SPONSOR: Sen. Huxtable & Rep. Snyder-Hall

DELAWARE STATE SENATE
153rd GENERAL ASSEMBLY

SENATE BILL NO. 121
AS AMENDED BY
HOUSE AMENDMENT NO. 1

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):

Section 1. Amend Section 8 of the Charter of the Town of Dewey Beach by making deletions as shown by strike through and insertions as shown by underline as follows:

Section 8. Organization.

(c) ~~The Town Council shall, by ordinance, fix the 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 must not have, take, or receive from the Town or otherwise, any compensation, in any form, in addition to the salary or compensation fixed by the Town Council under this subsection.

Section 2. Amend Section 16 of the Charter of the Town of Dewey Beach, by making deletions as shown by strike through and insertions as shown by underline as follows:

Section 16. Responsibilities of the Town Manager.

(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, <u>parking administration,</u> and other administrative affairs of the Town and all work relating thereto. The Town Manager shall have charge of and shall collect all taxes, assessments, rentals, franchise fees, license fees, or other charges due the Town. The Town Manager shall have charge of the administration of all provisions of this Charter and ordinances and resolutions of the 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 Town Council.

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Released: 06/26/2025 06:17 PM

Section 3. Amend Section 17 of the Charter of the Town of Dewey Beach, by making deletions as shown by strike through and insertions as shown by underline as follows:

Section 17. Audit Committee; Auditors.

(a) The Audit Committee (Committee) shall be composed of not less than 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 to serve for a term of 1 year. Each member of the Committee must be financially competent and at least 1 member 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. The independent audit firm’s contract to perform audit services may be terminated by the Town Manager with concurrence of the Audit Committee.

Section 4. Amend Section 19 of the Charter of the Town of Dewey Beach, by making deletions as shown by strike through and insertions as shown by underline as follows:

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

(b) The Town Council shall appoint a Chief of Police to head the Police Force. The Town Council shall select the Chief of Police 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, ~~and who.~~ Candidates must satisfy, or agree to satisfy, the requirements of the Delaware Council on Police Training under Regulation 800 of Title 1 of the Delaware Administrative Code. Any candidate that does not have the required certification will be required to obtain certification, as a condition of employment, within one year of the date of employment. A candidate must receive 3 or more favorable votes from Commissioners on the Town Council to be appointed as the Chief of Police.

Section 5. Amend Section 19 of the Charter of the Town of Dewey Beach, by making deletions as shown by strike through and insertions as shown by underline as follows:

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

(d)(1) The Captain of the Beach Patrol ~~may~~ must serve under an employment contract~~, but the term of the contract must~~ 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. 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.

Section 6. Amend Section 23 of the Charter of the Town of Dewey Beach, by making deletions as shown by strike through and insertions as shown by underline as follows:

Section 23. Enumeration of Powers.

(a)(10) To borrow money in the name of the Town for any proper municipal purpose~~, and in order to secure the payment of the same, to issue bonds or other kinds or forms of certificate or certificates of indebtedness, pledging the full faith and credit of the Town or other security or securities as the Town Council shall select, for the payment of the principal thereof and the interest due thereon, all of which bonds or other kinds or forms of certificates of indebtedness issued by the Town shall be exempt from all State, county, or municipal taxes; provided, that in no event shall the indebtedness of the Town, for any and all purposes, at any one time exceed in the aggregate $3,000,000~~.

Section 7. Amend Section 26 of the Charter of the Town of Dewey Beach, by making deletions as shown by strike through and insertions as shown by underline as follows:

Section 26. Borrowing Money and Issuing Bonds.

(a) The Town Council may borrow money, in an aggregate amount that does not exceed $3,000,000 unless approved by a referendum. To secure the payment of money borrowed under this section, the Town Council is authorized and empowered to issue bonds or other kinds or forms of certificate or certificates of indebtedness pledging the full faith and credit of the Town of Dewey Beach, or such other security or securities as the Town Council elects, for the payment of the principal thereof and the interest due thereon. All such bonds or other kinds or forms of certificates of indebtedness issued by the Town shall be exempt from all State, county, or municipal taxes. In no event shall the indebtedness of the Town, for any and all purposes, at any one time exceed in the aggregate $3,000,000.