



SPONSOR: Sen. Lopez & Rep. Schwartzkopf

DELAWARE STATE SENATE
151st GENERAL ASSEMBLY

SENATE BILL NO. 173

AN ACT TO AMEND THE CHARTER OF THE TOWN OF DEWEY BEACH.

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 Charter of the Town of Dewey Beach by making deletions as shown by strike through and
2 insertions as shown by underline as follows:

3 Section 1. Incorporation.

4 The ~~inhabitants of the Town of Dewey Beach~~ municipal corporation of the State of Delaware in Sussex County,
5 ~~are hereby constituted a municipal corporation and~~ County known as "the Town of Dewey Beach" shall continue to be a
6 body politic by and under the ~~name of~~ name "Commissioners of Dewey Beach, (hereinafter Beach", referred to as the
7 "~~corporation~~" or "~~town~~") with power to govern themselves by such ordinances, rules, ~~resolutions~~ resolutions, and
8 regulations for municipal purposes ~~as they, through their duly elected officers and agents, may deem proper, that are not in~~
9 conflict with the provisions of this ~~Charter of government, nor with~~ Charter, the Constitution and Laws of the State of
10 Delaware, or of the United States. The "Commissioners of Dewey Beach" are also referred to in this Charter as the
11 "Commissioners", "Town Council", "Council", "Corporation", and "Town".

12 Section 2. Territory and Limits.

13 (c) The ~~Commissioners of Dewey Beach may at any time hereafter~~ Town Council may cause a survey and plot to
14 be made of ~~said~~ the Town, and the ~~said~~ plot or any supplement thereto, when so made and approved by ~~said~~ The
15 ~~Commissioners of Dewey Beach, the Town Council, and signed by the President, Mayor~~ who shall affix thereto the
16 municipal corporate seal of the Town, attested by the ~~Secretary of the said The Commissioners of Dewey Beach, Town~~
17 Manager, and upon being recorded in the Offices of the Recorder of Deeds of the State of Delaware, in and for Sussex
18 County, shall be, or the record thereof, or a duly certified copy of said record, ~~shall be~~ evidence in all Courts of Law and
19 Equity of this State.

20 (d)(1) The ~~Commissioners of Dewey Beach shall have~~ Town Council has the power to annex additional territory
21 adjoining the corporate limits of the Town of Dewey Beach as hereinbefore set forth or as hereafter extended pursuant to
22 the procedure hereinafter set forth and to apply to all such additional territory all laws, ordinances, ~~resolutions~~ resolutions,

23 and policies in force with the Town so far as they may be locally applicable. The ~~Commissioners of Dewey Beach Town~~
24 Council shall adopt a Resolution proposing to the property owners and the residents of both the Town and of the Territory
25 proposed to be annexed that ~~The the~~ Town of Dewey Beach ~~proposed~~ proposes to annex certain territory which adjoins its
26 then limits and territory. The Resolution shall contain a description of the territory proposed to be annexed and shall fix a
27 time and place for a public hearing on the subject of the proposed annexation. The Resolution setting forth the information
28 shall be printed in a newspaper having a general circulation both in ~~The the~~ Town of Dewey Beach and in the territory
29 proposed to be annexed at least ~~one week prior to~~ 30 days before the date set for the public hearing, as well as posted in the
30 Town of Dewey Beach at Town Hall, Hall and the Life Saving Station, and on the Town's website. In addition, a
31 reasonable effort ~~will~~ must be made to send a personal letter to all qualified registered voters and individuals who are
32 property owners of record ~~of in~~ the Town of Dewey Beach and all individuals who are property owners of record in the
33 territory proposed to be annexed at least ~~fifteen (15) days prior to~~ 30 days before the date set for the public hearing.

34 (2) ~~Following the public hearing, but in no event later than thirty (30) days thereafter, a Resolution shall then~~
35 ~~be passed by a majority of The~~ No later than 30 days following the public hearing, the Town Council shall pass a
36 Resolution, by a majority vote of the Commissioners of Dewey Beach at a properly-noticed Town Council meeting
37 ordering that a Special Election for Annexation to be held not less than thirty (30) 30 days nor or more than sixty (60)
38 60 days after the said public hearing on the subject of the proposed annexation. The passage of this Resolution shall
39 ipso facto be considered the determination of the Commissioners of Dewey Beach Town Council to proceed with the
40 matter of the proposed annexation.

41 (3) The notice of the time and place of holding the said Special Election for Annexation shall be printed
42 within ~~thirty (30) the~~ 30 days immediately preceding the date of the Special Election in ~~two (2) 2~~ 2 issues of a newspaper
43 having a general circulation in The Town and in the territory proposed to be annexed as well as posted in the Town of
44 Dewey Beach at Town Hall, Hall and the Life Saving Station, and on the Town's website ~~at least fifteen (15) days prior~~
45 ~~to for no less than the 30 days before~~ the date of the Special ~~Election.~~ Election for Annexation. In addition, a
46 reasonable effort will be made to send a personal letter to all qualified voters and property owners of record of the
47 Town and all property owners of record individuals qualified to vote in the Town of Dewey Beach under Section 10(b)
48 of this Charter and all individuals meeting the equivalent qualifications in the territory proposed to be annexed at least
49 fifteen (15) days prior to 30 days before the date set for the Special Election.

50 (4)a. ~~At the Special Election, every property owner or leaseholder as defined in this Charter, whether an~~
51 ~~individual, partnership or corporation, shall be entitled to cast one vote and every bona fide resident of the Town of~~
52 ~~Dewey Beach who is not a property owner or leaseholder as defined in this Charter shall be entitled to cast one vote. At~~

the said Special Election, every property owner or leaseholder, as defined in this Charter, of the territory proposed to be annexed, whether an individual, partnership or corporation, shall be entitled to cast one vote and every bona fide resident of the territory proposed to be annexed who is not a property owner or leaseholder as defined in this Charter shall be entitled to cast one vote. At the Special Election for Annexation, individuals qualified to vote in the Town of Dewey Beach under Section 10(b) of this Charter and individuals meeting the equivalent qualifications in the territory proposed to be annexed are entitled to cast 1 vote.

b. Property owners or leaseholders, as defined in this Charter, whose property or whose improvement located on leased land is exempt from taxation or ~~in~~ is not assessed ~~shall~~ are not be entitled to ~~vote~~. vote in the Special Election for Annexation.

c. The books and records of the Town of Dewey Beach in the case of ~~town~~ Town property owners, or leaseholders as defined in this Charter or residents and the books and records of Sussex County in the case of property owners, leaseholders as defined in this Charter, or residents of the territory proposed to be annexed shall be conclusive evidence of the right of such persons, ~~firms~~ firms, or corporations to vote at the Special ~~Election~~. Election for Annexation.

(5) In the event that an ~~individual, partnership or corporation~~ individual holds a power of attorney duly executed and acknowledged and specifically authorizing the ~~said individual, partnership or corporation~~ individual to vote at the said Special ~~Election~~, Election for Annexation on behalf of a qualified voter, a duly authenticated copy of the Power of Attorney shall be filed in the office of the Town Clerk of The Town of Dewey Beach. ~~Said~~ The filed Power of Attorney ~~as so filed shall constitute~~ constitutes conclusive evidence of the right of ~~said person, partnership or corporation~~ the individual to vote in the Special ~~Election~~, Election for Annexation

(6) Voting machines shall be used in any annexation election and the form of the ballot to be inserted in the machine shall be as follows:

____ For the proposed annexation

____ Against the proposed annexation

(CHECK THE ONE BLOCK FOR WHICH YOU CAST YOUR VOTE)

(7)a. The Mayor of Dewey Beach shall appoint ~~three (3)~~ 3 persons to act as Election Officials, at least ~~one (1)~~ 1 of whom ~~shall~~ must reside and own property in the Town, and at least ~~one (1)~~ 1 of whom ~~shall~~ must reside and own property in the territory proposed to be annexed. ~~One (1)~~ The Mayor of Dewey Beach shall designate 1 of the ~~said~~ persons ~~so appointed shall be designated~~ the Presiding Officer.

b. Voting shall be conducted in ~~the Municipal Building~~ a designated municipal location in Dewey Beach and the Election Officials shall have available, clearly marked, ~~two (2)~~ 2 ballot boxes. All ballots cast by ~~those persons, partnerships or corporations~~ individuals authorized to vote as residents, property ~~owners~~ owners, or leaseholders in the territory proposed to be annexed shall be deposited in ~~one (1)~~ such 1 ballot box, and all ballots cast by ~~those persons, partnerships or corporations~~ individuals authorized to vote as residents, property ~~owners~~ owners, or leaseholders of the Town shall be deposited in the other ~~such~~ ballot box. The polling places shall be ~~opened~~ open from 1:00 p.m., prevailing time, until 6:00 p.m., prevailing time, on the date set for the Special Election.

(8)a. Immediately upon the closing of the polling places, the Election Officials shall ~~count~~ do all of the following:

1. Count the ballots for and against the proposed annexation and shall announce annexation.

2. Announce the result thereof; the Election Officials shall make of the Special Election for Annexation.

3. Make a certificate under their hands of the number of votes cast for and against the proposed annexation, and the number of void votes, and shall deliver the same votes.

4. Deliver the certificate to the Commissioners of Dewey Beach. Town Council of Dewey Beach.

b. The ~~said~~ certificate under paragraph (d)(8)a. of this section shall be filed with the papers of the ~~Commissioners of Dewey Beach.~~ Town Council of Dewey Beach.

(9) In order for the territory proposed to be annexed to be considered annexed, both a majority of the votes cast ~~both from The Town and from~~ by Dewey Beach voters and a majority of the votes cast by voters in the territory proposed to be annexed must have been cast in favor of the proposed annexation. In the event that the Referendum results in an unfavorable vote for annexation, a subsequent election may be held at any time. If a favorable vote for annexation shall have been cast, The ~~Commissioners~~ Town Council of Dewey Beach shall cause a description and a plot of the territory so annexed to be recorded in the Office of the Recorder of Deeds for Sussex County in Georgetown, Delaware, ~~but in no event shall such recordation be completed more than ninety (90)~~ within 90 days following the favorable referendum. The territory considered for annexation shall be considered to be a part of The Town of Dewey Beach from the time of recordation. ~~The failure of The Commissioners~~ If the Town Council of Dewey Beach fails to record the description and plot within the time hereinbefore specified shall 90 days does not make the annexation invalid but such annexation shall be deemed to be effective at the expiration of the ~~ninety (90)~~ 90 day period from the date of favorable election.

Section 3. Structure ~~Of~~ of Government.

(a) The government of the Town of Dewey Beach shall be organized under a Council-Manager form. The Town Council is responsible for functions such as establishing policy, passing local ordinances, voting appropriations, and developing an overall vision. The Town Council shall appoint a professional manager, the Town Manager, to oversee administrative operations, implement its policies, and advise it. The Town Manager shall be politically impartial and provide professional management to the Town Council.

(b) The government of the Town and the exercise of all powers conferred by this Charter, except as otherwise provided herein, shall be is vested in the Commissioners of Dewey Beach. The Commissioners of Dewey Beach Town Council. The Town Council shall consist of five members, to be chosen as hereinafter provided: 5 Town Commissioners, elected under Section 7 of this Charter. One of the said Town Commissioners shall have the title of be the "Mayor of the Town of Dewey Beach," Beach" with duties hereinafter to be prescribed, established under Section 14 of this Charter, and who shall also be President of the Commissioners of Dewey Beach. The Mayor of the Town of Dewey Beach is the presiding officer of the Town Council.

Section 4. General Powers.

(a) ~~The inhabitants of the Town of Dewey Beach within the limits and boundaries referred to in Section 2 of this Act, or within the limits and boundaries hereinafter established shall be, and they are hereby, created body politic and corporate in law and in equity by the corporate name of "Town of Dewey Beach," (hereinafter referred to as the "Town") and under that name shall have perpetual succession, and may have~~

(1) Not by way of limitation of the power vested in the Commissioners of Dewey Beach to exercise all powers delegated by this Charter to the municipal corporation or to the Town Council, except as expressly limited by this Charter or other law, the Town Council is vested by this Charter with all of the following powers, to be exercised by the Town Council in the interest of good government and the safety, health, and public welfare of the Town, its inhabitants, and affairs:

a. Have and use a corporate seal which may be altered, changed or renewed at pleasure; may sue changed, or renewed.

b. Sue and be sued; plead sued.

c. Plead and be impleaded in all Courts of law and equity in the State of Delaware, and elsewhere, by said corporate name; may hold elsewhere.

d. Hold and acquire real property and personal property obtained by purchase, gift, ~~devise~~ devise, or lease within or without its boundaries for any municipal purposes, in fee simple or for lesser estate or ~~interest~~; and ~~may sell~~; interest.

e. Sell, lease, hold, ~~manage~~ manage, and control such property as its interest may ~~require~~; and ~~may do all~~ require.

f. Do other things which a body politic and ~~corporate~~ municipal corporation may lawfully do to carry out and effectuate the objects and purposes of this ~~Act~~; Charter, subject, however, to other sections of this ~~Act~~; Charter.

(2) The “Commissioners of Dewey Beach” are also referred to in this Charter as the “Town Council”, “Council”, “Corporation”, and “Town”

(3) Except as ~~hereinafter~~ provided in this Charter relative to the power to issue bonds, the Town shall have all other powers and functions requisite to or appropriate for ~~the~~ all of the following, which are the goals of Town governance (Town Goals):

a. The governance of the ~~Town~~; Town.

b. The maintenance of its peace and ~~order~~; order.

c. The provision of its ~~sanitation~~; sanitation.

d. The maintenance of its infrastructure.

e. The protection of its ~~beauty~~; beauty and surrounding natural environment.

f. The provision for the health, safety, convenience, ~~comfort~~ comfort, and well-being of its ~~population~~; the population and visitors.

g. The protection and preservation of property, public and ~~private~~; and all private.

h. The preservation of the character of the Town.

i. The assurance of financial sustainability.

j. The provision of resilience in the face of global climate change.

