



SPONSOR: Rep. Lynn & Sen. Paradee
Reps. Carson, Longhurst, Bolden

HOUSE OF REPRESENTATIVES
151st GENERAL ASSEMBLY

HOUSE BILL NO. 456

AN ACT TO AMEND THE CHARTER OF THE CITY OF DOVER.

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 Preamble of the Charter of the City of Dover by making deletions as shown by strike through and insertions as shown by underline as follows:

PREAMBLE

We the people of the City of Dover, under the constitution and laws of the state of Delaware, in order to secure the benefits of local ~~self government~~ self-government and to provide for an honest and accountable council manager government do hereby adopt this charter and confer upon the city the following powers, subject to the following restrictions, and prescribed by the following procedures and governmental structure. By this action, we secure the benefits of home rule and affirm the values of representative democracy, professional management, strong political leadership, citizen participation, and regional cooperation.

Section 2. Amend Section 1.05 of the Charter of the City of Dover by making deletions as shown by strike through and insertions as shown by underline as follows:

Section 1.05. Procedure to extend boundaries.

The ~~City~~ city may, from time to time, extend its boundaries in accordance with Title 22, Chapter 1, Section 101 (22 Del. C. § 101) through the following annexation processes:

(1) In the case where annexation is petitioned by all owners of all property considered for annexation, no election shall be required.

For an annexation petition not requiring an election, such petition shall be processed in accordance with procedures established for amendments to the zoning map, specified in Dover Code, Appendix B - Zoning. All annexation petitions shall be processed concurrently with the rezoning of the property considered for annexation and shall be subject to public hearing before City Council. Public notice shall be completed in accordance with the provisions of the Dover Code relating to amendment of the zoning map.

(2) In the case where annexation is not petitioned by all owners of all property considered for annexation, such annexation shall be subject to an election, as follows:

(a) In order to extend the boundaries of ~~The~~ the City of Dover the council shall adopt a resolution proposing the inclusion of all property considered for annexation within the limits of ~~The~~ the City of Dover and calling for a special election to be held not less than thirty (30) nor more than sixty (60) days after the adoption of the resolution, in accordance with Title 22, Chapter 1, Section 101, Delaware Code. The resolution shall contain a description of all property considered for annexation, the date of the election, and the place or places of said election. The resolution shall be published in at least two (2) issues of a newspaper of general circulation within the City of Dover at least two (2) weeks prior to the day of said election.

(b) The annexation election shall be held by the city's election officers. Each owner of the property considered for annexation shall be entitled to one (1) vote. Owners of real estate in common shall be entitled to one (1) vote each. Life tenants shall be entitled to one (1) vote each but the holders of the remainder interest or similar interest subject to the life estate shall not be entitled to vote. Corporations, firms or associations shall be entitled to one (1) vote, the same as private persons.

More than one (1) annexation election may be held on the same day; however, the elections shall be separate.

~~The Council~~ council of the City of Dover shall provide the ballots and shall bear the cost of holding such annexation elections. The ballots shall briefly indicate the property proposed for annexation and shall provide two (2) boxes on the ballot beside which shall appear the words "FOR inclusion within ~~The~~ the City of Dover," and "AGAINST inclusion within ~~The~~ the City of Dover." Each voter shall indicate their preference by making a mark within the box beside the words expressing their preference.

For the annexation election, the polls shall open at 11:00 a.m. ~~to~~ and remain open until each eligible voter has cast their vote or until 8:00 p.m., whichever occurs first. When the polls are closed the election officers shall publicly count the votes and forthwith certify to the ~~clerk of the council~~ city clerk the number of votes cast for and against inclusion within the city limits. At the next regular or special meeting of the council the mayor and council shall receive the results of the election and make the same a part of the minutes of said meeting.

If a majority of the votes cast in an annexation election are in favor of the inclusion of that property, the council may thereupon adopt a resolution annexing said property and including same within the limits of ~~The~~ the City of Dover. Upon the adoption of a resolution of annexation a copy thereof certified by the ~~clerk of council~~ city

51 clerk and a plot of the area annexed shall be forthwith filed for record with the Recorder of Deeds of Kent County,
52 and the area so annexed shall for all purposes thenceforth be part of ~~The~~ the City of Dover.

53 If a majority of the votes cast in an annexation election shall be against the inclusion of that property within the
54 limits of ~~The~~ the City of Dover, the proposed annexation of said property shall be declared to have failed. Nothing in this
55 Charter shall prohibit the council from resubmitting a proposal for annexation to the eligible voters for said property, or any
56 portion thereof, under the authority of this section and in accordance with the provisions thereof.

57 Section 3. Amend Section 2 of the Charter of the City of Dover by making deletions as shown by strike through
58 and insertions as shown by underline as follows:

59 Sec. 2. Status, general corporate powers, specific provisions for condemnation of property.

60 The inhabitants of the City of Dover within the boundaries defined in Section 1.04 of this Charter, or within the
61 boundaries hereafter established, shall continue to be a body politic and corporate, by the name of "~~The~~ the City of Dover,"
62 and under that name shall have perpetual succession; may have and use a corporate seal; may sue and be sued; may hold
63 and acquire by purchase, gift, devise, lease or condemnation, real property and personal property within or without its
64 boundaries for any municipal purpose, in fee simple or lesser estate or interest, and may sell, lease, hold, manage, and
65 control such property as its interest may require; and shall have all other powers and functions requisite or appropriate for
66 the government of the city, its peace and order, its sanitation, appearance and beauty, the health, safety, convenience,
67 comfort and well-being of its population, and the protection and preservation of property, public and private.

68 Whenever it shall be necessary for any municipal purpose to condemn any real property or personal property under
69 this Charter, except as is herein otherwise specifically provided, ~~the-Council~~ council must follow applicable State Law.

70 Section 4. Amend Section 3 of the Charter of the City of Dover by making deletions as shown by strike through
71 and insertions as shown by underline as follows:

72 Sec. 3. Employee pension, benefit and retirement systems authorized.

73 The City of Dover is hereby authorized, empowered and permitted to establish a system of pensions or benefits
74 through group insurance or otherwise as may be found proper and necessary, providing for life, accident, health,
75 hospitalization and death benefits, or any or either of them, for the regular employees of the said "~~The~~ the City of Dover."
76 The said "~~The~~ the City of Dover" is hereby authorized, empowered and permitted to enter into an agreement or agreements
77 with one or more insurance companies to provide a group insurance plan or plans, as may be required or proper to carry out
78 such system of pensions or benefits. The election to exercise such authority on the part of the city shall be evidenced by an
79 ordinance or resolution duly adopted by ~~the-Council~~ council of ~~The~~ the City of Dover as other ordinances or resolutions are
80 adopted, and the same shall be recorded in the official minutes of the said council. Such ordinance or resolution shall

81 provide for and establish a fund for the payment of the costs of such pension system or benefits by making appropriations
82 out of the treasury of the said "The the City of Dover," or by requiring contributions payable from time to time by the
83 employees included in such plan or plans, or by a combination of both, or by any other method not prohibited by law. The
84 participation in any plan adopted shall be deemed to be mandatory by the City of Dover and made a condition of
85 employment and continuing employment.

86 The city council shall have power to enact ordinances for a pension or retirement system for the police of the City
87 of Dover, and to set aside a special fund for that purpose which fund shall be administered in accordance with ordinances
88 made and provided in that behalf and the laws of the State of Delaware.

89 ~~Notwithstanding any statute to the contrary, the City of Dover shall have the power by ordinance to impose and~~
90 ~~collect a tax, to be paid by the transferor or transferee as determined by council, upon the transfer of real property within~~
91 ~~the city not to exceed one and a half percent (1.5%) or as amended by State law of the value of the real property as~~
92 ~~represented by the document transferring the property. The provisions of Section 5401 and Section 5403 of Chapter 54,~~
93 ~~Title 30 of the Delaware Code shall apply with respect to any realty transfer tax imposed by the City of Dover pursuant to~~
94 ~~the authority granted herein. The Council of the City of Dover may adopt an ordinance or ordinances to provide for the~~
95 ~~effective administration and regulation of any tax adopted pursuant to the authority conferred herein. If the taxing power~~
96 ~~and authority granted herein shall be exercised by way of a stamp affixed to a document, the recorder of deeds in and for~~
97 ~~Kent County shall not receive for record documents subject to said tax unless stamps provided by the City of Dover are~~
98 ~~affixed thereto showing payment of the tax.~~

99 Section 5. Amend Section 5 of the Charter of the City of Dover by making deletions as shown by strike through
100 and insertions as shown by underline as follows:

101 Sec. 5. Council to be legislative body; size; districts; terms of mayor and ~~councilmen~~; councilmembers;
102 qualifications.

103 The council shall be the legislative body of the city and composed of nine (9) members nominated and elected as
104 herein provided.

105 The city shall be divided into four (4) election districts, the boundaries of which shall be established by council so
106 that they are nearly equal in population based on the latest federal decennial census information. The district boundaries
107 established for municipal elections shall be used for the next regular municipal election and shall continue in effect until the
108 next succeeding federal decennial census is made available for use by municipalities in the State of Delaware.

