

CHAPTER 236  
FORMERLY  
SENATE BILL NO. 195  
AS AMENDED BY  
SENATE AMENDMENT NO. 1

AN ACT TO AMEND THE CHARTER OF GREENWOOD.

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 the Charter of Greenwood by repealing Section 3 in its entirety and inserting in lieu thereof the insertions as shown by underline as follows:

**Annexation Of Territory**

**Section 3.**

The Town has power to annex additional contiguous territory adjoining the corporate limits of the Town and to apply to annexed additional territory a law, ordinance, resolution, or policy in force in the Town to the annexed territory. For purposes of this section, "contiguous" means that a part of the boundary of the territory sought to be annexed is coterminous with a part of the boundary of the Town or coterminous with another territory proposed for annexation that is coterminous with the boundary of the Town; provided, however, that a territory whose contiguity to the Town's boundary is dependent on the contiguity of a connecting territory may be annexed only if the connecting territory is also annexed.

(a) Initiation of Annexation Proceedings.

(1) By Petition of the Property Owner. A property owner of territory contiguous to the existing corporate limits of the Town may petition the Town Council in writing to annex the property owner's territory to the Town. A petition under this paragraph must be duly executed and acknowledged by the petitioner, describe the territory proposed for annexation, state the reasons for the requested annexation, and identify the proposed zoning district classification for the territory. The Town Council may, within 90 days following the filing of the petition in the Town Office, vote to accept the petition and proceed under subsection (b) of this section, or to reject the petition. A petition not accepted within 90 days is void, and a petition for the annexation of the territory may not be resubmitted to the Town Council for reconsideration until 1 year from the date of the original annexation petition.

(2) Resolution of the Town Council. The Town Council may adopt a resolution proposing the annexation of a territory contiguous to the Town. A resolution under this paragraph must describe the territory proposed to be annexed, state the reasons for the proposed annexation, and identify the proposed zoning district classification for the territory. Upon adoption of a resolution under this paragraph, the Town Council shall adopt a resolution under subsection (b) of this section. The resolution under this paragraph may be adopted at the same Town Council meeting at which the resolution required in subsection (b)(1) is also adopted.

(b) Annexation Procedure. After annexation is proposed under subsection (a) of this section, the annexation procedure is as follows:

(1) Resolution and Notice. The Town Council shall adopt a resolution notifying property owners and residents of the Town and the territory proposed for annexation that the Town proposes to annex the territory which adjoins its then-corporate limits.

a. A resolution under this paragraph (b)(1) of this section must contain all of the following:

1. Describe the territory proposed for annexation.
2. Identify the zoning district classification proposed for the territory.
3. State that a qualified resident has the right to object to the annexation.
4. Fix a time and place for a public hearing on the proposed annexation and zoning.

b. A resolution under this paragraph (b)(1) of this section may also provide that if the annexation is finally approved, the Town is not obligated to provide municipal services or extend municipal facilities or improvements unless and until the Town Council, in the sole exercise of its reasonable discretion, determines that it is appropriate for the Town to do so or the owner or developer of a territory, or portion of the territory, proposed for annexation, binds itself to any of the following as required by the Town:

1. To pay in full all costs and expenses, with reasonable surety acceptable to the Town, to provide the municipal services.
2. To extend or construct the municipal facilities and improvements to serve such lands in strict accordance with all governing federal, State, and Town regulations and standards.

c. After adopting a resolution under this paragraph (b)(1) of this section, the Town Council must do all of the following between 14 and 60 days before the date set for the hearing:

1. Publish a public notice containing the full text of the resolution no less than 1 time in a newspaper of general circulation in the Town in bold print or bordered in black.
2. Post a public notice containing the full text of the resolution in at least 5 public places in the Town and in at least 1 place, viewable to the public, in the territory proposed to be annexed.
3. Comply with the applicable provisions of Chapter 92 of Title 29.
4. Send a copy of the public notice, via certified mail, to the owners of record of the lands proposed to be included in the annexation at their addresses as shown on the public tax records. Written notice to 1 co-owner constitutes notice to all.

(2) A qualified resident may file a written objection to the annexation with the Town at any time before the close of the public hearing held under paragraph (b)(3) of this section. For purposes of this section, a “qualified resident” means an individual residing in the territory proposed for annexation who is not a property owner but who is qualified under paragraph (b)(6)a.2. of this section to vote for the annexation.

(3) Public Hearing. At the public hearing, the Town Council shall hear comments and opinion and obtain facts from the public regarding the proposed annexation and proposed zoning district classification. The Town Council is not bound to act in response to information or comments offered at the public hearing.

(4) Annexations Not Requiring Special Election; Resolution Ordering Special Election.

a. The Town Council may, within 6 months of the public hearing and without holding a special election, vote to accept the annexation by adopting a final resolution annexing the territory under paragraph (b)(10) of this section if all of the following apply:

1. The proposed annexation is either initiated at the written petition of all of the owners of record of all lands proposed for the annexation or consented to in a notarized writing signed by all the owners and submitted to the Town Council no later than the conclusion of the public hearing held under paragraph (b)(3) of this section.

2. The Town has not received a written objection from a qualified resident of the territory proposed for annexation.

b. If all owners of property considered for annexation do not petition or consent to annexation or if a qualified resident of the territory proposed for annexation submits a written objection, the Town Council may adopt a resolution ordering a special election regarding the proposed annexation. This resolution is also the determination of the Town Council to proceed with the annexation and zoning district classification proposed in the resolution if the election results are in favor of the annexation. A resolution under this paragraph (b)(4)b. of this section must do all of the following:

1. Set the date, time, and place of the special election, which must be between 14 and 60 days after the date of the resolution proposing the special election.

2. Describe the territory proposed for annexation and the zoning district classifications that will be assigned to the territory if annexed.

(5) Notice of Special Election. The Town Council must publish notice containing the full text of the resolution adopted under paragraph (b)(4)b. of this section as required under paragraph (b)(1)c. of this section.

(6) Voting.

a. The following persons are entitled to 1 vote in a special election under this section:

1. An individual residing in the territory proposed for annexation if the individual is a United States citizen, 18 years or older, and has continuously been a bona fide resident of the territory for 30 days or more before the special election.

2. An individual or legal entity owning record title to real property in a parcel proposed for annexation is entitled to 1 vote.

b. Paragraph (b)(6)a. of this section must be construed with the principle of "1 person, 1 vote". If a voter is entitled to vote by virtue of both residence and ownership of property or is entitled to vote by ownership of 2 or more parcels of real property, that voter is entitled to only 1 vote.

c. An individual or a legal entity entitled to vote under paragraph (b)(6)a. of this section may cast a vote by a duly executed and acknowledged power of attorney and the power of attorney constitutes conclusive evidence of the right of the individual to vote in the special election on behalf of the legal entity or individual granting the power if the power of attorney is filed as follows:

1. The power of attorney must be surrendered to the Board of Special Elections.

2. The Board of Special Elections must file the power of attorney in the Office of the Town Manager.

(7) Conduct of the Special Election. The form of ballot for a special election under this section is as follows:

\_\_\_\_\_ For the proposed annexation.

\_\_\_\_\_ Against the proposed annexation.

(8) The Town Board of Elections appointed under Section 7(f) shall act as a Board of Special Elections for the annexation and is the sole and final judge of the legality of the votes offered at the special election. The Board shall keep a true and accurate list of each individual and legal entity who votes. The polling place must be open for the period of time that the Town Council determines is reasonable and appropriate, but the polling place must be open for no less than 1 hour. A person in the polling place at the time the polls close must be permitted to cast a vote.

(9) Results of Special Election; final resolution. The territory proposed to be annexed is considered approved for annexation if a majority of the votes in the special election are cast in favor of the proposed annexation.

(10)a. The Town Council must adopt a final resolution annexing the territory that includes all of the following:

1. A statement that includes the annexed territory within the limits of the Town.
2. The zoning district classification of the territory.
3. If the resolution proposing annexation under paragraph (b)(1) of this section provided that the Town is not obligated to provide municipal services or to extend municipal facilities or improvements to the annexed territory, a statement containing the same provisions.

b. Copies of the final resolution under paragraph (b)(10)a. of this section, signed by the Mayor and certified by the secretary, with municipal seal affixed, together with a plot of the area annexed, must be filed immediately for record in the Office of the Recorder of Deeds in and for Sussex County and sent to the Office of State Planning or its successor agency.

c. The Town Council may publish and post notice of the final resolution annexing the territory as follows:

1. Published no less than 1 time in a newspaper of general circulation in the Town.
2. Posted in at least 5 public places in the Town and in at least 1 place, viewable to the public, in the territory annexed.
3. Be in bold print or bordered in black and include a description of the territory annexed and the zoning district classification.
4. State that a challenge to the annexation must be filed within 60 days from the date of the first publication or posting of the notice.

d. The territory annexed is part of the Town from the date of the adoption of the final resolution. Failure to record the resolution, the plot accompanying the resolution, or to publish or post notice of the final annexation resolution does not invalidate the annexation.