(4) All actions, suits or proceedings shall be brought in the name of the "Town of Dewey Beach."

(b) The enumeration of particular powers by this Charter ~~shall not be held to be exclusive, or to~~ are not exclusive and do not restrict in any manner the general powers conferred herein, but in addition to the powers enumerated herein, implied hereby, or appropriate to the exercise thereof, it is intended that the Town of Dewey Beach shall have, and may exercise all powers which, under the Constitution of the State of Delaware, ~~which~~ would be competent for this Charter to specifically enumerate. All powers of the Town of Dewey Beach, whether expressed or implied, shall be exercised as

prescribed by this Charter; or, if not prescribed ~~herein~~, in this Charter, by ordinance or resolution of the Commissioners.

Town Council.

Section 5. Qualifications ~~Of of the Mayor And and Town~~ Commissioners.

~~(a) Each Commissioner shall be at least 21 years of age.~~

~~(b) Not less than two (2) of the Commissioners shall be designated Resident Commissioners. A Resident Commissioner shall have the following qualifications: 1) shall be a bona fide resident and domiciliary of the Town; and 2) shall own real estate within the Town or be both a settlor/creator and trustee of a valid trust to which real property which is located within the Town has been conveyed which conveyance is recorded in the Office of the Recorder of Deeds in and for Sussex County, or be a leaseholder of real estate in the Town under a lease of a term of five (5) years or more. Any person applying as a leaseholder candidate pursuant to this subsection will be required to include a copy of a valid lease with his or her candidate filing.~~

~~(c) Other Commissioners must either have the qualifications of a Resident Commissioner as defined above or be an owner of real estate within the Town or be both a settlor/creator and trustee of a valid trust to which real property which is located within the Town has been conveyed which conveyance is recorded in the Office of the Recorder of Deeds in and for Sussex County, or be a leaseholder of real estate in the Town under a valid lease of a term of five (5) years or more or be a full time resident and domiciliary of the Town. Any person applying as a leaseholder candidate pursuant to this subsection will be required to include a copy of a valid lease with his or her candidate filing.~~

~~(d) The Commissioner with the title of "Mayor of the Town of Dewey Beach" must be qualified as a Resident Commissioner.~~

~~(e) If any one of the Commissioners shall, during his term of office fail to continue to be qualified as above stated, he shall ipso facto vacate his office. The Commissioners shall be the judges of the qualifications of the members.~~

(a) A candidate for, and holder of, the Office of Town Commissioner must be a qualified Dewey Beach voter of at least 21 years of age.

(b) At all times, no less than 2 sitting Commissioners must qualify as Resident Town Commissioners. A Resident Town Commissioner is a bona fide resident and domiciliary of the Town.

(c) A Non-Resident Town Commissioners must satisfy 1 or more of the voter qualifications under Section 10(b) of this Charter.

(e) The Town Commissioner with the title of "Mayor of the Town of Dewey Beach" must qualify for the Office of Town Commissioner as a Resident Town Commissioner.

199 (f)(1) If a Resident Town Commissioner no longer satisfies the residency requirement under subsection (b) of this
200 section at a time when there are only 2 sitting Resident Town Commissioners, that Resident Town Commissioner must be
201 removed from the Office of Town Commissioner by a majority vote of the remaining Town Commissioners present at a
202 Town Council Meeting.

203 (2) If a Resident Town Commissioner no longer satisfies the residency requirement under subsection (b) of
204 this section at a time when there are at least 2 additional sitting Resident Town Commissioners and that Resident Town
205 Commissioner satisfies 1 or more of the qualifications for a Non-Resident Town Commissioner that Resident Town
206 Commissioner continues to qualify for the Office of Town Commissioner as a Non-Resident Town Commissioner.

207 (3) If a Non-Resident Town Commissioner no longer satisfies any of the voter qualifications required under
208 subsection (c) of this section and has not established residency in the Town of Dewey Beach, that Non-Resident Town
209 Commissioner must be removed from the Office of Town Commissioner by a majority vote of the remaining Town
210 Commissioners present at a Town Council Meeting.

211 (4) If a Non-Resident Town Commissioner no longer satisfies any of the voter qualifications for non-residents
212 as required under subsection (c) of this section but has established bona fide residency within the Town, that Non-
213 Resident Town Commissioner shall continue in the Office of Town Commissioner as a Resident Town Commissioner.

214 (g) The Town Council is the final judge of the qualifications of candidates for, and holders of, the Office of Town
215 Commissioner.

216 Section 6. Board of Elections.

217 (a) The Commissioners of the Town of Dewey Beach Town Council shall appoint the Board of Elections members
218 for a term of one (1) 1 year. The Board of Elections shall consist of three (3) 3 members. All members of the Board of
219 Elections shall must meet the appointment qualifications as specified in 15 Del.C. § 7501 et seq. under Chapter 75 of Title
220 15 of the Delaware Code.

221 (b) Board of Elections appointees shall be confirmed by swearing or affirming, both orally and in writing, the oath
222 specified in 15 Del.C. § 7501 et seq. under Chapter 75 of Title 15 of the Delaware Code. Board of Elections appointees
223 shall be sworn or affirmed by the Alderman of the Town of Dewey Beach or the Mayor of the Town of Dewey Beach.

224 (c) It shall be the duty of members Members of the Board of Elections, Elections shall, as empowered by 15
225 Del.C. § 7501 et seq. under Chapter 75 of Title 15 of the Delaware Code and the ordinances of the Town, to perform
226 prescribed duties with fidelity and without favor or electioneering to accomplish the proper conduct of municipal candidate
227 elections within the Town of Dewey Beach.

(d) Any member of the Board of Elections may be removed from office for cause ~~after a public hearing~~ by a majority vote of the Commissioners ~~of Dewey Beach~~. at a Town Council meeting.

(e) Activities of the Board of Elections shall be consistent with the Delaware Freedom of Information Act, 29 Del.C. §10001 et seq. Chapter 100 of Title 29 of the Delaware Code.

Section 7. Elective and Appointive Offices.

(a) Each Town Commissioner shall be elected for a ~~two-year term~~. 2-year term that begins from the organizational meeting of the Dewey Beach Town Council immediately following the Town Commissioner's election and continues until the organizational meeting 2 years later. All other offices shall be appointive and the person or persons filling such appointive offices shall be appointed by the ~~Commissioners of Dewey Beach~~. Town Council.

(b)(1)a. In the case of a vacancy created in ~~any office of Commissioner of Dewey Beach or in the office of~~ Commissioner of Dewey Beach having the title of Mayor of the Town of Dewey ~~Beach~~. Beach, either by death, resignation, loss of ~~residence or freeholdship~~, in the Town of Dewey Beach, eligibility for the Office of Mayor, or other disqualifying event, ~~or otherwise~~, the remaining Town Commissioners ~~of Dewey Beach~~ shall fill such vacancy for the ~~residue remainder~~ of the ~~whole term~~. Vacating Mayor's 1-year term by electing a sitting Resident Town Commissioner to the Office of Mayor by a majority vote at a properly noticed Town Council meeting.

b. The Town Council shall fill the vacant Town Commissioner office under paragraph (b)(2) of this section.

(2) In the case of a vacancy in any office of Town Commissioner, the remaining Commissioners shall fill the vacancy, for the remainder of the vacating Commissioner's term by electing a qualified candidate to the vacant Town Commissioner office by a majority vote at a properly noticed Town Council meeting, however, this election must result in 2 or more Commissioners qualifying as Resident Town Commissioners. All members of the Town Council are eligible to nominate qualified candidates for a vacancy under this paragraph (b)(2).

(c) If any elective or appointive ~~officer, agent or employee~~ be officer is found guilty of ~~any~~ a felony anywhere in the United States, ~~he shall~~ the officer is forthwith ~~be~~ disqualified to act as such officer and ~~he shall, ipso facto, vacate his~~ elective office; shall be removed from office by a majority vote of the Commissioners present at a properly noticed Town Council meeting. The Town Council shall subsequently fill the vacant ~~which office shall be filled by the Commissioners of~~ Dewey Beach as in the case of other vacancies.

Section 8. Organization.

(a) The ~~Commissioners of Dewey Beach~~ Town Council shall hold ~~a~~ an annual organizational meeting no sooner than ~~seven (7)~~ 7 days following the annual ~~election~~ municipal election, for the purpose of organization at the usual place for

holding meetings of the ~~Commissioners of Dewey Beach.~~ Town Council. ~~At that meeting the Commissioners elected shall~~
~~elect one (1) of the Commissioners as the presiding officer of the Commissioners of Dewey Beach for a term of one (1)~~
~~year. If the Commissioners are unable to elect one (1) of their number as a presiding officer then such officer shall be~~
~~chosen for the Commissioners, by lot, by the Commissioners. The presiding officer shall be called the 'Mayor'.~~

(b) During the organizational meeting, the newly elected Town Commissioners shall assume the duties of ~~their~~
~~respective offices,~~ the Office of Town Commissioner, being first duly sworn or affirmed to perform their duties with
fidelity, which oath or affirmation shall be taken before a Notary Public, the Alderman of the Town of Dewey Beach, or by
a holding-over member of the ~~Commission.~~ Town Council. After assuming their duties as Commissioners, the Town
Council shall do all of the following:

(1) Elect a Commissioner to serve as the presiding officer of the Town Council for a 1-year term that runs
through the subsequent organizational meeting. If the Town Council is unable to elect a presiding officer, the presiding
officer is chosen by lot. The presiding officer holds the Office of Mayor of Dewey Beach ("Mayor").

(2) ~~The Commissioners shall likewise select a~~ Select a Commissioner to serve as the Secretary of the Town
Council ("Secretary") ~~from their own number to serve until the subsequent organizational meeting after the next~~
~~succeeding election. They may also choose~~ meeting. The Secretary shall be responsible for all of the following:

a. Taking and keeping minutes of executive sessions of the Town Council.

b. Coordinating with the Town Clerk on the development and keeping of minutes of all Town Council
meetings.

c. Presiding over Town Council meetings when the Mayor is unavailable.

d. For all other responsibilities of the Mayor when the Mayor is unavailable.

(3) Elect or appoint other officers and employees as may be determined to be ~~necessary.~~ necessary to facilitate
Town Council operations.

(c) ~~The Commissioners shall by ordinance~~ Town Council shall, by ordinance, fix the amount of any of the
employees, officers and agents of the Town, and the time and manner of his or her, or their payment; provided, that the
salary or compensation of any such employee, officer or agent shall not be increased, during the term of said office should
said appointment thereto be for a designated term. No officer, employee or agent total amounts of the salaries or
compensation paid to employees and officers on a department by department basis as part of the annual budget approval
process. The salaries or compensation of individual employees or officers must be consistent with the staffing plan
approved as part of the annual budget process and are set by the appropriate department head, with the approval of the
Town Manager. An employee or officer of the Town shall in any form must not have, take, or receive from the Town or

~~otherwise otherwise~~, any compensation, in any form, in addition to the salary or compensation fixed by the ~~Commissioners~~.
Town Council under this subsection.

(d) ~~The Commissioners shall cause to be kept~~ Town Manager shall keep a full and complete record of all officers appointed, and employees and agents hired by the Town, ~~containing the names of such officers, employees and agents, the dates of their employment, any salary of~~ that contains all of the following information for each officer, employee, or agent:

(1) Name.

(2) Date of employment.

(3) Amount of salary or compensation to be by them received and the date received.

(4) Date of the termination of their services. In the event that any person holds office for an indefinite term, the record shall so state.

Section 9. Method Of Filing For Office Of Town Commissioners of Filing for the Office of Town Commissioner.

(a) No person shall be voted upon as a candidate for the ~~office of~~ Office of Town Commissioner in any annual municipal election unless at least ~~thirty (30)~~ 30 days before the date set for the ~~election of said officers he shall have~~ election, the person has filed with the ~~Commissioners of Dewey Beach~~ Town Manager a letter or other certificate setting forth that ~~he~~ the person will be a candidate for ~~a certain designated office. The Commissioners of Dewey Beach shall either~~ Resident Town Commissioner or for Non-Resident Town Commissioner. The Town Manager must not permit the name of any ~~such~~ candidate for the Office of Town Commissioner to be ~~filed~~ accepted and included on the election ballot except ~~such candidate as shall meet unless the candidate meets the requirements of Section 5 of this Chapter. under Section 5 of~~ this Charter.

(b). The Town Manager shall promptly notify the members of the Town Council of the names and qualifications of qualified candidates who have filed for candidacy for the Office of Town Commissioner.

Section 10. Manner Of of Holding Elections Elections, Voter Registration, and Voter Qualifications.

(a)(1) Annual municipal elections for openings to the Office of Town Commissioner, including Resident and Non-resident Town Commissioners shall be held conducted as follows:

a. Held on the third Saturday of the month of September, except that, in any year when the third Saturday ~~of the month of~~ in September conflicts with either day of Rosh Hashanah (Jewish New Year) or Yom Kippur (Jewish Day of Atonement), annual municipal elections shall be held on the fourth Saturday of the month of September. ~~Annual municipal elections shall be held~~

b. Held from 10:00 a.m. to 6:00 p.m. at ~~such place or places as shall be~~ 1 or more locations determined by the ~~Commissioners, due notice of which shall be given by posting~~ Commissioners.

c. Notice must be provided as follows:

1. Posting notices thereof in two (2) in 2 conspicuous places within the corporate limits of the Town of Dewey Beach; due notices of which shall be given in compliance with the applicable provisions of 15 Del.C. § 7501 et seq. Beach.

