the building permit applicant is not a professional contractor, and the work is not being done by a professional contractor.

AMENDMENT #10

Amend Chapter 5. Building and Building Regulations, Article IV. Mechanical Code, Section 5-61. Heating and Air Conditioning Permit Fees. by creating a new subsection as follows:

(c) Fees established in Subsections (a) and (b) shall double in the event that a permit is applied for after construction has commenced without the permission of the Building Inspector. The Building Inspector may waive the doubling of fees in cases were the building permit applicant is not a professional contractor, and the work is not being done by a professional contractor.

AMENDMENT #11

Amend Chapter 5. Building and Building Regulations, Article V. Plumbing Code, Section 5-76 (To be Section 5-75 as per Amendment #7 above). Permit Fees. by creating a new subsection as follows:

(d) Fees established in Subsections (a), (b) and (c) shall double in the event that a permit is applied for after construction has commenced without the permission of the Building Inspector. The Building Inspector may waive the doubling of fees in cases were the building permit applicant is not a professional contractor, and the work is not being done by a professional contractor.

SYNOPSIS

Amendments #9, #10, and #11 will cause a doubling of permit fees when work is started without a permit. It is hoped that this will discourage contractors who knowingly fail to obtain permits. The Building Inspector can waive the double fee when a person is working on their own home, and was not aware that a permit was required.

ATTACHMENT #2

AMEND ARTICLE IX. GENERAL EMPLOYEE PENSION PLAN, as follows:

Within Division 1, make the following changes:

DIVISION I: GENERALLY

Section 2-176. Replace the *Eligible employee* section with:

Eligible employee: Any person regularly employed in rendering service to the city on a full-time, permanent basis who is not participating in any other retirement plan to which the city contributes for them and whose compensation is paid directly by the city. An employee will be considered a full-time employee if he regularly works thirty seven & one half (37.5) or more hours each week.

Section 2-182(b). Replace the *Early retirement with unreduced benefits* sub-section with:

(b) *Early retirement with unreduced benefits:* For eligible employees hired on or after May 1, 1994, a participant who has attained age 55 and whose attained age plus years of continuous service is equal to or greater than eighty (80) may retire at any time prior to his normal retirement date with no reduction in retirement benefits.

For eligible employees hired before May 1, 1994, a participant who has completed twenty-five (25) years of continuous service or has attained the age of fifty (50) and completed twenty (20) years of continuous service may retire at any time prior to his normal retirement date with no reduction in retirement benefits.

Section 2-185(a). Replace the *Amount of retirement benefits* sub-section with:

(a) The amount of retirement benefits payable to a participant who retires prior to January 1, 1995 under the provisions of this Article shall be 1-60th of his average actual monthly earnings multiplied by the total number of years of continuous service. Average actual monthly earnings of a participant's base pay plus scheduled overtime excluding retroactive pay increases, unused vacation or sick leave payments, nonmandatory regular scheduled overtime, and any other extraordinary or nonrecurring item, during any period of thirty-six (36) consecutive months in his final ten (10) years of continuous service which results in the highest average monthly earnings. In no instance shall actual monthly earnings be less than $150.

For retirements on or after January 1, 1995, the amount of retirement benefits payable to a participant under the provisions of this article shall be computed on the basis of one-fiftieth of his average actual monthly earnings, multiplied by the total number of years of continuous service. Average actual monthly earnings to be calculated as in the first paragraph.

Section 2-186(b). Replace the *Form of benefits* sub-section with:

(b) Upon the death of a participant who has retired, or who is eligible to be retired, under any of the provisions of this article, payment shall be made to his eligible survivor in the amount of fifty (50) percent of the monthly payments to which the participant was, or would have been, entitled. Upon death of both a retiree and eligible survivor, if the benefit payments received in aggregate are less than the member's contributions, the balance of the member's contributions will be paid to the surviving beneficiary designated or their estate if no designation has been made and submitted to the pension board.

Section 2-190(c). Replace the termination of employment sub-section with:

(c) Any participant with a minimum of ten (10) years of continuous service and whose employment is terminated, for reasons other than for cause prior to the date he becomes eligible for retirement benefits under sections 2-181, 2-182, 2-183 or 2-187 of this code, upon attaining the age of sixty-five (65) years of age, shall be eligible for retirement benefits under the provisions of section 2-185 of this code upon application to the pension board of trustees. The form of the benefit will be based on the formula which was in effect at the time of termination.

