

SPONSOR: Sen. Huxtable & Rep. Snyder-Hall
Reps. Berry, Burns

DELAWARE STATE SENATE
153rd GENERAL ASSEMBLY

SENATE BILL NO. 306
AS AMENDED BY
HOUSE AMENDMENT NO. 1

AN ACT TO AMEND THE CHARTER OF THE CITY OF REHOBOTH 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 the Charter of the City of Rehoboth Beach by making deletions as shown by strike through and insertions as shown by underline as follows:

Structure Of The Government

~~Section 3~~ Section 3.

~~a.~~ (a)(1) The government of The City of Rehoboth Beach and the exercise of all power conferred by this Charter, except as otherwise provided ~~herein, shall be~~ in this Charter, are vested in The Commissioners of Rehoboth Beach. The Commissioners of Rehoboth Beach ~~shall consist of seven (7) members, to be chosen as hereinafter provided, all of whom shall be citizens of the United States of America.~~ consists of 7 members, as follows:

a. One of ~~said~~ The Commissioners ~~shall have~~ has the title of Mayor of The City of Rehoboth ~~Beach, with duties hereinafter to be prescribed,~~ Beach who has duties, as provided by this Charter, and who ~~shall~~ is also ~~be~~ President of The Commissioners of Rehoboth Beach. ~~Each of the seven (7) Commissioners of Rehoboth Beach, at the time of the approval of the Commissioner's qualifications by The Commissioners as hereinafter provided or at the time of the Commissioner's appointment as the case may be, shall have attained the age of twenty-one (21) years of age. Not less than three~~ The Commissioner with the title of Mayor of The City of Rehoboth Beach must be a bona fide resident and domiciliary of The City of Rehoboth Beach and must have been domiciled in The City of Rehoboth Beach for a period of at least 12 months immediately preceding the date of election.

b. At least 3 members of ~~the~~ The Commissioners ~~shall~~ must be designated resident Commissioners. A resident Commissioner ~~shall be a bona-fide~~ is a bona fide resident and domiciliary of ~~the City. The Commissioner with the title of Mayor of the City of Rehoboth Beach shall also be a bona-fide resident and domiciliary of the City and shall have been domiciled in the City of Rehoboth Beach for a period of at least twelve (12) months immediately preceding the date of election.~~ The City of Rehoboth Beach.

DLS : MDW : AF : 0321530067 Released: 06/30/2026 03:17 PM
DLS : HVW : CBM : 5081530325

c. The other ~~three~~ 3 members of The Commissioners must ~~either have the qualifications of a resident Commissioner as defined above (i.e. a bona-fide~~ have at least 1 of the following qualifications:

1. Is a bona fide resident and domiciliary of ~~the City) or be~~ The City of Rehoboth Beach.

2. Is a freeholder of real estate located within The ~~City. If any of the Commissioners or the Mayor~~ City of Rehoboth Beach.

(2) Each member of The Commissioners must have all of the following qualifications:

a. The member must be a citizen of the United States of America.

b. The member must be at least 21 years old at the time of the approval of the individual's qualifications by The Commissioners, as provided in Section 6 of this Charter, or at the time of the individual's appointment.

(b) If a member of The Commissioners fails to retain the qualifications ~~as aforesaid~~ required by this Section during the term of office, that ~~Commissioner or Mayor shall~~ member ipso facto ~~vacate~~ vacates office. The Commissioners ~~shall be~~ are judges of the qualifications of ~~their~~ The Commissioners' members.

Elective Offices

~~Section 5~~ Section 5.

~~a.~~ (a)(1) The ~~six~~ 6 offices of Commissioners of Rehoboth Beach and the office of Commissioner of Rehoboth Beach with the title of Mayor of ~~the~~ The City of Rehoboth ~~Beach,~~ Beach, known as the Mayor, with duties ~~hereinafter to be prescribed, shall be~~ prescribed by this Charter, are elective. All other offices ~~shall be~~ appointive ~~and the person or persons filling such appointive offices shall be~~ are appointed by ~~the~~ The Commissioners ~~of Rehoboth Beach~~ in the manner ~~hereinafter to be prescribed. Six offices of Commissioner of Rehoboth Beach shall be for~~ prescribed by this Charter.

(2) The Commissioners, including the Mayor, each serve a ~~three year~~ 3-year term. ~~The office of Commissioner of Rehoboth Beach with the title of Mayor of the City of Rehoboth Beach shall be for a three year term and in every event that a person shall be~~

(3) Whenever an individual is nominated ~~to this office,~~ for Mayor, the ballots ~~shall not only~~ must specify that the individual seeks the ~~Office of Commissioner of Rehoboth Beach, but also that the individual seeks that office with the title~~ office of Mayor ~~of the City of Rehoboth Beach, with duties hereinafter to be prescribed.~~ with duties prescribed by this Charter.

~~b.~~ (b) The qualifications for the office of ~~Commissioner of Rehoboth Beach as well as~~ Commissioner, including the office of ~~Commissioner of Rehoboth Beach having the title of Mayor of the City of Rehoboth Beach shall be~~ Mayor, are as set forth in Section 3 of this Charter.

