



SPONSOR: Sen. Lopez & Rep. Smyk & Rep. D. Short

DELAWARE STATE SENATE
151st GENERAL ASSEMBLY

SENATE BILL NO. 174

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

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

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

3 Section 2. Territorial Limits

4 The boundaries and limits of the Town of Milton are hereby established and declared to be as set forth in the
5 revised Town Map dated ~~October 3, 2016~~, January 15, 2021, which is included as Appendix A and of record in the
6 Recorder of Deeds Office for Sussex County, presently existing and as hereafter amended.

7 The Mayor and Town Council may, at any time hereafter, cause a survey and plot to be made of the said
8 boundaries and may cause suitable markers to be installed at corners of offset, and the said plot, when made and approved
9 by the Mayor and Town Council, shall be recorded in the Office of the Recorder of Deeds in and for Sussex County, State
10 of Delaware, and the same, or the record thereof, or a duly certified copy of said record shall be evidence in all courts of
11 law and equity in the State.

12 Section 2. Amend Section 3 of the Charter of the Town of Milton by making deletions as shown by strike through
13 and insertions as shown by underline as follows:

14 Section 3. Annexation of Territory

15 ~~In the event~~ If it becomes feasible, or necessary in the future, for The Town of Milton to enlarge its then existing
16 limits and territory, ~~such annexations accomplished pursuant to~~ under the following procedures ~~shall be~~ are lawful:

17 (a) Each and every property owner seeking annexation of territory contiguous to the then existing corporate
18 limits and territory of the Town of Milton, by written ~~Petition~~ petition with the signature of each ~~such Petitioner~~
19 property owner duly acknowledged, shall request the Mayor and Town Council to annex that certain territory in which
20 ~~they own~~ the property owner owns property.

21 (b) The ~~Petition shall~~ annexation petition under paragraph (a) of this section must include a description of the
22 territory requested to be annexed, a current survey, and the reasons for the requested annexation. If the annexation

petition or annexation agreement is ~~requiring a higher density than an R-1~~ a conceptual site plan, is required. Further, ~~the applicant or applicants~~ requesting a zoning classification other than R-1, a conceptual site plan is required. A property owner seeking annexation shall notify all residents within 200 feet of any boundary of the territory for which the ~~applicant~~ property owner is seeking annexation at the ~~applicant's expense~~, property owner's expense and provide copies of ~~such~~ the notification to the Town Manager or designee.

(c) ~~The~~ If the Town Manager or designee ~~having verified the notifications,~~ verifies the notifications provided under paragraph (b) of this section, the Mayor of the Town of Milton shall appoint a ~~three (3)~~ 3 member Special Review Committee to investigate the possibility of annexation and report back to the Mayor and Town Council in no more than ~~one hundred twenty (120)~~ 90 days, unless evidence is presented that indicates misinformation or possible criminal intent. In that case the Mayor and Town Council may extend the reporting time for a fixed period to fully investigate the ~~allegation(s).~~ Prior to allegations, or if the 90-day period is extended under paragraph (e) of this section. Before beginning work on the report, the members of the Special Review Committee ~~will~~ must have been voted upon and approved by a majority of the Mayor and Town Council. The Special Review Committee shall consist of ~~two (2)~~ 2 members of the current Town Council and ~~one (1)~~ 1 member of the current Planning and Zoning Commission, none of whose terms ~~shall~~ expire for the expected duration of the business for which the Special Review Committee ~~shall have been~~ is appointed.

(d) ~~To finalize each of the Mayor's appointments to the Special Review Committee,~~ each appointed member must first disclose to the State Public Integrity Commission Before appointment, each individual under consideration for appointment shall disclose to the Mayor or the Town of Milton Integrity Commission, if such Commission exists within the Town, in writing, any real or potential conflicts of interest that ~~might affect their~~ may affect the individual's own objective consideration of the annexation petition request, including items that ~~might~~ may suggest, or provide the appearance of, impropriety in ~~their~~ the individual's serving on the Special Review Committee for an annexation petition. This requirement is to include conflicts, or potential conflicts as to the property, the property owners, financial or associated business interests, or any other official action or activity, involving the property. This information ~~will be~~ is in addition to filling out an Ethics Form, established by the Mayor and Town Council. ~~Such conflicts or appearances~~ A conflict or appearance of conflict ~~shall~~ does not automatically disqualify ~~potential members~~ an individual from serving on the Special Review Committee, but must be fully disclosed, in writing, ~~for the consideration of the State Public Integrity Commission or Town of Milton Integrity Commission, if such Commission exists within the Town.~~ for consideration before appointment.