Section 2-193. *Replace the Benefits to cease on re-employment* section with:

Any employee of the City of Dover who is receiving or who shall receive benefits under this article and who is thereafter re-employed by the City of Dover or appointed to any position by the mayor or council bearing remuneration shall cease to draw benefits during the period of re-employment. Upon termination of the re-employment, the benefits shall be restored. The provisions of this section shall not apply to any employee who receives remuneration as a result of being elected or appointed to an elective or appointed office in the city. The provisions of this section shall not apply to any employee re-employed by the city in a temporary capacity so long as city earnings do not exceed the earnings limit defined by Social Security for benefit reduction for post retirement earnings.

Section 2-196. Replace several *Contributions* sub-sections with:

(a) For each year while a participant of the plan, a participant shall contribute by payroll reductions an amount equal to three and one-half (3 1/2) percent of his earnings. (Effective May 1, 1994).

(b) The city shall make such contributions as necessary to meet the requirements of the plan. Effective May 1, 1994 the city shall pick up the employee contributions by a reduction in current earnings. Such picked up contributions shall be treated as employer contributions in determining tax treatment under the Internal Revenue Code; however, the contributions so picked up shall be included in earnings for purposes of the plan. Participant contributions which are picked up shall be treated, for all purposes of this plan, in the same manner as participant contributions made prior to May 1, 1994.

(e) Upon the death of a member not eligible to retire under any provision of this article, his employee contributions shall be payable in a single sum to his designated beneficiary or his estate if no designation has been made and submitted to the pension board.

Section 2-196(f). Add a new sub-section to *Contributions:*

(f) Each eligible employee not drawing any retirement benefits from the city as of May 1, 1994 who makes an irrevocable decision to join the deferred compensation plan shall become a deferred compensation plan participant on May 1, 1994 and shall forfeit participation in the City of Dover Employees' Pension Plan. A member who withdraws from the pension plan in this manner shall have his accumulated contributions paid to him after such date of withdrawal and he shall forfeit any other payments from the pension plan.

Within Article IX; add a new division:

DIVISION 1.5. DEFERRED COMPENSATION PLAN

Section 2-201 *Definitions.*

As indicated in this article, unless the context otherwise clearly indicates or the deferred compensation plan adopted by the City Council resolution contradicts, the following terms shall mean as indicated below:

Eligible employee: Any person regularly employed in rendering service to the city on a full-time permanent basis who is not participating in any retirement plan to which the city contributes for them and whose compensation is paid directly by the city. An employee will be considered a full-time employee if he regularly works thirty (30) or more hours each week.

Participant: Any eligible employee of the city who has met all of the requirements for participation in the deferred compensation plan and has, upon employment, made an irrevocable election to participate in the deferred compensation plan as defined in this section and who has satisfied all the conditions and requirements set forth in this article and in the provisions of the plan adopted by City Council resolution.

Section 2-202. *Plan established; purpose.*

There is hereby established "The City of Dover Employees Deferred Compensation Plan." The purpose of the plan is to establish the basic terms and conditions under which employees shall participate in this plan. Further detail, terms and conditions under which retirement, termination, and survivor benefits shall be provided to eligible employees are defined in the deferred compensation plan adopted by City Council resolution.

Section 2-203. *Eligibility of deferred compensation plan participant.*

Each eligible employee not drawing any retirement benefits from the city as of May 1, 1994 who makes an irrevocable decision to join the deferred compensation plan shall, upon compliance with the provisions of this article, become a deferred compensation plan participant on May 1, 1994. Thereafter each eligible employee who selects the deferred compensation plan upon employment shall become a participant as of the first of the month following employment.

Section 2-204. *Contributions.*

(a) Employee contributions. For each year while a participant of the deferred compensation plan, a participant shall contribute by payroll reductions an amount equal to at least two percent (2%) of his compensation up to the legal limits as defined in the deferred compensation plan.

(b) Employer contributions. The city shall contribute an amount equal to each individual's employee contributions to a maximum of five (5%) percent of an employee's compensation for each participant.

Within Division 2, make the following changes:

DIVISION 2. BOARD OF TRUSTEES

Section 2-207(4). Add a new sub-section to *Composition:*

(4) The City Finance Director/Treasurer.

Section 2-208. Replace the *Term of Membership* section with:

The term of office of each member of the pension board of trustees, except the city manager, city finance director/treasurer and the elected city official, shall commence on the first day of the month following his election and continue for a period of three (3) years or until his successor shall be elected and qualified. During the year 1982, one employee representative shall be elected for a period of three (3) years and the other two (2) employee representatives shall serve until the expiration of their present terms at which time their office shall be filled by election for a term of three (3) years and thereafter each employee representative shall be elected for a term of three (3) years.

