

LAWS OF DELAWARE
VOLUME 84
CHAPTER 130
152nd GENERAL ASSEMBLY
FORMERLY
HOUSE BILL NO. 207

AN ACT TO AMEND THE CHARTER OF THE TOWN OF MILTON.

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 3(o) of the Charter of The Town of Milton by making deletions as shown by strike through and insertions as shown by underline as follows:

Section 3. Annexation of Territory

If it becomes feasible, or necessary in the future, for The Town of Milton to enlarge its then existing limits and territory, annexations accomplished under the following procedures are lawful:

(o) All territories proposed to be annexed, including those territories as defined by Title 22 of the Delaware Code as exempt from taxation, or which are not assessed on the books on the Board of Assessment of Sussex County, are required to follow all the processes and procedures required for annexations to the Town of Milton. The Mayor and Town Council and the Milton Planning and Zoning Commission must proceed in the same manner as required of any annexation petition with the exception of those parcels 2 acres or less. Parcels 2 acres or less must comply with Section 3A of this Charter.

Section 2. Amend the Charter of The Town of Milton inserting a new Section 3A, entitled “Annexation of Territory 2 Acres or Less,” by making deletions as shown by strike through and insertions as shown by underline as follows:

Section 3A. Annexation of Territory 2 Acres or Less

The Mayor and Town Council shall have the authority to annex any territory containing 2 acres or less contiguous to the Town by complying with the procedure set forth in this Section, in addition to the requirements for annexation in Title 22 of the Delaware Code.

(a) Any property owner(s) holding record fee title to real property in territory 2 acres or less contiguous to the then existing corporate limits of the Town may petition the Mayor and Town Council to annex that certain territory in which they own property. Such petition: shall be in writing, duly executed, and acknowledged by each petitioner; shall describe with reasonable certainty the territory proposed for annexation; indicate the property owned by each petitioner therein; and state the reasons for the requested annexation. The Mayor and Town Council may, within 90 days following the filing of such petition in the Town Office, vote to accept such petition and proceed as hereinafter provided, or to reject such petition. A petition not so accepted within said 90 days shall be null and void. The description for the territory proposed for annexation shall include any street, road or way previously conveyed, transferred or delivered to the public or to the state, county, or other local governmental authority having jurisdiction over the subject matter thereof for the public use as a road or as a public right-of-way

corridor that is contiguous with or adjacent to the territory proposed for annexation and all streams, rivers, canals, or other waterways to the centerline thereof that are contiguous with or adjacent to the territory proposed for annexation; provided, however, that any such territory that is included in the limits or boundary of an adjacent municipality shall not be annexed into the limits and the bounds of the Town of Milton.

(b) The Mayor and Town Council shall introduce an ordinance proposing the annexation of such territory of 2 acres or less contiguous to the Town. Such ordinance shall describe, with reasonable certainty, the territory proposed to be annexed, state the reasons for the proposed annexation, shall rezone the area being annexed to a zoning classification consistent with the adopted comprehensive plan, and shall contain such other provisions as shall be required by law.

(c) If the proposed ordinance shall fail to receive the affirmative vote of a majority of all members elected to the Town Council, the territory proposed to be annexed shall not again be considered for annexation for a period of 6 months from the date that the ordinance failed to receive the required affirmative vote.

(d) If the ordinance shall be adopted, annexation as provided therein shall become effective immediately after the certification of the Town Council's vote. Upon the adoption of the Ordinance of Annexation, a copy thereof, signed by the Mayor and certified by the Secretary of the Town Council, together with a plot of the area annexed, shall forthwith be filed for recording in the Office of the Recorder of Deeds in and for Sussex County, Delaware, and said recordation shall be completed within 90 days following the date of adoption. The failure to record the description or the plot within the specified time shall not make the annexation invalid, but such annexation shall be deemed to be effective at the expiration of the 90-day period from the date of the adoption of the Ordinance of Annexation.