(11) Simultaneous Annexation Proceedings. If multiple parcels otherwise meet the requirements of this section for contiguity, in conducting the special election, the Town Council may do any of the following:

a. Combine all contiguous parcels proposed for annexation as 1 "territory".

b. Simultaneously conduct a special election for each parcel or a combination of contiguous parcels.

(12)a. Annexation Agreements. Annexations may be made contingent on an annexation agreement with the Town that addresses each matter relevant to the annexed lands if annexed, such as zoning, subdivision approval, site plan approval, tax relief, public utilities, and public improvements. If the Town Council approves an annexation agreement, the agreement is deemed a material part of the annexation, and the Town and the petitioners are bound to honor the provisions of the agreement unless released by the other party.

b. An annexation agreement may not extend beyond 7 years from the date the property is annexed into the Town and is void and unenforceable after the expiration of 7 years. The termination of an annexation agreement does not impact the annexed property's status as being included in the Town's municipal boundaries.

c. An annexation agreement may be modified or amended by mutual agreement of the petitioner and the Town Council at any time before the resolution ordering the special election under paragraph (b)(4)b. of this section or, when a special election is not required, the adoption of the final resolution under paragraph (b)(10) of this section. A substantial modification or amendment to an annexation agreement constitutes the withdrawal of the original petition and the filing of a new annexation petition.

(13) Property Owned by the State of Delaware; Highways, Streets, Roads, and Alleys; Ponds, Canals, Streams, and Other Waters.

a. Real property owned by the State of Delaware may be annexed into the Town without the State casting a vote in the special election, provided the State agency having control and supervision of the real property does not provide the Town with written notice of an objection to the annexation within 30 days after notice of the resolution proposing the annexation under paragraph (b)(4)b. of this section.

b. Highways, Streets, Roads, and Alleys; Ponds, Canals, Streams, and Other Waters. Contiguity with the Town's existing corporate limits, or with other territory that is contiguous with the Town's existing corporate limits, is not interrupted by the existence of a highway, street, road, alley, pond, canal, stream, or other body of water running parallel with and between the Town and the parcel sought to be annexed. However, this paragraph (b)(13)b. of this section may not be construed to allow a right of way, utility easement, waterway, or like entity to be annexed in "corridor" fashion or to be utilized as a corridor route for annexation to create contiguity.

(14) Limitations. An action contesting the annexation of a territory under this section may not be brought after the expiration of 60 days from the publication of a notice under paragraph (b)(10)c.

(15) Re-submission of Proposed Annexation. Nothing in this section prohibits the Town Council from resubmitting a proposal for annexation to the voters of a territory, or a portion thereof, under this section.

Section 2. Amend Section 9 of the Charter of Greenwood by making deletions as shown by strike through and insertions as shown by underline as follows:

**Regular And Special Meetings**

**Section 9.**

(a) The Town Council of The Town of Greenwood shall hold at least ~~one (1)~~ 1 meeting in each month, the time and days of the meeting to be determined by Resolution of the Town Council. If the day selected by the Town Council ~~shall be~~ is a legal holiday, the monthly meeting of the Town Council of The Town of Greenwood ~~shall~~ must be held on the next ~~succeeding~~ regular business day.

(b) The Town Council may cancel a monthly meeting by posting notice of the meeting's cancelation that states the reason for the cancelation in the locations where the meeting's agenda is typically posted.

(c)(1) The Secretary shall call a ~~Special meetings shall be called by the Secretary~~ special meeting upon the written request of the Mayor of ~~The the~~ Town of Greenwood, or upon the written request of any ~~two (2)~~ 2 members of the Town Council of ~~The the~~ Town of ~~Greenwood, stating~~ Greenwood. A written request for a special meeting must state the day, ~~hour~~ hour, and place of the special meeting requested, and the subject ~~or subjects~~ proposed to be considered ~~thereat. at the special meeting.~~

(2) The Secretary shall ~~thereon~~ give written notice to the Mayor and to each member of the Town Council of the day, ~~hour~~ hour, and place of ~~such the~~ special meeting and the subject ~~or subjects~~ to be considered ~~thereat. at the special meeting~~ Such notice of the Secretary shall be deposited by doing either of the following at least 48 hours before the time of the special meeting:

a. Depositing the notice of the special meeting in the United States mail in the main Post Office of The Town of ~~Greenwood~~ at least forty eight (48) hours before the time of said special meeting; provided, however, that a Greenwood.

b. Sending the notice through electronic communication.

(3) The notice required under paragraph (c)(2) of this section may be waived by a written waiver of ~~such the~~ notice signed by the Mayor of The Town of Greenwood and by all members of the Town Council ~~prior to before~~ or immediately upon convening ~~of the said such the~~ special ~~meeting shall make such written notice unnecessary and shall~~ meeting. A waiver of notice under this paragraph (c)(3) of this section may authorize and make valid the holding of a special meeting at ~~any the~~ time named in the waiver and the transaction of any business considered at the ~~meeting if the waiver so states. special meeting.~~

Section 3. Amend Section 10 of the Charter of Greenwood by making deletions as shown by strike through and insertions as shown by underline as follows:

**Quorum**

**Section 10.**

(a) A majority of the members elected to the Town Council ~~shall constitute~~ constitutes a quorum at ~~any a~~ regular or special ~~meeting; but a lesser number~~ meeting.

(b) Unless otherwise permitted by this Charter, an ordinance, resolution, motion, order, or other act of the Town Council is valid only if the act receives the affirmative vote of a majority of the sitting members of the Town Council. For purposes of this section, "sitting members" includes all council members serving on the Town Council at the time a vote occurs and does not include a council seat that is vacant.

(c) The Town Council may ~~adjourn from time to time and may compel~~ take any of the following actions without a quorum:

(1) Adjourn a meeting.

(2) Compel the attendance of absent members in ~~such the~~ manner and under ~~such the~~ penalties as may be prescribed permitted by Ordinance.

Section 4. Amend Section 11 of the Charter of Greenwood by making deletions as shown by strike through and insertions as shown by underline as follows:

#### **Rules And Minutes Of The Town Council**

##### **Section 11.**

The Town Council shall determine its own rules and order of ~~business and shall~~ business. The Town Council shall keep a journal minutes of its ~~proceedings and~~ proceedings. The minutes must include the yeas and nays ~~shall be taken upon the passage of every ordinance and resolution and shall be entered in the journal with the text of the ordinance or resolution.~~ on each vote taken by the Town Council.

Section 5. Amend Section 14 of the Charter of Greenwood by making deletions as shown by strike through and insertions as shown by underline as follows:

#### **Contracts**

##### **Section 14.**

(b) All contracts for the purchase of materials or for the furnishing of services authorized or permitted by this Charter ~~shall~~ must be accomplished by competitive bidding and the awarding of contracts to the lowest responsible bidder who submits a responsive ~~bid; provided, however, bid.~~ bid. ~~that competitive~~ Competitive bidding ~~shall~~ is not be required in any of the following circumstances:

(1) The aggregate amount involved is not more than ~~Ten Thousand Dollars (\$10,000.00);~~ \$50,000.

(2) The purchase or contract is for personal or professional ~~services;~~ services.

(3) The purchase or contract is for any service rendered by a ~~University, college~~ university, college, or other educational ~~institution;~~ institution.

(4) The purchase or contract is for ~~any a~~ service to be rendered by the State of Delaware or ~~any a~~ political ~~subdivision;~~ subdivision.

(5) The purchase or contract is for property or ~~services~~ a service for which it is impracticable to obtain ~~competition;~~ competition.

(6) ~~The public exigency, as determined by the Town Council, will not permit the delay incident to advertising;~~ [Reserved].

(7) The materials to be purchased are to be used to complete a project under the supervision of the ~~Town;~~ Town.

(8) The purchase or contract is for property or ~~services~~ a service for which the Town Council determines the prices received after competitive bidding are unreasonable as to all or part of the requirement or not independently reached in open ~~competition;~~ competition.

(9) A public ~~emergency~~ emergency, as determined by the Town ~~Council~~ Council, exists.

(10) The purchase or contract is for property for which the distance involved or other factors in order to have maintenance performed, as determined by the Town Council, is unreasonable.

(c) A contract may be awarded to a bidder other than the lowest responsible and responsive bidder if, in the opinion of the Town Council, the interest of the Town is better served by awarding the contract to another bidder.

(d) Determination of a Responsive Bid and Responsible Bidder. A responsive bid must conform in all material aspects to the requirements and criteria set forth in the contract plans and specifications. The following factors must be considered when determining if a bidder is responsible:

(1) The bidder's financial, physical, personnel, or other resources, including subcontracts.

(2) The bidder's record of performance and integrity.

(3) If the bidder is qualified legally to contract with the Town.

(4) If the bidder supplied all the necessary information concerning its responsiveness.

(5) Any other specific criteria permitted under Town, State, or federal law for the procurement that the Town establishes in the invitation to bid.

(e) The Town Council may reject any or all bids on any contract prior to the award of the contract for any reason that is in the best interest of the Town.

Section 6. Amend Section 15 of the Charter of Greenwood by making deletions as shown by strike through and insertions as shown by underline as follows:

### **Duties Of The Mayor Of The Town Council**

#### **Section 15.**

(a)~~(1) The Town Councilman elected by the members of the Town Council shall elect a member of the Town Council~~ to be the Mayor of the Town ~~Council, shall~~ Council.