109 ~~At the regular municipal election held in April of 2012, the mayor shall be elected at-large. The term of mayor~~
110 ~~elected at the April 2012 regular municipal election shall be for a period of three years, commencing on the second Monday~~

111 in May following his/her election and continuing for a term of three years until the second Monday in May 2015, or until
112 his/her successor has been duly elected and qualified.

113 Thereafter, ~~commencing with the regular municipal election to be held in April of 2015, the~~ The term of mayor
114 shall be for a period of four years commencing on the second Monday in May following ~~his/her~~ their election and
115 continuing for a term of four years until the second Monday in May, or until ~~his/her~~ their successor has been duly elected
116 and qualified.

117 At the regular municipal election held in April of 2012, four councilmen shall be elected by district voting from
118 each of the districts of the city. The term of the councilmen elected at the April 2012 regular municipal election shall be for
119 three years, commencing on the second Monday in May following their election and continuing for a term of three years
120 until the second Monday in May 2015, or until their successors have been duly elected and qualified.

121 At the regular municipal election held in April of 2013, five councilmen shall be elected, four by district voting
122 being from the districts and one at-large. The term of the councilmen elected at the April 2013 regular municipal election
123 shall be for a period of four years, commencing on the second Monday in May following their election and continuing for a
124 period of four years until the second Monday in May, or until their successors have been duly elected and qualified.

125 Thereafter, ~~commencing with the regular municipal election to be held in April of 2013, the~~ The terms of the
126 ~~councilmen~~ councilmembers shall be for a period of four years, commencing on the second Monday in May following their
127 election and continuing for a term of four years until the second Monday in May, or until their successors have been duly
128 elected and qualified. The mayor and at-large ~~councilman~~ councilmember shall be elected at alternating biennial regular
129 municipal elections.

130 In order to be eligible to be elected as mayor or as a member of council, the person must as of the date of the
131 election be:

132 (1) A citizen of the United States and of the State of Delaware;

133 (2) A resident of the city and having continuously resided therein or in an area annexed to the city during the
134 two (2) years immediately preceding the day of the election;

135 (3) A resident of the election district from which they are seeking election, unless they are seeking election as
136 an at-large ~~councilman~~ councilmember or mayor;

137 (4) Eighteen (18) years of age or older; and

138 (5) Nominated therefore, as hereinafter ~~provided~~ provided; and

139 (6) A registered voter of the City of Dover.

140 Holding Other Office. Except where authorized by law, no ~~council members~~ councilmembers shall hold any other
141 elected public office, city office, or city employment during the term for which the member was elected to the council. No
142 former ~~council members~~ councilmembers shall hold any compensated appointive office or employment with the city until
143 one year after the expiration of the term for which the member was elected to the council, unless granted a waiver by the
144 ~~Board of Ethics (Ethics Commission)~~ board of ethics (ethics commission).

145 Section 6. Amend Section 6 of the Charter of the City of Dover by making deletions as shown by strike through
146 and insertions as shown by underline as follows:

147 Section 6. Municipal election; dates, time, and place of elections.

148 Regular municipal elections shall be held ~~biennially~~ biennially on the third Tuesday in April. All other municipal
149 elections that may be held shall be known as special municipal elections. At each such municipal election, the polls shall be
150 opened at 7:00 a.m. and closed at 8:00 p.m. The council may designate the places of election and make all necessary rules
151 and regulations not inconsistent with this Charter or with other laws of the State of Delaware for the conduct of elections,
152 for the prevention of fraud in elections, and for the recount of ballots in case of doubt or fraud. At alternating biennial
153 regular municipal elections held on the third Tuesday in April, five ~~councilmen~~ councilmembers shall be elected for a term
154 of four years, four of whom shall be elected by district voting from each of the districts as designated by council and one of
155 whom shall be elected by ~~at-large~~ at-large voting by all voters of the city, as provided in section 5 of this Charter. At the
156 next biennial regular municipal election held on the third Tuesday in April, four ~~councilmen~~ councilmembers shall be
157 elected by district voting from each of the districts as designated by council for a term of four years, and a mayor shall be
158 elected by ~~the at-large voting by all~~ at-large voters of the city for a term of four years, as provided in section 5 of this Charter.

159 Section 7. Amend Section 7 of the Charter of the City of Dover by making deletions as shown by strike through
160 and insertions as shown by underline as follows:

161 Sec. 7. ~~Nomination~~ Nominating petitions for candidates for council and mayor.

162 The mode of nomination of candidates for the council and for mayor shall be by petition, signed by not less than
163 ten (10) nor more than twenty-five (25) ~~electors~~ registered voters of the city, filed with the ~~clerk of council~~ city clerk. In
164 the years when a mayor is to be elected, nominating petitions for candidates for mayor shall be accepted no sooner than the
165 first working day of January and not later than the last working day of January at or before 4:30 p.m. on the second Friday
166 of February biennially. Nominating petitions for candidates for council and on shall be accepted no sooner than the first
167 working day of January and not later than the last working day of January biennially at or before 4:30 p.m. on the last
168 working day in January biennially for candidates for mayor in the years when a mayor is to be elected. Should the second

Friday of February fall on a legal holiday, the filing date shall be 4:30 p.m. on the next working day thereafter which is not a legal holiday.

Whenever a petition nominating a person for the office of mayor or ~~councilman~~ councilmember shall have been filed as above prescribed, the name of such person shall be printed on the ballot for the regular biennial municipal election as a candidate for the office for which they were nominated, provided they possess the qualifications prescribed by this Charter for a candidate for such office.

No nominating petition shall designate more than one person to be voted for as a member of council or as mayor.

The signers of a nominating petition for a member of the council must be ~~electors~~ registered voters of the city residing in the city election district in which the nominee resides; but the signers ~~to the~~ of a nominating petition for the mayor and for the at-large ~~councilman~~ councilmember may be ~~city electors~~ registered voters of the city residing in the city at-large.

There must be attached to each nominating petition an affidavit of the circulator thereof, stating the number of signers and that each signature appended thereto was made in their presence, and is the genuine signature of the person whose name it purports to be, and that all of said signers are entitled to vote at the regular municipal election referred to; and, in the case of a petition nominating a candidate for ~~councilman~~ councilmember running from a particular district and to be elected by district voting, that the circulator of the petition verily believes that each signer of said petition is a resident of the same city election district in which the nominee resides.

With each signature shall be stated the place of residence of the signer, giving the street ~~and number~~ address or other description sufficient to identify the same. The form of the nominating petition shall be substantially as follows:

We, the undersigned, ~~electors of The~~ registered voters of the City of Dover, hereby nominate _____, who resides in the _____ City District of the said City of Dover, for the office of ~~Councilman~~ councilmember (or for the office of ~~Mayor~~ mayor as the case may be) to be voted for at the regular municipal election to be held in the said City, on the _____ day of _____ in the year _____; and we individually certify that we are qualified to vote for a candidate for the office named, and that we have not signed any other nominating petition for that office, and that our places of residences are truly stated after our signatures.

Name _____

Street ~~and Number~~ address _____

(Space for Signatures)

STATE OF DELAWARE

KENT COUNTY

199 SS.

200 _____ being duly sworn (or affirmed) deposes and says that they were the circulator of the foregoing
201 petition paper containing _____ signatures, and that the signatures appended thereto were made in ~~his/her~~
202 their presence, and are the signatures of the persons whose names they purport to be, and that they verily believes the
203 residence of each signer thereof to be truly stated, and that all of said signers are entitled to vote at the regular municipal
204 election referred to in said paper; and, in case the petition is nominating a candidate for ~~councilman~~ councilmember to be
205 elected from a specific district by district voting, that each signer of said petition is a resident of the same city election
206 district in which the nominee resides.

207 (Signed) _____

208 Subscribed and sworn to (or affirmed) before me this _____ day of _____

209 _____ Justice of the Peace (or Notary Public)

210 Section 8. Amend Section 8 of the Charter of the City of Dover by making deletions as shown by strike through
211 and insertions as shown by underline as follows:

212 Sec. 8. Election board; counting of votes; determination of winners; tie votes; persons eligible to vote; voter
213 registration; official ballots and voting machines; absentee ballots.

214 There is hereby created the election board which shall be a non-elected body to oversee the municipal elections, as
215 well as to serve as an advisory board to ~~Council~~ council on such matters as voter registration, municipal elections, election
216 rules and regulations, and polling locations for ~~City~~ city elections. The board shall be composed of five (5) members,
217 serving three (3) years terms, to be appointed by the ~~Mayor~~ mayor and confirmed by council at the Annual Meeting, or as
218 necessary to fill vacancies as they occur. One member shall be appointed from each district into which the city has been
219 divided for election purposes, and one member shall be appointed on an ~~at-large~~ at-large basis. The ~~City Clerk~~ city clerk
220 shall serve as a liaison member of the board. Upon expiration of the term of appointment, a member shall serve until ~~his/her~~
221 their successor has been duly appointed. If a vacancy occurs during the term of any member of the election board, a person
222 residing in the same numbered district shall be appointed to fill the remainder of said term. Members serve without salary,
223 but shall be paid a per diem allowance as specified by ~~City~~ city ordinances.

