



SPONSOR: Sen. Pettyjohn & Rep. Vanderwende

DELAWARE STATE SENATE
150th GENERAL ASSEMBLY

SENATE SUBSTITUTE NO. 1
FOR
SENATE BILL NO. 229

AN ACT TO AMEND THE TOWN OF BRIDGEVILLE CHARTER RELATING TO DISQUALIFICATION OF ELECTIVE OFFICERS.

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

1 Section 1. Amend the Town of Bridgeville Charter by making deletions as shown by strike through and insertions
2 as shown by underline as follows:

3 Section 7A. Disqualification of Elected Officers.

4 The Commission shall declare the office of a Commissioner vacant when any of the following apply to the person
5 elected or appointed to the office:

6 (1) Fails to qualify within 7 days after the term of the office begins.

7 (2) Dies, resigns, or cease to be a resident of the Town or the district from which the person was
8 nominated.

9 (3) Convicted of a felony.

10 (4) Absent from 6 consecutive regular meetings of the Commission.

11 (5) Found by a court to be mentally incompetent.

12 (6) Forfeits the office under any provision of this Charter.

13 (7) Removed from office by a court.

14 Section 2. Amend Section 13A of the Town of Bridgeville Charter by making deletions as shown by strike through
15 and insertions as shown by underline as follows:

16 Section 13A. Vacancies

17 ~~If any vacancy shall occur in the office of President or Commissioner, by death, resignation, loss of residence in~~
18 ~~the City of Bridgeville, refusal to serve, failure to elect or otherwise, the same~~ a vacancy occurs under Section 7A of this
19 charter, the vacancy may be filled by a majority vote of the Commissioners of ~~Bridgeville, the Bridgeville.~~ Bridgeville. ~~The person or~~
20 ~~persons so chosen to fill such the vacancy or vacancies shall~~ must be qualified as in the case of newly elected

- 21 Commissioners and shall hold office until the next annual election, at which time ~~said~~ the vacancy ~~or vacancies shall~~ must
22 be filled by an election for the remainder of the unexpired term.

SYNOPSIS

Senate Substitute No. 1 for Senate Bill No. 229 differs from Senate Bill No. 229 by changing the word “competent” to “incompetent” as grounds for disqualification for the office of Commissioner.

This Act amends the Town of Bridgeville Charter to establish a clear standard to determine whether a Commissioner is unable to fulfill the duties and responsibilities of the office of Commissioner under the Charter. The current language of the Town of Bridgeville Charter is unclear regarding under what circumstances, if any, a Commissioner may be found to be unable to fulfill the duties and responsibilities of the office. This Act also makes corresponding changes to an existing section of the Town of Bridgeville Charter.

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 charter issued to a municipal corporation.

Author: Senator Pettyjohn