(2) The Mayor of the Town Council is also be the Mayor of The Town of Greenwood and shall preside at all meetings of the Town Council, but shall vote only on all matters brought before the Town Council in which there is a tie. He/she shall appoint all committees, receive complaints of nuisances, and other complaints of citizens concerning violations of law and ordinances. He/she shall present a report of complaints and nuisances and violations of law and ordinances to the Town Council at the first regular meeting after receiving such complaints. Council. The Mayor may vote on all matters brought before the Town Council.

~~(3) The Mayor shall perform such other duties and have such other powers as the Town Council shall determine not in~~ determines that do not conflict with the provisions of this Charter.

~~(b) The Mayor may, for any reasonable cause, by and with the consent and upon the address of a majority of all the members of the Town Council, remove from office any person appointed by him/her or any of his/her predecessors. The person against whom the Council may be about to proceed shall receive five (5) days' written notice thereof, accompanied by a statement of the cause alleged for the removal and shall be accorded a full and fair hearing, if such a request is received by the Mayor by certified mail with return receipt requested within ten (10) days following the date that notice of removal is received by such person. [Reserved].~~

~~(c) The Mayor may appoint such other committees as he/she deems necessary for the proper administration of The Town of Greenwood or the Council may, by resolution, authorize the Mayor to appoint certain committees which are deemed necessary to carry out the provisions of this Act.~~

(1) The Mayor shall recommend the appointment of committees, subject to Town Council confirmation.

(2) A committee serves at the direction, and under the authority, of the Town Council.

(3) A committee may be formed for the purpose of gathering and reporting information to the Town Council that is necessary for the Town Council to make an informed decision and for any other purposes under Delaware law.

(4) The Mayor may, subject to confirmation by the Town Council, reorganize the composition of a committee at any time, with or without cause.

~~(d) It shall be~~ is the duty of the Vice-Mayor of the Town Council, in the absence of or inability of the Mayor to act, to preside at all meetings of the Town Council and to perform ~~such~~ other duties and ~~to~~ have ~~such~~ other powers of the Mayor as are ~~prescribed by~~ under the Charter of The Town of Greenwood or ~~by any an~~ ordinance of the Town Council.

Section 7. Amend Section 16 of the Charter of Greenwood by making deletions as shown by strike through and insertions as shown by underline as follows:

**Secretary**

**Section 16.**

(a) The Secretary shall ~~have charge and~~ oversee the custody of books, journals, records, ~~papers~~ papers, and other effects of the Town and shall keep ~~the same~~ all of the following in a safe and secure ~~place. He shall keep a place:~~

(1) A full and complete record of all the transactions in The Town of Greenwood and meetings of the Town Council. He shall be a voting member of all committees and shall keep a record of the transactions and proceedings of the same, together with such other duties as may be prescribed by this Charter or by ordinances or rule of the Town Council of The Town of Greenwood. He shall file and keep in a safe place the

(2) The seal of The ~~the~~ Town of Greenwood and all Greenwood.

(3) All papers and documents arising out of the proceedings of the Town Council of ~~The~~ the Town of Greenwood relative to the affairs of the Town. ~~He shall deliver the same to his successor in office. He shall attest~~

~~the seal of The Town of Greenwood when authorized by the Town Council and shall perform such other duties and have such other powers as may be prescribed by ordinance.~~

(b) ~~All books, records and journals of The Town of Greenwood in the custody of the Secretary may, in the presence of the Mayor, Vice Mayor, Secretary, Assistant Secretary, or any member of the Town Council of The Town of Greenwood be inspected by any registered voter of the Town desiring legitimate information at any time, or times, as may be convenient and will not interfere with the regular routine of the business of the Town. The Secretary shall attest the seal of the Town of Greenwood when authorized by the Town Council.~~

(c) ~~All books, records, papers and documents in the custody of the Secretary shall be open for inspection by members of the Town Council of The Town of Greenwood. The Secretary shall perform other duties and have other powers as may be prescribed by ordinance.~~

(d) ~~Compensation, if any, of the Secretary for his duties, shall be determined by the Town Council. [Reserved].~~

Section 8. Amend Section 19 of the Charter of Greenwood by making deletions as shown by strike through and insertions as shown by underline as follows:

### **Town Manager**

#### **Section 19.**

(a) ~~The Mayor of The Town of Greenwood, Mayor,~~ with the concurrence of a majority of all the elected members of the Town Council, may appoint a Town Manager ~~who shall to~~ be the Chief Administrative Officer of the Town at ~~such~~ compensation as ~~shall be~~ determined by the Town Council.

(b) ~~The Town Council of The Town of Greenwood shall impose such the necessary~~ qualifications for Town ~~Manager~~ Manager, as may be deemed necessary; ~~provided, however, that but~~ no ~~person individual~~ holding the office of Mayor or a member of Town Councilman shall Council may be chosen to be Town Manager during ~~his the individual's~~ term of office as Mayor or ~~Councilman. member of Town Council.~~

(c)(1) ~~The Town Manager shall hold~~ holds office for ~~an either of the following terms:~~

a. ~~An indefinite term and term.~~

b. A term of employment under an employment contract.

(2)a. ~~The Town Manager may be removed for just cause by a majority vote of the Town Council of The~~ the Town of Greenwood.

b. ~~At least thirty (30) 30 days before such removal shall become under paragraph (c)(2) of this section becomes effective, the Town Council shall, by a majority vote of all the elected members thereof, adopt a preliminary resolution stating shall provide the Town Manager with written notice of dismissal that includes~~ the reasons for ~~his~~ removal.

c. The Town Council may suspend the Town Manager from duty, with or without pay. If the Town Council suspends the Town Manager, the Town Council must pay the Town Manager the unpaid balance of the salary the Town Manager earned prior to the suspension.

~~d. The~~ Within 15 days of the notice under paragraph (c)(2)b. of this section, the Town Manager may reply in writing and may request a ~~public hearing which shall~~ hearing.

~~e. A hearing requested under paragraph (c)(2)d. of this section must be held not no~~ earlier than twenty (20) 20 days before not and no later than thirty (30) 30 days after the filing of such request. request unless the Town and the Town Manager otherwise agree.

~~f. After such public hearing, if one be requested, a hearing under paragraph (c)(2)e. of this section, and after full consideration, the Town Council, by a majority vote of all the elected members thereof, Council may adopt a final resolution of removal. By the preliminary resolution, the vote to terminate the Town Manager. Town Council may suspend the Town Manager from duty with or without pay but shall in any case cause to be paid him forthwith any unpaid balance of his salary.~~

(3) If the Town Council hires a Town Manager under the terms of a written employment contract, the Town Council may decide to not renew the Town Manager's contract without a finding of just cause and without holding a hearing.

~~(d) In case of the absence or disability of the Town Manager, the Town Council may designate some a qualified person as Acting Town Manager to perform the duties of such the office during his the Town Manager's absence or disability. The Town Council shall establish the compensation which the Acting Town Manager shall receive receives for the performance of his duties shall be fixed by the Town Council of The Town of Greenwood. the duties of Town Manager.~~

~~(e)(1) The Town Manager shall be is responsible to the Town Council of The Town of Greenwood for the proper administration of the affairs of the Town of Greenwood placed in his charge and to that end, he shall have the Town Manager's charge.~~

~~(2)a. The Town Manager has the power to make such appointments and to hire such employees at such compensations as are with the compensation authorized by the Town Council, subject to such the rules and regulations as may be adopted by that the Town Council. Council adopts. All employees shall be hired for an indefinite term and may be suspended with or without pay by the Town Manager at any time unless otherwise provided by resolution of Council and shall report all such suspensions to the Town Council at the next meeting of such Town Council whenever such meeting be a regular meeting or a special meeting. The Town Council of The Town of Greenwood shall sit as a Board of Appeal for the protection of Town employees at those times when the majority of all the Town Council are agreed that a review of the action of the Town Manager would be in the best interest of The Town of Greenwood. The decision of the Town Council in such case shall be final and conclusive.~~

b. Except as provided under Section 19 for the Town Manager and Section 22 for the Police Force, employees are hired for an indefinite term and are at will employees.

c. In accordance with the employment policies and procedures that the Town Council adopts, the Town Manager may terminate an employee or may suspend an employee, with or without pay.

(3) The Town Manager serves as the Tax Collector for the Town, unless the Town Council appoints another individual or entity as Tax Collector.

(f) It is the intention of this Charter that, in the performance of ~~his~~ the Town Manager's duties, and in the exercise of ~~his~~ the Town Manager's powers, the Town Manager shall must not be influenced by ~~any matters whatsoever~~ a matter of a political or fractional nature. It is the intention of this Charter that the Town Manager shall ~~be is~~ guided solely by matters of expedience and efficiency in the administration of the affairs of the Town placed in ~~his~~ the Town Manager's charge. Except for purposes of inquiry, the Town Council shall deal with that portion of the administrative service for which the Town Manager is responsible solely through the Town Manager.

(g) ~~It shall be the duty of the~~ The Town Manager to shall do all of the following: ~~supervise~~

(1) Supervise the administration of the affairs of the Town under ~~his charge and~~ the Town Manager's charge.