52 (e) ~~Upon~~ On the majority vote of the Mayor and Town Council approving each appointee to the Special
53 Review Committee, the ~~new~~ Special Review Committee is to begin work immediately to prepare a written report of its
54 the Special Review Committee's findings within ~~one hundred twenty (120)~~ 90 days, unless this period is extended for
55 due cause.

56 (f) The assessment by the Special Review Committee ~~will~~ must consider the positive and negative impacts on
57 the capacities and qualities of the Town of Milton's town systems and services, the impact on Milton taxpayers, and
58 other elements, as determined necessary by the Mayor and Town Council in consultation with the Town Manager or
59 designee. By a ~~2/3rds~~ two-thirds vote approval by the Mayor and Town Council of the majority present, the Mayor and
60 Town Council ~~will also~~ must determine if a cost/benefit analysis is to be prepared so as to further identify the
61 advantages and disadvantages to the Town of Milton with regard to the annexation. The Special Review Committee of
62 the Council may utilize the staff of the Town of Milton to assist in the conduct of ~~its one hundred twenty (120) day~~ the
63 Special Review Committee's investigation as to the annexation advantages and disadvantages. The report ~~will~~ must
64 include a listing of the advantages and disadvantages of the annexation petition. ~~Before, or at~~ On or before the end of
65 the ~~one hundred twenty (120) day~~ reporting period, the Special Review Committee ~~will~~ must report back to the Mayor
66 and Town Council, and include the Special Review Committee's conclusions as to the advantages and disadvantages to
67 the Town of Milton of the annexation petition, the interest of the Town of Milton being the sole concern of the Special
68 Review Committee. All meetings of the Special Review Committee ~~shall be in public with notice required by FOIA act~~
69 ~~(Freedom of Information Act)~~. must comply with the Freedom of Information Act, Chapter 100 of Title 29 of the
70 Delaware Code.

71 (g) ~~Upon~~ On receipt of the Special Review Committee's report, the Mayor and Town Council ~~will~~ shall vote
72 to accept the report, reject the report, or refer it back to the Special Review Committee to accommodate new
73 information. If referred back to the Special Review Committee, the report must be resubmitted to the Mayor and Town
74 Council by the Special Review Committee at ~~its~~ the next regularly scheduled meeting of the Mayor and Town Council
75 and a vote must then be taken. If referred back to the Special Review Committee, the Mayor and Town Council must
76 first vote to extend the due date of the report ~~from one hundred twenty (120) days~~ to the next regularly scheduled
77 ~~meeting~~. meeting of the Mayor and Town Council. If the report to the Mayor and Town Council on the annexation
78 determines that the proposed annexation is advantageous to the Town of Milton, the Mayor and Town Council shall
79 vote on the recommendation. If the Mayor and Town Council accept the report, then ~~they~~ the Mayor and Town Council
80 shall vote to refer the annexation petition to the Planning and Zoning Commission ~~at~~ at the Commission's next duly

81 noticed meeting. Referral of the annexation petition requires a simple majority vote of the Mayor and Town Council. If
82 ~~the Mayor and Town Council reject the report, refer to subsection (h) of this Section.~~

83 (h) ~~In the event that~~ If the Special Review Committee concludes that the proposed annexation is
84 disadvantageous to the Town of Milton, or if the Mayor and Town Council reject a report from the Special Review
85 ~~Committee~~ Committee that determined the proposed annexation is advantageous to the Town, the ~~applicant(s) for~~
86 annexation petition is deemed rejected. In such a case, the property owner seeking annexation must wait 365 days 6
87 months from the date of the presentation to the Mayor and Town Council by the Special Review Committee before
88 again petitioning the Mayor and Town Council. ~~Each and all the procedures pertaining to an annexation procedure, as~~
89 ~~provided, are again applicable and shall be repeated.~~ Council for annexation. The procedures of this section apply to a
90 property owner whose annexation petition is denied under this paragraph. The 6 month waiting period does not apply
91 to a substantially different annexation petition.