2. Publication in a newspaper of general circulation in the community 15 days or more before the date of the annual municipal election.

(2)a. In the event that there is no contest for any of the several offices up for election in any year, the Election Officials shall declare all candidates on file to be duly elected if the result is a 5 member Town Council with a minimum of 2 Resident Town Commissioners.

b. If the election is being held for the sole purpose of electing officers and there is no contest for any of the several offices up for election in any year, the election is cancelled and polls shall do not open.

(3) The Town Commissioners shall have the power and authority to Council may enact by ordinance certain voter registration procedures as are deemed reasonably necessary to provide for the orderly and efficient conduct of municipal elections, including provisions for casting of provisional ballots, provided that no such An ordinance shall enacted under this paragraph (a)(3) cannot alter the qualifications of voters as herein below set forth, nor shall such ordinance under this section or unduly impair the right to vote in a an annual municipal election or special election. No In each election, all of the following apply:

a. A person may be is only eligible to vote unless if properly registered. No

b. A person may cast more than one only 1 ballot.

(b) Each person eighteen 18 years of age or older, who is a older, is a qualified voter in an annual municipal election of Dewey Beach and all special elections in Dewey Beach if the person satisfies any of the following:

(1) Is a bona fide resident and domiciliary of the Town of Dewey Beach, or who is an Town.

(2) Is an owner of real property within the Town, or who holds Town.

(3) Holds a valid lease for with a term of five 5 years or more on property within the Town, shall be qualified to vote in the election of Town officials as herein provided. Town. A leaseholder seeking qualification as a voter shall file a copy of a valid lease at the time of voter registration, and each time the lease is modified or renewed.

(4) Is both the trustee and a settlor or creator of a valid trust to which real property located within the Town has been conveyed and that conveyance recorded in the Office of the Recorder of Deeds in and for Sussex County. A person registering to vote under this paragraph (b)(4) shall file the trust document identifying the trustee and the settlor

or creator at the time of voter registration, and each time the trust documents are modified in a manner that affects the person's status as a trustee or settlor or creator, including cancelation of the trust.

~~A leaseholder seeking qualification as a voter under this subsection will be required to file a copy of a valid lease at the time of voter registration. A non-resident person eighteen years of age or older who is both a settlor/creator and trustee of a valid trust to which real property which is located within the Town has been conveyed which conveyance is recorded in the Office of the Recorder of Deeds in and for Sussex County shall be qualified to vote in the election of Town officials, provided that the Trust document which identifies the trustee(s) and the settlor(s)/creator(s) must be presented at the time of registration.~~

(c)(1) ~~Every election~~ municipal election, including an annual municipal election and all special elections shall be held under the supervision of the Election ~~Officials.~~ Officials, except for a special election for the annexation of territory under Section 2 of this Charter.

(2) The Election Officials shall consist of ~~one (1)~~ 1 Inspector of the Election and such Officers of the Election as shall be are appointed by the ~~Commissioners of Dewey Beach.~~ Dewey Beach Town Council. The Inspector and ~~such Officers constituting the all other~~ Election Officials shall be qualified must be registered voters of the Town of Dewey Beach and shall be appointed ~~for that purpose~~ by the ~~Commissioners~~ Town Council at least ~~thirty (30)~~ 30 days before ~~such Annual Municipal Election.~~ each annual municipal election.

(3) If, at the opening of the polls, any of the Election Officials ~~(or any one of them)~~ are not present, ~~then in such case~~ the persons qualified registered to vote at ~~such~~ the election and present at the opening of the polls shall, by viva voce, select a qualified registered voter or voters to act as the Election ~~Officials to fill such~~ Officials, filling the vacancies caused by the absence of the Election Officials.

(4) Election Officials ~~shall be~~ are Judges of the Election, and shall decide ~~upon~~ the legality of the votes offered. The Election Officials shall keep a true and accurate list of all voters voting at the ~~Annual Municipal Election.~~ election. The Board of Elections ~~shall have~~ has the power to subpoena persons and officers of the Town, and to subpoena books, ~~records~~ records, and papers relative to the determination of the validity of any vote or votes offered.

(d)(1) Upon the close of the an election, the ~~votes shall be computed and announced publicly and the qualified persons having~~ Election Officials shall compute the votes and announce the results publicly. Upon the close of the annual municipal election, the Elections Officials shall compute the votes for each candidate for the Offices of Town Commissioner of Dewey Beach and announce publicly, the number of votes received by each candidate.

(2) The candidates with the highest number of votes shall be declared, by the Election Officials, to be duly ~~elected; and such persons shall~~ elected, if the results provide that the Town Council will be comprised of 2 or more

Resident Town Commissioners. If the results do not provide that the Town Council will be comprised of 2 or more Resident Town Commissioners, then 1 or 2, as necessary, of the Resident Town Commissioner candidates receiving the highest number of votes shall be declared duly elected. If vacant Town Commissioner Offices remain after the 2 Resident Town Commissioner offices are filled, the other candidates receiving the highest number of votes shall be declared duly elected. continue in office during the terms for which they were chosen, or until their successors are duly elected or appointed and qualified.

(3) Candidates declared duly elected under this subsection take office immediately following being sworn in at the organizational meeting and continue in office until their successors have been duly elected and sworn in, or until vacating or being removed from office.

(4) If the number of candidates in an election is not sufficient to fill all open offices of Town Commissioner and would result in a Town Council that has less than 2 Resident Town Commissioners or less than 5 total Town Commissioners, then vacancies must be filled under Section 7 of this Charter.

(e) In the event of a tie vote for any office, the Election Officials shall determine the tie the outcome of the election by lot.

(f) The Election Officials, as soon as possible after the polls have closed and the results announced, shall deliver all election documents, envelopes, and absentee ballots to the Board of Elections. The Board of Elections shall secure the documents, envelopes, and absentee ballots until such time that they need to canvass the election.

(g) The Election Officials shall enter in a book, to be provided for that purpose, a minute complete record of the election, containing the names of the persons chosen. elected. The Town Manager, on behalf of the Town Council shall maintain a book, containing such matters, shall be preserved by the Town Commissioners and shall be all records and minutes of the election, which may be evidence in any Court of Law and Equity. court.

(h) Ballots may be cast in person or by absentee ballot in all elections. Absentee voting shall be in compliance with the applicable provisions of 15 Del.C. § 7501 et seq. under Chapter 75 of Title 15 of the Delaware Code.

Section 11. Town Council Meetings.

(a) The Town Commissioners of Dewey Beach Council shall hold meetings at the call of the Mayor (or or a majority of Commissioners). Commissioners.

(b) The Town Commissioners of Dewey Beach shall have Council has the same power and authority to enact all ordinances, adopt all resolutions, pass all motions, make all orders and transact all business at such meeting, called as aforesaid. There shall be not less than one meeting held per calendar quarter. a Town Council meeting called under subsection (a) of this section. The Town Council must hold at least 1 meeting each month, except that there may be 1

month without a meeting each year if the majority of the Town Commissioners present at a prior Town Council meeting vote to not hold the meeting.

(c) All meetings ~~shall be~~ are subject to the provisions of ~~Title 29, Chapter 100, Delaware Code.~~ the Freedom of Information Act, Chapter 100 of Title 29 of the Delaware Code.

Section 12. Quorum.

A majority of the Town Commissioners appointed or elected to the ~~Town Commissioners of Dewey Beach~~ Council constitute a quorum.

Section 13. ~~Rules Of Procedures And Minutes Of The Town Commissioners.~~ of Procedures and Minutes of the Town Council.

(a) ~~The Commissioners~~ Town Council shall determine ~~their own~~ rules of procedure and order of business. ~~They~~

(b) The Town Manager shall keep a record of ~~their proceedings~~ Town Council rules and procedures and a record of Town Council meetings. ~~the record shall~~ All Town Council records under this subsection must be open to public inspection. ~~inspection at Town Hall and on the Town website.~~

(c) Every ordinance ~~shall~~ must be introduced in writing. No ordinance ~~shall~~ may be passed unless it ~~shall have~~ has the affirmative vote of a majority of the ~~Commissioners.~~ Town Commissioners present at a Town Council meeting. A vote on any ordinance ~~shall~~ must be by voice vote, and the vote of each Town Commissioner on any ordinance ~~shall~~ must be entered on the record.

Section 14. Duties ~~And~~ and Powers ~~Of The~~ of the Mayor.

(a) The Mayor of the Town of Dewey Beach shall be sworn or affirmed to perform the duties of ~~his office~~ the Office of Mayor with fidelity.

(b) ~~He shall be the chief executive of the Town. It shall be his~~ (1) The Mayor serves as the presiding officer of the Town Council. As presiding officer, it is the Mayor's duty to preside at all meetings of the ~~Commissioners~~ Town Council. ~~and he shall have a vote therein and in case of his absence a President Pro Tempore shall be appointed in his place from the other Commissioners. He~~

(2) The Mayor shall execute on behalf of the Town when authorized by a majority of the Commissioners all agreements, contracts, bonds, deeds, leases and other documents necessary to be executed. ~~He shall have the power to appoint the other Commissioners to be in charge of any departments or divisions of the Town Government created by the Commissioners. At least one Commissioner must be appointed to each department or division created by the Commissioners.~~

(3) The Mayor shall be a member, ex-officio, of all committees. ~~It shall be the duty of the Mayor~~

(4) The Mayor shall perform all duties imposed upon the Office of the Mayor by this Charter. The Mayor shall assist the Town Council in its duty to see that the laws and ordinances of the said Town are faithfully executed and the Mayor shall perform all duties imposed upon him by this Charter. ensure that all actions taken by the Town Council promote the Town's goals and adhere to the annual budget.

(5) The Mayor ~~shall also have~~ has the power to administer oaths and affirmations.

(6) The Mayor serves as the liaison between the Town Council and the Town Manager.

(7) The Mayor serves as the official spokesperson for the Town Council on decisions and actions taken by the Town Council.

(8) The Mayor ~~shall also have~~ has the power and authority to solemnize marriages within the boundaries of the Town of Dewey Beach.

(9) If the Mayor is absent or incapacitated, the Secretary of Town Council serves in lieu of the Mayor until 1 of the following occurs:

a. The Mayor is able to resume the duties of the Office of the Mayor.

b. The remaining Commissioners determine by the majority vote of those present at a Town Council meeting that it is necessary to appoint a new Mayor.

c. The Mayor has been absent or incapacitated for 60 days.

(c) As a Commissioner of Dewey Beach and as Beach, the Mayor of the Town of Dewey Beach, ~~he shall have~~ has the same right as all other individual Town Commissioners to vote on all matters, and debate any question from the floor.

(d) Upon the expiration of ~~his~~ the Mayor's term of office or upon resignation or removal from office, ~~he~~ the Mayor shall forthwith turn over all records, books, papers, documents and other things belonging to or appertaining to ~~his office~~ the Office of Mayor of the Town of Dewey Beach. ~~He shall also~~ Beach and pay over to the ~~Treasurer~~ Town all monies in ~~his hands~~ belonging to the Town.

Section 15. Employment of the Town Manager

(a) The Mayor of the Town of Dewey Beach, ~~with the concurrence of a majority of all the elected Commissioners of the Town, may appoint a Town Manager who shall be the Chief Administrative Officer of the Town and who shall be the Secretary of the Commission of the Town and the Treasurer of the Town.~~ Beach may appoint a Town Manager after an affirmative vote of 4 or more Commissioners at a Town Council meeting. The Town Manager is responsible for all administrative affairs of the Town.

(b)(1) ~~The Commissioners of the Town of Dewey Beach~~ Town Council shall impose ~~such~~ qualifications for Town Manager as ~~may be deemed necessary; provided, however, that no~~ necessary, in addition to demonstrated knowledge of the

operation and administration of municipal governments based on the candidate's academic background or work experience.
Experience working with federal and state emergency management agencies may be considered as an advantage.

(2) ~~No person holding the office of Mayor or Commissioners shall be chosen to be Town Manager during his term of office as Mayor or Commissioner.~~ Town Commissioner is eligible to apply for or to be appointed Town Manager.

(c)(1) The Town Manager must be appointed for a fixed term and shall report as follows:

a. To the Town Council on all substantive matters.

b. To the Mayor on a day-to-day basis regarding ministerial and administrative matters.

(2) The Town Council shall evaluate the Town Manager's performance at least 1 time each year and each annual evaluation report must be signed by each Town Commissioner and archived with the Town's personnel files.

(3)a. ~~The Town Manager may be removed for just cause by a majority vote of the Commissioners of the Town of Dewey Beach.~~ an affirmative vote of 4 or more Town Commissioners at a Town Council meeting.

b. ~~At least thirty (30) days before such removal shall become~~ 30 days before removal under paragraph

(c)(3)a. ~~of this section is effective, the Commission shall, by a majority vote of all the elected Commissioners thereof, an affirmative vote of 4 or more Town Commissioners at a Town Council meeting,~~ adopt a preliminary

resolution stating the reasons for ~~his~~ the Town Manager's removal. The Town Manager may reply in writing and may request a public hearing which ~~shall~~ must be held not earlier than twenty (20) days nor later than thirty (30)

days after the filing of ~~such~~ the request. After ~~such~~ the public hearing, if ~~one~~ be requested, and after full

consideration, the ~~Commission~~, by a majority vote of all the elected Commissioners thereof, Town

Commissioners, by an affirmative vote of 4 or more Town Commissioners at a Town Council meeting, may adopt

a final resolution of removal. ~~By the preliminary resolution, the Commission may suspend the Town Manager~~

~~from duty but shall in any case cause to be paid him forthwith any unpaid balance of his salary for the next three~~

~~(3) calendar months following the adoption of the preliminary resolution.~~

(4) At the end of the Town Manager's contractual term of employment, the Town Council may act to not renew or not extend the Town Manager's contract without cause by an affirmative vote of 3 or more Town Commissioners at a Town Council meeting.