224 To be eligible for appointment to the election board, each prospective member shall be a citizen of the United
225 States, a registered voter within the ~~City~~ city, and have resided within the geographical boundaries of the ~~City~~ city for one
226 year preceding the appointment. The ~~Mayor~~ mayor and members of ~~Council~~ council, their parents, spouse, or children, shall
227 not be eligible for appointment to the election board.

228 Election board members will voluntarily remove themselves from the election board prior to participating in any
229 campaign to elect a candidate. Upon certification of the election results, the election board member shall resume their duties
230 on the board. If a majority of councilmembers determine that a conflict of interest or a potential conflict of interest exists
231 regarding an election board member and a candidate, then the election board member shall be temporarily removed from
232 the election board.

233 All elections shall be held by an election board. ~~The City Clerk~~ city clerk may designate such other persons as
234 ~~he/she~~ they shall deem necessary to assist the members of the election board in the conduct of the election and counting of
235 the ballots. Should any or all of the members of the election board be absent from the place of election at 7:00 a.m. on the
236 day of the election or fail or neglect to act in the conduct of such election during the time the polls are open and until the
237 ballots are counted and the results of the election certified, the voters of the city present at such time may choose from the
238 qualified voters of the city such person or persons as shall be necessary to fill places made vacant by the absence or neglect
239 aforesaid.

240 When the polls are closed, the election board shall publicly count the votes and shall certify the results of the
241 election to each of the persons elected and to the council. The candidate for the office of mayor who receives the highest
242 number of votes cast for that office shall be declared to be elected mayor; the candidate for the office of at-large
243 ~~councilman~~ councilmember who receives the highest number of votes cast for that office shall be declared to be elected at-
244 large ~~councilman~~; councilmember; and the candidates for the offices of ~~councilmen~~ councilmember from each district who
245 receive the highest number of votes cast by voters who reside in that district and cast votes for ~~councilmen~~ councilmember
246 of that district shall be declared to be elected to that office. In the event of a tie vote for any office, a special election for
247 said office(s) only shall be held within thirty (30) days and the registration books shall remain closed until the outcome of
248 the special election is determined.

249 Every resident of the City of Dover who shall have reached the age of eighteen (18) years by the time of the
250 election and who is properly registered to vote shall be entitled to vote at all regular or special municipal elections. A voter
251 will be considered properly registered to vote if they are properly registered to vote for state elections in accordance with
252 Title 15 of the Delaware ~~Code~~ Code, as amended.

253 The council shall provide for the use of voting machines in all regular and special municipal elections in
254 conformity with Title 15 of the Delaware ~~Code by ordinance duly adopted by council. Voting machines shall be used in~~
255 ~~accordance with Title 15 of the Delaware Code and by ordinance duly adopted by council. Code, as amended.~~ The names of
256 the candidates for each office shall be listed in alphabetical order on the voting machines under the name of the office to
257 which they seek election. The voters shall designate their choice of candidates in accordance with the regular method of

operation of voting machines. The council may provide sample ballots plainly marked as such and printed on paper of any color except white to be distributed to any voter or candidate who requests them prior to or during the election.

Any qualified voter, duly registered, who shall be unable to appear to cast their ballot at any election either because of being in the public service of the United States or of this state, or because they will be unavoidably absent from the city on the day of the election, or because of ~~his/her~~ their sickness or physical disability may cast a ballot at such election by absentee ballot to be counted in the total of such election. The council may provide the rules and regulations for such absentee voting by ordinance for all elections.

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

Sec. 9. Meetings of mayor and council--Generally.

~~At 7:30 p.m. on~~ On the second Monday in ~~May following a regular municipal election,~~ May, the mayor and council shall meet at the usual place for holding council meetings and the newly elected officers shall assume the duties of office, being first duly sworn or affirmed to perform their duties with fidelity. Such meeting shall be called or known as the annual meeting. Thereafter, the council shall hold regular meetings at such times as may be prescribed by ordinance, but not less frequently than once each month. Special meetings may be called and held as prescribed by ordinance. All meetings of the council shall be open to the public except ~~scheduled~~ executive sessions.

At the annual meeting held on the second Monday in May, the members of council shall elect one of their members to serve as council president, such term to be in effect until the next regularly scheduled annual meeting or until a successor is elected. The council president shall serve as vice-mayor. ~~Council~~ The council president shall preside over regular and special council meetings.

The mayor shall preside over the annual meeting and quarterly town meetings, and at the annual meeting present a state of the city message and offer mayoral appointments for council confirmation. ~~The mayor, upon recommendation from the council president, will present council appointments for council approval.~~

In the event of absence of the council president, then the senior member of council in terms of length of service as ~~a councilman~~ councilmember or the council president's designee shall assume the duties of the council president and shall be designated council president acting. In the event that two (2) or more members of council have the same seniority in terms of length of service as ~~a councilman,~~ councilmember, then the members of council shall vote and elect one of those as council president acting. Council president acting shall fulfill all of the duties and responsibilities of council president during ~~his/her~~ their period of unavailability or absence. After a period of 30 days council will hold an election for a council president pro tempore who will fill the vacancy until the council president returns.

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

Sec. 10. Meetings of Mayor and Council--Procedure.

Five (5) of the members elected to the council shall constitute a quorum to do business, but a ~~less~~ lesser number may adjourn from time to time and may compel the attendance of absent members in such manner and under such penalties as may be prescribed by ordinance.

No ordinance, resolution, motion or order shall be valid unless it shall have (1) the affirmative vote of a majority of the members elected to the council, and (2) the written approval of the mayor, or the vice-mayor in those cases where the vice-mayor is authorized to act as mayor as provided in section 15 hereof, provided that in the absence of such approval by the mayor, or the vice-mayor as the case may be, the council may, after not less than seven (7) days nor more than thirty-five (35) days after the prior vote, pass or adopt the said ordinance, resolution, motion or order which did not receive the approval of the mayor, or the vice-mayor, by the affirmative vote of two-thirds of the members elected to council.

Whenever the council shall adopt an ordinance, resolution, motion or order, it shall be the duty of the mayor, or the vice-mayor, to signify ~~his/her~~ their approval or disapproval thereof in writing to the ~~clerk of the council~~ city clerk within seven (7) days thereafter. The ~~clerk of the council~~ city clerk shall forthwith notify the members of the council of such approval or disapproval.

Motions to adjourn meetings of council and orders to compel the attendance of absent members shall not require the approval of the mayor or vice-mayor.

~~A councilman~~ councilmember shall abstain from voting on a matter that ~~he/she feels~~ they feel would involve the consideration of ~~his/her~~ their own official conduct, on a matter in which ~~he/she has~~ they have a financial interest, in a matter in which ~~he has~~ they have a conflict of interest or in accordance with a policy adopted by council.

The yeas and nays shall be taken upon the passage of every ordinance and resolution and entered together with the text of the ordinance or resolution upon the journal of the proceedings of the council. The journal shall be deemed conclusive evidence of the facts stated therein except in the case of fraud.

The city council may adopt any standard code of technical regulations by reference thereto in an adopting ordinance. The procedure and requirements governing such an adopting ordinance shall be as prescribed for ordinances generally except that:

- (1) The requirements for distribution and filing of copies of the ordinance shall be construed to include copies of the code of technical regulations as well as of the adopting ordinance, and

(2) A copy of each adopted code of technical regulations as well as of the adopting ordinance shall be authenticated and recorded by the city clerk.

Copies of any adopted code of technical regulations shall be made available by the city clerk for distribution or for purchase at a reasonable price.

Section 11. Amend Section 12 of the Charter of the City of Dover by making deletions as shown by strike through and insertions as shown by underline as follows:

Section 12. Compensation; Expenses-Mayor, ~~council members~~, councilmembers, and other elected or appointed officials.

The city council shall determine the annual salary and emoluments of the mayor, ~~council members~~, councilmembers, and other elected or appointed officials by ~~ordinance~~, but no ordinance increasing the salary of the mayor or city council members shall become effective until the date of commencement of the terms of the mayor or council members elected at the next regular election. ordinance to be adopted annually with the adoption of the Fiscal Year Budget ordinance. Once the mayor and council's annual salaries are established in Fiscal Year 2023, all future mayor and council pay raises will be tied to increases for non-bargaining employees. The mayor and ~~council members~~ councilmembers shall receive their actual and necessary expenses incurred in the performance of their duties of office.

Section 12. Amend Section 13 of the Charter of the City of Dover by making deletions as shown by strike through and insertions as shown by underline as follows:

Section. 13. Vacancies; Forfeiture of Office; Filling of Vacancies.

(a) Vacancies. The office of mayor or a council member councilmember shall become vacant upon ~~the member's~~ their death, resignation, or removal from office or forfeiture of office in any manner authorized by law.

