



SPONSOR: Sen. Hocker & Rep. Gray

DELAWARE STATE SENATE
149th GENERAL ASSEMBLY

SENATE BILL NO. 154

AN ACT TO AMEND THE CHARTER OF THE TOWN OF SOUTH BETHANY.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE (Two-thirds of all members elected to each house thereof concurring therein):

Section 1. Amend Section 8.1.1 of the Charter of the Town of South Bethany by making insertions as shown by underlining and deletions as shown by strike through as follows:

8.1.1 Appointment and Removal. ~~Pursuant to ordinance the Town Council, by a majority vote of all members, may appoint a Town manager.~~ The Town Council may appoint a Town Manager who shall be the chief managerial administrative officer of the Town. All departments in the Town, including the Police Department, shall report directly to the Town Manager. The terms and conditions of such employment shall be included in a written agreement between the Town Council and the Town Manager. The Town Manager shall be appointed solely on the basis of professional, executive, and administrative qualifications and experience. Such person shall reside no farther than thirty (30) miles from the Town. No member of the Town Council may serve as Town Manager unless he or she first resigns. Subject to any limitations set forth in the written agreement between the Town Manager and the Town Council, the Town Manager shall serve at the pleasure of the Town Council. In case of the temporary absence, disability, or other interruption of service of the Town Manager, the Town Council may designate some other competent person to perform the duties of the office during such period.

Section 2. Amend Section 17.2 of the Charter of the Town of South Bethany by making insertions as shown by underlining and deletions as shown by strike through as follows:

~~17.2 Police Department Operational Control. Staffing shall be determined by the Town Council and operational control of the Police Department shall be responsibility of the Chief of Police. The Chief of Police shall be answerable to the Town Manager for all administrative duties and~~

responsibilities, but he or she shall be subordinate to the Mayor and Town Council. Police Department Administration. Subject to the supervision of the Town Manager, the Chief of Police shall be responsible for the operational control, management, and administration of the Police Department. Anything herein to the contrary notwithstanding, as determined by the Town Manager to be in the best interest of the Town, the Town Manager may assume any of the duties and responsibilities associated with the management and/or administration of the Police Department and/or assign certain duties and responsibilities to the Chief of Police.

Section 3. Amend Section 17.4 of the Charter of the Town of South Bethany by making insertions as shown by underlining and deletions as shown by strike through as follows:

17.4 Beach Patrol. There shall be a Beach Patrol, the number of which shall be determined by the Town Council. ~~The Beach Patrol shall consist of a Captain and such other members and subordinates as the Town Council shall determine.~~ The Town Council shall have the power to establish administrative rules and regulations governing the qualifications of members of the Beach Patrol; provided, however, that each member of the Beach Patrol shall pass a test substantially equal to the test required of a senior lifesaver by the American Red Cross. The primary responsibility of the Beach Patrol shall be the preservation of human life on and adjacent to all beaches of the Town. In addition, the Beach Patrol shall have such other related duties as the Town Manager may prescribe.

SYNOPSIS

Section 1 eliminates the need to use an ordinance to appoint a Town Manager and specifies that all departments, including the Police Department, report directly to the Town Manager.

Section 2 outlines the Town Manager's responsibility for the Police Department.

Section 3 eliminates the organizational details of the beach patrol.

Author: Senator Hocker