(d) ~~In case of the absence or disability of the Town Manager, the Commission~~ Town Council may designate ~~some~~ a qualified person who may be an elected or appointed official of the Town of Dewey Beach person, who is not the Mayor,
~~to perform the duties of such office during his absence or disability.~~ to perform, on a temporary basis, the duties normally

~~assigned to the Town Manager. The compensation which the Town Manager shall receive for the performance of his duties shall be fixed by the Commission of the Town of Dewey Beach.~~

(e) The Town Commissioners shall establish the Town Manager's compensation by a resolution of the Town Council.

Section 16. Responsibilities of the Town Manager.

~~(a) The Town Manager shall be responsible to the Commissioners of the Town of Dewey Beach Town Council for the proper administration of the affairs of the Town placed in his the Town Manager's charge and to that end, he shall have the power has the authority to make such appointments and to hire such employees at such compensations as the Commissioner, by resolution, shall determine, for compensation that is appropriate for each position, level, or qualification and to promote and remove employees from employment, subject to such any rules and regulations as may be adopted by the Commissioners. Town Council, in addition to all of the following:~~

(1) Prior to taking personnel action regarding an employee of a department or division with a department head other than the Town Manager, the Town Manager must take into consideration the recommendation of the employee's department head.

(2) A department or division head shall be responsible for the expedient and efficient operation of the department or division, ensuring that the department or division adheres to its budget and that all Town policy and laws under the responsibility of the department or division are faithfully executed.

~~(3) All employees may be removed by the Town Manager at any time for just cause unless otherwise provided by resolution of the Commissioners. He shall exercise his sole discretion in the appointment or hiring of any such employees. cause.~~

(4) The Town Manager shall seek input from the Town Council for personnel actions regarding heads of departments or divisions but otherwise shall be the sole ultimate judge of the competence or incompetence of any such person so appointed or hired by him. person recommended for hiring, promotion, or termination.

~~(5) The Commissioners of the Town of Dewey Beach Town Council shall sit as a Board of Appeal for the protection of Town employees at those times when the majority of all the Commissioners are agreed that a review of the action of the Town Manager would be in the best interest of the Town of Dewey Beach. The decision of the Commissioners in such case shall be final and conclusive. determine the rights of an employee to appeal any personnel action, which must be specified in the Town Employee Manual.~~

(b) It is the intention of this Charter that, in the performance of his duties, and in the exercise of his powers, the duties and exercise of the powers of the Office of the Town Manager, the Town Manager shall not be influenced by any

matters whatsoever of a political or fractional nature. It is the intention of this Charter that the Town Manager shall be guided solely by the matters of expediency and efficiency in the administration of the affairs of the Town placed in his charge. the Town Manager's charge and to see that the policy and ordinances of the Town are faithfully executed. Except for purposes of ~~injury,~~ the investigations under Section 30 of this Charter, the Town Commissioners shall deal with that portion of the administrative service for which the Town Manager is responsible solely through the Town Manager.

(c) ~~It shall be the duty of the~~ The Town Manager to shall supervise the administration of the affairs of the Town under ~~his charge and to~~ the charge of the Office of the Town Manager and is responsible for operating the Town within the constraints of the budget. The Town Manager shall make such reports to the Commissioners as are required by the Commission. He shall make such Town Council as required, including all of the following:

(1) Make recommendations to the Commission concerning the affairs of the Town as may seem to him desirable. He shall keep the Commission seem desirable for expedient and efficient operations and the achievement of Town policy and goals.

(2) To keep the Town Council advised of the financial condition and future needs of the Town. He shall prepare and submit to the Commission the

(3) Prepare and submit an annual budget estimate. He shall render to the Commission at the regular monthly meeting of each and every month

(4) Render a true, accurate and detailed account of all the monies collected or received by him in the performance of his duties and shall promptly turn the same over to the Commission: the Town, to the Town Council and the public, at the regular Town Council meetings.

(5) As requested by the Town Commissioners, arrange for department heads to be present at Town Council meetings to provide an overview of departmental activities and a description of active departmental concerns and future needs.

(d) In conjunction with the ~~Mayor of the Town of Dewey Beach, he~~ Mayor, the Town Manager shall sign warrants pursuant to appropriations or resolutions theretofore made for the ~~Commission. He~~ Town Council. The Town Manager shall prepare and submit to the ~~Commission~~ Town Council such reports as may be required by the ~~Commission., he~~ Town Council and shall perform ~~such~~ other duties as may be prescribed by this Charter or required of ~~him~~ the Office of Town Manager by ordinance or resolution of the ~~Commission. Town Council.~~

(e) The Town ~~Manager and such~~ Manager, and other officers of the Town as may be designated by vote of the ~~Commission shall be entitled to seats~~ Town Council is entitled to a seat in the meetings of the ~~Commission~~ Town Council but shall not vote therein: a vote.

(f) The Town Manager shall have charge and supervision of the sewer system, water system, street lighting, streets, gutters, curbs, sidewalks, boardwalks, jetties, piers, parks, and other administrative affairs of the Town and all work relating thereto. ~~He~~ The Town Manager shall have charge of and shall collect all taxes, assessments, rentals, franchise fees, license fees, or other charges due the Town. ~~He~~ The Town Manager shall have charge of the administration of all provisions of this Charter and ordinances and resolutions of the ~~Commission~~ Town Council relating to the affairs of the Town when not otherwise provided for by this Charter or by any ordinance or resolution of the ~~Commission~~. Town Council.

(g) ~~He~~ The Town Manager shall keep a full and strict account of all monies received and all disbursements made by ~~him~~ the Town and ~~such accounts shall~~, shall ensure that Town accounts, at all times, ~~be~~ are open to inspection by the ~~Commission~~. Town Council.

(h) ~~He~~ The Town Manager shall give to The Town of Dewey Beach a bond, if required by the ~~Commission~~, Town Council, in such sum and in form with security satisfactory to the ~~Commission~~ Town Council, for the faithful performance of the duties of ~~his office~~ the Office of Town Manager and the restoration to The Town of Dewey Beach, in case of his death, resignation, or removal from office of all books, papers, vouchers, ~~money~~ money, or other property of whatever kind ~~in his possession~~ belonging to the Town.

(i) In the event of a vacancy in the Office of the Town Manager for any ~~reason or reasons whatsoever~~, reason, the duly appointed and qualified successor to that office shall succeed to all the rights, privileges, and powers theretofore reposed in ~~his~~ the predecessor or predecessors in the office in the same manner as though all acts, ~~deeds~~ deeds, and steps ~~theretofore~~ taken by any ~~such~~ predecessor or predecessors with respect to any matter or thing pertaining to ~~said~~ the office had been taken or performed by the successor to ~~said~~ the office.

(j) Upon the death, resignation, or removal from the ~~office~~ Office of the Town Manager, the Mayor, with the approval of a majority vote of ~~all elected members of the Commission~~, the Town Commissioners present at a Town Council meeting, shall appoint ~~some~~ a suitable person, who ~~may be an elected or appointed official of the Town of Dewey Beach~~, is not the Mayor to perform the duties of Town ~~Manager~~, Manager on an interim basis for ~~ninety (90)~~ 90 days with the option of renewal of the appointment for ~~two (2)~~ 2 additional terms of ~~ninety (90)~~ 90 days or until a Town Manager is appointed, whichever period is shorter.

(k)(1) The Town Manager is responsible for ensuring that a staffing plan for all active employees, officers, and agents is maintained and updated annually as part of the annual budget process or as needed as position descriptions and requirements change.

(2) The Town Manager shall ensure that annual performance reviews are conducted for all employees and that each performance review is signed by the responsible department or division head and filed in the Town's permanent personnel files. In the case of department heads, annual performance reviews shall be conducted by the Town Manager after having received relevant input from the Town Council in Executive Session.

(3) The Town Council shall conduct the annual performance review of the Town Manager. All Town Commissioners must sign the Town Manager's annual performance review and the Mayor shall share the annual review with the Town Manager.

Section 17. ~~Audit Committee/Auditors~~ Audit Committee; Auditors.

(a) The Audit Committee (Committee) shall be composed of not less than ~~three (3) property owners, the majority of whom are bona fide residents of the Town of Dewey Beach,~~ 3 individuals who are qualified under Section 10(b) of this Charter to vote in the Town of Dewey Beach and who have no relationship to the Town that may interfere with the exercise of their independence from the Town's management and the Town. The Chairperson and members of the Committee shall be appointed by the Town Council ~~at each annual meeting~~ to serve for a term of ~~one (1)~~ 1 year. Each member of the Committee ~~shall~~ must be financially competent and at least ~~one (1)~~ 1 member ~~shall~~ must have accounting or related financial management experience. The principal purpose of the Committee is to provide oversight of the annual audit of the Town financial statements, to recommend the hiring of an independent financial audit firm, to assess the qualifications and independence of the firm and to negotiate a price for the audit, to review the performance of the independent audit firm, to review the firm's audit report and assessment of the Town's accounting and reporting practices and internal control systems, and to recommend acceptance or rejection by the Town Council of the audit report.

(b) ~~It shall be the responsibility of the~~ The Independent Auditors ~~to~~ shall perform an audit of the annual financial statements of the Town of Dewey Beach in accordance with generally accepted auditing standards and the standards applicable to financial audits contained in Government Auditing Standards issued by the Comptroller General of the United States. The Auditors, on or before the 15th day of August following the Town's fiscal year end shall deliver their report, including their opinion as to whether the Town's basic financial statements, together with required Supplemental Information, present fairly, in all material respects, the financial position of the governmental activities and each major fund of the Town, and the respective changes in financial position and cash flows, where applicable, in conformity with accounting principles generally accepted in the United States of America. In addition, other Supplemental Information for the General Revenue and Special Revenue Funds shall be provided with comparative amounts for the preceding ~~three (3)~~ year. A summary of the report shall be printed by the Town in a newspaper which has general circulation in the Town in the issue immediately succeeding ~~their~~ acceptance of the Independent Auditors' annual report, with a statement

615 that the full text of the report can be viewed on the Town's website, where a full copy of the report shall be accessible to
616 visitors to the website. The financial statements are the responsibility of the ~~Town's management.~~ Town Manager. The
617 Independent ~~Auditor's~~ Auditors' responsibility is to render an opinion on the Town's financial statements based on ~~their~~ the
618 Independent Auditors' audit examination.

619 Section 18. ~~Town Solicitor~~ Solicitor.

620 The Commissioners may select and appoint a Town Solicitor who ~~shall be removable at the pleasure of the~~
621 ~~Commissioners of Dewey Beach~~ may be removed by a majority vote of the Town Commissioners present at a properly
622 noticed Town Council meeting, either with or without due cause stated. The Town Solicitor ~~shall~~ must be a member in
623 good standing of the Bar of the State of Delaware. ~~It~~ The Town Solicitor shall be his duty to give legal advice to the
624 ~~Commissioners~~ Town Council and ~~any other offices~~ officers of the Town and ~~to~~ shall perform other legal services as may
625 be required ~~of him by the Commissioners.~~ by the Town Council.

626 Section 19. ~~Police Force~~ Police; Chief of Police; Beach Patrol.

627 (a) ~~The Town Commissioners may, in their discretion, establish a police force, make rules and regulations as may~~
628 ~~be necessary for the organization, government and control of a Police Force. They shall preserve peace and order, and shall~~
629 ~~compel obedience within the Town limits to the ordinances of the Town and the Laws of the State of Delaware. They shall~~
630 ~~have such other duties as the Town Commission shall from time to time prescribe. The police force shall be subject to the~~
631 ~~direction of the Town Manager acting on behalf of the Town Commissioners.~~

632 (b) ~~The Town Commissioners may, if it is deemed necessary, make rules and regulations for the organization of a~~
633 ~~Beach Patrol. The Beach Patrol would, if so organized, enforce regulatory measures ordained by the Commissioners in~~
634 ~~respect to the cleanliness, uses and enjoyment of the Town Beach front; and, would perform such other duties as the~~
635 ~~Commissioners may prescribe. In the performance of their duties, they may be vested with all the powers and authorities of~~
636 ~~a member of the Town Police Force.~~

637 (a) The Town Council shall establish a Police Force and make rules and regulations necessary for the organization,
638 governance, and control of the Police Force. The Police Force shall preserve peace and order, compel obedience within the
639 Town limits to all rules, regulations, laws, and ordinances that are enforceable within the jurisdictional limits of the Town,
640 and have all other duties as the Town Council prescribes.

641 (b) The Town Council shall appoint a Chief of Police to head the Police Force. The Town Council shall select the
642 Chief of Police from at least 3 candidates, recommended by the Town Manager, who meet the qualifications established by
643 the Town Manager and approved by the Town Council, and who satisfy the requirements of the Delaware Council on

Police Training under Regulation 800 of Title 1 of the Delaware Administrative Code. A candidate must receive 3 or more favorable votes from Commissioners on the Town Council to be appointed as the Chief of Police.