(b) Forfeiture of Office. ~~A council member~~ The mayor or councilmember shall forfeit that office if ~~the council member;~~ they:

(1) ~~Fails~~ Fail to meet the residency requirements,

(2) ~~Violates~~ Violate any express prohibition of this charter,

(3) ~~Is~~ Are convicted of a crime involving moral turpitude, or

(4) ~~Fails~~ Fail to attend three consecutive regular meetings of the council without being excused by the council.

In the case of any such vacancy or of any vacancy created by death, resignation or otherwise for which said vacancy shall be ~~less than six months or less in duration~~, duration from the next regular or special election, ~~the office shall remain vacant.~~ vacancy shall be filled at the next regular or special election if there is sufficient time to meet the requirements of the Dover Code of Ordinances, the City of Dover Charter, and Title 15 of the Delaware Code. If such

vacancy should be in excess of six months in duration, a special election shall be held to fill such vacancy, this special election to be held no sooner than ~~30~~ 60 days from the date of the vacancy, but said special election to be held no later than ~~60~~ 90 days after the date of the vacancy. If council fails to call for a special ~~Election~~, election, the special ~~Election~~ election shall be called by the ~~Election Board~~, election board.

Section 13. Amend Section 14 of the Charter of the City of Dover by making deletions as shown by strike through and insertions as shown by underline as follows:

Sec. 14. Duties of mayor.

The mayor shall be the executive and chief official of the city. The ~~Mayor~~ mayor shall have the powers and perform the duties conferred and imposed by this Charter and ordinances of the city. The mayor shall preside at the annual meeting of the council and at all quarterly town meetings. The council president shall preside at all other meetings of the council. The mayor shall have no vote on council matters of any nature whatsoever. The mayor is an ex officio member of all committees, but shall have no vote.

Section 14. Amend Section 15 of the Charter of the City of Dover by making deletions as shown by strike through and insertions as shown by underline as follows:

Sec. 15. Council President/Vice-mayor, duties of.

At each annual meeting, the council shall elect one of their number as council president who shall also serve as vice-mayor. During a vacancy in the office of mayor or during the absence or disability of the mayor, the vice-mayor shall have all the powers and duties of the mayor, except as hereinafter provided. The council president and vice-mayor shall retain ~~his/her~~ their right to vote as ~~councilman~~ councilmember at all times although ~~he/she~~ they may be acting as the mayor, unless the mayor's absence appears to be indefinite or extended, in which case council shall pass a resolution appointing the vice-mayor as mayor until the mayor's position is either filled in accordance with section 13 hereof or the mayor returns to ~~his/her~~ their duties, which resolution shall provide that the vice-mayor shall have the right to approve or disapprove council action in accordance with section 10 hereof, in which case the vice-mayor shall lose ~~his/her~~ their vote as ~~councilman~~ councilmember until further action is taken by council.

Section 15. Amend Section 16 of the Charter of the City of Dover by making deletions as shown by strike through and insertions as shown by underline as follows:

Section 16. City Clerk

~~The city council shall appoint an officer of the city who shall have the title of city clerk. The city clerk shall be appointed by a majority vote of the city council to hold office until their successor has been duly chosen and qualified, but subject to removal at any time by the council.~~ The city clerk shall give notice of council meetings to its members and the

public, keep the journal of its proceedings and perform such other duties as are assigned by this charter or ordinance or by the council or by state law.

Section 16. Amend Section 17 of the Charter of the City of Dover by making deletions as shown by strike through and insertions as shown by underline as follows:

Sec. 17. ~~Controller/treasurer~~ Controller/treasurer.

~~At the annual meeting the council shall elect a Controller/treasurer~~ The controller/treasurer shall be appointed by a majority vote of the city council to hold office until ~~the next annual meeting of the council, or until his/her~~ their successor has been duly chosen and qualified, but subject to removal at any time by the council.

~~The Controller/treasurer~~ controller/treasurer shall be the custodian of all the city funds and shall deposit them in a banking institution designated by the council.

Section 17. Amend Section 18 of the Charter of the City of Dover by making deletions as shown by strike through and insertions as shown by underline as follows:

Sec. 18. Ordinances authorized; maximum penalty for violation.

The council is hereby vested with the authority to adopt ordinances of every kind relating to any subject coming within the powers and functions of the city, or relating to the government of the city, its peace and order, its sanitation, appearance and beauty, the health, safety, convenience and comfort of its population, and the protection and preservation of property, to include regulation of rental properties, safe communities, and land rentals, and to fix and impose and enforce the payment of, fines and penalties for the violation of any such ordinance; ~~as such~~ as such penalties will be provided by the Dover Code of Ordinances and no provision in this Charter as to ordinances on any particular subject shall be deemed or held to be restrictive of the power to adopt ordinances on any subject not specifically enumerated.

Section 18. Amend Section 19 of the Charter of the City of Dover by making deletions as shown by strike through and insertions as shown by underline as follows:

Sec. 19. Power of council to define and abate nuisances.

The council shall have power to define nuisances and cause their abatement. ~~The operation of any instrument, device, or machine of any kind whatsoever, that shall cause electrical interference with radio or television reception within the limits of the city shall, at the option of the council, be deemed to be a nuisance.~~

Section 19. Amend Section 22 of the Charter of the City of Dover by making deletions as shown by strike through and insertions as shown by underline as follows:

Sec. 22. Power of council to regulate construction of buildings and require permits; building inspector authorized.

The power of the council to adopt ordinances for the safety of the city and its population shall be deemed to embrace the right to prescribe the height and thickness of the walls of any building and the kind and grade of materials used in the construction thereof.

The council may provide for the issuance of building permits and forbid the construction of a new building or the addition to or alteration and repair of an existing building except when a building permit has been obtained therefore. The council may appoint a building inspector and prescribe ~~his/her~~ their powers and duties.

Section 20. Amend Section 23 of the Charter of the City of Dover by making deletions as shown by strike through and insertions as shown by underline as follows:

Sec. 23. Power of council to create city planning commission; members generally.

The council may create a city planning commission for the development, improvement, and beautification of the city, and prescribe its powers and duties. No member of the planning commission may hold at the same time, any elected city office.

Members of any planning commission created by the city shall consist of two (2) members from each council district and one member serving ~~at-large.~~ at-large.

All members of the planning commission must be residents of the City of Dover.

Each appointed member of the commission shall receive per diem reimbursement for expenses to be paid ~~quarterly~~ monthly for preparation and attendance at each meeting of the planning commission attended in an amount to be set by council.

Section 21. Amend Section 28 of the Charter of the City of Dover by making deletions as shown by strike through and insertions as shown by underline as follows:

Sec. 28. Power of council to pave streets, sidewalks, etc. and levy assessment for public improvements; municipal lien docket.

The council shall have power to pave or repave, or to cause to be paved, or repaved, the streets and sidewalks of the city, or any part or portion thereof, with such material or materials as it shall determine.

The power hereby conferred shall be exercised in the following manner, pursuant to Chapter 98 - Streets, Sidewalks, Storm Sewers and Other Public Places of the Dover Code, to wit:

SIDEWALKS

A. ~~The city council, at such time as it shall determine that the condition or conditions of a particular street or streets, or portion thereof, requires that sidewalks be laid, or that the sidewalks then existing, if there be sidewalks laid, should be improved, or upon the petition of a majority of persons owning property along any of the streets, or a portion of~~

any of the streets of the said city, asking that the sidewalks abutting on said street or streets, be improved, or that sidewalks be laid where there are none at the time of the filing of the petition, may direct the property owner or owners to lay or replace sidewalks with such material or materials, as, in the judgment of the said Council of the City of Dover, may seem best under the circumstances.

It shall be the duty of the city manager to give at least fifteen (15) days notice in writing to the owner or owners of the property affected by the action of the said council. Said notices shall be served in the manner following: A copy thereof shall be delivered personally to the owner or owners of said property, or a copy thereof shall be left with the tenant in possession of the property, or a copy thereof shall be sent by registered mail to the last known post office address of the owner or owners of the said property or properties so affected. Service of such notice by either of said methods shall be sufficient to bind the owner or owners under the provisions of this Charter.

It shall be the duty of the owner or owners, after notice shall have been given in either of the ways above designated, to forthwith cause the said sidewalks to be laid or the improvement or alterations thereof to be made, as directed in said notice.

Upon the failure of the owner or owners to lay or cause to be laid or improved or altered, the sidewalks or portion thereof, according to the direction of said notice, it It shall be the duty of the City Manager city manager to cause the said sidewalks to be laid or altered or improved, as the case may be, according to the terms of such notice. be.

STREETS

B. The council shall adopt an ordinance or resolution stating, in effect, that on a named day and at a named hour and place, the council will meet to consider the question of paving or repaving, with specified material or materials, the named street in front of the property of named owners, and, of assessing the cost thereof against the owners. Said ordinance or resolution shall be published at least one week prior to the meeting aforesaid in at least one issue of a newspaper published in the city. The council shall hold a meeting in accordance with said ordinance or resolution and shall hear thereat the named owners of property and other residents of the city appearing on the questions presented in said ordinance or resolution.