Section 3. Amend Section 14(b) of the Charter of The Town of Milton by making deletions as shown by strike through and insertions as shown by underline as follows:

Section 14. Contracts

(b) All contracts for the purchase of materials or for the furnishing of services authorized or permitted by this Charter shall be accomplished by competitive bidding and the contract awarded to the lowest responsible bidder who submits a responsive bid; provided however, that competitive bidding shall not be required, but may be used, in ~~any of the following circumstances:~~ accordance with the Town of Milton Procurement Policy that has been established and may be amended by the Mayor and Town Council in order to provide detailed procedures for implementing the requirements of this Section 14(b). If, at the completion of a competitive bidding process for the purchase or contracting of property or services, the Mayor and Town Council determine that the prices received after competitive bidding are unacceptable as to all or part of the requirement or not independently reached in open competition, the Mayor and Town Council shall announce this finding at its next Town Council meeting and vote as to whether to open a new bidding process.

~~(1) The aggregate amount involved is not more than Ten Thousand Dollars (\$10,000.00) in a fiscal year, unless competitive bid is otherwise required by the terms of a grant or subsidy or for any other reason.~~

~~(2) The purchase is for materials or services other than professional services greater than Ten Thousand Dollars (\$10,000.00) to Twenty five Thousand Dollars (\$25,000.00); which then may be accomplished by soliciting letter quotations from not fewer than three (3) qualified responsible sources or providers.~~

~~(3) The purchase or contract is for any service to be rendered by the State of Delaware or any political subdivision.~~

~~(4) The purchase or contract is for property or services for which it is impracticable to obtain competition.~~

~~(5) The public exigency, as determined by the Mayor and Town Council, will not permit the delay incident to advertising.~~

~~(6) A public emergency, as determined by the Mayor and Town Council, exists.~~

~~(7) The purchase or contract is for personal or professional services. For purposes of this section personal or professional services shall include legal, accounting, engineering, planning or other professional services and personal services shall mean cleaning, domestic or other temporary services.~~

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

~~(9) The purchase or contract is for materials, motor vehicles, vehicles, equipment of any kind, tools and other personal property which the State of Delaware has purchased or has chosen for purchase pursuant to the procedures provided by 29 Del.C. § 6901 et. seq. or the vendor of said personal property has a contract with the Federal General Services Administration and as a result has been placed on the G.S.A. Federal Supply Schedule.~~

Section 4. Amend Section 29(26) of the Charter of The Town of Milton by making deletions as shown by strike through and insertions as shown by underline as follows:

Not by way of limitation on the power vested in the Mayor and Town Council to exercise all powers delegated by this Charter to the municipal corporation or to the Mayor and Town Council except as may expressly appear herein to the contrary, but, rather by way of enumeration and for purposes of clarity, the Mayor and Town Council are vested by this Charter with the following powers, to be exercised by the Mayor and Town Council in the interest of good governance and for the safety, health, and public welfare of the Town, the Town's inhabitants, and the Town's affairs:

(26) To levy and collect taxes for any and all municipal purposes upon all real estate and improvements located thereon on an annual basis and on a quarterly basis in supplement; provided, however, that the amount to be raised from this source shall not exceed in any one year the sum equal to ~~One Million Seven Hundred Fifty Thousand Dollars (\$1,750,000)~~ one half of one percent (0.5%) of the assessed value of all such taxable real estate and improvements thereon situated within the corporate limits of the Town of Milton; and provided further that there shall be no limitation upon the amount which may be raised from the taxation of

real estate for the payment of interest on and principal of any bonded indebtedness whether herein before or hereafter incurred;

Section 5. This Act shall take effect upon its enactment into law.

Section 6. If any provision of this Act or the application thereof to any person at circumstance is held invalid, such invalidity shall not affect other provisions or applications of the Act which can be given effect without the invalid provision or applications, and to that end the provisions of this Act are declared severable.

Approved August 1, 2023