92 (i) ~~Upon~~ On receipt of the Mayor and Town Council's referral of the annexation petition to the Planning and
93 Zoning Commission, ~~said the Commission will~~ shall consider and discuss the annexation request at its next duly
94 noticed meeting and shall review the annexation petition and site plan (if required), conceptual site plan, if required,
95 including the zoning classification (s) classification requested by the petitioner, property owner seeking annexation.
96 After not more than ~~sixty (60)~~ 60 days the Planning and Zoning Commission ~~will~~ shall make its a recommendation on
97 the zoning classification[s] classification and transmit that recommendation(s) the recommendation and their the
98 Commission's comments on the annexation petition and the site plan (if required), conceptual site plan, if required, in
99 writing, back to the Mayor and Town Council.

100 (j)(1) ~~At its~~ the Mayor and Town Council's next duly noticed meeting, following the Mayor and Town
101 Council's receipt of ~~Planning and Zoning's~~ the Planning and Zoning Commission's report on the annexation request,
102 ~~site plan (if required) and recommendation(s) for the zoning classifications, petition, conceptual site plan, if required,~~
103 and recommendation for the zoning classification, the Mayor and Town Council ~~will~~ shall schedule a public hearing on
104 the annexation petition, ~~such hearing to be held not more than thirty (30) days after its next scheduled meeting.~~
105 petition. The public hearing must be held not more than 30 days after the meeting at which the Mayor and Town
106 Council consider the Planning and Zoning Commission's report.

107 (2) Following the public ~~hearing,~~ hearing under paragraph (j)(1) of this section, the Mayor and Town
108 Council shall, within ~~thirty (30) days exercise one of the following options~~ 30 days do one of the following:

(1)(A) ~~take~~ Take a final vote on whether or not to approve the annexation request, in which case the vote to annex must pass by the affirmative vote of two-thirds (2/3) of all the members of the Mayor and Town Council present and ~~voting; or voting.~~

(2)(B) ~~vote~~ Vote, by simple majority, to hold a Town of Milton town-wide referendum on the annexation petition.

(3) The Mayor and Town Council ~~reserve the right to~~ may add conditions to the terms of annexation, by simple majority vote, ~~prior to their~~ before the final vote on the annexation petition.

(4) If the Mayor and Town Council vote to accept the annexation petition, implementation of this decision must wait ~~thirty (30)~~ 30 days, during which the citizenry of Milton have up to ~~thirty (30)~~ 30 days to file a petition with the Town Manager or designee requesting that a referendum be held on the Town Council's decision to annex.

(5) ~~This petition shall~~ The petition for referendum must include over 10% of Milton's registered ~~voters~~ able to vote in a referendum, and the voters. The referendum shall must be held within ~~forty-five (45)~~ 45 days following the filing of the petition for referendum with the ~~Milton~~ Town Manager or designee.

(k) If a referendum on a petition for annexation is to be held, the Mayor and Town Council shall instruct the Town Manager or designee ~~of Milton~~ to schedule a special ~~public~~ referendum on the annexation petition. If the Mayor and Town Council vote in favor of a referendum, the Mayor and Town Council ~~will~~ shall order that a ~~public~~ special referendum vote be scheduled no later than ~~forty-five (45) days thereafter, and that a Resolution for annexation~~ 45 days after the Mayor and Town Council's vote. The annexation petition must be passed by a majority vote of the citizens of the Town of Milton who voted, and results of the referendum vote will be are binding.