After such hearing, the council shall decide, either at said meeting or at a subsequent meeting, whether or not to proceed with the paving or repaving specified in said ordinance or resolution; provided, however, that the council shall not proceed with such improvement if, at or prior to the hearing aforesaid, the council shall be presented with a written objection thereto signed by a majority of the owners of real property in front of which such paving or repaving was contemplated. It shall be the duty of the city manager to cause said streets to be laid or altered or improved, as the case may

465 be. The provisions of this subsection, relating to the paving or repaving of streets, shall be deemed to apply to and include
466 curbs and gutters.

467 SPECIAL ASSESSMENTS

468 C. The city shall have the authority to levy and collect special assessments upon property in a limited and
469 determinable area for special benefits accruing to such property as a consequence of any municipal public work or
470 improvement, and to provide for the payment of all, or any part of, the cost of the work, service or improvement out of the
471 proceeds of such special assessments.

472 When the term "owner" or "owners" is used with respect to special assessments, it shall be deemed to mean the
473 person or persons who owned the property in question at the time of the enactment of the assessment ordinance, and, any
474 change in ownership thereafter shall not be deemed to affect any of the steps or proceedings described in this Charter with
475 respect to special assessments.

476 The council shall also have the authority to enact ordinances which provide for the levy and collection of
477 assessments against property owners for the cost of installation of sanitary sewers, storm sewers, water mains, streets,
478 sidewalks, street lights, curbs, gutters and other public improvements.

479 Such ordinances shall prescribe:

480 (1) The basis to determine the amount which shall be assessed upon the properties abutting the public work or
481 improvement;

482 (2) What portion of corner properties shall be considered frontage and what portion side frontage and whether
483 there shall be any exemption on side frontage;

484 (3) Payment provisions providing for payment in installments, except that assessments for current services or
485 service connections shall be payable within one year; and

486 (4) Rules under which individual appeals shall be heard.

487 All special assessments and all water and sewer service charges shall be liens and shall be entered in the municipal
488 lien docket as liens.

489 The council may provide for the payment of special assessments for whatever purpose levied by installments, but
490 assessments for permanent improvements shall be paid in annual or more frequent installments, and, assessments for
491 current services shall be payable within one year.

492 MUNICIPAL LIEN DOCKET

493 D. A docket known as the "City of Dover Municipal Lien Docket" shall be prepared and maintained by the city
494 manager. The docket shall be substantially the same in form as the judgment docket for Kent County and shall contain an

index according to the name of the owner against whom such lien has been assessed. All taxes and all charges for water service, sewer service, garbage service, electric service, grass cutting services and debris removal, dangerous building ordinance costs and assessments, special assessments for municipal improvements of any nature, and all other charges or assessments made by the city against property owners may be recorded in the municipal lien docket and shall be and constitute a lien upon all of the real estate of the taxable against or upon whom such taxes and/or charges are laid or imposed, of which such taxable was seized at any time after such taxes and/or charges have been levied and imposed, situate in the City of Dover. All liens so recorded shall continue in full force and effect until the same plus accrued costs have been paid in full. Upon payment in full of the lien and all costs, it shall be the duty of the city manager to enter forthwith upon the docket the date of final payment and the words "satisfied in full." Failure to record liens in the municipal lien docket shall not affect liens otherwise provided for in 25 Del.C. section 2901, et seq.

Section 22. Amend Section 33 of the Charter of the City of Dover by making deletions as shown by strike through and insertions as shown by underline as follows:

Sec. 33. The city manager generally.

The council shall appoint a city manager who shall be the chief administrative officer of the city. ~~The City Manager need not, when appointed, city manager must~~ be a resident of ~~the city or the state.~~ Kent County within 180 days of the time of hire. No member of the council shall, during the time for which elected, be chosen as city manager. The city manager shall be appointed for an indefinite term but shall be removable at the pleasure of the council. Before the city manager may be removed ~~he/she they~~ shall, if ~~he/she they~~ so demand, be given a written statement of the reasons alleged for ~~his/her their~~ removal and the right to be heard publicly thereon at a meeting of the council prior to the final vote on the question of ~~his/her their~~ removal, but pending and during such hearing the council may suspend ~~him/her the city manager~~ from office. The action of the council in suspending or removing the city manager shall be final, it being the intention of this Charter to vest all authority and fix all responsibility for such suspension or removal in the council. In case of the absence or disability of the city manager the council may designate some qualified person to perform the duties of the office during such absence or disability.

Section 23. Amend Section 34 of the Charter of the City of Dover by making deletions as shown by strike through and insertions as shown by underline as follows:

Sec. 34. Responsibility of manager; powers of appointment and removal.

The city manager shall be responsible to the council for the proper administration of all affairs of the city placed in ~~his/her their~~ charge, and to that end, except as otherwise provided herein, ~~he/she the city manager~~ shall have the power to

524 appoint and remove all employees in the administrative service of the affairs of the city under ~~his/her~~ their charge. All such
525 ~~appointment~~ appointments shall be without definite term.

526 Section 24. Amend Section 37 of the Charter of the City of Dover by making deletions as shown by strike through
527 and insertions as shown by underline as follows:

528 Sec. 37. Duties of the manager.

529 It shall be the duty of the city manager to supervise the administration of the affairs of the city under ~~his/her~~ their
530 charge; to make such recommendations to the council concerning the affairs of the city as may seem ~~to him/her~~ desirable;
531 desirable to the city manager; to keep the council advised of the financial conditions and future needs of the city; to prepare
532 and submit to the council the annual budget estimate; to prepare and submit to the council such reports as may be required
533 by that body; and to perform such other duties as may be prescribed by this Charter or required of ~~him/her~~ them by
534 ordinance or resolution of the council.

535 Section 25. Amend Section 40 of the Charter of the City of Dover by making deletions as shown by strike through
536 and insertions as shown by underline as follows:

537 Sec. 40. Other functions of city manager.

538 The city manager shall have charge of the light and water plant operated by the city, and of the light and water and
539 sewer systems of the city. ~~The City Manager~~ city manager shall have charge of the supervision of the streets, gutters, curbs
540 and sidewalks of the city and of all work relating thereto. ~~The City Manager~~ city manager shall have charge of the
541 administration of all provisions of this Charter and ordinances and regulations of the council relating to affairs of the city,
542 when not otherwise provided for by this Charter or by any ordinance or resolution of the council. ~~The City Manager~~ city
543 manager shall ex officio be the collector of taxes for the city. It shall be ~~his/her~~ the city manager's duty to collect all water
544 rents and fees for the tapping of water mains and sewers, all charges for electric current and all city revenue from any
545 source whatsoever. ~~The City Manager~~ city manager shall pay over to the ~~Controller/treasurer~~ controller/treasurer at least
546 monthly, and oftener if required by council, all moneys received or collected by ~~him/her~~ them and by any employee under
547 ~~him/her~~ the city manager.

548 ~~The City Manager~~ city manager shall keep a full and strict account of all moneys received and all transfers made
549 by ~~him/her~~ them to the ~~Controller/treasurer~~ controller/treasurer and such accounts shall be at all times open to inspection by
550 the council. ~~The City Manager~~ city manager shall make such reports and at such times as the council shall direct.

551 Section 26. Amend Section 42 of the Charter of the City of Dover by making deletions as shown by strike through
552 and insertions as shown by underline as follows:

553 Sec. 42. ~~Signing of warrants.~~ Payments, Receipts, Accounting, Reporting, and Bonding.

554 ~~The Controller/treasurer~~ controller/treasurer shall pay out no money ~~except upon warrant signed by the city~~
555 ~~manager and countersigned by the mayor.~~

556 ~~The mayor and the city manager shall sign no warrants on the Controller/treasurer~~ except pursuant to
557 ~~appropriations~~ appropriations, contracted awards for services or products, or resolutions theretofore made by the council.

558 ~~The Controller/treasurer~~ controller/treasurer shall keep a true and detailed account of all moneys received and of
559 all moneys paid out by ~~him/her, them.~~ The Controller/treasurer controller/treasurer shall preserve all vouchers for moneys
560 paid by ~~him/her. His/her~~ them. The controller/treasurer's books and accounts shall at all times be open to inspection by the
561 council or the mayor or the city manager.

562 ~~The Controller/treasurer~~ controller/treasurer shall make such reports and at such times as the council may direct.

563 ~~The Controller/treasurer~~ controller/treasurer shall be required to give bond in such amount and in such form and
564 with such surety as the council shall determine or approve.

565 Section 27. Amend Section 44 of the Charter of the City of Dover by making deletions as shown by strike through
566 and insertions as shown by underline as follows:

567 Sec. 44. Annual budget.

568 On or before the second ~~Monday~~ Tuesday of May of each year, the city manager shall prepare and submit to the
569 ~~council, council~~ a budget, draft budget presenting a financial plan for conducting the affairs of the city for the ensuing fiscal
570 year. The total of proposed expenditures shall not exceed the total of anticipated income.

571 The budget shall include the following information:

572 1. A detailed statement showing the expenses of conducting each department and office of the city
573 for the current year and last preceding fiscal year.

574 2. A detailed estimate of the expenses of conducting each department and office of the city for the
575 ensuing fiscal year with reasons for the increases and decreases recommended.