~~c. In the case of~~ (c) Notwithstanding paragraph (a)(1) of this Section, whenever a vacancy is created in any office of ~~Commissioner of Rehoboth Beach, or in the office of Commissioner of Rehoboth Beach having the title of Mayor of the City of Rehoboth Beach, either~~ a member of The Commissioners by death, resignation, loss of residence in ~~the~~ The City of Rehoboth Beach, ~~or other disqualifying event,~~ or otherwise, The Commissioners ~~of Rehoboth Beach~~ shall fill ~~such~~ the vacancy for the ~~residue~~ remainder of the whole unexpired ~~term.~~ term.

~~d.~~ (d) Aside from loss of residence, as in those instances specified in Section 3 of this Charter, if ~~any~~ an elected officer ~~be~~ is found guilty of any felony, the elected officer ~~shall~~ is forthwith ~~be~~ disqualified to act as such officer and the elected ~~officer shall,~~ officer, ipso facto, ~~vacate~~ vacates the elective ~~office, which office shall be~~ office. An office vacated under this subsection is filled by ~~the~~ The Commissioners ~~of Rehoboth Beach as in the case of other vacancies.~~ as provided by subsection (c) of this Section.

~~e. The Mayor shall receive a salary of One Thousand Dollars ($1,000.00) per annum. The Secretary of the Commissioners of Rehoboth Beach shall receive a salary of Seven Hundred Fifty Dollars ($750.00) per annum. Each of the other members of the Commissioners of Rehoboth Beach shall receive a salary of Six Hundred Dollars ($600.00) per annum; PROVIDED, HOWEVER, that no salary shall be paid until September 1, 1971. Each non-resident Commissioner shall receive an allowance for every mile necessarily driven from the Commissioner's permanent home to Rehoboth Beach in order to attend any meeting of the Commissioners of Rehoboth Beach or the meeting of any committee of which the non-resident Commissioner is a member; provided however, that no such allowance shall be paid for any meeting attended prior to September 1, 1974, said amount per mile to be the same as the standard mileage rate set annually by the Internal Revenue Service.~~

(e) The Commissioners shall fix the annual salary for the members of The Commissioners ordinance. An ordinance to increase a salary may not take effect before the later of the following:

(1) The starting date for the terms of The Commissioners elected at the next regular election.

(2) Six months after adoption of the ordinance.

Manner Of Holding Elections

~~Section 7~~ Section 7.

(d)(1) At ~~such annual election,~~ the Annual Municipal Election, every natural person who ~~shall have attained the age of Eighteen (18)~~ is 18 years old or older and who ~~shall be freeholder, as defined in this Chapter,~~ is registered on the "Books of Registered Voters" of The City of Rehoboth Beach as set forth in this subsection has 1 vote if the person meets at least 1 of the following qualifications:

a. The person is a freeholder in The City of Rehoboth Beach for a period of ~~thirty (30)~~ at least 30 days immediately preceding the date of ~~such~~ the Annual Municipal Election or ~~who shall be a leaseholder, as defined in this Chapter,~~ a leaseholder in The City of Rehoboth Beach for a period of ~~Six (6)~~ at least 6 months immediately preceding the date of ~~such~~ the Annual Municipal Election, whether or not ~~such~~ the person is a resident of ~~the~~ this State ~~of Delaware~~ or of The City of Rehoboth ~~Beach shall have One (1) vote, provided such person is registered on the "Books of Registered Voters" of The City of Rehoboth Beach as set forth herein. In addition, every natural person who shall have obtained the age of Eighteen (18) years on the date of the Annual Municipal Election who shall be~~ Beach.

b. The person is a bona fide resident of ~~the~~ this State ~~of Delaware~~ and The City of Rehoboth Beach on the date of the Annual Municipal ~~Election shall be entitled to one (1) vote provided such person shall be registered on the "Books of Registered Voters" of The City of Rehoboth Beach as set forth herein.~~ Election.

(2) The Commissioners ~~of Rehoboth Beach~~ shall provide ~~Two (2) registers to be~~ 2 registers, known as the "Books of Registered ~~Voters"~~ Voters", which are to be kept at the office of the City Manager. The Books of Registered Voters ~~shall~~ must contain the names of the registered voters arranged in alphabetical order and all of the following information for each ~~registrant: The names of the voters arranged in alphabetical order,~~ registered voter:

a. The registered voter's permanent ~~address of the voter, the~~ address,

b. The registered voter's local ~~address of the voter, the~~ address,

c. The registered voter's birth ~~date of the voter, the~~ date.

d. The date the ~~registrant~~ registered voter became a resident of ~~the State of Delaware, the~~ this State.

e. The date the ~~registrant~~ registered voter became a resident of ~~the~~ The City of Rehoboth ~~Beach, the~~ Beach.

f. The date the ~~registrant~~ registered voter became a freeholder ~~of the~~ in The City of Rehoboth ~~Beach and other~~ Beach.

g. Other pertinent information. ~~No~~

(3) A natural person ~~shall~~ may not be registered upon the Books of Registered Voters unless ~~such~~ the person will ~~have acquired~~ acquire the qualifications to vote in the Annual Municipal Election for the year in which ~~such~~ the person registers.