(l) ~~At this and all Special Referendum(s);~~ At a special referendum, every non-resident property owner, whether an individual, partnership, or ~~a corporation,~~ an artificial entity in The Town of Milton ~~shall have one (1)~~ has 1 vote. ~~Resident and non-resident property owner(s) whose property is exempt from taxation or is not assessed for taxation shall not be entitled to vote.~~ Every resident citizen of The Town of Milton over the age of ~~eighteen (18)~~ 18 years whether a property ~~owner(s)~~ owner or not ~~shall have one (1)~~ has 1 vote. The books and records of The Town of Milton in the case of non-resident property owners, and a copy of the required personal identification in the case of resident citizens of the Town, ~~shall be~~ are conclusive evidence of the right of ~~such~~ the property owners and citizens to vote at the ~~Special~~ special referendum. A single eligible person or entity may not enter more than 1 vote, even if the person or entity qualifies to vote under more than one of the applicable criteria. The votes in the special referendum

may be cast either in person or by absentee ballot. The Board of Election of the Town of Milton shall supervise any special referendums held under this ~~provision.~~ Charter.

(m) The notice of the time and place of ~~the said Special Referendum shall~~ a special referendum must be printed, within fifteen (15) provided as follows within 15 days immediately following the vote or petition to hold a referendum, special referendum and at least 15 days before the date set for the special referendum:

(1) Be published in at least ~~one (1)~~ 1 newspaper having a general circulation in the Town of ~~Milton, and~~ Milton.

(2) Be posted in ~~four (4)~~ 4 public places, including the Town bulletin ~~board and~~ board.

(3) Be posted on the Town of Milton ~~website, at least fifteen (15) days prior to the date set for the said Special Referendum.~~ website.

(n) Following the ~~thirty (30)~~ 30 day hold period to accommodate the filing of a ~~petition;~~ petition for a referendum under paragraph (j)(4) of this section, if no a petition is not filed, and if the Mayor and Town Council have cast a favorable vote for annexation shall have been cast, annexation, the Mayor and Town Council shall cause a description and a plot of the territory ~~so~~ annexed to be recorded in the Office of the Recorder of Deeds, in and for Sussex County, ~~but in no event shall said County.~~ The recordation must be completed within not more than one-hundred twenty (120) 120 days following the date of the final favorable vote by the Mayor and Town Council vote or Council or, in the case of a Special Referendum no special referendum, within not more than one-hundred twenty (120) 120 days after said Special Referendum. the special referendum. The territory considered for annexation ~~shall be considered to be~~ is a part of The Town of Milton from the time of recordation. The failure to record the description or the plot within the specified time ~~will cause~~ causes the annexation petition to be tabled. Failure to achieve recordation in the ~~one-hundred twenty (120)~~ 120 day period requires the Mayor and Town Council to vote again on the annexation petition, whether or not the Mayor ~~or~~ and Town Council, or qualified voters of Milton in a referendum, have voted on the annexation petition. ~~(This provision is to allow accommodation of an investigation of allegations of misrepresentation and/or fraud presented to the Mayor and Town Council in the intervening one-hundred twenty (120) day interim period. This provision shall not be construed to require double recording of documents at the Office of Recorder of Deeds, in and for Sussex County.)~~

(o) All territories proposed to be ~~annexed~~ annexed, including those territories as defined by Title 22 of the Delaware Code Title 22 as exempt from taxation, or which are not assessed on the books on the Board of Assessment of Sussex County, ~~shall also be~~ are required to follow all the processes and procedures required for annexations to the

Town of ~~Milton, the Milton.~~ The Mayor and Town Council and the Milton Planning and Zoning Commission must proceed in the same manner as required of any annexation petition.

Section 3. Amend Section 7 of the Charter of the Town of Milton by making deletions as shown by strike through and insertions as shown by underline as follows:

Section 7. Manner of Holding Annual Municipal Election

At a minimum, Title 15 of the Delaware Code shall must be followed in ~~the following section where this section,~~ if applicable. However, some items listed here may exceed that requirement, which is permissible. Provisions of this section may exceed the requirements of Title 15 of the Delaware Code. The procedure for holding the Annual Municipal Election for Mayor and Town Council members ~~shall be~~ is as follows:

(h) Registration for municipal elections is as follows:

(1) Every applicant for registration ~~shall be~~ is a qualified voter if ~~such the~~ applicant is all of the following:

(A) A United States Citizen ~~who shall have attained the age of eighteen (18)~~ citizen who is at least 18 years old on the day of the election next succeeding the applicant's ~~registration;~~ registration.