576 3. The amount of the debt of the city together with a schedule of maturities of bond issues.

577 4. A statement showing the amount required for interest on the city debt and for paying off any bonds
578 maturing during the year and the amount required for the sinking fund.

579 5. An itemized statement of all anticipated income of the city with a comparative statement of the
580 amounts received by the city from each of the same or similar sources for the last preceding and current fiscal
581 years.

582 6. An estimate of the amount of money to be received from taxes.

583 7. Such other information as the city manager may think desirable or as may be required by the
584 council.

585 The council shall on or before the ~~second~~ fourth Monday in the month of June in each year adopt a budget for the
586 succeeding fiscal year. The council shall, so far as possible, adhere to the budget so adopted in the making of
587 appropriations.

588 Section 28. Amend Section 45 of the Charter of the City of Dover by making deletions as shown by strike through
589 and insertions as shown by underline as follows:

590 Sec. 45. Payment of claims; issuance of warrants after approval of city manager; reports by manager thereon to
591 council.

592 No claim against the city shall be paid except ~~on an order on the Controller/treasurer, on the order of~~
593 controller/treasurer, signed by the city manager, and approved and countersigned by the mayor. The city manager shall
594 examine all payrolls, bills and other claims and demands against the city and shall issue no ~~warrant for payment, payment~~
595 unless ~~he/she~~ the city manager finds that the claim is proper and in proper form and correctly computed.

596 Section 29. Amend Section 46 of the Charter of the City of Dover by making deletions as shown by strike through
597 and insertions as shown by underline as follows:

598 Sec. 46. Annual audit.

599 Annually in the month of July the council shall have the finances of the city and the books and accounts of the city
600 manager and the ~~Controller/treasurer~~ controller/treasurer audited by a certified accountant.

601 As soon as practicable after such audit has been completed, the council shall cause to be made and published a
602 report of the city's finances for the preceding fiscal year.

603 Section 30. Amend Section 47 of the Charter of the City of Dover by making deletions as shown by strike through
604 and insertions as shown by underline as follows:

605 Section 47. General assessment; levy on utility property; lodging tax.

606 The ~~City~~ city shall cause to be made a true, just, and impartial valuation and assessment of all real property within
607 the city, locating each parcel of real property by street and number or other description. The assessor or assessors shall be
608 appointed by a majority vote of the Council at its annual meeting by majority vote thereof. council to hold office until their
609 successor has been duly chosen and qualified, but subject to removal at any time by the council. Before entering upon the
610 duties of office, an assessor shall be sworn or affirmed by the ~~Mayor~~ mayor to perform the duties of the assessor's office
611 with fidelity and without favor or partiality.

Whenever ~~Council~~ council shall direct, as set forth in Chapter 102 - taxation, article I - in general, Section 102-1 - valuation and assessment, of the Dover Code of Ordinances, all real property in the City of Dover shall be reassessed by an outside mass appraisal company or a consortium of appraisers chosen by ~~Council~~ council. The mass appraisal company or consortium of appraisers shall be licensed to conduct business in the State of Delaware and the City of Dover and shall employ appraisers who are licensed by the Delaware Division of Professional Regulation. This assessment shall be in lieu of the valuation and assessment made by the assessor or assessors appointed by ~~Council~~ council as described herein above and in lieu of the assessor's duties described herein above.

The assessor or assessors shall include supplemental assessments made annually for the purposes of (1) adding property not included in the last assessment or (2) increasing or decreasing the assessment value of property which was included in the last annual assessment.

The annual assessment date for all real property shall be January 1st of each year. The assessment of all property shall be at its true value in money as of the assessment date. True value in money shall be the fair market value.

The general assessment shall be set down by the assessor or assessors in two (2) or more copies, as the ~~Council~~ council shall direct, and shall be delivered to the ~~Council~~ council as soon as made. The ~~Council~~ council shall, on the first day of April of each year, cause a copy of the general assessment to be posted in two (2) public places in the city for ten (10) days. The assessor shall notify the public of an appeal deadline of thirty (30) days from the date of general assessment posting.

The ~~Council~~ council may direct that appeals from any assessment be heard by a committee, known as the ~~Board of Assessment Appeals~~ board of assessment appeals, of not less than three (3) members appointed by the ~~Council~~ council. The ~~Board of Assessment Appeals~~ board of assessment appeals shall sit at a stated place and time to hear the appeals of all taxpayers dissatisfied with the assessment of their properties, shall collect such information as they consider proper and necessary, and shall report their findings.

Notice of the place and time that the ~~Board of Assessment Appeals~~ board of assessment appeals will sit to hear appeals shall be posted with the general assessment in two (2) public places for a period of ten (10) days. Notice of the posting of the copies of the general assessment and of the place and time of the meetings of the ~~Board of Assessment Appeals~~ board of assessment appeals shall be published in at least one issue of a newspaper published in the city.

The assessment as revised and adjusted by the ~~Board of Assessment Appeals~~ board of assessment appeals or ~~Superior Court~~ superior court shall be the basis for the levy and collection of taxes for the city.

The ~~Council~~ council shall have the right to levy and collect taxes on gas mains, telephone, telegraph, communications systems, ~~or trolley poles~~ or other erection of like character within the limits of the city, together with the

wires thereon strung; and to this end the ~~Council~~ council may at any time direct the same to be included in or added to the general assessment.

The ~~Council~~ council may impose and collect a lodging tax of no more than 3% of the rent, in addition to the amount imposed by the State, for the occupancy of any room in a hotel, motel, or tourist home, as defined under § 6101 of Title 30 of the Delaware Code, which is located within the boundaries of the City of Dover.

Nothing contained in this section shall be deemed or held to invalidate or otherwise effect any assessment made prior to the approval of this section or any tax levied thereunder.

Section 31. Amend Section 49 of the Charter of the City of Dover by making deletions as shown by strike through and insertions as shown by underline as follows:

Sec. 49. Payment and collection of taxes; errors and delinquents in assessments.

All taxes shall be paid to the collector of taxes. For all taxes not paid on or before July 31st in the calendar year that they are assessed, there shall be added and collected a one and one-half percent ~~(1.5% (18% per annum) (1.5% (18% per annum))~~ (1.5% (18% per annum)) for every month or fraction of a month after the 31st day of July that said taxes remain unpaid.

It shall be the duty of the collector of taxes to proceed forthwith to collect all taxes unpaid by the first day of October in the calendar year that they were assessed and in the collection of said taxes ~~he/she~~ they shall have all the powers conferred upon or vested in the Receiver of Taxes and County Treasurer for Kent County.

The council shall have the authority to allow errors and delinquents in the assessment.

The provisions of §8705, Title 9 of the Delaware Code shall be deemed and held to apply to all taxes laid and imposed under the provisions of this Charter. The provisions of this Section 49 shall apply to all special ad valorem taxes, special taxes, and ad valorem taxes levied by the council in connection with or pursuant to Chapter 17 or Chapter 18 of Title 22 of the Delaware Code.

Section 32. Amend Section 49A of the Charter of the City of Dover by making deletions as shown by strike through and insertions as shown by underline as follows:

Sec. 49A. Assessment, payment, and collection of taxes for new construction.

In the event that the mayor and council of the City of Dover desire to collect and levy taxes on newly constructed property not taxed by virtue of the city's annual assessment, the city may enact an ordinance to do so provided that: At the beginning of each quarter of each year, there shall be an increase in the valuation and assessment of all newly constructed real property within the city, locating each parcel of real property by street and number or other description. Property shall be deemed to be newly constructed when the city permits occupancy and use (Certificate of Occupancy) or when new construction is being used or occupied for its intended purpose. The said valuation and assessment shall be made by an

assessor or assessors who shall be ~~elected~~ appointed by council in accordance with the provisions set forth in Section 47 of this Charter.

The aforementioned assessment shall be during the months of January, April, July, and October of each year. Any new construction with an added value of \$25,000 or less shall not be realized until the next annual assessment roll. The property owner may appeal any assessment for new construction in accordance with Section 47 of this Charter.

The aforementioned assessment shall be deemed a general assessment for all property with new construction.

The council may direct appeals from any general assessment for new construction in accordance with Section 47 of this Charter.

Nothing contained in this section ~~contained~~ shall be deemed or held to invalidate or otherwise affect any assessment made prior to the approval of this section or any tax levied thereunder.

All taxes shall be paid to the collector of taxes. Said taxes shall be paid within thirty (30) days of billing and those taxes not paid shall accrue a penalty in the amount of one and one-half (1½) percent per month. For every tax that is not paid as prescribed herein, the tax collector shall have all the powers conferred upon or vested in the Receiver of Taxes and County Treasurer for Kent County.

The council shall have the authority to allow errors and delinquents in the assessment.

The provisions of ~~9 Del. C. § 8705 and 25 Del. C. §§ 2901 through 2905, as they may from time to time be § 8705~~ of Title 9 of the Delaware Code and §§ 2901 through 2906 of Title 25 of the Delaware Code, as amended, shall be deemed and held to apply to all taxes laid and imposed upon the provisions of this Charter.