(4)a. A person ~~shall only be~~ is required to register ~~One (1) time; provided however, that~~ only 1 time. But if ~~a~~ registered voter fails to vote in ~~Two (2)~~ 2 consecutive Annual Municipal Elections in which there is a contest, ~~the City~~ The City of Rehoboth Beach shall send a voter verification request by forwardable first-class mail to the voter at the

voter's last known address, provided all similarly situated voters are also sent ~~such~~ a voter verification request at the same time, asking the voter to sign a return card ~~and: (1) authorize~~ and do 1 of the following:

1. Authorize cancellation of ~~their~~ the voter's Rehoboth Beach voter registration because they are no longer eligible to vote as a resident, ~~Freeholder, or Leaseholder~~ freeholder, or leaseholder in Annual Municipal ~~Elections, or (2) confirm~~ Elections.

2. Confirm that the voter continues to be eligible to vote in Annual Municipal Elections. ~~The City, upon~~

b. Upon receipt of the returned notice and in accordance with the response, ~~shall: (1) cancel~~ The City of Rehoboth Beach shall do 1 of the following:

1. Cancel the ~~person's registration, or (2) update~~ voter's registration.

2. Update the ~~person's~~ voter's voter registration record with any new information and certify the person remains eligible to vote.

c. Sixty days following a voter verification mailing, ~~the~~ The City of Rehoboth Beach shall place all persons who did not reply to the voter verification request into "inactive status." A person ~~shall be~~ is returned to active status if the person subsequently returns the return card ~~indicating~~ confirming the person continues to be eligible to vote in Annual Municipal Elections, or if the person votes in an Annual Municipal ~~election~~ Election while in "inactive status." The City of Rehoboth Beach shall remove from the Books of Registered Voters any person who remains in "inactive status" for ~~two~~ 2 consecutive Annual Municipal Elections in which there is a contest.

(5) The Books of Registered Voters ~~shall~~ must be maintained at the office of the City Manager and ~~shall be~~ is conclusive evidence of the right of any person to vote at the Annual Municipal Election. A person may register at the ~~Office~~ office of the City Manager on any day during the regular business hours until the close of business ~~thirty (30)~~ 30 days prior to the Annual Municipal Election.

(e) As used in this ~~Chapter~~ Charter:

(1) "Freeholder" means ~~a~~ any of the following:

a. A natural person who holds title of record to a fee simple estate or life estate in and to an undivided interest in real property in ~~the~~ The City ~~or~~ of Rehoboth Beach.

b. A natural person who holds title of record to real property in ~~the~~ The City of Rehoboth Beach as a tenant by the ~~entirety or~~ entirety.

c. A natural person who is both ~~grantor/settler and~~ trustee and grantor or settlor of a valid revocable trust to which real property located within ~~the~~ The City of Rehoboth Beach has been conveyed, provided that a copy of the trust document identifying a ~~grantor/settler and~~ trustee and grantor or settlor is on file with ~~the City.~~ The City of Rehoboth Beach.

~~"Real Property" includes condominiums created under the Delaware Unit Property Act or the Delaware Uniform Common Interest Ownership Act.~~

~~As used in this Chapter~~

(2) "Lease" means a valid lease to real property in ~~the~~ The City of Rehoboth Beach for a term of at least ~~ten (10)~~ 10 years ~~which lease~~ that is recorded in the Office of the Recorder of Deeds in and for Sussex County and upon ~~which~~ that real property is erected an improvement having an assessed valuation of at least ~~one thousand dollars ($1,000.00)~~ $1,000 as shown by the records of the City of Rehoboth Beach.

~~As used in this Chapter~~

(3) "Leaseholder" means a natural person holding title to an undivided interest in a lease or who holds title to a lease as a tenant by the entirety.

(4) "Real property" includes condominiums created under the Delaware Unit Property Act or the Delaware Uniform Common Interest Ownership Act.

(f) As used ~~herein "resident" shall mean a natural person residing and domiciled in the City of Rehoboth Beach for a period of at least thirty (30) days immediately preceding the date of the election. As used herein "domicile" shall mean~~ herein:

(1) "Domicile" means the place where a person has their true, fixed, permanent home, and principal establishment, and to which, whenever the person is absent, the person has the intention of returning.

(2) "Resident" means a natural person residing and domiciled in The City of Rehoboth Beach for a period of at least 30 days immediately preceding the date of the election.

(g) These provisions shall be construed in accordance with the principle of "one person, one vote" for each elective office.

~~ANNUAL ORGANIZATION MEETING OF COMMISSIONERS~~

~~Section 8-a.~~

Annual Organization Meeting of The Commissioners

Section 8.