(B) A bona fide primary resident of the Town for at least 30 days on the day of the election next succeeding the applicant's ~~registration;~~ registration.

(C) Not adjudged mentally incompetent in a judicial guardianship or equivalent ~~proceeding;~~ proceeding.

(D) Not incapable of voting by reason of violating § 3 or § 7 of Article V of the Constitution of ~~Delaware;~~ Delaware.

(E) Not incarcerated for conviction of a felony under the laws of Delaware or any other state or local jurisdiction, the United States, or the District of Columbia.

(2) The ~~Identification~~ identification provided by an applicant for registration ~~shall~~ must be one ~~(1)~~ or more of the following items that individually or together show the identity and address of the ~~person;~~ applicant:

(A) A current State of Delaware ~~drivers'~~ driver's license or ID Card bearing an address within the territorial limits of the Town of ~~Milton;~~ Milton.

(B) A uniformed services ID ~~card;~~ card.

(C) Another current photo ID issued by the State of Delaware, U.S. Government, ~~the voter's~~ or the applicant's employer, ~~high school~~ high school, or higher education ~~institution;~~ institution.

(D) A current utility bill, bank statement, credit card statement, a paycheck or pay advice, or another type of bill or ~~statement;~~ statement.

(E) A lease or sales ~~agreement~~; or agreement.

(F) Any other document that a person can reasonably and commonly accept as proof of identity and address.

(3) If voting in person on Election Day, one must provide identification in accordance with ~~Title 15, § 7554 of Title 15 of the Delaware Code.~~

(4) By simple majority vote, the Mayor and Town Council may elect to administer and conduct registration for municipal elections by agreement with, and under regulations adopted by, the Department of Elections for Sussex County.

Section 4. Amend Section 14 of the Charter of the Town of Milton by making deletions as shown by strike through and insertions as shown by underline as follows:

Section 14. Contracts

(c)(1) Notwithstanding subsections (a) and (b) of this section, the Town of Milton may enter into any contract necessary or desired in connection with a special development district or tax increment financing district created or designated by the Mayor and Town Council under Section 29(41) of this Charter.

(2) Paragraph (c)(1) of this section does not apply to a contract in which the Town of Milton is directly contracting for the procurement of the labor or material for public improvements for the benefit of a special development district or tax increment financing district created or designated by the Mayor and Town Council under Section 29(41) of this Charter.

(3) Paragraph (c)(2) of this section does not apply to a development, funding, or similar contract between the Town of Milton and an owner of real property in a special development district or tax increment financing district created or designated by the Mayor and Town Council under Section 29(41) of this Charter if the contract is generally for the transfer by the owner to the Town of Milton of the work performed and the cost of labor or material provided by the owner for the benefit of the special development district or tax increment financing district.

Section 5. Amend Section 27 of the Charter of the Town of Milton by making deletions as shown by strike through and insertions as shown by underline as follows:

Section 27. Collection of Revenues

(j) This section applies to all special ad valorem taxes and special taxes levied by the Mayor and Town Council under Section 29(41) of this Charter. References in this section to an Annual Tax List are, for purposes relating to the special ad valorem taxes and special taxes, deemed to refer to the tax list showing the amounts of special ad valorem taxes or special taxes levied against the real property within a special development district.

Section 6. Amend Section 29 of the Charter of the Town of Milton by making deletions as shown by strike through and insertions as shown by underline as follows:

Section 29. Enumeration of Powers

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

(8)(A) To provide an ample supply of potable water for the Town and its inhabitants and to this end to do all of the following:

1. ~~acquire~~, Acquire, lease, erect, construct, maintain, operate, extend, enlarge, renew, replace, control and dispose of wells, reservoirs, pumps, machines, stations, tanks, standpipes, water mains, fire hydrants and all other equipment, property or rights used in or about the collection, storage purification, conveyance, or distribution or sale of ~~water~~, water.

2. ~~to regulate~~ Regulate and prescribe for what public or private purposes the water furnished by the Town may be used, the manner of its use, the amounts to be paid by the users thereof, the means whereby ~~such~~ the amounts shall ~~are to be collected~~ collected, and the fines or penalties, or both, for any willful or negligent ~~injury~~, injury or damage to or interference with the water system or the equipment of the ~~Town~~, Town.