Section 33. Amend the Charter of the City of Dover by making deletions as shown by strike through and insertions as shown by underline as follows:

Sec. 49B. Realty transfer tax.

Notwithstanding any statute to the contrary, the City of Dover shall have the power by ordinance to impose and collect a tax, to be paid by the transferor or transferee as determined by council, upon the transfer of real property within the city not to exceed one and a half percent (1.5%) or as amended by State law of the value of the real property as represented by the document transferring the property. The provisions of Section 5401 and Section 5403 of Chapter 54, Title 30 of the Delaware Code shall apply with respect to any realty transfer tax imposed by the City of Dover pursuant to the authority granted herein. The council of the City of Dover may adopt an ordinance or ordinances to provide for the effective administration and regulation of any tax adopted pursuant to the authority conferred herein. If the taxing power and authority granted herein shall be exercised by way of a stamp affixed to a document, the recorder of deeds in and for Kent

701 County shall not receive for record documents subject to said tax unless stamps provided by the City of Dover are affixed
702 thereto showing payment of the tax.

703 Section 34. Amend Section 50 of the Charter of the City of Dover by making deletions as shown by strike through
704 and insertions as shown by underline as follows:

705 Sec. 50. Debt limit.

706 (a) Whenever the needs of the city shall require more money than is at the time in the city treasury from current
707 receipts, the council shall be authorized and empowered to anticipate current revenue by borrowing such sums as shall be
708 needed not in excess of one (1) percent of the total taxable assessment for a general tax. The amount so borrowed shall be
709 paid back out of current revenue received thereafter.

710 To exercise the power aforesaid the council shall adopt a resolution to that effect, which resolution shall require
711 the affirmative vote of at least three-fourths of all the members of the council, and the approval of the mayor. The
712 indebtedness created under this section shall be evidenced by the bond, or note, of the city, and the faith and credit of the
713 city shall be deemed to be pledged thereby.

714 (b) The mayor and council is hereby authorized and empowered to borrow from time to time on the faith and
715 credit of ~~The~~ the City of Dover sums of money for such purposes as may be deemed necessary and proper by the mayor and
716 council of the said city which purpose shall be consistent with the powers conferred upon the mayor and council of ~~The~~ the
717 City of Dover by the Charter thereof, as amended, for the management and maintenance of the said city and for these
718 purposes the mayor and council shall have full power and authority to issue bonds of the said "~~The~~ the City of Dover."

719 The aggregate of the amounts so borrowed together with all other bonded indebtedness for which the full faith and
720 credit of the City of Dover has been pledged shall not at any time exceed a sum equal to 5 percent of the total assessed
721 value of real property situate within the bounds of the City of Dover as such boundaries shall from time to time appear.

722 The said bonds shall be issued in one or more series, shall bear such date or dates, shall mature at such time or
723 times, shall bear interest at such rate or rates, shall be payable at such time or times, and at such place or places, shall be in
724 such denominations, and shall contain such other provisions as the mayor and council may provide and shall be set forth in
725 the said bonds. Said bonds may or may not be coupon bonds and may be registered or otherwise as the mayor and council
726 deem advisable.

727 The mayor and council shall direct and effect the preparation and sale of said bonds at such time or times, at such
728 price or prices, and upon such terms as the said mayor and council deem advisable, and all the monies arising from the sale
729 of said bonds shall be used for the municipal purposes of ~~The~~ the City of Dover specified in the resolution authorizing their
730 issue.

731 The form of said bonds and of any coupons which may be thereunto attached shall be as prescribed by the mayor
732 and council, and all such bonds shall be signed by the mayor and the ~~treasurer~~ controller/treasurer of ~~The~~ the City of Dover
733 and sealed with the corporate seal thereof. Facsimile signatures of the mayor and ~~treasurer~~ controller/treasurer and a
734 facsimile of the corporate seal may be imprinted upon such bonds and any coupons attached to said bonds in lieu of the
735 signatures of the said mayor and ~~treasurer~~ controller/treasurer in their own handwriting and of the affixing of the corporate
736 seal itself.

737 Said bonds of ~~The~~ the City of Dover shall be exempt from all state, county and municipal taxes.

738 The mayor and council of ~~The~~ the City of Dover are hereby authorized and required to levy and raise by taxation
739 in each and every year such sums of money as may be required to pay the interest accrued on said bonds while all or any of
740 said bonds remain unpaid, and the said mayor and the city council are further authorized and required to levy and raise by
741 taxation, from time to time such sum or sums of money as shall be needed to establish such sinking funds as the said mayor
742 and the city council may at their discretion authorize for the redemption of said bonds, or any of them, at or before their
743 maturity and such sum or sums of money as shall be required to otherwise redeem any or all of said bonds at or before their
744 maturity. Taxes for interest and for redemption of said bonds shall be levied and raised as taxes for general municipal
745 purposes in the said city are levied and raised and shall be in addition to those levied and raised for any and all other
746 municipal purposes. A statement appearing in the bonds issued under the provisions of this section to the effect that the
747 bonds have been duly authorized shall be deemed and held to be conclusive evidence in favor of the lawful holder of any
748 such bonds that the terms and conditions of this section have been fully met and complied with.

749 (c) Bonds may be authorized and issued pursuant to subsection ~~(b)~~, (b) of this section, without a referendum vote,
750 by a resolution of the council which shall have the affirmative vote of three-fourths of the members thereof and the
751 approval of the mayor, for the following purposes:

752 (i) To finance capital projects, including, but not limited to, public storm sewers, water mains, sewer mains,
753 streets and public buildings provided that no more than ~~1/4 of~~ one percent ~~(.25%)~~ (1%) of taxable assessed value of
754 real property of aggregate principal amount of general obligation bonds may be issued at any one time pursuant to this
755 clause and any new bonds issued pursuant to this clause may not cause the total aggregate principal amount of general
756 obligation bonds outstanding at any one time to exceed one percent (1%) of the total taxable assessment for a general
757 tax at the time such new bonds are issued; and

758 (ii) to refund bonds secured by the city's full faith and credit, prior to their stated maturity, provided that (A)
759 the present value of the aggregate principal and interest payments of the refunding bonds are not greater than the
760 present value of the aggregate principal and interest payments on the bonds to be refunded determined by discounting

at the effective interest rate on the refunding bonds, calculated based on the internal rate of ~~return~~: return and (B) at the time of issuance of the refunding bonds there are deposited in escrow, pledged to secure the refunded bonds, sufficient monies and/or direct obligations of, or obligations the principal of and interest on which are guaranteed by, the United States government, which, without regard to any reinvestment earnings, will be sufficient to pay when due all interest, principal and redemption price on the refunded bonds at maturity or upon earlier call for ~~redemption~~: redemption; and (iii) to issue tax exempt or taxable municipal conduit bonds to make proceeds available to a private entity in furtherance of projects that benefit the general public, including industrial and housing projects, economic development and redevelopment projects, public facilities, schools, hospitals, and other large-scale projects. The conduit borrower shall, unless otherwise determined by the city in the bond document, be responsible for interest and principal payments on the bonds and for the obligation in event of default. Such bonds shall not be backed by the full faith and credit of the city, by taxation, or by municipal assets.

(d) Except for bonds issued pursuant to subsection (c) ~~hereof~~, of this section, all bonds issued under the provisions of subsection (b) of this section shall first be approved by a referendum vote of the qualified voters (as herein defined) of ~~The~~ the City of Dover. Notice of the holding of such referendum election shall be authorized by resolution of the mayor and council, published once a week, for at least three (3) consecutive weeks in at least one newspaper circulated in ~~The~~ the City of ~~Dover, Delaware~~: Dover. Such notice shall be set out in summary form the amount and purposes of such bond issue, the date and place of holding the referendum election and the hours the polls will be open.

At said referendum election "qualified voter" shall mean every natural person who is a resident or a nonresident taxable of the city, of the age of eighteen (18) years or upwards. Each qualified voter shall be eligible to vote and shall have one vote.

~~The City Assessor~~ city assessor or ~~his/her~~ their designee shall attend the election with the last city assessment and tax payment records for the inspection of the election officers. The referendum election shall be held at such date as the mayor and council shall designate. The referendum election shall be held at such suitable place in said city as the mayor and council shall designate in said published notice. The polls shall be open from 7:00 a.m. (local time), and shall close at 8:00 p.m. (local time). The judge of the election shall, in the case of a tie vote on the bond issue cast the deciding vote, otherwise the judge of the election shall refrain from voting, but the election clerks may vote.

The total votes cast for and the total votes cast against the bond issue shall be certified as correct by at least two (2) of the election officers and delivered to the mayor, or to the ~~clerk of council~~ city clerk immediately after the total vote count has been certified.

790 The mayor and council shall at the next regular meeting after the election, or at a special meeting, receive the results of
791 the referendum election and make the same a part of the minutes of said meeting, whereupon if a majority of the votes cast
792 were for the bond issue bonds herein provided for may be issued and sold as provided in subsection ~~(b)~~, (b) of this section,
793 but if at such referendum election the majority of the votes cast were against the bond issue, then no bonds shall be issued
794 nor shall any money be borrowed pursuant to the resolution submitted to the referendum.