~~a. The~~ (a)(1) At the first regular meeting following the Annual Municipal Election, known as the annual meeting, The Commissioners ~~of Rehoboth Beach, at the first regular meeting in September following the annual election,~~ shall meet ~~for the purpose of organization~~ to organize at the usual place for holding meetings of The ~~Commissioners of Rehoboth Beach.~~ Commissioners. The newly elected ~~officers~~ members of The Commissioners shall assume the duties of their respective offices, being first duly sworn or affirmed to perform their duties with ~~fidelity, which~~ fidelity. The oath or affirmation ~~shall~~ must be taken before a Notary Public, a Justice of the ~~Peace~~ Peace, or ~~by~~ a holding-over member of The Commissioners. ~~The newly elected Commissioner with the title of Mayor of The City of Rehoboth Beach shall assume the chair of the office of Mayor of The City of Rehoboth Beach.~~

(2) At the annual meeting, The Commissioners shall ~~likewise select a~~ appoint all of the following:

a. A Commissioner to serve as Secretary ~~from their own number to serve until the first regular meeting after the next succeeding election. They shall also choose an~~ until the next annual meeting.

b. An Assistant ~~Secretary to serve as aforesaid,~~ Secretary, who may ~~or may not be from among their own number and such other~~ be a Commissioner, to serve until the next annual meeting.

c. Other officers and employees as ~~may be~~ determined to be necessary.

~~c. The Commissioners shall by ordinance fix the salaries and compensation of the employees, officers and agents of the City, 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 of the City shall in any form have, take, or receive from the City any compensation, in any form, in addition to the salary or compensation fixed by The Commissioners.~~

~~d.~~ (b) The Commissioners shall cause to be kept a full and complete record of all officers ~~appointed,~~ appointed and employees and agents hired by ~~the City, containing the names of such officers, employees and agents, the dates~~ The City of Rehoboth Beach. The record must include all of the following information about each officer, employee, or agent:

(1) Name.

(2) Date of ~~their employment, the salary~~ appointment or employment.

(3) Salary and ~~compensation to be by them received and the date~~ compensation.

(4) Date of the termination of their ~~services. In the event that they shall hold~~ services.

(5) If their office is for an indefinite ~~term, the record shall so state.~~ term.

Duties And Powers Of The Mayor

~~Section 13~~ Section 13.

~~a. The Mayor of the City of Rehoboth Beach shall be sworn or affirmed to perform the duties of his office with fidelity~~.

~~b. He shall be~~ (a)(1) The Mayor is the chief executive of ~~the City. He~~ The City of Rehoboth Beach. The Mayor shall ~~preside~~ do all of the following:

a. Preside at meetings of The Commissioners. ~~He shall receive~~

b. Receive all communications and complaints and present the same to The Commissioners. ~~He shall sign~~

c. Sign all deeds necessary and contracts made by The ~~Commissioners and shall countersign~~ Commissioners.

d. Countersign all checks and warrants authorized by The Commissioners and drawn on the Treasurer for the payment of money. ~~He shall be~~

(2) The Mayor is a member, ex-officio, of all committees, and shall perform ~~such~~ other duties as may be prescribed by ordinance, or by the ~~by-laws~~ bylaws adopted by ~~the said~~ The Commissioners, and shall have all and every power conferred, and perform the duties imposed upon ~~him~~ the Mayor by this Charter or the ordinances of ~~the City.~~ The City of Rehoboth Beach.

~~c.~~ (b) In the performance of ~~his~~ duties as ~~Mayor of the City of Rehoboth Beach, he shall be~~ Mayor, the Mayor is known and designated as the Mayor of ~~the~~ The City of Rehoboth ~~Beach and in~~ Beach. Whenever executing ~~any~~ a deed, lease, contract, warrant on the Treasurer, or other papers and instruments in writing necessary for ~~him, as such~~ the Mayor ~~of the City of Rehoboth Beach,~~ to sign, ~~he~~ the Mayor shall sign and execute the same as Mayor of ~~the~~ The City of Rehoboth Beach.

~~d. As a Commissioner of Rehoboth Beach and as Mayor of the City of Rehoboth Beach, he shall have~~

(c) The Mayor has the same right as other Commissioners to vote on all ~~matters and may at any time~~ matters. The Mayor may appoint another Commissioner to preside at meetings of the Commissioners if ~~he desired~~ the Mayor wants to make a motion, move the adoption of a resolution, second ~~either,~~ a motion, or debate any question from the floor and may ~~thereafter~~ afterwards immediately resume ~~his~~ the Mayor's duties as presiding officer.