(1) The Chief of Police must report directly to, and is subordinate to, the Town Manager.

(2)a. The Chief of Police must serve under an employment contract with a fixed term that does not exceed 3 years. The employment contract must not automatically renew, but subject to the Town Council's approval, the employment contract may be renewed by the Town Manager for an indefinite number of terms.

b. The Chief of Police may not be dismissed, demoted, or otherwise removed from office during the term of the employment contract without a finding of just cause at a hearing held under Chapter 93 of Title 11 of the Delaware Code. Subject to the Town Council's approval, the Town Manager may elect to not renew a Chief of Police's contract without a finding of just cause at a hearing held under Chapter 93 of Title 11 of the Delaware Code.

(3) The Chief of Police shall do all of the following:

a. See that the Police Force enforces all rules, regulations, laws, and ordinances that are enforceable within the jurisdictional limits of the Town.

b. Be responsible for the proper administration of all of the affairs of the Police Force and for all matters related to the preservation of peace and order and other duties prescribed by the Town Council.

c. Be accountable to the Town Manager for operating the Police Force within a prescribed budget and establishing appropriate rules and regulations for efficient and effective departmental operations.

d. Subject to the Town Manager's approval, have authority over all Police Force personnel matters, including removal of any Police Force employee under Chapter 92 of Title 11 of the Delaware Code.

(4) The Police Chief, with the Town Manager's express approval, shall have the authority to issue temporary orders to authorize Town response and the expenditure of Town funds in response to a declared state or national emergency. Temporary orders under this paragraph (b)(4) remain in effect until such time as an emergency meeting of the Town Council can be convened or the emergency ends.

(c) The Town Council is authorized to make such rules and regulations as may be necessary for the organization, governance, and control of a Beach Patrol. If organized, the Beach Patrol shall enforce regulatory measures ordained by the Town Council in respect to the cleanliness, uses and enjoyment of the Town Beaches and Beach front; and perform such other duties as the Commissioners may prescribe. In the performance of their duties, and subject to the appropriate training, members of the Beach Patrol may be vested with some or all the powers and authorities of a member of the Town Police

Force as allowed by law, including by the Delaware Council on Police Training under Regulation 800 of Title 1 of the Delaware Administrative Code.

(d) The Town Council shall appoint a Captain of the Beach Patrol to head the Beach Patrol. The Town Council shall select the Beach Patrol Captain from at least 3 candidates, recommended by the Town Manager, who meet the qualifications established by the Town Manager and approved by the Town Council. A candidate must receive 3 or more favorable votes from Commissioners on the Town Council to be appointed as the Beach Patrol Captain. The Beach Patrol Captain reports directly to, and is subordinate to, the Town Manager.

(1) The Captain of the Beach Patrol may serve under an employment contract, but the term of the contract must not exceed 3 years. The employment contract must not automatically renew, but subject to the Town Council's approval, the employment contract may be renewed by the Town Manager for an indefinite number of terms. The Beach Patrol Captain must be disciplined or terminated in accordance with the terms of the employment contract, and in the absence of an employment contract, the Beach Patrol Captain is an at-will employee. (2) The Captain of the Beach Patrol shall see that the Beach Patrol enforces all rules, regulations, laws, and ordinances for which the Town Council has charged the Beach Patrol with enforcing. The Captain of the Beach Patrol shall be responsible for the proper administration of all the affairs of the Beach Patrol and any other duties prescribed by the Town Council. The Beach Patrol Captain is accountable to the Town Manager for operating the Beach Patrol within a prescribed budget and establishing appropriate rules and regulations for efficient and effective departmental operations. Subject to the Town Manager's approval and any employment policies adopted by the Town Council, the Beach Patrol Captain has the authority over all Beach Patrol personnel matters.

~~Section 20.1~~ 20. Alderman and Assistant Alderman.

(a) The ~~Commissioners are~~ Town Council is authorized to establish an Alderman's Court in a manner consistent with Constitution and laws of the State of Delaware.

~~20.2~~ (b) Appointment. An Alderman and Assistant Alderman shall be recommended by the ~~Town~~, Town Council, appointed by the Governor and confirmed by the Delaware State Senate. Once confirmed the Alderman ~~and/or~~ or Assistant Alderman shall be sworn into office by the Mayor, and evidence of ~~his or her~~ the appointment shall be recorded at the Recorder of Deeds in Sussex County.

~~20.3~~ (c) Appointment and Reappointment Nomination. When a vacancy ~~occurs~~ occurs, the Town Council shall ~~shall~~, by majority vote, submit a list of ~~one~~ 1 or more qualified candidates and the ~~application(s)~~ application and supporting documentation ~~for each candidate~~ to the Governor for consideration of appointment. Not less than ~~thirty (30)~~ 30 days prior to the expiration date of an Alderman's or Assistant Alderman's term, the Town Council ~~shall~~ ~~shall~~, by majority vote,

determine whether or not to recommend reappointment of the Alderman or Assistant Alderman for an additional term. The Town Council shall submit a letter of recommendation to the Governor for consideration of reappointment, or alternatively, its written recommendation of ~~one~~ 1 or more qualified candidates along with their applications and supporting documentation to the Governor for consideration of appointment.

~~20.4~~ (d) Term of Office. The Alderman and Assistant Alderman shall serve a ~~two—year~~ 2-year term and shall remain in office until either reappointed or a successor is duly qualified.

~~20.5~~ (e) Removal.

(1) An Alderman or Assistant Alderman may be censured or removed subject to the provisions of Article IV, Section 37 of the Delaware Constitution of 1897 and the Rules of the Court on the Judiciary. An Alderman or Assistant Alderman may also be replaced upon expiration of a term, following Senate confirmation of a new Alderman or Assistant Alderman.

(2) If ~~any~~ an Alderman or Assistant Alderman has been removed from office by Senate confirmation of a new nominee or by action of the Court on the Judiciary, ~~he/she~~ the Alderman or Assistant Alderman shall, within ~~five~~ (5) 5 days of the Senate confirmation or Court on the Judiciary action, deliver to the Mayor all the books and papers belonging to the Town, and shall within ~~five~~ (5) 5 days pay over to the Treasurer all Town moneys in ~~his/her~~ their hands. Immediately after the receipt of the books and papers belonging to the office of either the Alderman or Assistant Alderman, the Mayor may require the auditor of the Town to make an audit of the books and papers of the official who has been replaced. Upon the neglect or failure to deliver all the books and papers to the Mayor within the time specified by this Charter, or to pay over all of the moneys to the Treasurer within the time specified, the Alderman or Assistant Alderman, so replaced, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not less than ~~Twenty-five Dollars (\$25)~~ \$25 nor more than ~~One Hundred Dollars (\$100)~~ \$100 for each day that ~~he~~ the Alderman or Assistant Alderman fails to deliver the books and papers to the Mayor or to pay over all moneys to the ~~Treasurer.~~ Town.

~~20.6~~ (f) Vacancy. In the absence of the Alderman, or when a vacancy occurs in the office of Alderman, the Assistant Alderman shall exercise all the powers, duties, and responsibilities of the Alderman as set forth in this Charter. When a vacancy occurs for an Alderman and there is no Assistant Alderman to act as Alderman, and the Delaware State Senate is recessed for more than 6 weeks, the Town may elect to have a retired Magistrate act as Alderman pending confirmation of a nominee with the Delaware State Senate. Such retired Magistrate must meet the appointment qualifications ~~of 10 Del.C. Section 9211(a)~~ under § 9211(a) of Title 10 of the Delaware Code to serve in such capacity, and

shall receive such compensation as may be established by the Town Council. A retired Magistrate acting as Alderman shall have all powers, duties, and responsibilities of the Alderman as set forth in this Charter.

~~20-7~~ (g) Qualifications. Any person appointed to serve as Alderman or Assistant Alderman shall be at least ~~twenty-~~
~~one~~ (21) 21 years of age, a United States citizen, of good character and reputation, shall live within Sussex County, and shall not be a member of the Town Council or otherwise an officer or employee of the Town of Dewey Beach.

20-8 (h) Oath of Office. Within 14 days of Senate confirmation the Alderman or Assistant Alderman shall be sworn or affirmed by the Mayor to perform the duties of office honestly, faithfully, diligently, and to uphold and enforce the Charter of the Town of Dewey Beach and ordinances duly enacted by the Town Council of the Town of Dewey Beach.

20-9 (i) Duties. It shall be the duty of the Alderman and Assistant Alderman to adjudicate actions brought under any ordinances legally enacted or established by the government of the Town and to carry into effect all legally binding orders and directions of the Town Council made pursuant to any law of this State or its Constitution. In carrying out the duties of the office, an Alderman or Assistant Alderman shall comply with the ethical responsibilities required of Aldermen in this ~~state~~ State and shall operate the court in accordance with the Criminal Rules of Procedure for the Alderman and Mayor Courts of the State of Delaware.

20-10 (j) Compensation. The compensation of the Alderman and Assistant Alderman shall be fixed by the Town Council and approved in conjunction with the Town Council's adoption of the Town operating budget. If no change is proposed and approved by the Town Council, the previously established compensation rate shall continue in effect until revised by a majority vote of the Town Council. Commissioners at a Town Council meeting. Such compensation shall not be contingent upon or related to the amount of any civil or penal fines imposed or collected through the Alderman Court and shall not be reduced during the term of office.

20-11 (k) Alderman's Docket. The Town Council shall procure suitable records for the use of the Alderman and the Assistant Alderman. Such records shall be known as the "Alderman's Docket". The Alderman and Assistant Alderman shall record all official acts and proceedings in the Alderman's Docket. All criminal matters, but not civil matters, shall be entered into the Delaware Criminal Justice Information System (DELJIS) as required by law.

20-12 (l) Jurisdiction. The Alderman and Assistant Alderman shall have jurisdiction and cognizance of all breaches of the peace, offenses and violations of any civil or criminal ordinance of the Town committed within the corporate limits of the Town of Dewey Beach. As to such offenses or violations over which they are given jurisdiction by this Charter or by any other law of the State of Delaware, the Alderman and Assistant Alderman shall be authorized and empowered to hold for bail, set bail, impose fines, or imprison, for each offense or violation in accordance with the penalties provided by this Charter, by any Town Ordinance enacted hereunder, or as provided by any law of the State of

Delaware; provided however, that the maximum fine which the Alderman or Assistant Alderman may impose shall never exceed the limits established by this Charter.

~~20.13 (m)~~ Civil and Criminal Penalties; Costs. Neither the Alderman nor the Assistant Alderman ~~shall~~ may impose ~~any a~~ penalty in excess of ~~Five Hundred Dollars (\$500)~~ \$1,000, exclusive of ~~costs~~ costs, or imprison ~~any an~~ offender for more than ~~thirty (30)~~ 30 days, or both, except as otherwise specifically provided in this Charter or by state statute; but the Alderman and Assistant Alderman may, in addition to any other fine or term of imprisonment permitted to be assessed or imposed, impose and collect such costs as are set by ordinance or resolution of the Town Council.

~~20.14 (n)~~ Monthly Report to Town Council. The Alderman and Assistant Alderman shall prepare and submit a written monthly report to the Town ~~Council~~ Manager reporting all fines and penalties imposed during the preceding calendar month and shall pay to the ~~Treasurer of the Town~~ all such fines and penalties at such times as the Town ~~Council~~ Manager directs. Neither the Town ~~Council~~ nor the Manager, Town Council, or Mayor may establish or communicate an expected revenue budget for the Alderman Court.

~~20.15 (o)~~ Alderman Court Facilities and Staff. The Town of Dewey Beach shall provide adequate and appropriate facilities and staff to facilitate the independent judicial operations of the Alderman Court. Facilities shall be separate from conflicting town operations, including, but not limited to, police agency functions. The town may house the Alderman Court in a common municipal building, so long as the Alderman's Court is provided space physically separate from other town functions and is further situated in such a manner to foster public confidence in the independence of the Court. Likewise, staff assigned to the Court shall not be shared with conflicting town government operations.

Section 21. Remedies, ~~Powers And~~ Powers, and Methods For The ~~for the~~ Collection Of ~~of~~ Assessments And and ~~Other Charges Due The~~ due to the Town.

(a) A remedy by distress as now prescribed by law is hereby preserved to the ~~Commissioners~~ Town Council for the collection of any assessments, fees, ~~warrants~~ warrants, or other charges for which they may be responsible.

(b) At any time after the delivery of the duplicate annual tax list or warrant or any other list of charges due to the Town of Dewey Beach, the Town Manager ~~may~~ may institute a suit, in the name of the ~~Commissioners~~ Town of Dewey ~~Beach institute suit~~ Beach, before any Court of the State of Delaware, in any ~~of the Counties~~ county of the State, for the recovery of the unpaid tax, assessment, license fee, or other charge, in an action of debt, and upon judgment obtained, may issue Writs of Execution as in case of other judgments recovered.

(c) ~~The said execution shall constitute~~ A Writ of Execution under subsection (b) of this section constitutes a lien ~~upon all the~~ on any or all personal and real property of the ~~taxable~~ responsible party within the ~~County~~ county where the judgment ~~shall have been~~ was obtained, which by virtue of such execution shall be levied upon within ~~thirty (30)~~ 30 days

after the issuance ~~thereof, and such~~ of the Writ and the lien shall have has priority over all other liens against ~~said the~~ personal property created or suffered by the ~~taxable, responsible party,~~ except such liens thereon which may have been created in respect to County Taxes, although such other liens be of date prior to the time of the attachment of the said tax liens.

(d) No taxes or assessments may be imposed on real or personal property or tax or assessment rates ~~changed~~ increased unless approved by ~~referendum~~ referendum.