(2) Make ~~to make such~~ reports to the Town Council as ~~are~~ required by the Town Council. ~~He shall make such recommendations~~

(3) Make recommendations to the Town Council concerning the affairs of the Town as may seem ~~to him~~ desirable. ~~desirable to the Town Manager. He shall keep~~

(4) Keep the Town Council advised of the financial condition and future needs of the Town. ~~He shall prepare~~

(5) Prepare and submit to the Town Council the annual budget estimate. ~~He shall render~~

(6) Render to the Town Council at ~~the each~~ regular monthly meeting ~~of each and every month~~ a true, ~~accurate~~ accurate, and detailed account of all moneys collected or received by ~~him~~ the Town Manager in the performance of ~~his~~ the Town Manager's duties and shall promptly turn the ~~same~~ moneys over to the Town Council.

(7) The Town Manager shall perform other duties as may be prescribed by this Charter or required by Ordinance or Resolution of the Town Council.

(h) ~~In conjunction with the Mayor of The Town of Greenwood, he shall sign warrants pursuant to appropriations or resolutions theretofore made for the Town Council. He shall prepare and submit to the Town Council such reports as may be required by the Town Council. He shall perform such other duties as may be prescribed by this Charter or required of him by Ordinance or Resolution of the Town Council. [Reserved].~~

(i) ~~The Town Manager and such other officers of the Town as may be designated by vote of the Town Council shall be entitled to a seat in the meetings of the Town Council, but shall not vote therein. [Reserved].~~

(j) The Town Manager ~~shall have~~ has charge and supervision of the streets, gutters, curbs, sidewalks, ~~parks~~ parks, and other administrative affairs of the Town and all work relating thereto. ~~He shall have~~ The Town Manager has charge of and ~~shall collect all~~ collects taxes, assessments, rentals, license fees, or other charges due the Town. ~~He~~ The Town Manager shall have has the charge of the administration of all provisions of this Charter and Ordinances and Resolutions of the Town Council relating to the affairs of the Town when not otherwise provided for by this

Charter or by any Ordinance or Resolution of the Town Council. ~~He shall~~ The Town Manager is by virtue of ~~his~~ the office ~~be~~ the Town Treasurer. Treasurer, unless the Town Council appoints someone else as Town Treasurer.

(k) ~~He~~ The Town Manager shall keep a full and strict account of all ~~monies~~ moneys received and all disbursements made by ~~him~~ the Town Manager. ~~and such accounts shall,~~ The account is, at all times, ~~be~~ open to ~~inspection to the Town Council.~~ the Town Council's inspection.

(l) The Town Manager shall give to ~~The~~ the Town of Greenwood a bond, if ~~required by the Town Council,~~ Council requires, in ~~such~~ the sum and form and with such security satisfactory to the Town Council for the faithful performance of the duties of ~~his~~ the office and the restoration to ~~The~~ the Town of Greenwood, in case of ~~his~~ the Town Manager's death, resignation, or removal from office, all books, papers, vouchers, ~~money~~ money, and other property of whatever kind in ~~his~~ the Town Manager's possession belonging to the Town. If someone other than the Town Manager is appointed Town Treasurer, the Town may require the Town Treasurer to be bonded as outlined in this paragraph.

(m) In the event of a vacancy in the office of the Town ~~Manager for any reason or reasons whatsoever,~~ Manager, the ~~duly appointed~~ duly-appointed and qualified successor to that office ~~shall succeed~~ succeeds to all the rights, ~~privileges~~ privileges, and powers ~~theretofore~~ reposed in ~~his~~ the predecessor ~~or predecessors~~ in the office in the same manner as though ~~all acts, each act, deeds~~ deed, and ~~steps theretofore~~ step taken by ~~any such~~ the predecessor ~~or predecessors~~ with respect to ~~any~~ a matter or thing pertaining to ~~said~~ the office had been taken or performed by the successor to ~~such~~ the office.

(n) Upon the death, resignation, or removal from office of the Town Manager, the Town Council shall appoint ~~some~~ a suitable ~~person,~~ person as Acting Town Manager, who may be an elected or appointed official of ~~The~~ the Town of Greenwood, to perform the duties of Town Manager; ~~provided, however, such~~ but the person shall ~~may~~ not serve for ~~a period exceeding ninety (90)~~ more than 90 days from the date of ~~his~~ his appointment. appointment as Acting Town Manager.

Section 9. Amend Section 20 of the Charter of Greenwood by making deletions as shown by strike through and insertions as shown by underline as follows:

### **Town Solicitor**

#### **Section 20.**

(a) ~~The Mayor of The Town of Greenwood,~~ Mayor, with the ~~advise~~ advice and consent of a majority of the elected members of the Town Council, shall select and appoint a Town Solicitor for an indefinite ~~term who shall be~~ removable at the pleasure of the ~~term.~~ The Town Council ~~of The Town of Greenwood either~~ may remove the Town Solicitor with or without due cause stated.

(b) The Town Solicitor ~~shall~~ must be a member in good standing of the Bar of the State of ~~Delaware, with~~ offices in Sussex County. ~~It shall be his duty to~~ Delaware.

(c) The Town Solicitor shall give legal advice to the Town Council and other officers of the Town and ~~to~~ perform other legal services as the Town Council ~~may be required of him by the Town Council.~~ require.

Section 10. Amend Section 22 of the Charter of Greenwood by making deletions as shown by strike through and insertions as shown by underline as follows:

**Police Force**

**Section 22.**

(a)(1) The Town Council ~~shall, from time to time,~~ shall make ~~such~~ rules and regulations ~~as may be~~ that are necessary for the organization, ~~government~~ government, and control of the police force.

(2) The police force shall preserve peace and order and shall compel obedience within the Town limits to the Ordinances of the Town and the laws of the State of Delaware. The police force ~~shall have such~~ has other duties as the Town Council shall, from time to time, prescribe. ~~The Chief of Police shall be appointed by the Mayor for an indefinite term by and with the advice and consent of a majority of all the elected members of the Town Council and at such compensation as shall be determined by the Town Council. All~~ The Town Council shall determine the amount of compensation a members member of the police force ~~shall be paid such compensation as shall be determined by the Town Council.~~ is paid.

(b) Each member of the police force ~~shall have~~ has police ~~powers and~~ powers. Each member of the police ~~force shall be conservators~~ is a conservator of the peace throughout ~~The the~~ the Town of ~~Greenwood, and they~~ Greenwood ~~and~~ shall suppress all acts of violence and enforce all laws relating to the safety of persons and property. ~~They~~ Each member of the police force shall compel the enforcement of all laws enacted by the Town ~~Council of The Town of Greenwood.~~ Council. In the case of a pursuit of an offender, the power and authority of the police force ~~shall extend~~ extends outside the territorial limitations of The Town of Greenwood.

(c) ~~{Repealed}~~ (1) The Mayor shall appoint the Chief of Police by and with the advice and consent of a majority of all the elected members of the Town Council and at the compensation that the Town Council determines.

(2) The Town Council may hire the Chief of Police under the terms of an employment contract.

(3) Subject to the oversight of the Town Council, the Chief of Police has authority over all police department personnel matters, including the dismissal, demotion, or discipline of police department employees under Chapter 92 of Title 11 and corresponding provisions of law.

(4) The Town Council may not dismiss, demote, or otherwise remove the Chief of Police from office without a finding of just cause at a hearing held under Chapter 93 of Title 11 and complying with corresponding provisions of law.

(5) The Town Council may elect to not renew a Chief of Police's employment contract without a finding of just cause or a hearing held under Chapter 93 of Title 11.

(e) ~~It shall be the duty of the~~ The police force ~~to~~ shall suppress riotous, ~~disorderly~~ disorderly, or turbulent assemblages of persons in the streets of the Town or the noisy conduct of ~~any a~~ any a person ~~in the same,~~ in the streets of the Town, and upon Upon the view of ~~the above or upon view~~ conduct prohibited under this subsection or of the violation of ~~any an~~ an ordinance of the Town relating to peace and good order ~~thereof,~~ of the Town, the police force ~~shall have~~ has the right and power to arrest without warrant.

Section 11. Amend Section 25 of the Charter of Greenwood by making deletions as shown by strike through and insertions as shown by underline as follows:

**Assessment Of Taxes**

**Section 25.**

~~The~~ (a)(1) No less than 90 days before the beginning of a new fiscal year, the Tax Assessor ~~shall, prior to ninety (90) days prior to the beginning of the next fiscal year,~~ shall make a just, ~~true~~ true, and impartial annual valuation of all real property and improvements located ~~thereon~~ within The Town of Greenwood. ~~All~~ The Tax Assessor shall describe all real estate ~~shall be described~~ with sufficient particularity to be identified.

~~(2) Real estate~~ The Tax Assessor shall be assessed assess real estate to the owner or owners if he or they be each owner of the real estate, if known. If the owner ~~or owners~~ of real estate cannot be found or ascertained, ~~it the Tax Assessor shall be assessed assess the real estate~~ to "Owner Unknown." A mistake in the name of the owner ~~or owners~~ or a wrong name or an assessment to "Owner Unknown," ~~shall does~~ does not affect the validity of the assessment of ~~any a~~ a municipal tax or ~~assessment based thereon; provided, however, assessment, but~~ the assessment ~~shall must~~ must specify the last record owner ~~or owners thereof as the same shall of the real estate as appear from in~~ the records in the Office of the Recorder of Deeds, in and for Sussex County.