~~e. In addition to his powers and duties as Mayor of the City of Rehoboth Beach, he shall, as Mayor of the City of Rehoboth Beach, have all powers of a Justice of the Peace within said City and shall have jurisdiction and cognizance on all breaches of the peace and other offenses committed within the limits of the City as far as arrest and hold to bail and fine and imprisonment offenders. He shall have jurisdiction and cognizance of all fines and penalties prescribed by this Charter, ordinances enacted hereunder, or any law of the State of Delaware; of all neglects, omissions or defaults of any member of the Police Force or other Town Officer, agent or employee; provided, that he shall impose no fine and penalty in excess of~~

~~that fixed by the ordinance; which, in any event, shall not exceed a fine of $500.00, or such sum as may hereafter be made the maximum fine under the State Motor Vehicle Code, and shall not commit to prison for a longer term than thirty days; provided, however, that in motor vehicle violations the fines and penalties imposed under the ordinances of the City of Rehoboth Beach shall be the same as those provided by the Laws of Delaware for the same offense. The jails of Sussex County may be used for imprisonment under the provisions of this Charter; provided, that The Commissioners shall pay for the board of persons committed for breaches of ordinances, which are not breaches of the General Law.~~

~~f. As Mayor of the City of Rehoboth Beach, he shall also have jurisdiction in suits of civil nature for the collection of taxes and assessments, recovery of amounts due and payable for the construction of sidewalks, curbs or pavements, expenses of abatement of nuisances, and all other matters which may arise in the proper government and control of the City under the provisions of this Charter. Within his jurisdiction, he shall have all the powers and authority and shall be subject to all the limitations of a Justice of the Peace of Sussex County, except as herein otherwise provided; and his fee shall be the same as those of a Justice of the Peace for like services. For any service or duty in which no fee is provided by law, such fee shall be established by ordinance.~~

~~g. Upon the expiration of this term of office or upon resignation or removal from office, he shall forthwith turn over all records, books, papers, documents and other things belonging to or appertaining to his office of Mayor of the City of Rehoboth Beach. He shall also pay over to the Treasurer all monies in his hands belonging to the City. Upon neglect of failure to make such delivery or payment for the space of five (5) days, he shall be deemed guilty of a misdemeanor and, upon conviction in the Court of General Sessions of the State of Delaware, shall be fined not more than $500.00, or imprisoned for not more than one year, or shall suffer both fine and imprisonment at the discretion of the Court.~~

~~h. As Mayor of the City of Rehoboth Beach, he shall, at every regular monthly meeting of The Commissioners, report in writing all fines imposed by him and all fines and penalties and other money received by him for the preceding month belonging to the City. He shall pay all such monies to the Treasurer within ten (10) days after making report thereof to The Commissioner and failure to make report thereof to The Commissioners, or for failure to make payment to the Treasurer for the space of ten (10) days, he shall be deemed guilty of a misdemeanor and shall be punished upon conviction as hereinbefore provided.~~

~~i. As Mayor of the City of Rehoboth Beach, he shall keep a docket in which all his official acts shall be entered which shall be open to public inspection and examination at all times.~~

(d) The Mayor may solemnize marriages in The City of Rehoboth Beach.

~~Auditors~~ Auditor of Accounts

~~Section 18~~ Section 18.

~~a. Three auditors of accounts, who may or may not be residents, but who shall be substantial free holders of The City, shall be appointed by~~ (a)(1) The Commissioners ~~at each annual meeting hereinbefore provided to serve for the term of one year or~~ shall appoint a qualified individual or firm to serve as an independent Auditor of Accounts, also known as the Auditor.

(2) The Auditor serves for a term of 5 years, but the Auditor may continue to serve after the term expires until ~~their successors shall have been~~ a successor is duly appointed and qualified. An individual or firm who has served as Auditor for 5 years may not be appointed as Auditor again until the expiration of an interim period of at least 5 years since the individual or firm last served.

~~b. It~~ (b) The Auditor shall ~~be their duty to~~ audit the accounts of The City of Rehoboth Beach and all of its officers whose duty involves the collection, ~~custody~~ custody, ~~and~~ or payment of ~~monies~~ moneys to The ~~City. They~~ City of Rehoboth Beach. The Auditor shall audit the books of the Mayor ~~of The City of Rehoboth Beach,~~ and the records of all fines, ~~penalties~~ penalties, and costs imposed or collected by ~~him~~ the Mayor pursuant ~~by~~ to any judgment, order, or decree made. ~~The auditors on or before the fifteenth day of September, annually, next following their appointment,~~

(c) Annually on or before September 15, the Auditor shall make and deliver a detailed report of ~~every and~~ all accounts, records, and books ~~by them~~ examined and ~~audited, which~~ audited by the Auditor. The report under ~~their hands and seals shall~~ the Auditor's hand and seal must be ~~printed in a newspaper~~ published ~~in~~ on The City ~~in the issue immediately succeeding their~~ of Rehoboth Beach website after the Auditor delivers the annual report. ~~The auditors, in the performance of their duties, shall have~~

(d) In the performance of the Auditor's duties, the Auditor has access to all records and accounts of the offices of The ~~Commissioners and they are authorized and empowered to~~ Commissioners. The Auditor may employ ~~such~~ clerks and accountants ~~as in their judgment may be~~ necessary ~~in the proper performance of their duties~~ to properly perform the Auditor's duties, at ~~such~~ a compensation ~~as may be~~ determined by The Commissioners.