Section 22. Town ~~Budget~~ Budget.

(a) The fiscal year for the Town of Dewey Beach shall begin April 1, and end March 31.

(b) ~~Annually each year~~ Annually, and not later than the last week in February, the ~~Commissioners~~ Town Manager shall prepare a ~~rough draft of a~~ the annual Town ~~Budget. Budget~~ and submit the draft Town Budget to the Town Council for approval. From this ~~rough draft~~ draft, the Town ~~Commissioners of Dewey Beach~~ Council shall, not later than the second Saturday of March of each year, prepare and approve the Town Budget, by majority vote of the Town Commissioners present in a properly-noticed Town Council meeting, ~~containing which contains~~ the financial plan for conducting the affairs of the Town for the ensuing fiscal year.

(c) The Budget shall contain the following information:

1. A Staffing for each department and office of the Town and a detailed estimate showing the expense of conducting operating each department and office ~~of the Town for the ensuing fiscal year.~~ year, including, in aggregate, the total compensation to be paid to all employees within each department and office.

2. ~~The value of supplies and materials on hand, together with the nature and kind of machinery or other implements and the condition thereof.~~ Estimates for the cost of maintenance of Town buildings and infrastructure.

3. ~~The amount of the debt of the Town, together with a schedule of maturities of bond issues, and the amount of any reserve funds.~~

4. An itemized statement of all any other estimated ~~expense to be incurred in the affairs of the Town.~~ miscellaneous expenses estimated to individually exceed \$5,000.

5. ~~A statement of the amount required for interest on the bonded debt, the amount necessary to pay any Bond maturing during the year and the amount required for the "Sinking Fund" or "Sinking Funds".~~

~~6. An estimate~~ 4. Detailed estimates of the ~~amount~~ amounts of money to be received from taxes, assessments, and all other anticipated income of the Town from any source ~~or sources~~ whatsoever.

(d) The Town ~~Commissioners~~ Council shall, so far as possible, adhere to the Town Budget so adopted under this section in the making of appropriations. ~~appropriations and revising the schedules for the fees, fines, penalties, and taxes~~

822 due to the Town. In addition, the Town Manager shall, so far as possible, ensure that the operations of each department, and
823 the Town as a whole, adhere to the Town Budget adopted under this section and that all monies due to the Town are
824 collected in an effective and efficient manner.

825 Section 23. Enumeration ~~Of Powers~~ of Powers.

826 (a) Not by way of limitation upon the power vested in the Town ~~Commissioners~~ Council to exercise all powers
827 delegated by this Charter to the municipal corporation of the Town ~~Commissioners~~ of Dewey Beach except as may
828 expressly appear herein to the contrary, but, rather by way of enumeration and for purposes of clarity, the Town
829 ~~Commissioners are~~ Council is vested by this Charter with the following powers, which may be exercised by ~~said~~
830 ~~Commissioners~~ the Town Council in the interest of good government and the safety, health, and welfare of the Town, its
831 inhabitants and affairs:

832 1. To provide for ~~and preserve the health, peace, safety, cleanliness, ornament and good order of the Town;~~
833 the governance of the Town; the maintenance of the Town's peace and order; the provision for the Town's sanitation
834 and the maintenance of the Town's infrastructure; the protection of the Town's beauty and surrounding natural
835 environment; the provision of the health, safety, convenience, comfort, and well-being of the Town's population and
836 visitors; the protection and preservation of property, public and private, and the preservation of the character of the
837 Town; the insurance of financial sustainability; and the provision of resilience in the face of global climate change.

838 2. To prohibit, or regulate all public sports, exhibitions, shows, parades, productions, circuses or other public
839 performances, amusements, and games.

840 3. To direct the digging down, draining, filling up, cleaning, cutting, or fencing of lots, tracts pieces or parcels
841 of ground in the Town which may be deemed dangerous or unwholesome or necessary to carry out any improvements
842 authorized by this Charter.

843 4. To provide for or regulate the numbering of houses and lots on the streets, and the naming of streets and
844 avenues.

845 5. For the prevention of fire and the preservation of the beauty of the Town, to regulate and control the
846 number of buildings or removal of dwelling houses and other buildings; to establish a code for the same and to provide
847 for the granting of permits for the same; to establish a building line for buildings to be erected; zone or district the
848 Town and make particular provisions for particular zones or districts with regard to building or building materials; and,
849 generally to exercise all the powers and authorities vested in the legislative body of cities and incorporated towns under
850 by the Constitution and ~~Laws~~ laws of this State.

851 6. To acquire, build, ~~erect~~ erect, and maintain buildings and facilities necessary or required for housing and
852 equipping offices for providing services for the Town.

853 7. To regulate or prevent the use of guns, airguns, spring guns, pistols, sling shots, beanshooters, and any
854 other devices for discharging missiles which might cause bodily harm or injury to property; and to regulate or prevent
855 the use of fireworks, bombs, and detonating works of all kinds.

856 8. To purchase, ~~take~~ take, and hold real and personal property when sold for any delinquent tax, assessment,
857 water rent, tapping fee, charge growing out of abatement of nuisances and the like, laying out and repairing sidewalks,
858 or other charge due the Town and to sell the same.

859 9. To provide for the collection of and disbursement of all monies to which the Town may become entitled by
860 law, including licenses and fines, where no provision for the collection and disbursement thereof is otherwise provided
861 in ~~the~~ this Charter.

862 10. To borrow money in the name of the Town for any proper municipal purpose, and in order to secure the
863 payment of the same, to issue bonds or other kinds or forms of certificate or certificates of indebtedness, pledging the
864 full faith and credit of the Town or ~~such~~ other security or securities as the Town ~~Commissioners~~ Council shall select,
865 for the payment of the principal thereof and the interest due thereon, all of which bonds or other kinds or forms of
866 certificates of indebtedness issued by the Town shall be exempt from all State, ~~County~~ county, or municipal taxes;
867 provided, that in no event shall the indebtedness of the Town, for any and all purposes, at any one time exceed in the
868 aggregate ~~One million five hundred thousand dollars (\$1,500,000):~~ \$1,500,000.

869 11. To appropriate money to pay the debts, ~~liabilities~~ liabilities, and expenditures of the Town, or any part or
870 item thereof, from any fund applicable thereto, and to transfer temporarily money from one fund to another fund of the
871 Town in case of emergency.

872 12. To inquire into and investigate the conduct of any office, officer, ~~office~~, agent, or employee of the Town
873 ~~or any and to make investigations of all municipal affair, and affairs, and, to for any such purpose or purposes may~~
874 subpoena witnesses, administer oaths or affirmations, and compel the attendance of witnesses and production of books,
875 ~~papers~~ papers, or other ~~evidence by summary process:~~ evidence.

876 13. To make, adopt and establish all such ordinances, regulations, ~~rules~~ rules, and by-laws, not contrary to the
877 laws of this State and the United States, as the ~~Commissioners may deem~~ Town Council deems necessary to carry into
878 effect any of the provisions of this Charter or any other law of the State relating generally to municipal corporations or
879 which ~~they may deem~~ the Town Council deems proper and necessary for the ~~good government of the Town, the~~
880 ~~protection and preservation of persons and property and of the public health and welfare of the Town and its~~

inhabitants, or designed to prevent the introduction or spread of infectious or contagious diseases, or to prevent nuisances affecting the same. effective and faithful execution of the Town's goals of governance under paragraph (a)1. of this section and for the preservation of the health, safety, and welfare of the Town and all therein.

a. Qualified Registered voters of the Town of Dewey Beach, as ~~more specifically defined in Section~~ under § 10(b) of this Charter, shall have the power to petition to require reconsideration by the Commissions of Dewey Beach (hereinafter 'the Commissioners') Town Council of any adopted Ordinance and to ~~approve or reject~~ it approve, reject, or appeal an Ordinance at a referendum election ~~as provided herein; provided, however, that~~ such under paragraphs (a)13.a. through (a)13.n. of this section. However, the power of petition and referendum shall does not extend to the budget or capital program or any emergency ordinance or any ordinance relating to the appropriation of money.

b. ~~A Referendum Petition; Petition must be signed by persons eligible to vote in the annual municipal election as prescribed in this Chapter equal in number to at least thirty-three and one third percent (33 1/3%) the number of registered voters who equal 33 1/3% or more of the total number of voters who voted in the annual municipal election immediately preceding the execution of the Referendum Petition with the local address of the person so signing, or three hundred (300) such persons as aforesaid, or 300 registered voters, whichever is greater, and authenticated in accordance with subsection c, below, shall greater. The Referendum Petition must contain the local address of each registered voter who signed it, authenticated under paragraph (a)13.c. of this section, and be presented to the Commissioners of Dewey Beach Town Council at the next regular Town Council meeting of the Commissioners following the date of adoption of the ordinance sought to be reconsidered, or reconsidered or the Petition shall fail and it shall fails and may not be the subject of a referendum. If there are less than twenty-eight (28) 28 days from the date of the adoption of the Ordinance sought to be reconsidered until the next regular meeting of the Commissioners, Town Council meeting, the Petition for Referendum shall must be presented at the first regular meeting following the expiration of the said twenty-eight (28) 28 day period from the date the Ordinance was adopted or the Ordinance sought to be reconsidered shall is not be the subject of to a referendum. Each copy of such petition shall a Referendum Petition must contain the full text of the ordinance sought to be reconsidered and the full text of the ordinance have must be attached thereto throughout its circulation the full text of the ordinance sought to be reconsidered. the circulation of the Referendum Petition.~~

1. When the original Referendum Petition shall have attached to it, when is filed, the circulator must attach a sworn, validly notarized affidavit executed by the circulator of the petition stating that he or she that states all of the following:

911 A. The circulator personally circulated the ~~petition, the~~ petition.

912 B. The number of signatures ~~thereon, that~~ on the petition.

913 C. That all signatures were affixed in ~~his or her presence, that he or she~~ the circulator's presence,

914 except as permitted under paragraph (a)13.c.2. of this section.

915 D. The circulator believes ~~them~~ the signatures to be the genuine signatures of the persons whose

916 names they purport to be, ~~that each such~~ be.

917 E. That each person who signed it is qualified to sign the ~~petition and that each~~ petition.

918 F. That each signer had an opportunity, before signing, to read the full text of the ordinance

919 sought to be reconsidered. ~~In addition, if~~

920 2. If the circulator of the petition sends the petition to a qualified signer to sign not in the presence of

921 the circulator, the qualified signer signature ~~shall~~ must be notarized.

922 d. Within ~~twenty (20)~~ 20 days after the petition is filed with the ~~Commissioners~~ Town Council under

923 paragraphs (a)(13)a. through b. of this section, at a regular meeting, the Town Manager shall complete a certificate

924 certifying its sufficiency or specifying any insufficiency, and shall promptly send a copy of the certificate to the

925 circulator of such petition or the acknowledged representative of the Petitioners by certified mail with return

926 receipt requested. A petition certified insufficient for lack of the required number of valid signatures may be

927 amended ~~one (1)~~ 1 time if the circulator files a Notice of Intention to Amend with the Town Manager within ~~two~~

928 (2) 2 days after receiving a copy of the certificate and files a supplementary petition upon additional papers within

929 ~~five (5)~~ 5 days after receiving the copy of ~~such~~ the certificate. ~~Such~~ A supplementary petition shall comply with

930 the requirements of this ~~Section~~ section concerning form, content, and the affidavit of the circulator. Within ~~five~~

931 (5) 5 days after a supplemental petition is filed, the Town Manager shall complete a certificate as to the sufficiency

932 of the supplemental petition, as amended, and shall promptly send a copy of such certificate to the circulator by

933 certified mail with return receipt requested, as in the case of the original petition.

934 e. If a petition has been certified to be insufficient and the circulator has not filed a Notice of Intention to

935 amend, or if an amended petition has been certified insufficient, the circulator may, within ~~two (2)~~ 2 days after

936 receiving the copy of ~~such certificate~~ the certificate, file a request that it the certificate be reviewed by the

937 ~~Commissioners. The Commissioners~~ Town Council. The Town Council shall review the certificate at the next

938 regular Town Council meeting following the filing of ~~such~~ this request and approve or disapprove it, and the the

939 request. The determination of the ~~Commissioners~~ Town Council as to the sufficiency of the petition ~~shall be final.~~

940 is final, unless a petition is filed under paragraph (a)13.f of this section.

941 f. Any person or persons, jointly or severally, aggrieved by the decision of the ~~Commissioners~~ Town
942 Council may present to the Superior Court of the State of Delaware, a petition duly verified, setting forth that such
943 decision is invalid, in whole or in part, specifying the grounds of such invalidity. Such petition shall be presented
944 to the Court within ~~thirty (30)~~ 30 days following the determination by the ~~Commissioners~~ Town Council as to the
945 insufficiency of such petition. Upon presentation of the petition, the Court may allow a Writ of Certiorari directed
946 to the ~~Commissioners~~ Town Council to review such decision of the ~~Commissioners~~ Town Council and shall
947 prescribe therein the time within which a return thereto must be made and served upon the petitioner or their
948 attorney, which ~~shall~~ must not be less than ~~ten (10)~~ 10 days and may be extended by the Court. The allowance of
949 the Writ shall stay proceedings upon the decision or determination appealed from. The Court may reverse or
950 affirm, wholly or partly, or may modify the determination brought up for review.