~~(b) The Tax Assessor shall also make a personal assessment of all male and female citizens each citizen of the Town above the age of eighteen (18) years, whether an owner of real estate or not; said who is 18 years or older, including citizens who own real estate and citizens that do not. The Town Council shall determine the personal assessment shall be determined by the Town Council and certified certify the amount of the personal assessment to the Tax Assessor. Said The personal assessment or per capita tax shall be is in addition to the assessment levied on real estate owned or assessed by any person or persons whomsoever. assessed.~~

~~(a) The~~ (c) No fewer than 90 days prior to the beginning of a new fiscal year, the Tax Assessor, ~~after making such annual assessment, shall, at least ninety (90) days prior to the end of the fiscal year,~~ Assessor shall deliver a list containing the names of all persons assessed and the amount of assessment against each to the Town Council of The Town of Greenwood a list containing the names of all persons assessed and the amount of assessment against each. He Council. The Tax Assessor shall also deliver at such that time as many copies of said the list as the Town Council shall direct. directs.

(d)(1) The Town Manager shall annually provide the Town Council with a list of each charge, cost, or other assessment owed to the Town before the posting of the annual assessment list under subsection (g) of this section. The list of charges must include all of the following:

- a. Sidewalk assessments.
- b. Waterline assessments.
- c. Water service charges.
- d. Weed and grass cutting bills.
- e. Sanitary sewer service charges.
- f. Trash collection bills.

g. Past due electric charges.

h. Costs for demolition or repair of a building or structure in accordance with governing town ordinances.

i. Costs the Town incurred to remediate a code violation and bring a property into compliance with the Town Code.

j. Interest, not to exceed the monthly rate of 1.5%, on delinquent amounts owed to the Town.

k. The amount of an unpaid penalty imposed by a court for violation of a municipal ordinance.

l. Business license and rental license fees.

(2) When adopted by resolution of the Mayor and Council, the amounts on the list under paragraph (d)(1) of this section are incorporated into the annual assessment list posted under subsection (g) of this section and are treated and considered the same as taxes and collected in the same manner as taxes.

~~(b)~~ (e) The annual assessment ~~shall~~ must distinguish the real and personal assessment of each person and ~~shall~~ must also be arranged so that the land, the improvements thereon, and the per capita assessment ~~shall~~ appear in separate columns or spaces. In making this assessment, the Tax Assessor shall make its valuation accordingly.

~~(c)~~ (f) The Town Council shall assess the real property of the Tax Assessor ~~shall be assessed by the Town Council of The Town of Greenwood.~~ Assessor.

~~(d)~~ (g)(1) Immediately upon receiving the annual assessment list from the Tax Assessor, Assessor and adopting a resolution incorporating the additions to tax bills into the annual assessment list, the Town Council ~~of The Town of Greenwood shall cause~~ shall post a full and complete copy of the ~~same,~~ annual assessment list containing the amount assessed to each taxable ~~to be hung~~ in a public place in ~~The Town of Greenwood and there it shall remain~~ Town. The annual assessment list must remain posted for a period of ~~at least ten (10)~~ no less than 10 days for the information or an examination by all concerned. ~~Appended thereto~~

(2) No less than 10 days before the next regular meeting of the Town Council, a notice advertising that the Town Council will hold a court of appeals at the next regular meeting of the Town Council must be posted with the annual assessment list posted under paragraph (g)(1) of this section and also in five (5) 5 or more public places in said Town shall be posted notices advertising to all concerned that, upon a certain in the Town of Greenwood. The notice must include all of the following: day mentioned therein and not earlier than ten (10) days after the date of posting of the true and correct copy of the annual assessment list and notices, at the next regular meeting of the Town Council, the Town Council will hold a court of appeals at which time and place they shall

a. The date of the next regular meeting of the Town Council.

b. That the Town Council will hear appeals from the said annual assessment.

(3) The decision of the Town Council sitting as the Board of Appeals shall be is final and conclusive and said the Town Council shall revise and complete said the assessment at this sitting. No

(4) A member of the Town Council shall may not sit upon his the member's own appeal but the same shall be heard and determined by the other Councilmen. other members of the Town Council shall hear and determine the member's appeal.

(e) ~~(h)~~ The Tax Assessor shall be present on the day fixed for hearing appeals and shall furnish to the Town Council ~~such~~ the information and answer ~~such~~ the questions as the Town council may require in respect to any assessment for which an appeal has been taken. The Town Council ~~shall have~~ has the authority to enforce the attendance of the Tax Assessor by appropriate process.

Section 12. Amend Section 26 of the Charter of Greenwood by making deletions as shown by strike through and insertions as shown by underline as follows:

### **Levy Of Annual Taxes**

#### **Section 26.**

(a) At the first regular meeting in the last month of the fiscal year, after having revised and completed the assessment, the Town Council shall determine, in its best judgment and knowledge, the total amount ~~necessary to be raised by the Town~~ that the Town must raise to meet the fixed and anticipated expenses and obligations of the Town, including reasonable and appropriate reserves, for the ~~then~~ current fiscal year ~~as set forth in~~ under the Town Budget for ~~such~~ the year plus a reasonable amount to cover anticipated expenses and emergencies. ~~In addition to all powers otherwise delegated to the Town Tax Collector under this Charter, the Town Tax Collector shall have all of the same powers, remedies and authority, including the monition procedure, as conferred upon the Receiver of Taxes for Sussex County under 9 Del.C., Chapter 87, as the same may from time to time hereafter be amended, or in accordance with any future corresponding provision of law. In exercising such powers, remedies and authority, the Town Tax Collector and the Superior Court shall follow the same procedures as applicable to the Receiver of Taxes under 9 Del.C., Chapter 87.~~

(b) ~~The~~ After complying with subsection (a) of this section, the Town Council ~~should then proceed to~~ shall determine, in its sole discretion, from which sources of the Town's authorized revenues ~~of the Town~~ the amount ~~so determined by them shall~~ the Town determines will be raised and, within the limits prescribed by this Charter with respect to ~~any such~~ the source, the amount to be raised from each ~~such~~ source. ~~They shall then proceed to determine, assess, fix and/or levy as follows:~~ At the first regular meeting in the last month of the fiscal year, the Town Council shall adopt a resolution approving the final assessment list, including additions to tax bills adopted by the Town Council under Section 25(d) of this Charter, and establishing the rates to assess and levy any of the following:

(1) The rate of tax on real estate including improvements thereon per ~~One Hundred Dollars (\$100.00)~~ \$100 of the assessed ~~value; and/or value.~~

(2) The amount of personal or per capita tax upon each citizen of the Town ~~over the age of eighteen (18) years; and/or who is 18 years or older.~~

(3) The rate of tax upon ~~all poles, each pole, construction, erections, wires, and appliances~~ erection, wire, or appliance more particularly mentioned, or intended ~~so to be mentioned~~ in Section 29 of this Charter as amended; and/or Charter.

(4) The several license fees to be charged for carrying on or conducting of the several businesses, ~~professions~~ professions, or occupations more particularly mentioned or intended ~~so to be mentioned~~ in Section 29 of this Charter, as amended; and/or Charter.

(5) The several rates to be charged for furnishing water service, sewer service, electric service, gas service, and front footage assessment; and/or assessment.

(6) The ~~fees or rates~~ fee or rate to be charged in respect to ~~any other~~ another authorized source of revenue sufficient in ~~their~~ the Town Council's judgment and estimation to realize the amount to be raised from each ~~such~~ source determined by ~~them~~ the Town Council to be used as aforesaid; provided, however, that sources ~~(4), (5) (5) and (6) aforementioned in paragraphs (b)(4) through (6) of this section~~ may be determined, fixed, assessed, ~~levied and/or levied, or~~ altered or changed upon other than a fiscal year basis and at any regular or special meeting of the Town Council as the Town Council, in its ~~proper~~ discretion, shall determine.

(c) Immediately after the last regular meeting ~~prior to~~ before the end of the fiscal year of each ~~and every~~ year, the Town Council shall make, or cause to be made, a full, true and correct Annual Tax List showing the amount of tax levied against each taxable thereon from sources ~~(1), (2) and in paragraphs (b)(1) through (3) above-mentioned. of this section, along with additions to tax bills incorporated into the annual assessment list by the Town Council under Section 25 of this Charter.~~ This list ~~shall be known as~~ is the Annual Tax List of The Town of Greenwood. In addition to the information contained in the assessment list, it ~~shall~~ must also contain information as to the rate of tax upon real estate for each ~~One Hundred Dollars (\$100.00)~~ \$100 of assessed valuation thereof.