Tax Assessor

Section 22.

~~a.~~ (a) The Commissioners ~~of Rehoboth Beach~~ shall appoint a qualified ~~person~~ individual or firm to serve as the Tax Assessor. ~~Such person~~ The individual or firm shall serve until a new ~~person~~ individual or firm has been duly appointed by ~~the~~ The Commissioners.

~~b. No person~~ (b) An individual or firm ~~shall~~ may not be appointed as the Tax Assessor ~~of the City of Rehoboth Beach who~~ if the individual or firm is not fully qualified under the ~~regulations and Code of the~~ laws of this State ~~of Delaware~~ to perform real estate tax assessments.

~~c. It shall be the~~ (c) If The Commissioners do not choose to use the county assessments under Section 23 of this Charter, the Tax ~~Assessor's duty to~~ Assessor shall make a fair and impartial assessment of property subject to taxation situated within ~~the City and to~~ The City of Rehoboth Beach. The Tax Assessor shall perform ~~such~~ other related duties ~~in reference thereto~~ as ~~shall be~~ prescribed, from time to time, by The ~~Commissioners of Rehoboth Beach.~~ Commissioners.

Assessment Of Taxes

~~Section 23~~ Section 23.

~~a. The~~ (a)(1) In compliance with Chapter 11 of Title 22 of the Delaware Code, The Commissioners may choose to use the county assessments for real estate located within The City of Rehoboth Beach for municipal tax purposes.

(2) Subject to Chapter 11 of Title 22 of the Delaware Code, if The Commissioners choose to use county assessments as provided in paragraph (a)(1) of this Section, a copy of the county assessments for the properties located in The City of Rehoboth Beach must be received under § 1103 of Title 22 of the Delaware Code by the first Monday of March.

(3) Appeals of county assessments adopted under this subsection must be made as provided in Chapter 11 of Title 22 of the Delaware Code.

(b)(1) If The Commissioners do not choose to use the county assessments, the Tax Assessor ~~shall,~~ shall make, prior to the first Monday in March, ~~make~~ a just, ~~true~~ true, and impartial annual valuation or assessment of all ~~real estate and of all improvements having a valuation of at least One Thousand Dollars ($1,000.00)~~ of the following located within The City of Rehoboth Beach:

a. Real estate.

b. Improvements located on land ~~which~~ that has been leased under a valid ~~lease~~ lease, recorded in the Sussex County Office of the Recorder of Deeds, for a term of at least ~~ten (10) years and which lease has been recorded in the Office of the Recorder of Deeds, in and for Sussex County, located within The City of Rehoboth Beach.~~ 10 years.

(2) In making ~~such~~ the assessment, the rules and exemptions ~~now applicable by law to the~~ for making ~~of the County Assessment of persons and properties shall be~~ county assessments are applicable ~~insofar as~~ to the extent the rules and exemptions are consistent with ~~the provisions of~~ this Charter.

(3) All real estate and all improvements located on land under a valid ~~lease, as aforesaid, shall~~ lease must be described with sufficient particularity to be identified.

(4)a. Real estate ~~shall~~ must be assessed to the owner or owners if ~~he or~~ they ~~be~~ are known. If the owner or owners of real estate cannot be found or ascertained, the real estate may be assessed to "Owner Unknown".

b. All improvements located on land under a valid ~~lease, as aforesaid, shall~~ lease must be assessed to the leaseholder. ~~If the owner or owners of real estate cannot be found or ascertained, it may be assessed to "Owner Unknown".~~

c. A mistake in the name of the owner or owners, ~~or~~ a wrong name, or an assessment to "Owner Unknown," ~~shall~~ does not affect the validity of the assessment of any municipal tax or assessment ~~based thereon; provided,~~ if the assessment ~~shall specify~~ specifies the last record owner or owners ~~thereof~~ of the real estate as the ~~same shall~~ owner or owners appear from the records in the Sussex County Office of the Recorder of ~~Deeds of Sussex County at Georgetown, Delaware.~~ Deeds.

(5) Beginning in 2030, all property assessed under this subsection must be reassessed at its fair market value. After the 2030 reassessment, all property assessed under this subsection must be reassessed at least once every 5 years. Each 5-year period begins on the date the assessments are finalized under paragraph (g)(1) of this Section.

~~b.~~ (c) The Tax Assessor shall in a timely manner send by first-class mail a written notice to any property owner whose assessment is changed indicating the new ~~valuation placed thereon.~~ valuation.

~~c. The Tax Assessor, after~~ (d)(1) After making ~~such~~ the annual ~~assessment, shall,~~ assessment under subsection (b) of this Section, the Tax Assessor shall deliver, on the first Monday of ~~May, aforesaid, deliver~~ March, to The Commissioners ~~of Rehoboth Beach~~ a list containing the names of all persons assessed and the amount of the assessment against each. ~~They~~ At the same time, the Tax Assessor shall also deliver ~~at such time~~ as many copies of ~~said~~ the list as The Commissioners ~~shall~~ direct.