795 (e) In addition to the power otherwise granted in this section, the mayor and council may issue special assessment
796 revenue bonds to finance those public projects for which the city may levy and collect special assessments pursuant to
797 Section 28 of this Charter. Such bonds shall not obligate the faith and credit of the city, but shall be payable solely from the
798 proceeds of the special assessments which are pledged to the payment thereof. Such bonds shall be authorized without a
799 referendum vote by a resolution of the council which shall have the affirmative vote of three-fourths of the members thereof
800 and the approval of the mayor.

801 (f) After authorization of the sale of bonds as provided in this section and in anticipation of the sale and issuance of
802 said bonds, the mayor and council may borrow money and issue notes of the city for the purpose and to the extent of the
803 amount of bonds authorized to be sold, less the amount of any bonds theretofore issued under such authority. The said
804 borrowing shall be authorized by a resolution of the council which shall have the affirmative vote of three-fourths of the
805 members thereof and the approval of the mayor, and the note or notes thereby authorized shall be signed by the mayor and
806 ~~treasurer~~ controller/treasurer of the city. When issued and signed in accordance with this ~~subsection (f)~~, this subsection, the
807 faith and credit of the city shall be deemed to be pledged for the repayment of all said notes, except those issued pursuant to
808 subsection (e) ~~hereof~~, of this section.

809 The note or notes issued in anticipation of a bond issue may be renewed from time to time, but the proceeds of the sale
810 of such bonds shall, to the extent necessary, be first used to pay and retire such notes. Said notes may be redeemed at par
811 and accrued interest at any time prior to their maturity if the right ~~so to do~~ to do so shall have been reserved.

812 (g) For the purposes of the debt limitations prescribed in this section, (i) any bonds which have been refunded pursuant
813 to subsection (c)(ii) of this section shall be treated as no longer outstanding; and (ii) bonded indebtedness, principal amount
814 of bonds and bonds outstanding shall be determined without regard to original issue discount.

815 (h) Any and all provisions of this Section 50 and any other section of this Charter limiting the amounts of indebtedness
816 to be incurred or taxes to be levied or collected by the council shall not apply to any indebtedness incurred or any special ad
817 valorem taxes, special taxes, or ad valorem taxes levied or collected pursuant to or in connection with Chapter 17 or
818 Chapter 18 of Title 22 of the Delaware Code.

Section 35. Amend Section 51 of the Charter of the City of Dover by making deletions as shown by strike through and insertions as shown by underline as follows:

Sec. 51. Trees.

Trees being among the chief beauties of the city, and their preservation requiring that they be treated with special care and intelligence, the city manager is empowered to appropriate annually an amount of money adequate for their care and preservation. The ~~City Manager~~ city manager may be given authority to take necessary or appropriate action to prevent injuries to trees from electric wires or from any other source or cause whatsoever, and to combat the pests and diseases to which they are subject, and when necessary to employ tree experts provided that they do not exceed the appropriation made by the council.

Section 36. Amend Section 53 of the Charter of the City of Dover by making deletions as shown by strike through and insertions as shown by underline as follows:

Sec. 53. Police; mayor to be conservator of peace.

There shall be a city police force, the number thereof and their salaries shall be determined by the council, but they shall be chosen and appointed by the mayor. The mayor is hereby vested with all the powers of a conservator of the peace within the city limits. The ~~Mayor~~ mayor shall appoint a ~~Chief of Police subject to removal at any time by the Mayor~~ chief of police, subject to confirmation by city council with the affirmative vote of two-thirds of the members elected to city council. The chief of police may be removed by the mayor at any time, subject to the affirmative vote of two-thirds of the members elected to city council and in accordance with applicable laws. The members of the police force shall be subject to ~~his/her~~ the mayor's direction and orders delivered through the proper chain of command and in accordance with applicable laws and ordinances. They shall preserve peace and order, and compel obedience within the city limits to the ordinances of the city and the laws of the state. They shall have such other duties as the council and the mayor shall prescribe by ordinance.

Each member of the police force shall be vested with all the power and authority within the city limits and within one mile outside of said limits, (and, in the case of the pursuit of an offender, without limit) of a constable of Kent County.

Section 37. Amend Section 54 of the Charter of the City of Dover by making deletions as shown by strike through and insertions as shown by underline as follows:

Sec. 54. City solicitor.

At the annual meeting the council shall elect a city solicitor for the term of one year or until ~~his/her~~ their successor has been duly chosen and qualified.

848 The city solicitor may be removed during ~~his/her~~ their term by a vote of three-fourths of the members elected to
849 the council.

850 The city solicitor shall be an attorney at law who shall have practiced in the State of Delaware for at least five (5)
851 years. The ~~City~~ city solicitor shall be the chief legal adviser of and attorney for the city. It shall be ~~his/her~~ the city solicitor's
852 duty, either personally or by such assistants as they may designate, to attend meetings of the council; to give advice in
853 writing, when so requested, to the council or the city manager; to prosecute or defend, as the case may be, all suits or cases
854 to which the city may be a party; to prosecute for all offenses against the ordinances of the city and for such offenses
855 against the laws of the state as may be required of ~~him/her~~ them by law; to prepare all contracts, bonds and other
856 instruments in writing in which the city is concerned, and to endorse on each ~~his/her~~ their approval of the form and
857 correctness thereof; and to perform such other duties of a legal nature as the council may by ordinance require. In addition
858 to the duties imposed upon the solicitor by this Charter or required of ~~him/her~~ the city solicitor by ordinance or resolution
859 of the council ~~he/she~~ they shall perform any duties imposed upon the chief legal officers of municipalities by law.

860 At the annual meeting the council shall elect a deputy city solicitor for the term of one year or until ~~his/her~~ their
861 successor has been duly chosen and qualified. The deputy city solicitor shall be an attorney-at-law entitled to practice law
862 in the State of Delaware, and shall serve in such manner as shall be determined by the city solicitor to be necessary and
863 proper.

864 Section 38. Amend Section 55 of the Charter of the City of Dover by making deletions as shown by strike through
865 and insertions as shown by underline as follows:

866 Sec. 55. Printed copies of ordinances and resolutions to be proper evidence.

867 Printed copies of the ordinances and resolutions of the ~~City Council~~ city council of Dover, published by authority
868 of the council, shall be admitted as evidence thereof in all courts, and in pleading it shall not be necessary to recite or draw
869 them out ~~at large-at-large~~.

SYNOPSIS

This Act amends the Charter of the City of Dover, including by doing the following:

- (1) Making technical corrections to ensure consistent capitalization of City officers and agencies, ensure consistent usage of terms throughout the Charter,
- (2) Moving the City's authority to impose a realty transfer tax from Section 3 (relating to employee pension, benefit, and retirement systems) to a new Section 49B within Article IV of the City's Charter (relating to financial affairs).
- (3) Removing provisions from Section 5 of the City's Charter that are out-of-date.
- (4) Requiring that to be eligible to be elected mayor or a member of council a person must be a registered voter of the City as of the date of the election.
- (5) Requiring that nominating petitions for mayor and members of council be submitted between the first working day of January and the last working day of January in the year of an election.
- (6) Requiring election board members to voluntarily remove themselves from the election board before participating in a campaign to elect a candidate.
- (7) Authorizing a majority of council to remove an election board member if a conflict of interest or potential conflict of interest exists between the member and a candidate.

- (8) Removing the specific time for the meeting of council on the second Monday in May.
- (9) Providing that council shall hold an election for a council president pro tempore if there the council president is unavailable for 30 days. The council president pro tempore serves until the council president returns.
- (10) Providing that the salary for mayor, councilmembers, and other elected or appointed officials is to be adopted annually with the adoption of the fiscal year budget ordinance and that pay raises for mayor and council are to be tied to increases for non-bargaining employees of the City.
- (11) Providing that if a vacancy in the office of mayor or a member of council is for 6 months or less before the next regular or special election, the vacancy will be filled at the next regular or special election if there is sufficient time to meet the requirements of City and State law.
- (13) Clarifying that the city clerk is to be appointed by a majority vote of the council, hold office until the clerk's successor is chosen, and be subject to removal by council at any time.
- (14) Clarifying that the controller/treasurer is to be appointed by a majority vote of the council.
- (15) Requiring the city manager to be a resident of Kent County within 180 days of hire.
- (16) Changing dates for when a draft budget is due to be presented to council and when council must adopt a budget.
- (17) Changing the amount of taxable assessed value of real property of aggregate principal amount of general obligation bonds issued to finance capital projects that may be authorized by council at any one time to 1% from .25%.
- (18) Authorizing the mayor and council to authorize and issue, without a referendum vote, tax exempt or taxable municipal conduit bonds.
- (19) Requiring a two-thirds vote of the members of council to confirm the mayor's appointee to be chief of police or to confirm the mayor's removal of the chief of police.

This Act requires a greater than majority vote for passage because § 1 of Article IX of the Delaware Constitution requires the affirmative vote of two-thirds of the members elected to each house of the General Assembly to amend a municipal charter.