Section 13. Amend Section 27 of the Charter of Greenwood by making deletions as shown by strike through and insertions as shown by underline as follows:

### **Collection Of Annual Taxes**

#### **Section 27.**

(a) The Tax Collector, ~~as soon as the Town Council shall have placed in his hands a duplicate Annual Tax List, shall proceed at once to collect the taxes on said duplicate list.~~ shall proceed to collect those amounts identified on the Annual Tax List as soon as possible following the receipt of the Annual Tax List. In addition to ~~all~~ powers otherwise delegated to the Town Tax Collector under this Charter, the Town Tax Collector ~~shall have all of~~ has the same powers, ~~remedies~~ remedies, and authority, including the monition procedure, as conferred upon the Receiver of Taxes for Sussex County under ~~9 Del.C., Chapter 87, Chapter 87 of Title 9 as the same may from time to time hereafter be amended,~~ or in accordance with ~~any~~ future corresponding provision of law. In exercising ~~such the~~ powers, ~~remedies~~ remedies, and ~~authority;~~ authority under this subsection, the Town Tax Collector and the Superior Court shall follow the same procedures as applicable to the Receiver of Taxes under ~~9 Del.C., Chapter 87, Chapter 87 of Title 9.~~

(b) ~~All taxes so~~ A tax laid or imposed by ~~The the~~ the Town of Greenwood in ~~such the~~ the Annual Tax List ~~shall be and constitute~~ List, including any additions to tax bills adopted by the Town Council under Section 25 of this Charter, is a lien upon all the real estate of the taxable for a period of ~~ten (10)~~ 10 years against or upon whom ~~such taxes are the tax is~~ laid or imposed, of which ~~such the~~ the taxable was seized or possessed ~~at any time after such taxes shall have been the tax was~~ levied and imposed that is ~~situate~~ situated within ~~The the~~ the Town of ~~Greenwood. Greenwood. But, if the real estate remains the property of the person or entity that was the owner at the time the property was assessed, the lien continues until the tax is collected.~~ Such A lien under this subsection shall have has preference and priority to

all other liens on ~~such~~ the real estate, ~~as aforesaid,~~ created or suffered by the ~~said~~ taxable, although ~~such~~ the lien ~~of~~ liens ~~be~~ is of a time and date prior to the time of the attaching of ~~such~~ the lien for taxes.

(c) All taxes, when and as collected by the Tax Collector, ~~shall~~ must be paid to The Town of Greenwood, and all taxes ~~shall be~~ are due and payable at and from the time of the delivery of the Annual Tax List to the Town Manager.

(d) All taxes ~~shall be~~ are payable at the Office of the Tax Collector during the regular business hours of that Office.

~~(e) On all taxes paid after thirty (30) days following the delivery of the duplicate Annual Tax List to the Tax Collector there shall be added a penalty of Five Percent (5%) for each month or fraction thereof such taxes shall remain unpaid and said penalty shall be collected in the same manner as the original amount of the tax. (1) An amount on the Annual Tax List that has not been paid within 60 days of the mailing of the tax bill is considered delinquent and accrues interest for each month or fraction thereof that the amount remains unpaid at a monthly interest rate of 1.5%. The Town Council shall have the power to may make just allowances for delinquencies in the collection of taxes. All taxes unpaid after May 31 of each year shall be considered delinquent. In effecting a collection of delinquent tax, the Town Council may impose a collection charge not to exceed eighteen percent (18%) of the amount of the tax and any penalty imposed thereon.~~

(2) In addition to the interest under paragraph (e)(1) of this section, the Town Council may also impose a collection charge reasonably calculated to recover the costs of collection, including court costs, sale costs, reasonable and necessary out-of-pocket expenses, filing fees, and reasonable attorney fees that the Town incurs in the collection proceedings. Interest and collection charges may be collected in the same manner as the amounts identified on the Annual Tax List, including through the use of the monition procedure.

(f) At the annual meeting of the Town Council of each year, the Tax Collector shall account to the Town Council for all taxes and sewer rentals collected ~~by him~~ during the ~~year and shall be~~ year. ~~The Tax Collector is~~ is liable on ~~his~~ the Tax Collector's bond for failure to account for any uncollected taxes or sewer rentals unless ~~he~~ the Tax Collector can show to the satisfaction of the Town Council that all remedies permitted for the collection of said taxes were pursued without result or, if not pursued, the remedies would have been without avail.

~~(g) The Tax Collector, when any tax has become delinquent, may, in the name of The Town of Greenwood, institute suit before any Justice of the Peace or in the Court of Common Pleas of the State of Delaware, in and for Sussex County, or in the Superior Court of the State of Delaware, in and for Sussex County, for the recovery of the unpaid tax in an action of debt, and upon judgment obtained, may sue out writs of execution as in case of other judgments recovered before a Justice of the Peace or in the Court of Common Pleas, or in the Superior Court, as the case may be.~~

~~(h) However, should the Tax Collector so elect, he is empowered to sell the lands and tenements of the delinquent taxpayer or the lands and tenements of a delinquent taxpayer alienated subsequent to the levy of the tax by the following procedure at the direction of the Town Council:~~

~~(1) The Tax Collector shall present in the name of The Town of Greenwood to the Superior Court of the State of Delaware in and for Sussex County, a petition in which shall be stated:~~

~~(A) The name of the taxable;~~

~~(B) The year for which the tax was levied;~~

~~(C) The rate of tax;~~

~~(D) The total amount due;~~

~~(E) The date from which interest and the penalty for nonpayment shall commence and the rate of such interest and penalty and any collection charge permitted;~~

~~(F) A reasonable, precise description of the lands and tenements proposed to be sold;~~

~~(G) A statement that the bill of said tax has been mailed to the taxable at his last known post office address with return receipt requested by certified mail and postage prepaid.~~

~~(H) That it has been found impartial to attempt to collect the said tax by any other remedy herein before provided. The petition shall be signed by the Secretary of Town Council and shall be verified before a Notary Public.~~

~~(2) At least ten (10) days prior to the filing of any such petition as described herein, the Secretary of Town Council shall deposit in the mail in a sealed and stamped envelope and addressed to the taxable at his last known address, requiring a registered receipt returnable, an itemized statement of the tax due, together with all interest, penalties, collection charges, and costs then due thereon, together with a notice to the delinquent taxpayer that he shall proceed to sell the lands and tenements of the taxpayer for the payment of the tax. The Secretary of Town Council shall exhibit the return registry receipt to the Court by filing the same with the petition; provided, however, that if the taxpayer cannot be found, it shall be sufficient for the Secretary of Town Council to file with said petition the evidence that such statement has been mailed in accordance with this Subsection and has been returned.~~

~~(3) Upon the filing of the petition, the Prothonotary shall record the same in a properly indexed record of the Superior Court, in and for Sussex County, and shall endorse upon the said record of said petition the following: "This petition, filed the day of, A.D., and the Secretary of the Town Council of The Town of Greenwood is hereby authorized to proceed to sell the lands and tenements herein mentioned or a sufficient part thereof as may be necessary for the payment of the amount due." This endorsement shall be signed by the Prothonotary.~~

~~(4) Any sale of lands and tenements of a delinquent taxpayer shall be advertised in five (5) public places in The Town of Greenwood, one of said public places shall be the Town Office and by printing the notice of said sale at least one (1) time in a newspaper of general circulation in the Town. The notice shall contain the day, hour, place of sale and a short description of the premises sufficient to identify the same. The handbills shall be posted at least ten (10) days before the day fixed for the sale and the newspaper advertisement shall be published at least one (1) week before the day of the sale.~~

~~(5) Each sale of lands and tenements shall be returned to the Superior Court of the State of Delaware, in and for Sussex County, at the next term thereof following the sale, and the Court shall inquire into the circumstances and either approve or set aside the sale. If the sale be approved, the Tax Collector making the sale shall make a deed to the purchaser which shall convey the right, title and interest of the delinquent taxpayer or his alienee; if the sale be set aside, the Superior Court may order another sale and so on until the tax be collected. The petition, return and deed shall be presumptive evidence of the regularity of the proceeding.~~

~~(6) No sale shall be approved by the Superior Court if the owner be ready at court to pay the taxes, penalty, collection fees and costs. No deed shall be made until the expiration of one (1) year from the date of the sale within which time the owner, his heirs, executors, or assigns, shall have the power to redeem the lands on payment to the purchaser, his personal representatives or assigns, the costs, the amount of the purchase price, and twenty percent (20%) interest thereon and the expense of having the deed prepared.~~

~~(7) After satisfying the tax due and the costs of expense of sale from the proceeds of sale, the amount remaining shall be paid to the owner of the land. Upon the refusal of the said owner to accept said residue, or if the owner is unknown or cannot be found, the amount remaining shall be deposited in some bank in The Town of Greenwood, either to the credit of the owner or in a manner in which the fund may be identified.~~

~~(8) In the sale of lands for the payment of delinquent taxes, the following costs shall be allowed to be deducted from the proceeds of the sale or chargeable against the owner, as the case may be:~~

~~(A) To the Prothonotary for filing and recording the petition, Five Dollars (\$5.00);~~