~~d.~~ (2) The annual assessment list ~~shall~~ must be arranged so that the assessment of ~~land,~~ land; the improvements ~~thereon,~~ thereon; and any improvements located on lands under ~~lease~~ lease, as defined ~~herein~~ in paragraph (b)(1)b. of this Section, appear in separate columns or spaces. All assessments of value made by the Tax Assessor ~~shall~~ must be made accordingly.

~~e. Any~~ (e) If the Tax Assessor is an individual, The Commissioners shall assess any real property owned in whole or in part by ~~a~~ the Tax Assessor or a member of ~~a~~ the Tax Assessor's immediate ~~family, if an individual, shall be assessed by the Commissioners of Rehoboth Beach. Any~~ family. If the Tax Assessor is a firm, The Commissioners shall assess any real property owned in whole or in part by an owner or employee of the Tax Assessor or a member of their immediate ~~family, if a firm, shall be assessed by the Commissioners of Rehoboth Beach.~~ family.

~~f.~~ (f)(1) Immediately upon receiving the annual assessment list from the Tax Assessor, ~~the~~ The Commissioners ~~of Rehoboth Beach~~ shall cause a full and complete alphabetically arranged copy of the ~~same, containing the amount assessed~~

~~to each taxable~~ annual assessment list to be posted in City Hall ~~in the City of Rehoboth Beach, and there it shall remain~~ for ~~a period of~~ at least ~~ten~~ 10 days for the information of and examination by all concerned. ~~Appended thereto~~

(2) Notices must be attached to the annual assessment list and ~~also~~ posted in ~~five~~ 5 or more public places in ~~said City shall be posted notices advising~~ The City of Rehoboth Beach. The notices must advise all concerned ~~that any~~ that, if a property owner or leaseholder ~~who desires~~ wants to appeal their ~~assessment shall~~ assessment, the property owner or leaseholder must file an appeal, in writing, with the City Manager ~~of the City of Rehoboth Beach~~ stating the reason ~~or reasons therefor not~~ for the appeal no later than ~~a certain day mentioned therein which~~ the date specified in the notices. The date ~~shall~~ may not be earlier than ~~ten~~ 10 days after the date of posting the true and correct copy of the annual assessment list.

~~g.~~ (g)(1) At the first regular meeting of ~~the~~ The Commissioners ~~of the City of Rehoboth Beach~~ following the expiration of the ~~time set~~ deadline for filing an appeal, ~~the~~ The Commissioners ~~of Rehoboth Beach will~~ shall fix a time and date when ~~the~~ The Commissioners ~~of Rehoboth Beach~~ will sit as a Board of Appeals to hear appeals timely filed in writing taken from the ~~said~~ annual assessment as determined by the Tax Assessor. Any person taking an appeal before the ~~Commissioners of the City of Rehoboth Beach sitting as a~~ Board of Appeals may appear in person or may be represented by any third party who has written authorization to ~~so~~ appear. The decision of the ~~Commissioners of Rehoboth Beach sitting as a~~ Board of Appeals ~~shall be~~ is final ~~and conclusive~~ unless an appeal is taken to the Superior Court of the State of Delaware, in and for Sussex County, within ~~ten~~ 10 days from the date of the ~~said hearing, and the~~ hearing. The Commissioners ~~of Rehoboth Beach~~ shall revise and complete ~~said~~ the assessment at this sitting.

~~h. No~~ (2) A Commissioner ~~shall~~ may not sit as a member of the Board of Appeals upon ~~his~~ The Commissioner's own ~~appeal, but the~~ appeal. A Commissioner's appeal ~~by any Commissioner of the City of Rehoboth Beach shall~~ must be heard and determined by the other members of the Board of Appeals in the same manner as hereinbefore provided.

~~i.~~ (3) The Tax Assessor ~~shall~~ must be present on the day fixed for hearing appeals and shall ~~furnish~~ give to ~~the~~ The Commissioners ~~such~~ any information and answer ~~such~~ any questions ~~as the Commissioners may require in respect~~ relating to ~~any assessment from which an appeal has been taken.~~ an appealed assessment, as The Commissioners may require. The Commissioners ~~shall have authority to~~ may enforce the attendance of the Tax Assessor by appropriate process.

Supplemental Assessment

Section 23A.

~~a. In~~ (a) Subject to Section 23(a) of this Charter, in addition to the annual ~~assessment provided for herein,~~ assessment, the City Manager ~~may, at the City Manager's option,~~ may direct the Tax Assessor to prepare a quarterly supplemental list for the purpose of adding property not included on the last assessment or increasing the assessed value of property ~~which was~~ included on the last assessment. The supplemental list may be used to correct errors on the prior assessment rolls and to remove or modify any exemption from taxation applicable to property in ~~the City.~~ The City of Rehoboth Beach.

~~b. Such~~ (b) The supplemental list ~~shall be~~ is prepared quarterly in each tax year. The ~~first such~~ supplemental list ~~shall~~ must be certified ~~on July 1 of each year; the second on October 1 of each year; the third on January 1 of each year; and the fourth on April 1 of each year.~~ quarterly based on the fiscal year.

