

CHAPTER 397
FORMERLY
SENATE BILL NO. 249
AS AMENDED BY
SENATE AMENDMENT NO. 1

AN ACT TO AMEND THE CHARTER OF THE BOARD OF PUBLIC WORKS OF THE CITY OF LEWES, TO EXPAND THE PERIOD OF TIME FOR NOMINATIONS TO THE BOARD OF PUBLIC WORKS AND TO MODIFY THE PROCEDURES FOR THE BOARD TO CEASE TO OPERATE, SELL, LEASE, ABANDON OR DISPOSE OF ANY PUBLIC UTILITY.

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

WHEREAS, it is deemed desirable that the Charter of the Board of Public Works of The City of Lewes, being Chapter 10, Volume 77, Laws of Delaware, as amended, be amended to clarify certain provisions in the recent reincorporation of the Board of Public Works of the City of Lewes; and

WHEREAS, the present Charter of the Board of Public Works of The City of Lewes was reincorporated in 2009 with an effective date of August 7, 2009; and

WHEREAS, inconsistencies and limitations have become apparent which should be resolved in favor of more flexibility in the election process and for management decisions for the Board of Public Works; and

WHEREAS, the Board of Public Works has determined that the election process, especially the timing for filing of notice of candidacy, should be the same as required by the filing provision for candidates for the Mayor or City Council in the City of Lewes; and

WHEREAS, the BPW and the Mayor and City Council have determined that the requirements imposed by the Charter on the Mayor and City Council prior to ceasing to operate or otherwise selling, leasing or disposing of any utility system owned by the City are exceedingly burdensome and lengthy resulting in the very possible effect of preventing any such action to be taken.

NOW, THEREFORE:

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. The Charter of the Board of Public Works of the City of Lewes, Volume 77, Chapter 10, Laws of Delaware, as amended, Section 2.4, Filing of Intent to be a Candidate, be and is hereby amended by striking the last sentence thereof and substituting in lieu thereof the following:

“All such notifications of candidacy shall be filed in the office of the General Manager during the regular business hours of the Board of Public Works not earlier than the opening of business on February 1 and prior to 4:30 p.m., prevailing time, on the first Thursday in April.”.

Section 2. The Charter of the Board of Public Works of the City of Lewes, Volume 77, Chapter 10, Laws of Delaware, as amended, Section 9.6, be and is hereby amended by striking it in its entirety and substituting in lieu thereof the following:

“9.6 The Mayor and City Council shall have no authority to cease to operate, or to sell, lease, abandon or in any other way dispose of any public utility owned by it, without a Council vote to call a referendum election concerning sale of the utility. The City will hold a referendum election no sooner than ninety (90) days and within one hundred twenty (120) days which must be passed by a majority of the voters, qualified as for a Board election, voting at the election, to approve said sale.”.

Approved July 15, 2010