~~(B) For filing and recording the return of sale, Five Dollars (\$5.00);~~

~~(C) To the Tax Collector for preparing the Certificate, Twenty five Cents (\$.25); for making the sale of lands, Two Dollars (\$2.00); for preparing and filing a return, One Dollar and Fifty Cents (\$1.50); for posting sale bills, One Dollar (\$1.00). In addition, the costs of printing handbills, the publication of the advertisement of sale in a newspaper, and the auctioneer's fee shall be chargeable as costs. The costs of the deed shall not be chargeable as costs, but shall be paid by the purchaser of the property of the delinquent taxpayer. The total of any Delaware transfer tax shall be paid by the purchaser of said lands at the tax sale.~~

~~(9) If the owner of any lands and tenements against which a tax shall be levied and assessed shall be unknown, this fact shall be stated in the advertisement of sale.~~

~~(10) If any person is assessed for several parcels of land and tenements in the same assessment in The Town of Greenwood, the total of said taxes may be collected from the sale of any part or portion of said lands and tenements, provided that the land alienated by the delinquent taxpayer shall not be sold until other property of the taxpayer shall have been disposed of and there still remains a delinquency.~~

~~(11) In the event of death, resignation or removal from office of the Tax Collector of The Town of Greenwood before the proceedings for the sale of lands shall have been completed, his successor in office shall succeed to all of his powers, rights and duties in respect to said sale. In the event of the death of the purchaser of said sale prior to his receiving a deed for the property purchased thereat, the person having right under him by consent, devise, assignment or otherwise, may refer to the Superior Court of the State of Delaware, in and for~~

~~Sussex County, a petition representing the facts and praying for an order authorizing and requiring the Tax Collector to execute and acknowledge a deed conveying to the petitioner the premises so sold or a just portion thereof; and thereupon the court may make such order touching the conveyance of the premises as shall be according to justice and equity.~~

~~(12) The Tax Collector shall have the same right to require the aid or assistance of any person or persons in the performance of his duty of sale which the Sheriff of Sussex County now has by law or may hereafter have.~~

Section 14. Amend Section 29 of the Charter of Greenwood by making deletions as shown by strike through and insertions as shown by underline as follows:

**Enumeration Of Powers**

**Section 29.**

(a) Not by way of limitation upon the power vested in the Town Council of ~~The~~ the Town of Greenwood to exercise all powers delegated by this Charter to the municipal corporation or to the Town Council except as may expressly appear herein to the contrary, but, rather by way of enumeration and for purposes of clarity, the Town Council is vested by the Charter with the following powers, to be exercised by the Town Council in the interest of good government and the safety, ~~health~~ health, and public welfare of the Town, its inhabitants and affairs, ~~that is to say:~~ as follows:

~~(6) To regulate or control the observance of the Sabbath Day. [Reserved].~~

(12) To provide an ample supply of pure water for the Town and its inhabitants ~~and~~ and, to this ~~end~~ end, to acquire, lease, erect, construct, maintain, operate, extend, enlarge, renew, replace, ~~control~~ control, and dispose of wells, reservoirs, pumps, machines, stations, tanks, standpipes, water mains, fire ~~hydrants~~ hydrants, and all other equipment, ~~property~~ property, or rights used in or about the collection, storage, purification, conveyance, or distribution or sale of water; to regulate and prescribe for what public or private purposes the water furnished by ~~The~~ the Town of Greenwood may be used, the manner of its use, the amounts to be paid by the ~~users thereof,~~ users, the means whereby ~~such~~ the amounts ~~shall be~~ are collected and the fines or penalties, or both, for delinquent accounts or ~~for any~~ willful or negligent injury, or damage to or interference with the water system or the equipment of the Town; to furnish or refuse to furnish water from the Town system to places and properties outside the Town limits; and to contract for and purchase water and distribute the same to users within or without the Town with the same full powers as though ~~such~~ the water had been initially reduced to usefulness by the municipality itself.

(13) To provide, construct, extend, maintain, ~~manage~~ manage, and control a sewer system ~~and/or~~ or a sewage treatment and disposal plant and ~~facilities~~ facility, for the health, ~~sanitation~~ sanitation, and convenience of the inhabitants of the Town; to regulate and prescribe for what private or public uses or purposes the system may be used, the manner of its use, the amounts to be paid by the ~~users thereof,~~ users, the means whereby such amounts ~~shall be~~ are collected and the fines or penalties or both, for any delinquent accounts or ~~for any~~ willful or negligent injury or damage to, or interference with, the ~~said~~ system, ~~plan~~ plan, or ~~facilities.~~ facility; or to furnish or refuse to furnish sewer disposal service from the Town system to places and properties outside the Town limits. In the interest of the public's health, to compel ~~any and all~~ properties in the Town to be connected

to the sewer system of the Town; and to contract for and purchase sewer disposal service and to resell the ~~same~~ service to users within or without the Town with the same full powers as though such service had been initially provided by the facilities therefor of the Town itself.

Section 15. Amend the Charter of Greenwood by repealing Section 30 in its entirety and inserting in lieu thereof the insertions as shown by underline as follows:

**Streets**

**Section 30.**

(a) Power to Lay Out, Locate, Open, Widen, Alter, Close, Vacate, or Abandon. The Town Council has the power and authority to lay out, locate, and open a new street or alley, or to widen or alter all or parts of an existing street or alley, and to close, vacate, or abandon all or part of an existing or proposed street or alley, whenever the Town Council deems it in the best interest of the Town.

(b) Initiation of Proceedings. The procedures under this Charter to lay out, locate, open, widen, alter, close, vacate, or abandon a street or alley in the Town of Greenwood may be commenced by resolution of the Town Council.

(c) Resolution Proposing Change: Notice; Hearing. A resolution under this section must contain a description of the proposed change and must fix a time, date, and place when the Town Council shall sit to hear comments and objections concerning the proposal. At least 14 days before the date set for the public hearing, the Town Council shall print the resolution in a newspaper having a general circulation in the Town of Greenwood and post the resolution in 5 public places in the Town.

(d) Notice to Affected Property Owners. The Town Council shall send notice of the resolution, by certified mail, return receipt requested, to each owner of record of the real estate through, over, or abutting where the street or alley may run. Notice to 1 co-owner is effective as to all. If the address of the owner is unknown, a copy must be delivered to a person occupying the premises or, if none, posted thereon. Notice to an affected property owner under this subsection must be provided at least 14 days before the date set for the public hearing.

(e) Hearing and Resolution. At the time and place in the resolution, the Town Council shall hear the residents or taxables of the Town or owners of the property affected thereby, who attend the hearing. After hearing all comments, the Town Council may, at the meeting, or at a subsequent date, adopt a resolution to proceed with, or abandon, the change proposed in the resolution. Within 5 days of adopting the resolution under this subsection, the Town Council shall provide a copy of the resolution to all affected property owners in the same manner as the notice provided under subsection (d) of this section. Failure to provide the notice required under this subsection does not invalidate the resolution adopted by the Town Council.

(f) Payment of Compensation; Acquisition of Title.

(1) Taken Land. When the Town Council determines to proceed with the opening of a new street or alley, or the widening of an existing street or alley, the Town may acquire title to the lands necessary by negotiation and purchase or by condemnation under the procedure in Chapter 61 of Title 10.

(2) Closed, Vacated, or Abandoned Street or Alley. When the Town Council determines to proceed with the closing, vacating, or abandoning of an existing street or alley, or a part thereof, no compensation may be paid

to a property owner unless the closing, vacating, or abandoning deprives a property of all reasonable vehicular access directly between a public street or public alley and an existing garage, carport, or improved off-street parking area located on the property so that the property owner effectively loses the use of the garage, carport, or parking area for off-street parking or temporary storage of motor vehicles. A property owner who claims the deprivation of the use of a garage, carport, or parking area under this paragraph (f)(2) of this section must notify the Town in writing of the claim within 60 days of the resolution adopted under subsection (e) of this section. Upon receipt of such notice, the Town Council shall proceed to pay compensation for the damages in the same manner as under paragraph (f)(1) of this section.

(3) Disposal of Abandoned and Vacated Street Lands. When the Town owns the land included in a part of a street or alley vacated or abandoned under this section, the Town Council may sell the land at a public or private sale for the consideration the Town Council deems proper after first offering the land to the owners of property abutting on each side of the land. The Town Council has the right and power to convey to the purchaser of the land a good and sufficient title of the land for whatever estate the Town may have therein.

(4) "Street" Defined. For the purposes of this section, the term "street" means the entire right-of-way, whether or not improved, including a sidewalk, curb, lane, alley, roadway, street, or other highway owned by, titled in the name of, or under the jurisdiction and control of the Town. "Street" does not include a road, street, highway, or other public way under the jurisdiction and control of the Department of Transportation.

(g) The Town Council has the full power and authority to re-grade, re-surface, redress, and otherwise repair and rebuild an existing street, lane, alley, and other public thoroughfare in the Town, and to construct, build, pave, and in any manner improve a new or existing street, lane, alley, and other public thoroughfare now open or to be opened for public use in the Town. The Town Council may employ a contractor, engineer, inspector, or others necessary to do the work under this subsection. The Town Council has full power and authority to enter into a contract or agreements with the Department of Transportation for the construction or permanent or temporary maintenance, repair, or up-keep of a street, lane, alley, highway, or other public thoroughfare within the Town limits.

