SPONSOR: Rep. Kowalko & Rep. Baumbach & Sen. Sokola & Sen. Townsend & Sen. Hansen
Reps. Osienski, Brady, Ramone, Michael Smith; Sen. Walsh

HOUSE OF REPRESENTATIVES
150th GENERAL ASSEMBLY

HOUSE BILL NO. 109
AS AMENDED BY
HOUSE AMENDMENT NO. 1

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

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

Section 1. Amend Section 309 of the Charter of the City of Newark by making deletions as shown by strike through and insertions as shown by underline as follows:

309 - - MEETINGS OF COUNCIL.

The council shall hold an organization meeting in the evening ~~of the first Tuesday following the regular municipal election~~ 7 days after the certification of the regular municipal election and shall meet regularly at least once a month thereafter. Special meetings may be called by the mayor, the city manager, or by written request of any ~~three (3)~~ 3 members of the council and, whenever practicable, upon no less than ~~eight (8)~~ 8 hours' notice to each member. All meetings shall be open to attendance by the public, provided, however, the council may recess for the purpose of discussing in an executive session ~~limited to its own membership any question which would tend to defame or prejudice the character or reputation of any person, or would tend to jeopardize the position of the city in any action under consideration, provided that the general subject matter for consideration is expressed in the motion calling for such session~~ as permitted under the Delaware Freedom of Information Act, Chapter 100 of Title 29, and the ordinances of the City of Newark and that final action thereon shall not be taken by the council until the matter is placed on the agenda.

Section 2. Amend Section 404 of the Charter of the City of Newark by making deletions as shown by strike through and insertions as shown by underline as follows:

404 - - POWER TO RAISE REVENUE.

The council shall have the right to levy and collect taxes upon all gas mains, water lines and ~~telephone, telegraph~~ telephone power poles or other erections of like character erected within the limits of the City of Newark, together with the wires, cables and appliances thereto or thereon attached, as well as such wires, cables and appliances which may be installed underground, and to this end may, at any time, direct the same to be included in or added to the city assessment. In

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case the owner or lessee of such poles or erections and such wires, cables and appliances shall refuse or neglect to pay the taxes that may be levied thereon, the said taxes may be collected as in the case of other taxes.

Section 3. Amend Section 407 of the Charter of the City of Newark by making deletions as shown by strike through and insertions as shown by underline as follows:

407 - - POWER TO INCUR BONDED INDEBTEDNESS AND TAX INCREMENT FINANCING.

407.2 - Method of Borrowing Money. Before the city may incur indebtedness by the issuance of bonds as set out in the preceding section, the borrowing of money shall have been authorized by the council and shall have been approved in the manner set out in this section:

(5) The council shall cause the election board to prepare, print and have available for distribution a sufficient number of ballots not less than ~~five (5)~~ 5 days prior to the day of the special election. At said referendum, all qualified voters of the City of Newark ~~shall be~~ are entitled to ~~one~~ 1 vote. In addition thereto, every natural person owning real property in the City of Newark who is a citizen of the United States and who is not otherwise a qualified voter ~~and each corporation owning property in the City of Newark shall be~~ is entitled to ~~one~~ 1 vote under this section. For purposes of this section, "natural person" means a human being. This section must be construed in accordance with the principle of "one person, one vote". If a voter is entitled to vote by virtue of being both a qualified voter and a natural person owning real property in the City of Newark, the voter is entitled to only 1 vote. If a voter is entitled to vote by ownership of 2 or more parcels of real property, the voter is entitled to only 1 vote.

Section 4. Amend Section 501 of the Charter of the City of Newark by making deletions as shown by strike through and insertions as shown by underline as follows:

Section 501 – Property Assessments

501.21 – Additional Collection Methods. In addition to all other existing methods and authority for the collection of taxes or special assessments due the city, the authority and methods set out in this section shall be granted to the city.

The owner of any such real estate sold under the provisions of this charter or ~~his~~ the owner's legal representatives may redeem the same at any time within ~~one year~~ 6 months from the day the sale thereof is approved by the court, by paying to the purchaser or his legal representatives, successors or assigns, the amount of the purchase price and ~~fifteen (15) percentum~~ 15% in addition thereto, together with all costs incurred in the cause; or if the purchaser or his legal representatives, successors or assigns shall refuse to receive the same, or do not reside or cannot be found within the City of Newark, by paying said amount into said court for the use of said purchaser, his legal representatives or assigns.

Section 5. Amend Section 701 of the Charter of the City of Newark by making deletions as shown by strike through and insertions as shown by underline as follows:

701 - - CITY MANAGER

701.1 - Appointment. The council shall appoint a city manager for an indefinite term and fix ~~his~~ the city manager's compensation. The city manager shall be appointed solely on the basis of ~~his~~ the individual's municipal administrative qualifications or similar critera. ~~He~~ The city manager does not need ~~not~~ to be a resident of the city or ~~state~~ State at the time of ~~his~~ appointment, but may reside outside the city while in office only with the written approval of the council.

Section 6. Amend Section 1002 of the Charter of the City of Newark by making deletions as shown by strike through and insertions as shown by underline as follows:

1002 - - ELECTION PROCEDURE.

1002.1 - Voting Qualifications. Every person domiciled in the City of Newark who shall have reached the age necessary to vote in an election held under the laws of the State of Delaware, who is a citizen of the United States and who has been domiciled in the city not less than ~~twenty-four (24)~~ 24 days next preceding the day of the election, and whose name is ~~recorded: (1) for elections conducted until December 31, 1988, in the registration book of the city, and/or (2) for elections conducted after December 31, 1987,~~ recorded in the list of registered voters provided to the city by the New Castle County Department of Elections, ~~shall be~~ is entitled to vote at all regular and special municipal elections and referenda, except as otherwise provided in this charter. Domicile in any area annexed to the city by virtue of any action taken under this charter or general state law shall constitute, for the purpose of this section, domicile in the city.

Registration of voters in City of Newark municipal elections shall be administered and conducted pursuant to the provisions of Chapter 75, Title 15 of the Delaware Code.

1002.2 - Election Officers. All municipal elections shall be held by an election board consisting of not less than ~~five (5)~~ 5 nor more than ~~seven (7)~~ 7 qualified voters, not councilmembers, appointed by the council. The board may appoint official representatives to supervise election administration at each polling place. Should the members or representatives of the board be absent from any polling place at 7:00 a.m. on the day of the election, or fail or neglect to act in the conduct of such election during all the time the polls are open, the voters present shall choose such number of persons as shall be necessary to fill the places vacant due to the absence of the proper officials.

When the polls shall have been closed, the election officers shall publicly count the ballots and shall announce the unofficial results of the election. After the appeals period as designated by ordinance has concluded, the election board shall meet and shall certify the results of the election to each of the persons elected and to the council.