



SPONSOR: Rep. Bush & Rep. Bennett & Rep. Spiegelman &
Sen. Paradee
Rep. Carson; Sens. Ennis, Lawson

HOUSE OF REPRESENTATIVES
151st GENERAL ASSEMBLY

HOUSE BILL NO. 221

AN ACT TO AMEND TITLE 9 OF THE DELAWARE CODE RELATING TO THE ADMINISTRATION OF KENT COUNTY GOVERNMENT.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

1 Section 1. Amend Chapter 41, Title 9 of the Delaware Code by making deletions as shown by strike through and
2 insertions as shown by underline as follow:

3 § 4108. County Administrator.

4 (a) Appointment; qualifications; compensation. — The county government shall appoint a County Administrator
5 by the affirmative vote of a majority of the members of the county government, for a term not exceeding 4 years, and fix
6 the Administrator's compensation. The County Administrator shall be appointed solely on the basis of the Administrator's
7 executive and administrative qualifications. At the time of the Administrator's contractual starting date the Administrator
8 must be a resident of Kent County, and, during the Administrator's tenure of office, the Administrator shall at all times
9 reside within Kent County.

10 (b) Removal from office. — The county government may remove the County Administrator from office before the
11 expiration of the Administrator's term, but only in accordance with the following procedures:

12 (1) By affirmative vote of a majority of all the members of the county government upon adoption of a
13 preliminary resolution which shall state the reason for the removal. A copy of the preliminary resolution shall be
14 delivered promptly to the County Administrator.

15 (2) Within 10 days after a copy of the preliminary resolution is delivered to the County Administrator, the
16 Administrator may file with the county government a written request for a public hearing. This hearing shall be held at
17 a special county government meeting not later than 30 days after the request is filed. The County Administrator may
18 file with the county government a written reply not later than 5 days prior to the hearing. The County Administrator
19 shall be permitted to appear in person at the hearing in lieu of a full written reply to the charges made and may present
20 the Administrator's case with witnesses as the circumstances may require.

21 (3) The county government may adopt a final resolution of removal, which may be made effective
22 immediately, by affirmative vote of a majority of all the members at any time after 10 days from the date when a copy
23 of the preliminary resolution was delivered to the Administrator, if the Administrator has not requested a hearing.

24 (c) Acting county administrator. — The county government may designate a qualified acting county administrative
25 officer to exercise the powers and perform the duties of the County Administrator during the latter's absence or disability.

26 (d) Powers and duties. — The County Administrator is the chief administrative officer of the County. The County
27 Administrator shall attend the meetings of the county government and be responsible to the county government for the
28 proper administration of all the affairs of the County which the county government has authority to control. Under the
29 direction of the county government, the County Administrator has the following powers and duties, except as otherwise
30 provided by this chapter, law, or governing personnel regulations:

31 (1) The County Administrator shall appoint and, when the Administrator deems it necessary, suspend or
32 remove any county employees and appointive administrative officers with the exception of the Director of Finance.
33 The Administrator may authorize any administrative officer who is subject to the Administrator's direction and
34 supervision to exercise these powers with respect to subordinates in that officer's department, office or agency.

35 (2) The County Administrator shall direct and supervise the administration of all departments, offices and
36 agencies of the County.

37 (3) The County Administrator has the right to take part in discussion at all county government meetings but
38 may not vote.

39 (4) The County Administrator shall see that all laws, provisions of this chapter, and acts of the county
40 government, subject to enforcement by the County Administrator or by officers subject to the Administrator's direction
41 and supervision, are faithfully executed.

42 (5) The County Administrator shall prepare and submit a proposed annual budget and capital program to the
43 county government, with the Administrator's recommendations and shall execute the budget as finally adopted.

44 (6) The County Administrator shall make reports, at least once monthly, to the county government in regard to
45 matters of administration, and keep the county government fully advised as to the financial condition of the county
46 government.

47 (7) The County Administrator shall submit to the county government and make available to the public a
48 complete report on the finances and administrative activities of the County within 60 days after the end of each fiscal
49 year.

(8) The County Administrator shall familiarize himself or herself in detail with the affairs of all officers, departments, boards, and agencies and make recommendations and reports to the county government at such times as the government may direct. The County Administrator may order an audit of any office or agency at any time by the independent auditor engaged by the county government.

(9) The County Administrator shall perform such other duties as are specified in this chapter or as may be required by the county government.

Section 2. Amend Chapter 50, Title 9 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

~~§ 5001. Appointment of County Engineer; draftsmen; rodmen and assistants.~~

~~(a) The county government may appoint a County Engineer for such term, and at such compensation as it deems proper. The County Engineer shall be responsible for and have general supervision over all public engineering work in the County including, but not limiting the generality of the foregoing; the construction of water production and distribution facilities and the construction of sanitary sewers, trunk lines, sewerage disposal plants, sanitary sewer systems in general and maintenance thereof, drainage, construction, lighting service, and other projects of a public nature.~~

~~(b) The county government may employ, for such periods and for such compensation as it deems proper, such draftsmen, rodmen, and assistants as, in its opinion, are necessary to carry on the public work specified in subsection (a) of this section.~~

Section 3. Amend Chapter 41, Title 9 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

~~§ 4112. Employment by county officers of a chief deputy and clerks.~~

~~The county government may authorize any county officer to employ a chief deputy and such clerical assistance as may, in the judgment of the county government, be necessary, and may fix their compensation. The compensation shall be paid by warrants according to the form to be prescribed by the county government, and drawn on the Receiver of Taxes and County Treasurer.~~

§ 4117. County Engineer and other employees; appointment and duties.

~~(a) The county government~~ County Administrator may appoint a County Engineer for such term, and at such compensation as ~~it the Administrator~~ the Administrator deems proper. The County Engineer shall be responsible for and have general supervision over all public engineering work in the County including, but not limited to, the construction of sanitary sewers, trunk lines, sewerage disposal plants, sanitary sewer systems in general and maintenance thereof, drainage, construction, lighting service and other projects of a public nature.

80 (b) The ~~county government~~ County Administrator may employ, for such periods and for such compensation as ~~it~~
81 the Administrator deems proper, such draftsmen, rodmen, and assistants as, in its opinion, are necessary to carry on such
82 public work.

SYNOPSIS

This Act codifies procedure for the appointment of a County Administrator by the Kent County Levy Court and specifies the powers and duties of that position. Section 2 of the Act strikes Section 5001 of Title 9 relating to Kent County because it is a duplicate of existing Section 4117 of Title 9. Section 3 strikes 4112 relating to employment of county officers, as authority over hiring is now vested in the County Administrator pursuant to new Section 4108(d)(1). Section 4 updates the provision relating to the Kent County Engineer so that position is hired by the County Administrator rather than the Levy Court.