Section 16. Amend Section 31 of the Charter of Greenwood by making deletions as shown by strike through and insertions as shown by underline as follows:

### **Curbing And Paving**

#### **Section 31.**

(a) The Town Council ~~shall have~~ has the power to do all of the following in the Town:  
~~cause to be paved or repaved the sidewalks of said Town, or any part or portion thereof, to cause to be repaired or relayed existing curbs or gutters, or both, or any part or portion thereof, or to cause to be laid, installed or constructed new curbs or gutters, or both, or any part or portion thereof or to cause to be paved or repaved the streets of said Town, or any part or portion thereof, with such material or materials and such width or size and subject to such specifications as the Town Council shall determine.~~

(1) Pave or repave a sidewalk.

(2) Repair or relay an existing curb or gutter.

(3) Install a new sidewalk, curb, or gutter.

(4) Pave or repave a street.

(b) Curbing and paving under subsection (a) of this section may be done to any part or portion of a sidewalk, curb, gutter, or street, and the Town Council shall determine the specifications of the curbing and paving, including the material used and the width or size of the sidewalk, curb, gutter, or street.

Section 17. Amend Section 32 of the Charter of Greenwood by making deletions as shown by strike through and insertions as shown by underline as follows:

### **Power To Borrow Money And Issue Bonds**

#### **Section 32.**

(a) ~~The~~ Except as permitted under subsection (c) of this section, the Town Council may borrow money and issue bonds or certificates of indebtedness to secure the repayment thereof on the faith and credit of The Town of Greenwood to provide funds for ~~the~~ only any of the following:

(1) The erection, extension, enlargement, ~~purchase purchase,~~ or the repair of ~~any a~~ plant, machinery, ~~appliances, appliance,~~ or equipment for the ~~supply,~~ supply or the manufacture and distribution of electricity or ~~gas for light, heat or power purposes; for the gas.~~

(2) ~~furnishing of~~ Furnishing water to the ~~public, for the public.~~

(3) The construction, ~~repair repair,~~ and improvements of ~~highways, streets~~ a highway, street, or ~~lanes lane,~~ or the paving, ~~curbing~~ curbing, or erection of ~~gutters and curbs~~ a gutter or curb along the ~~same; for the same.~~

(4) ~~purchase of~~ Purchasing real estate for ~~any a~~ municipal ~~purpose; for the purpose.~~

(5) The construction or repair of sewage disposal ~~equipment; equipment.~~

(6) Erecting, enlarging, repairing, or replacing any municipal building including a town hall, a police department building, a municipal warehouse, or any other building that is situated or will be situated, on property owned by the Town.

(7) Condemning or purchasing land, an easement, or a right-of-way which may be required for action taken under paragraph (a)(6) of this section. ~~or to~~

(8) To defray the cost or the share of the Town of the ~~costs~~ cost of ~~any a~~ permanent municipal ~~improvements; provided, however, that the improvement.~~

(9) Erecting, enlarging, repairing, or replacing public recreational facilities.

(b) Except as permitted under subsection (c) of this section, to authorize the borrowing of money ~~therefor shall have been authorized for the Town Council in the manner following:~~ under subsection (a) of this section, the Town Council must do all of the following:

(1) ~~The Town Council by Resolution shall propose~~ Propose, by resolution, to the residents and property owners of the Town that the Town Council proposes to borrow a certain sum of money for ~~any of the purposes above stated.~~ a purpose under subsection (a) of this section. The ~~Resolution shall~~ resolution must state all of the following:

a. The date, time, and location for a public hearing to receive public comment on the borrowing. ~~the~~

b. The amount of money desired to be borrowed, the borrowed.

d. The purpose for which it is desired, the money will be borrowed.

e. The manner of securing the same, and state money.

f. all ~~All~~ other pertinent facts relating to the loan which are deemed pertinent by the Town Council and in their possession of the Town Council at the time and place for a hearing on the said Resolution. of the adoption of the resolution.

(2) Notice of the time and place of the hearing on the ~~Resolution~~ resolution authorizing said ~~the~~ loan shall must be printed in a newspaper having a general circulation in the Town or distributed in circular form at least ~~one~~ 1 week before the ~~time set for the~~ public hearing.

(3) Following the public hearing, the Town Council must pass a second ~~Resolution~~ resolution shall then be passed by the ~~Town Council~~ resolution ordering a ~~Special Election~~ special election to be held not less than ~~thirty (30)~~ 30 days nor more than ~~sixty (60)~~ 60 days after the said public hearing ~~to borrow the same money, under paragraph (b)(1)a. of this section. the said Special Election to be~~ The special election is for the purpose of voting for or against the proposed loan. The passing of the second ~~Resolution~~ resolution calling a ~~Special Election~~ shall special election is, ipso facto ~~be considered~~ facto, the determination of the Town Council to proceed with the matter in issue.

(4) The notice of the time and place of ~~holding the said Special Election~~ shall special election must be printed in ~~two (2)~~ 2 issues of a newspaper having a general circulation in The Town of Greenwood within ~~thirty (30)~~ 30 days ~~prior to~~ before the said ~~Special Election~~ special election or distributed in circular form at least ~~fifteen (15)~~ 15 days ~~prior to~~ before the ~~Special Election~~, special election, or both, at the discretion of the Town Council.

(5) ~~At the said Special Election, every citizen of The Town of Greenwood shall have one (1) vote and, in addition, every partnership or corporation owning property within the corporate limits of The Town of Greenwood shall also have one (1) vote and the said votes may be cast either in person or by proxy.~~

a. The following persons are entitled to 1 vote in a special election under this section:

1. An individual who is qualified to vote under Section 7(g).

2. An individual or legal entity owning record title to real property in the Town.

b. Paragraph (b)(5) of this section must be construed with the principle of "1 person, 1 vote". If a voter is entitled to vote by virtue of both residence and ownership of property or is entitled to vote by ownership of 2 or more parcels of real property, that voter is entitled to only 1 vote.

c. An individual or a legal entity entitled to vote under paragraph (b)(5) of this section may cast a vote by a duly executed and acknowledged power of attorney and the power of attorney constitutes conclusive evidence of the right of the individual to vote in the special election on behalf of the legal entity or individual granting the power if the power of attorney is filed as follows:

1. The power of attorney must be surrendered to the Board of Special Elections.

2. The Board of Special Elections must file the power of attorney in the Office of the Town

Manager.

(6) The Town Council shall cause to be prepared, ~~printed~~ printed, and have available for distribution a sufficient number of ballots not less than ~~five (5)~~ 5 days prior to the ~~said Special Election~~ special election. The ~~Special Election~~ special election may, at the discretion of the Town Council, be conducted by the use of voting machines or by paper ballot. The Mayor of The Town of Greenwood, by and with the advice and consent of the majority of the Town Council shall appoint ~~three (3)~~ 3 persons to act as a Board of Special Election. The individuals appointed to the Board of Special Elections may be the same individuals appointed under 7(f). ~~The A~~ polling ~~places shall be opened from twelve o'clock noon, prevailing time, until five o'clock in the evening, prevailing time,~~ place must be open for no less than 2 hours on the date set for the ~~Special Election~~ special election.

(c)(1) The Town Council may borrow money on the full faith and credit of the Town without approval of the voters and without regard to the provisions of subsections (a) and (b) of this this section if the sum borrowed does not exceed, in the aggregate, \$100,000, for any municipal or public purpose when, in the opinion of at least 4 members of the Town Council elected, the needs of the Town require it.

(2) The terms of any new borrowing under paragraph (c)(1) of this section made after [the effective date of this act] must require repayment in full within 15 years of the date of the borrowing.

(3) A sum borrowed under paragraph (c)(1) of this section must be secured by a promissory note or other evidence of indebtedness of the Town Council duly authorized by resolution of the Town Council, signed by the Mayor, and attested by the Secretary of the Town Council with the town seal affixed.

(4) A sum of money borrowed on the full faith and credit of the Town shall be paid from the general funds of the Town.

(d)(1) After the borrowing of money has been approved under paragraph (b) or (c) of this section, the Town Council may publish a notice announcing all of the following information:

a. The Town Council has determined to borrow a certain sum of money and to issue bonds or certificates of indebtedness for this sum of money.

b. The borrowing has been approved and whether the approval was through a special election of the Town or a vote of Town Council.

c. The amount of money to be borrowed, which may be stated as a "not-to-exceed" amount.

d. The purpose for which it is to be borrowed.

e. The security for the borrowing.

f. That a person desiring to challenge the authorization of this bond or certificate of indebtedness must bring an action within 60 days from the date of publication of this notice or forever be barred from doing so.

(2) The Town Council must publish the notice under paragraph (d)(1) of this section as follows:

a. Published no less than 1 time in a newspaper of general circulation in the Town.

b. Posted in at least 5 public places in the Town and in at least 1 place, viewable to the public, in the territory proposed to be annexed.

c. Be in bold print or bordered in black

(3) If the publication of the notice under paragraph (d)(2) of this section does not appear on the same date, the date of the first publication or posting controls.

(e) An action contesting a proceeding conducted, or action taken, by the Town Council regarding the authorization of a bond, promissory note, or certificate of indebtedness issued under this Section may not be brought more than 60 days after the publication of the notice under subsection (d) of this section.

Approved February 25, 2020