951 g. Upon the filing of the Petition for a Referendum with the Town Manager, the ordinance sought to be
952 reconsidered ~~shall~~ is not be stayed or suspended from taking effect, and remains in effect unless and until a
953 majority of the voters vote against the ordinance under paragraph (a)13.n of this section or the Town Council fails
954 to hold a referendum under paragraph (a)15.i. of this section. such Petition for a Referendum shall terminate upon
955 the happening of any of the following events:

956 (1) ~~There is a final determination of insufficiency of the Petition; or~~

957 (2) ~~The Petition is withdrawn by the circulators thereof or sufficient copies thereof are withdrawn so~~
958 ~~that there are insufficient numbers of signatures as required by this Section; or~~

959 (3) ~~The Commissioners repeal the ordinance; or~~

960 (4) ~~Thirty (30) days have elapsed after a vote by the voters on the ordinance; or~~

961 (5) ~~There is a final determination by the Superior Court.~~

962 h. The ~~Commissioners~~ Town Council shall reconsider the referred ordinance at the first regular Town
963 Council meeting after the Petition for a Referendum has been finally determined to be sufficient. If the
964 ~~Commissioners determine~~ Town Council determines not to repeal the referred ordinance, the referred ordinance
965 shall be submitted to the voters of the Town of Dewey Beach at an election.

966 i. The vote of the eligible voters on a referred ordinance shall be held not less than ~~thirty (30)~~ 30 days and
967 no later than ~~sixty (60)~~ 60 days from the date the ~~Commissioners~~ Town Council determined not to repeal the
968 referred ordinance. If the Annual Municipal Election is to be held within the period prescribed in this ~~Section, such~~
969 section, the referendum shall be considered as part of that election. If the Annual Municipal Election is not to be
970 held within the period prescribed in this ~~Section, the Commissioners~~ section, the Town Council shall provide for a

971 ~~special election. If the Commissioners fail~~ Special Election. If the Town Council fails to hold a referendum within
972 the time specified in this ~~Section, section,~~ the ordinance for which the petition was filed shall be deemed to be
973 repealed at the expiration of ~~sixty (60)~~ 60 days from the date that the ~~Commissioners~~ Town Council determined
974 not to repeal the referred ordinance and such ordinance ~~shall~~ may not be passed in the same form for a period of
975 ~~one (1)~~ 1 year from the effective date of repeal.

976 j. The notice of the time and place of holding the said Special Election shall be printed in at least ~~two (2)~~
977 2 issues of a newspaper having a general circulation in the Town of Dewey Beach within ~~thirty (30)~~ 30 days
978 immediately preceding the date of the Special Election.

979 k. In all electoral proceedings, the Special Election shall be conducted in the manner of the ~~annual~~
980 ~~election~~ Annual Municipal Election and the Election Judge and Election Board, ~~as specified in Section under~~
981 section 10 of this Charter and in Chapter 48 of the Code of Dewey Beach, shall oversee the proceedings of the
982 election and have the authority and power to conduct the election.

983 l. Immediately after the closing of the polling place or places, the Election Board shall count the ballots
984 for and against the proposition as presented, and shall announce the ~~results thereof.~~ results. The Election Board
985 shall make a certificate under their hands of the number of votes cast for and against the proposed ordinance and
986 the number of void votes, and shall deliver the ~~same~~ certificate to the ~~Commissioners.~~ Town Manager, who shall
987 immediately inform the Town Commissioners of the results. The ~~said~~ certificate shall be filed with the Office of
988 the Town Manager.

989 m. The form of the ballot of the said Special Election shall be as follows:

990 () For the Referred Ordinance

991 () Against the Referred Ordinance

992 n. If the majority of the voters voting on a referred ordinance vote against such ordinance, it shall be
993 considered repealed upon the certification of the result of the election by the Election Board. No ordinance which
994 has been repealed as the result of a referendum shall be passed again in the same form by the ~~Commissioners of~~
995 ~~the Town of Dewey Beach~~ Town Council for a period of ~~one (1)~~ 1 year from the date of the referendum.

996 o. 1. The ~~Commissioners~~ Town Council may, in ~~their~~ its sole discretion, elect to adopt an ordinance,
997 except for an ordinance specified not to be the subject of a referendum proceeding ~~in subsection a, hereinabove,~~
998 under paragraph (a)13.a. of this section, subject to a referendum. In such event, the ~~Commissioners~~ Town Council
999 shall, at the same time such ordinance is adopted, include in the language of said ordinance that such ordinance
1000 shall be the subject of a referendum. Upon the passage of the ordinance adopted subject to a referendum, such

ordinance shall be suspended from taking effect until ~~thirty (30)~~ 30 days after the results of the referendum, such referendum are returned indicating that the ordinance is approved by referendum.

2. Nothing contained herein shall operate so as to require the ~~Commissioners~~ Town Council to exercise ~~their~~ its discretion to submit any ordinance to a referendum; and nothing contained herein shall operate to restrict the right of the eligible voters of the Town of Dewey Beach to initiate a referendum pursuant ~~this Section.~~ under this section. However, the decision of the ~~Commissioners~~ Town Council to submit an ordinance to a referendum shall, in the case of such ordinance, constitute the only referendum to which such ordinance shall be subjected; and there ~~shall be~~ is no right to subject such ordinance to an additional referendum.

14. The ~~Commissioners of the Town of Dewey Beach shall have~~ Town Council has the authority to raise funds by charging a fee to owners of vehicles which are parked in the streets and other areas accessible to the public.

15. The ~~Commissioners of the Town of Dewey Beach shall have~~ Town Council has the authority to grant licenses and impose fees for licenses, issue permits, and regulate any activity within the corporate limits specifically including any beach property whether previously dedicated, owned by the State of Delaware, or the Town, except as subsection (b) of this section may apply.

16. ~~To~~ The Town Council has the authority to levy and collect an accommodations tax upon the renting or leasing of residential property located within the municipal boundaries of Dewey Beach, as follows:

a. No accommodations tax for a residential rental may be collected upon any of the following:

1. A valid rental agreement or valid lease agreement with ~~an initial~~ a term of at least 1 year.

2. The rental or lease of any room or rooms in a hotel, motel, or tourist home as defined under § 6101 of Title 30 of the Delaware Code.

b. The accommodations tax on a residential rental is as set from time to time by the ~~Commissioners of Dewey Beach,~~ Town Council, but may not exceed 3% of the rent or lease amount unless approved by referendum.

17. To impose and collect a lodging tax of no more than 3% of the rent, in addition to the amount imposed by the State under Chapter 61 of Title 30 of the Delaware Code, for the occupancy of any room or rooms in a hotel, motel, or tourist home that is located within the boundaries of Dewey Beach, A lodging tax under this paragraph ~~(a)~~ 17. must be imposed as follows:

a. May not be imposed before April 1, 2021.

b. The initial rate may not exceed 1.5%.

c. The rate may not be increased by more than 0.5% annually.

(b) Notwithstanding any provision in this ~~Section or in this Act~~ Charter to the contrary, the Town Commissioners ~~shall have~~ Council has no power or authority to impose or require any fee, tax, ~~license~~ license, or permit regarding use of the beaches by persons for individual recreational purposes.

Section 24. Collection ~~Of~~ of Charges Due ~~The Town~~ to the Town.

(a) ~~In the collection of license fees, charges growing out of abatement of nuisances, or other charges due the Town and authorized to be levied and charged against the owner or owners of property within the Town, the collection thereof shall be under the supervision of the Town Manager. It shall be the duty of the Town Manager to collect all such rentals, bills, fees, and charges. He shall, in conjunction with the police force keep the Commissioners advised as to any and all failures or neglects to pay the same.~~

(b) ~~In respect to the amount of any such license fees, charges growing out of abatement of nuisances, laying out and repairing sidewalks, or other charges due the Town and authorized to be levied and charged against the owner or owners of property within the Town, and which owner or owners of property within the Town shall have failed or neglected to apply the same within the time prescribed by the provisions of this Charter, or a duly adopted Ordinance of said Town and should the required procedure, if any there be, have been complied with as regards the imposition thereof against such owner or owners, the Town Commissioners shall issue a warrant to the Town Manager directing him to collect the same against the person or persons, firm or firms, corporation or corporations from which it shall be due, together with interest from the due date and other charges attendant thereto. Thereafter, from the date of the issuance of any such warrant or warrants, the amount or amounts therein provided shall be and constitute liens upon the respective property or properties of such owner or owners upon which or for which any such rentals, bills, fees or other charges shall have been made and such liens shall, for a period of two years from the date of such warrant or warrants, have priority over any liens, encumbrances or conveyances except tax liens, general or special sewer assessment liens and prior liens of a like nature.~~

(c) ~~Nothing contained in this Section shall be construed as a limitation upon the Commissioners of Dewey Beach to establish and fix fines, or other penalty, in a proper case, for neglects or failures nor shall any fines imposed by a judicial officer with reference to any such neglects so enrolled or failures be construed as being within the provisions hereof.~~

(a)(1) In the collection of any delinquent taxes or other amounts owed to the Town, the Town has all of the powers, remedies, and authority, including the monition method of the collection, under Title 9 of the Delaware Code, as individuals or departments authorized to collect delinquent taxes in Sussex County.

(2) The delinquent amounts that may be collected under this section include all of the following:

a. The cost of removal, abatement, or correction of any violation of local building, property maintenance, zoning, drainage, sewer, housing, or sanitation code done through public expenditure.

b. Fines and civil penalties associated with local building, property, maintenance, zoning, subdivision, drainage, sewer, housing, sanitation, or animal code citations, tickets, or violations.

c. Charges incurred by the Town for bringing property into compliance with the Town Code.

d. Weed and grass cutting fees.

e. Trash collection fees.

f. Costs for laying out or repairing sidewalks.

g. Building permit fees, business license fees, and any other assessments, licenses, fines, or penalties pertaining to a specific property.

(b) Prior to commencing a collection action or proceedings, the Town shall mail written notice of the delinquent taxes or other amounts to the property owner. The notice must provide all of the following information:

(1) Explain that the property owner may contest the delinquency by filing a written appeal with the Town Council within 30 days of the date of the notice.

(2) Include notice that the Town Charter allows the Town to recover the costs of prosecution, including court costs, expert witness fees, reasonable attorney's fees, and other documented out-of-pocket expenses incurred in prosecution of the action.

(c) If the Town recovers a judgment in a legal action in any Court of law or equity for a delinquent amount under this section, the Town shall seek to recover, and a court or administrative agency may award, the costs of the prosecution incurred in the prosecution of the action, including all court costs, sale costs, reasonable and necessary out-of-pocket expenses, and reasonable attorney's fees.

(d) The collection procedures under this section are in addition to any other applicable remedies available under this Charter or the laws of this State.

(e) This section may not be construed as a limitation upon the Town's ability to establish and fix fines or other penalties for violations of the laws, ordinances, or regulations of the Town of Dewey Beach.

Section 25. ~~Removal Of Obstruction, Nuisances, And Unsanitary Conditions.~~ of Obstructions, Nuisances, and Unsanitary Conditions.

~~(a In addition to the power to impose fines and penalties for the maintenance of obstructions, nuisances, and unsanitary conditions, as those terms may be defined by the Commissioners, if the Commissioners either upon their own inspection or upon information obtained from the Town Manager or Police Force, shall deem that such obstruction, nuisances, or unsanitary condition ought to be removed or abated as the case may be, the Commissioners shall enact an ordinance or adopt a resolution or both, to that effect and thereupon shall direct the Town Manager to forward, to the person~~

1091 or persons continuing or causing such obstruction, nuisances, or unsanitary condition, or to the person or persons who are
1092 responsible for its existence or continuance, by the mails of the United States, in a sealed wrapper addressed to his or their
1093 last and best known post office address, a notice to remove or abate the same as soon as may be possible. If such person or
1094 persons refuse or neglect, for the space of five (5) days after such notice is mailed, to remove or abate the same, the
1095 Commissioners may have a warrant issued in the name of the Commissioners of Dewey Beach. The warrant shall command
1096 him forthwith to remove or abate such obstruction, nuisance, or unsanitary condition. The Town Manager shall forthwith
1097 proceed to remove or abate the same and, to that end, he shall have full power and authority to enter into and upon any
1098 lands and premises in the Town. He shall likewise have the authority to take with him such assistants, implements, vehicles
1099 or other things as may be necessary and proper to do and perform all matters and things in connection with the removal or
1100 abatement of such obstruction, nuisance, or unsanitary condition.

1101 (b) At the meeting of the Town Commissioners next succeeding the delivery of the warrant to him, the Town
1102 Manager shall make a return to the Commissioners of his proceedings upon the warrant and shall specify the costs and
1103 expenses of all necessary work, labor, and proceedings incurred by him in the abatement or the removal of the same.

1104 (c) At such meeting, the Commissioners shall determine, from the return of the Town Manager, the costs and
1105 expenses of all necessary work, labor, and proceedings in reference to the abatement or removal of such obstruction,
1106 nuisance or unsanitary condition. The Commissioners shall issue or have issued a warrant, containing an itemized account
1107 of that information, together with the name and last and best known address of the person from whom the Commissioners
1108 shall determine the amount to be due and shall deliver such warrant to the Town Manager. The warrant shall command him
1109 forthwith to collect the amount stated to be due thereon from the person or persons designated therein. The Town Manager
1110 shall forward to such person or persons, in a sealed wrapper, a true and correct copy of the warrant by depositing the same
1111 in the United States mails and addressed to such person's or persons' last and best known post office address. If such person
1112 or persons shall refuse or neglect to pay the same to the Town Manager for the use of the Town within thirty (30) days from
1113 the date of the mailing of such true and exact copy of the warrant, the Town Manager shall then be authorized and required
1114 to collect the same in any of the manners hereinbefore provided.