3. ~~to furnish~~ Furnish or refuse to furnish water from the Town system to places and properties outside the Town ~~limits~~, limits.

4. ~~to define~~ Define and protect source water protection and recharge ~~areas~~, and areas.

5. ~~to contract~~ Contract for and purchase water and distribute the ~~same~~ water to users within or without the Town with the same full powers as though ~~such~~ the water had been initially reduced to usefulness by the Town itself.

(B) The powers under paragraph (8)(A) of this section are subject to the following.

1. ~~Prior to~~ Before contracting for any additive to the Town of Milton drinking water supply, the Mayor and Town Council must have a written recommendation from the appropriate state regulatory authority, the findings of ~~such~~ the recommendation ~~to~~ must be published in at least ~~one~~ (1) ~~1~~ newspaper of

257 general circulation in the Town of Milton and on the Town ~~website. In addition, such written~~ website, and the
258 recommendation ~~shall~~ must be duly noticed as an agenda item at the next meeting of the Mayor and Town
259 Council. ~~In addition, the~~ The Mayor and Town Council may hold a public hearing on ~~such~~ the written
260 recommendation for town citizens.

261 2. If the Mayor and Town Council determine, by a 2/3 vote of its members, that it is necessary to sell,
262 exchange, interconnect, or dispose of all or part of the Town's potable water system, the determination is
263 subject to a special referendum vote within sixty 60 days of the determination. The proposed sale, exchange,
264 interconnection, or disposal must be passed by a majority vote of the citizens and property owners of the
265 Town of Milton who voted. The results of the referendum vote are binding.

266 (41)(A) In addition to all other powers the Mayor and Town Council may have, and notwithstanding any
267 limitation of law, the Mayor and Town Council have all powers and may undertake all actions for the purposes under
268 Chapter 17 of Title 22 of the Delaware Code, relating to the Municipal Tax Increment Financing Act, and Chapter 18
269 of Title 22 of the Delaware Code, relating to Special Development Districts.

270 (B) A bond issued under this paragraph (41) is nonrecourse to property owners who purchase property in
271 a special development district and a tax increment financing district created under Chapters 17 and 18 of Title 22
272 of the Delaware Code. A property owner who purchases property in a special development district or a tax
273 increment financing district shall only be responsible for the payment of ad valorem real property taxes and special
274 taxes levied by the Mayor and Town Council under Chapters 17 and 18 of Title 22 of the Delaware Code.

275 (C) All provisions of this section and Section 33 of this Charter, and any other section of this Charter,
276 limiting the amounts of indebtedness to be incurred or taxes to be levied by the Mayor and Town Council do not
277 apply to any indebtedness incurred or any special ad valorem taxes, special taxes, or ad valorem taxes levied under
278 or in connection with this paragraph (41).

279 Section 7. Amend Section 33 of the Charter of the Town of Milton by making deletions as shown by strike through
280 and insertions as shown by underline as follows:

281 Section 33. Power to Borrow Money and Issue Bonds

282 (a)(1) As opposed to the authority pursuant to In addition to Section 29(38) and Section 29(41) of this Charter, the
283 Mayor and Town Council may borrow money and issue bonds or certificates of indebtedness to secure the repayment
284 thereof on the faith and credit of the Town of Milton for all of the following:

(A) ~~to~~ To provide funds for the erection, extension, enlargement, ~~purchase~~ purchase, or the repair of any plant, machinery, appliances, or equipment for the ~~supply~~, supply or the manufacture and distribution of electricity or gas for light, ~~heat~~ heat, or power ~~purposes~~; purposes.

(B) ~~for~~ For the furnishing of water to the ~~public~~, public.

(C) ~~for~~ For the construction, ~~repair~~ repair, and improvements of highways, ~~streets~~ streets, or lanes or the paving, ~~curbing~~ curbing, or erection of gutters and curbs along the ~~same~~; highways, streets, or lanes.

(D) ~~for~~ For the purchase of real estate for any municipal ~~purpose~~; purpose.