Section 2-209. Replace the *Officers and ex officio members* section with:

The pension board of trustees shall elect a chairman, a vice-chairman who shall serve when the chairman is absent, a secretary and a treasurer or fiscal agent designated by the pension board. The city finance director/treasurer shall be the pension fund treasurer and his bond shall cover all monies deposited with him.

ATTACHMENT #3

ORDINANCE

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

Section 1. Amend Section 2-196(a) of the City of Dover Code of Ordinances by adding the following subsections:

"(1) The City, pursuant to the provisions of section 414(h)(2)of the United States Internal Revenue Code, shall pick up and pay the contributions which would otherwise be payable by the employee under this section. The contributions so picked up shall be treated as employer contributions for purposes of determining the amounts of federal income taxes to be withheld from the employee's compensation.

"(2) Employee contributions picked up by the City shall be paid for the same source of funds used for the payment of compensation to an employee. A deduction shall be made from each employee's compensation equal to the amount of the employee's compensation picked up by the employer. This deduction, however, shall not reduce the employee's compensation for purposes of computing benefits under the retirement system pursuant to this Article.

"(3) Employee contributions shall be credited to a separate account within the employee's individual account so that the amount contributed prior to the effective date for the pickup of employee's contributions may be distinguished from the amounts contributed on or after the effective date.

"(4) The contributions, although designated as employee contributions, are being paid by the employer in lieu of the

contributions by the employee. The employee will not be given the option of choosing to receive the contributed amounts directly instead of having them paid by the employer to the retirement system."

Section 2. Amend Section 18-24(a) of the City of Dover Code of Ordinances by adding the following subsections:

"(1) The City, pursuant to the provisions of section 414(h)(2)of the United States Internal Revenue Code, shall pick up and pay the contributions which would otherwise be payable by the employee under this section. The contributions so picked up shall be treated as employer contributions for purposes of determining the amounts of federal income taxes to be withheld from the employee's compensation.

"(2) Employee contributions picked up by the City shall be paid for the same source of funds used for the payment of compensation to an employee. A deduction shall be made from each employee's compensation equal to the amount of the employee's compensation picked up by the employer. This deduction, however, shall not reduce the employee's compensation for purposes of computing benefits under the retirement system pursuant to this Article.

"(3) Employee contributions shall be credited to a separate account within the employee's individual account so that the amount contributed prior to the effective date for the pickup of employee's contributions may be distinguished from the amounts contributed on or after the effective date.

"(4) The contributions, although designated as employee contributions, are being paid by the employer in lieu of the contributions by the employee. The employee will not be given the option of choosing to receive the contributed amounts directly instead of having them paid by the employer to the retirement system."

Synopsis

This amendment to the current ordinance provides that the employee's pension contributions to all City administered plans shall be picked up and paid by the City (employer) pursuant to the provisions of 414(h)(2) of the United States Internal Revenue Code. A deduction shall be made from each employee's compensation equal to the amount of the employee's contributions picked up by the employer provided that such deduction shall not reduce the employee's compensation for the purposes of computing benefits under the applicable pension plan. The contribution so picked up shall be treated as employer contributions for purposes of determining the amounts of Federal and State income taxes to withhold from the employee's compensation.

ATTACHMENT #4

RESOLUTION

WHEREAS, the City of Dover (the City) has outstanding securities in the state and local government securities market; and

WHEREAS, the City appreciates the support of the investment community for the financing efforts of the City; and

WHEREAS, the maintenance of ratings for the City's rates securities depend in part upon the continued availability of information to the rating agencies; and

WHEREAS, the City has been informed that the liquidity of its securities in the secondary market may be affected by the availability of information and maintenance of ratings; and

WHEREAS, the City desires to receive a Certificate of Recognition from the National Federation of Municipal Analysts, and the adoption of this Resolution is a condition to the award of such a Certificate, although the City also recognizes that a Certificate of Recognition does not imply in any manner a positive or negative judgment as to the accuracy and sufficiency of its disclosure documents;

NOW , THEREFORE, the City hereby makes the following commitments to its investors:

1. The City will provide annual audited financial statements and other pertinent credit information relevant to the City's outstanding securities (which may be contained in official statements), including the City's Comprehensive Annual Financial Report upon request, and will provide copies to one or more major information providers in the state and local government securities market.

2. If an issue is rated, appropriate periodic credit information necessary for maintaining the rating(s) on the securities will be provided by the Issuer to the rating agency(ies) rating the securities.

3. A statement will be made by the City in the Introduction to its official statements evidencing the commitments made herein.

ADOPTED ON _____