1115 (a) The Town Council may define, prevent, abate, and remove all nuisances, obstructions, unsanitary conditions,
1116 or any other condition detrimental to the public safety, health, or welfare, whether in the street, squares, lanes, alleys,
1117 sidewalks, or in any other public or private property within the limits of said Town by enacting ordinances or adopting
1118 resolutions to do all of the following:

1119 (1) Define what constitutes a nuisance or other condition under subsection (a) of this section.

1120 (2) Provide responsible parties due process and rights of remedy.

1121 (3) Enforce this section, including fines and penalties.

1122 (b) The Town Council may require the property owner, legal entity, or individual causing or permitting a condition
1123 under subsection (a) of this section to pay the cost of abating or removing the condition, including reasonable attorney's
1124 fees incurred in enforcement or litigation, filing fees, and court costs.

1125 (c) The remedies authorized under this section are in addition to any other applicable remedies available under this
1126 Charter.

1127 Section 26. Borrowing Money ~~And Issuance Of Bonds~~ and Issuing Bonds.

1128 (a) ~~The Commissioners of Dewey Beach~~ Town Council may borrow money, ~~which in the an~~ aggregate shall
1129 ~~amount that does not exceed One million five hundred thousand dollars (\$1,500,000), and to \$3,000,000 unless approved~~
1130 ~~by a referendum. and to~~ To secure the payment of the same, is hereby money borrowed under this section, the Town
1131 Council is authorized and empowered to issue bonds or other kinds or forms of certificate or certificates of indebtedness
1132 pledging the full faith and credit of the Town of Dewey Beach, or such other security or securities as the ~~Commissioners~~
1133 ~~shall elect, Town Council elects,~~ for the payment of the principal thereof and the interest due thereon.

1134 (b) All bonds or other kinds or forms of certificate or certificates of indebtedness issued by the ~~Commissioners of~~
1135 ~~Dewey Beach in pursuance hereof shall be~~ Town Council under this section are exempt from all State, ~~County~~ county, or
1136 municipal taxes.

1137 (c) ~~This~~ The power or authority to borrow money under this section may be exercised by the ~~Commissioners of~~
1138 ~~Dewey Beach~~ Town Council to provide funds for, or to provide for the payment of, any of the following ~~project~~ projects or
1139 purposes:

1140 1. Refunding any or all outstanding bonds or other indebtedness of the Town at the maturity thereof or in
1141 accordance with any callable feature or provision contained ~~therein;~~ therein.

1142 2. Meeting or defraying current annual operating expenses of the Town in an amount equal to but not ~~in~~
1143 ~~excess of more than~~ currently outstanding, due and unpaid taxes, water rents, license fees, or other charges due the
1144 Town and available, when paid, for meeting or defraying current annual operating expenses of the ~~Town;~~ Town.

1145 3. Erecting, extending, enlarging, maintaining, and repairing any plant, building, machinery, or equipment or
1146 purchasing of any lands, ~~easements~~ easements, and rights-of-way which may be ~~required therefore;~~ required.

1147 4. Defraying the cost to the Town of any other municipal improvement provided for or authorized or implied
1148 by the provisions of this Charter.

1149 (d) ~~In those~~ cases where the power or authority hereby vested in the ~~Commissioners of Dewey Beach~~ Town
1150 Council is sought to be exercised for the purpose of refunding any or all outstanding bonds or other indebtedness of the

Town at a rate of interest equal to or less than the indebtedness ~~thereby~~ sought to be refunded and in all instances provided for in ~~subparagraph 2 above, it shall~~ paragraph(c)(2) of this section it is not be necessary for the Commissioners of Dewey Beach Town Council to call a special election of the taxables of the Town to secure their approval of such borrowing. to approve the borrowing.

(c) ~~The power to borrow money and to secure the payment thereof by the issuance of bonds or other kinds or forms of certificate or certificates of indebtedness for the 2011 Bayard Avenue Construction Project (consisting primarily of improvements relating to storm drainage and storm water management) shall be only exercised in the following manner:~~

~~1. The Commissioners, after conducting a public hearing in accordance with the procedures provided in this paragraph (c) may authorize, exclusively for the 2011 Bayard Avenue Construction Project the issuance of bonds, certificates of indebtedness, notes or other obligations of the Town under this subsection in an aggregate amount of up to nine hundred and twenty-seven thousand, six hundred and seventy-five dollars (\$927,675.00), if the Commissioners, by Resolution (adopted by at least a majority of all the Commissioner's) approves of the issuance of bonds, certificates of indebtedness, notes or other obligations pursuant hereto for the 2011 Bayard Avenue Construction Project with such Resolution stating the amount of such issuance, or borrowing, the purpose of such issuance or borrowing, the manner, if any, of securing the same, and any other facts relating to the issuance which are deemed pertinent by the Commissioners and in its possession at that time. Before adopting such Resolution, the Commissioners shall first conduct a public hearing on the Resolution authorizing such issuance or borrowing. Notice of the time and place of the public hearing on the Resolution authorizing such issuance or borrowing shall be printed in a newspaper published in the Town at least one (1) week prior to the date set for the public hearing, or, if no newspaper is published in the Town, publication shall be had in a newspaper having a general circulation in the Town, or, at the discretion of the Commissioners, the said Resolution shall be posted at least one (1) week prior to the date set for the public hearing in four (4) public places in the Town. Such Resolution (or a subsequent Resolution adopted by a least a majority of a quorum as established pursuant to Section 12 hereof) shall establish the form of the bonds, certificates of indebtedness, notes or other obligations, the time or times of payment, the interest rate or rates, the classes, the series, the maturity or maturities, the registration, any callable or redeemable features, the denominations, whether such bonds, certificates of indebtedness, notes or other obligations shall be sold at either public or private sale, and the name or names thereof and any other relative or appurtenant matter pertaining thereto. [Repealed.]~~

Section 27. ~~Contracts~~ Contracts.

(a) All contracts for the purchase of materials or for the furnishing of services authorized or permitted by this Charter ~~shall~~ must be awarded to the bidder submitting the lowest ~~and best bid; provided, however, that competitive~~ responsible bid. However, bidding shall not be is not required in any of the following circumstances:

1. The aggregate amount involved is ~~not more than Two Thousand Dollars (\$2,000.00); \$5,000 or less. The~~ aggregate amount under this paragraph (a)1. adjusts each year by the change in the All Items Consumer Price Index for All Urban Consumers (CPI-U) from March of the previous year to March of the current year.

2. The purchase or contract is for personal or professional ~~services; services.~~

3. The purchase or contract if for any service rendered by a university, ~~college college,~~ college, or other educational ~~institution; institution.~~

4. The purchase or contract is for any service to be rendered by the State of Delaware or any political ~~subdivision thereof; subdivision.~~

5. The purchase or contract is for property or services for which it is impracticable to obtain ~~competition;~~ competition.

6. The public ~~exigency~~ exigency, as determined by the Town ~~Commissioners~~ Council, will not permit the delay incident to advertising,

7. ~~The materials to be purchased are to be used to complete a project under the supervision of the Town Clerk;~~
[Repealed.]

8. The purchase or contract is for property or services for which the ~~Commissioners determine~~ Town Council determines that the prices received after competitive bidding are unreasonable as to all or part of the requirement or were not independently reached in open ~~competition; competition.~~

9. A The existence of a public emergency ~~emergency,~~ as determined by the ~~Commissioners exists.~~ Town Council.

Section 28. Limitation ~~Of~~ of Actions.

No action, ~~suit~~ suit, or proceeding shall be brought or maintained against the Town of Dewey Beach for damages, either compensatory or punitive, on account of any physical injury or injuries, ~~death death,~~ or injury to property by reason of the negligence of the Town ~~Commissioners of Dewey Beach Council~~ or any of ~~its~~ the departments, officers, agents, or employees ~~thereof, unless of the Town of Dewey Beach unless,~~ within 90 days from the happening of the injury or ~~suffering of damage,~~ the person by or on behalf of whom such claim or demand is asserted ~~within ninety days from the happening of such injury or the suffering of such damage, shall notify~~ notifies the ~~Commissioners of Dewey Beach Town~~ Manager, in writing of the time, place, cause, ~~character~~ character, and extent of the injuries sustained so enrolled or

damages suffered. Any suit brought against the individual Town Commissioners of Dewey Beach shall be against them only in their capacity as representatives of the Town Government and not as individuals.

Section 29. Compendium.

~~It shall be the duty of the Commissioners;~~ (a) The Town Manager, at reasonable times, or time, to shall compile the ordinances, ordinances or resolutions, codes, orders, and rules rules, and regulations of the Commissioners Town of Dewey Beach. They Beach in a manner that may be readily examined and shall enroll all of the following in the same book or supplements:

(1) Amendments to ordinances or resolutions, codes, rules, and regulations.

(2) New ordinances or resolutions, codes, rules, and regulations.

(3) Minutes of the Town Council, and shall keep copies of the same in a book to be provided for that purpose so that the same may be readily examined.

(b) As ordinances, resolutions, codes, orders, rules, and regulations are amended or enacted, the Town Manager shall provide copies to the Mayor and Town Commissioners.

(c) The Town Manager shall have a reasonable number of copies of all new and amended ordinances, resolutions, codes, orders, rules, and regulations printed for the use of the officials of the Town and for public information. From time to time, upon the enactment of new ordinances, codes, rules and regulations, or upon the enactment of amendments to the same, the Commissioners shall enroll the same in the minutes of the Town Commissioners and shall keep copies of the same in a book to be provided for that purpose so that the same may be readily examined. They shall furnish to the Mayor of the Town of Dewey Beach copies thereof as they are enacted; and therefrom may cause supplements to be compiled and printed to any compendium thereof heretofore printed as above provided. The Commissioners may provide for indemnification of elected and appointed official from liability arising out of their acts performance in good faith on behalf of the Town.

Section 30. ~~Investigations:~~ Investigations and Indemnification.

~~The Commissioners of Dewey Beach shall have the power to inquire into and investigate the conduct of any office, officer or employee of the Town and to make investigations of all municipal affairs, and, for any such purpose or purposes, shall have the power to subpoena witnesses, administer oaths and compel the production of books, papers or other evidence.~~ (a) The Commissioners may establish policies and procedures governing investigation by the Town Council under paragraph (a)12. of Section 23, including the potential suspension of officers and employees under investigation.

(b) An investigation of a certified police officer must be conducted in accordance with the Law-Enforcement Officers' Bill of Rights, Chapter 92 of Title 11 of the Delaware Code.

1239 (c) The Town Council may provide for indemnification of elected and appointed officials from liability arising out
1240 of their actions, so long as the actions were conducted in good faith on behalf of the Town.

1241 Section 31. Survival ~~Of~~ of Powers ~~And~~ and Validating Section.

1242 (a) All powers conferred upon or vested in the Town of Dewey Beach or the ~~Commissioners~~ Town Council of
1243 Dewey Beach by any Act or Law of the State of Delaware not in conflict with the provisions of this Charter, are hereby
1244 expressly conferred upon and vested in the Town of Dewey Beach ~~and/or~~ or the ~~Commissioners~~ Town Council of Dewey
1245 Beach precisely as is if each of ~~said~~ the powers was expressly repeated in this Charter.

1246 (b) ~~Excepting as may be herein~~ Except as provided expressly to the contrary, every and all ~~Sections~~ sections or
1247 parts of ~~Sections~~ sections of this ~~Act shall become~~ Charter are effective immediately upon its approval.

1248 (c) The authority vested ~~in the Commissioners~~ by Section 1 of this Charter in the Town of Dewey Beach and the
1249 ~~taxables of individuals qualified to vote in~~ the Town of Dewey Beach by Section I of this Act shall apply with equal force
1250 and effect to all loans which may be required to raise funds necessary to replace and/or repair all such public property or
1251 estate as might have been so destroyed or damaged at a time or times preceding the enactment and approval of this ~~Act~~
1252 Charter as well as at a time or times after the date of the enactment and approval hereof.

1253 (d) All acts or part of acts inconsistent with or in conflict with the provisions of this ~~Act~~ Charter are hereby
1254 repealed to the extent of such inconsistency only.

1255 (e) If any part of this ~~Act shall be~~ Charter is held invalid or unconstitutional, such holding ~~shall not, be~~ may not be
1256 deemed to invalidate the remaining provisions hereof.

1257 (f) This ~~Act~~ Charter shall be taken as and deemed to be a public act of the State of Delaware.

SYNOPSIS

This Act is a comprehensive update to the Charter of Dewey Beach that makes both substantive and technical revisions to diminish instances of ambiguous language and eliminate the use of archaic terms and duplicative provisions.

This Act makes technical changes to update the terms used to identify Town Commissioners and the Town Council and to conform existing law to the standards of the Delaware Legislative Drafting Manual, including changes so that language is gender neutral.

This Act makes the following substantive changes to the Charter of Dewey Beach:

1. Recognizes that among various traditional municipal goals, Town Council shall consider measures to maintain resiliency in the face of our changing global climate.
2. Clarifies the eligibility of municipal voters and officeholders and the functions of the Election Officials.
3. Clarifies that the form of municipal government is that of a Town Council and Town Manager, as well as the roles of each.
4. Clarifies the employment procedures and supervision of the Town Manager and other municipal employees.
5. Clarifies that the Police Chief reports directly to the Town Manager.
6. More fully specifies the responsibilities of the Beach Patrol Captain.
7. Increases the aggregate amount the Town Council may borrow from \$1,500,000 to \$3,000,000.
8. Increases the amount of a contract that is not required to be bid from \$2,000 to \$5,000.

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 Lopez