(E) ~~for~~ For the construction or repair of sewage disposal ~~equipment~~; equipment.

(F) ~~or to~~ To defray the cost or the share of the Town of the costs of any permanent municipal ~~improvements~~; improvements.

(2) ~~provided however, that the~~ The borrowing of money ~~therefore shall have been~~ under this subsection must be authorized for by the Mayor and Town Council ~~in the manner following; as follows:~~

~~(1)(A)~~ (A) The Mayor and Town Council by resolution shall propose to the residents and property owners of the Town that the Mayor and Town Council proposes to borrow a certain sum of money for any of the purposes ~~above stated. under paragraph (a)(1) of this section.~~ The resolution ~~shall~~ must state the amount of money desired to be borrowed, the purpose for which it is desired, the manner of securing the ~~same~~, loan, and all other pertinent facts relating to the loan which are deemed pertinent by the Mayor and Town Council and in ~~their~~ the Mayor and Town Council's possession at the time of the passage of the resolution and ~~shall~~ must fix a time and place for a hearing on the ~~said~~ resolution.

~~(2)(B)~~ (B) Notice of the time and place of the hearing on the resolution authorizing ~~said~~ the loan ~~shall~~ must be ~~printed in one~~ (1) published in 1 newspaper having a general circulation in the Town, and may be distributed in circular form at least ~~one~~ 1 week before the time set for the public hearing. In addition, this same information ~~shall~~ must be posted at the Town bulletin board and on the Town website.

~~(3)(C)~~ (C) Following the public hearing, a ~~second~~ resolution ~~shall then~~ must be passed by the Mayor and Town Council ordering a special referendum to be held not less than ~~thirty~~ (30) ~~30~~ days nor more than ~~sixty~~ (60) ~~60~~ days after the ~~said~~ public hearing to borrow the ~~said~~ money, the ~~said~~ special referendum to be held for the purpose of voting for or against the proposed loan. The passing of the ~~second~~ resolution calling a special referendum ~~shall ipso facto~~ is to be considered the determination of the Mayor and Town Council to proceed with the matter in issue.

(4)(D) The notice of the time and place of holding the said special referendum ~~shall be printed in four (4)~~ must be published in 4 issues of at least ~~one (1)~~ 1 newspaper having a general circulation in the Town of Milton within ~~thirty (30) days prior to the said~~ 30 days before the special referendum and distributed in circular form at least ~~fifteen (15) days prior to~~ 15 days before the special referendum. ~~In addition, it shall be~~ The notice must also be posted in ~~four (4)~~ 4 public places in the Town, ~~to include~~ including Town bulletin board ~~board~~, and on the Town of Milton website.

(5)(E) At the said special referendum, every non-resident property owner owning property within the Town of Milton, including those who have placed their property in a revocable trust, ~~shall have one~~ has 1 vote. ~~Further, every~~ Every partnership or ~~corporation~~ artificial entity owning property within the Town of Milton ~~shall have one~~ has 1 vote. Notwithstanding how many properties are owned by a single non-resident property owner, ~~partnership or corporation, partnership, or artificial entity, only one vote will be~~ 1 vote is allowed for each such non-resident property owner, ~~partnership or corporation, partnership, or artificial entity. In addition, every~~ Every person, male or female, who ~~shall have attained the age of eighteen (18) years~~ is at least 18 years old on the date of the special referendum and who ~~shall be~~ is a citizen of the United States and a bona fide primary legal resident of the Town ~~shall have one~~ has 1 vote. ~~Under no circumstances shall a~~ A single eligible person or entity ~~be allowed to~~ may not enter more than ~~one~~ 1 vote, even if such ~~the~~ person or entity ~~shall qualify~~ qualifies to vote under more than one of the applicable criteria. The said votes in the special referendum may be cast either in person or by absentee ballot. ~~ballot.~~

(6)(F) The Mayor and Town Council shall cause to be prepared, ~~printed~~ printed, and have available for distribution a sufficient number of ballots not less than ~~five (5) days prior to the said~~ 5 days before the special referendum. The special referendum, at the discretion of the Mayor and Town Council, may be conducted by the use of voting machines or by paper ballot. The Mayor, by and with advice and consent of the majority of the Town Council, shall appoint ~~three (3)~~ 3 persons to act as a Board of Special Election. The polling places ~~shall~~ must be ~~opened from eight o'clock a.m. (8:00 a.m.)~~ open from 8:00 a.m., prevailing time, until ~~six o'clock p.m. (6:00 p.m.)~~ in the evening, 6:00 p.m., prevailing time, on the date set for the special referendum.

(7)(G) The Board of Special Election shall count the votes for and against the proposed loan and shall announce the result ~~thereof.~~ of the special referendum. The Board of Special Election shall make a certificate under their hands of the number of votes cast for and against the proposed loan and the number of void votes and shall deliver the ~~same~~ certificate to the Mayor and Town Council ~~which said~~ Council. The certificate ~~shall~~ must be retained by the Secretary of the Town Council with the other papers of the Town Council.

344 (8)(H) The form of the bond or certificate of indebtedness, the interest rate, the time or times of payment
345 of interest, the classes of the bond, the time or times of maturity, the provisions as to registration, any callable or
346 redemption provisions, and all other relative or pertinent matters ~~shall~~ must be determined by the Mayor and Town
347 Council after the ~~said special election~~ special referendum.

348 (9)(I) The bond or bonds or certificates of indebtedness may be sold at public or private sale.

349 (10)(J) The Mayor and Town Council shall provide in its budget, and in the fixing of the rate of tax for
350 the payment of interest on and principal of the ~~said~~ bonds at the maturity ~~thereof~~ of the bonds.

351 (11)(K) The faith and credit of The Town of Milton ~~shall be~~ is deemed to be pledged for the due payment
352 of the bonds and interest ~~thereon~~ on the bonds issued ~~pursuant to the provisions hereof~~ under this subsection when
353 the ~~same had~~ bonds have been properly executed and delivered for value.

354 (b) The bonded and non-bonded indebtedness ~~shall~~ may not at any time exceed in the aggregate the total sum of
355 ~~five percent (5%)~~ 5% of the assessed value of real property and improvements thereon situate within the limits of the Town
356 shown by the last assessment preceding the creation of the ~~said~~ indebtedness.

357 (c) Notwithstanding subsection (a) of this section, on the Town receiving notice of being granted 100% principal
358 forgiveness from a federal, state, or local government funding source, a referendum vote is not required for any municipal
359 project under this section. The Town Manager or designee shall proceed with the resolutions required under this section and
360 public hearing on the project. If the Town is required to expend any funds on the project over the principal forgiveness
361 value, the amount of expenditure and source of payment must be detailed in the resolutions required under this section.

362 Section 8. If any provision of this Act or the application of this Act to any person or circumstance is held invalid,
363 the provisions of this Act are severable if the invalidity does not affect the other provisions of this Act that can be given
364 effect without the invalid provision or the application of this Act that can be given effect without the invalid application.

SYNOPSIS

This Act amends the Charter of The Town of Milton. Specifically, this Act does all of the following:

- (1) Updates the referenced Town Map.
- (2) Revises the annexation process for the Town.
- (3) Authorizes the Town to contract with the Sussex County Department of Elections for voter registration.
- (4) Creates parameters for any proposed sale, exchange, interconnection, or disposal of the Town's water system.
- (5) Provides an exception for the need to hold a referendum if the government funding source is providing 100% principal forgiveness on the loan for a municipal project.

This Act allows the Mayor and Town Council of The Town of Milton to do all of the following:

- (1) Exercise the powers given other municipalities as set out in the Municipal Tax Increment Financing Act, Chapter 17 of Title 22 of the Delaware Code, and the Special Development District Act, Chapter 18 of Title 22 of the Delaware Code.
- (2) Enter into certain contracts without competitive bidding in connection with municipal tax increment financing and special development districts.
- (3) Collect special ad valorem taxes, special taxes, and ad valorem taxes related to the special development districts.

(4) Levy special ad valorem taxes, special taxes, and ad valorem taxes in amounts it deems necessary for any municipal tax increment financing and any special development districts.

This Act also makes technical corrections to conform existing law to the standards of the Delaware Legislative Drafting Manual.

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

Author: Senator Lopez