~~c.~~ (c)(1) On the date of certification of a supplemental list, the property owners ~~listed thereon shall be~~ on that supplemental list are liable to pay taxes equal to the assessed value of the property multiplied by the tax rates for the then current tax year that are applicable to the property, reduced ~~by~~ as follows:

a. By 25% ~~where the~~ for property ~~is~~ listed on the second supplemental assessment ~~roll; by~~ roll.

b. By 50% ~~where the~~ for property ~~is~~ listed on the third supplemental assessment ~~roll; and by~~ roll.

c. By 75% ~~where the~~ for property ~~is~~ listed on the fourth supplemental assessment ~~roll; and the~~ roll.

(2) The amount of ~~such~~ tax ~~shall be and remain~~ imposed under this Section is a lien on ~~such~~ the assessed property from the time of its certification. ~~In the collection of said taxes,~~

(3) There is no penalty imposed for taxes collected before the first day of the second month after ~~certification, there shall be no penalty. On all taxes paid after the first day of the second month after certification,~~ certification. All taxes unpaid on or after the first day of the second month after certification are delinquent and a penalty at the rate of ~~one and one-half percent (1½%) shall be~~ 1 ½% is added until the ~~same shall have been~~ tax and any penalty imposed is paid. ~~All taxes unpaid after the first day of the second month after certification shall be considered delinquent. In effecting collection of any~~ For delinquent ~~tax, the~~ taxes, The Commissioners ~~of the City of Rehoboth Beach~~ may impose a collection charge ~~not to exceed eighteen percent (18%)~~ of up to 18% of the amount of the tax and any penalty ~~imposed thereon.~~ imposed.

~~d. Appeals shall~~ (d)(1) If The Commissioners choose to use the county supplementary assessments, appeals must be made as provided in Chapter 11 of Title 22 of the Delaware Code.

(2) If the Tax Assessor prepares the supplement list, appeals must be made to the Board of Appeals as provided in ~~Sections~~ Section 23(f) ~~through (i). In no case shall the~~ and Section 23(g) of this Charter.

(e) The supplemental assessment procedure may not be ~~employed~~ used to impose taxes retroactively.

Levy Of Annual Taxes

Section 24

~~a.~~ (a) At ~~the~~ a regular meeting in ~~June,~~ March, after having revised and completed the assessment, The Commissioners shall determine, to their best judgment and knowledge, the total amount ~~necessary to be raised by~~ The City of Rehoboth Beach needs to raise to meet all fixed and anticipated expenses and obligations of The ~~City,~~ City of Rehoboth Beach, including reasonable and appropriate ~~reserve,~~ reserve for the then current fiscal ~~year~~ year, as set forth in the City Budget for ~~such year~~ that fiscal year, plus a reasonable amount to cover unanticipated expenses and emergencies.

~~b.~~ (b)(1) The Commissioners shall then ~~proceed to~~ determine, in their sole discretion, from which sources of the authorized revenues of ~~the~~ The City of Rehoboth Beach the amount ~~so~~ determined ~~by them shall be~~ under subsection (a) of this Section is raised and, within the limits prescribed by this Charter with respect to ~~any such~~ each source, the amount to be raised from each ~~such~~ source. The Commissioners shall then ~~proceed to~~ determine, assess, ~~fix and/or levy:~~ fix, and levy 1 or more of the following:

~~1. the~~ a. The rate of tax on ~~real estate~~ all of the following:

1. Real estate, including improvements ~~thereon~~ thereon, per ~~One Hundred ($100.00)~~ $100 of assessed ~~value and the rate of tax on improvements~~ value.

2. Improvements per ~~One Hundred ($100.00)~~ $100 of assessed value located on land under a lease for a period of at least ~~ten (10)~~ 10 years which ~~said~~ lease has been recorded in the Sussex County Office of the Recorder of ~~Deeds, in and for Sussex County; and/or~~ Deeds.

~~2. the~~ b. The rate of tax upon all poles, constructions, erections, ~~wires~~ wires, and appliances ~~more particularly mentioned, or intended so to be in sub-Section 29(a)(32)~~ levied under Section 29(29) of this ~~Charter, as amended; and/or~~ Charter.

~~3. the~~ c. The several license fees to be charged for carrying on or conducting of the several businesses, ~~professions~~ professions, or occupations ~~more particularly mentioned, or intended so to be, in sub-Section 29(a)(33)~~ under Section 29(30) of this ~~Charter, as amended; and/or~~ Charter.

~~4. the~~ d. The several rates to be charged for furnishing water service, sewer service, electric service, gas service, garbage and refuse ~~collection; and/or~~ collection.

~~5. the~~ e. The fees or rates to be charged in ~~respect of~~ connection to any other authorized source of revenue ~~sufficient~~ that are sufficient, in ~~their~~ The Commissioners' best judgment and ~~estimation~~ estimation, to realize the amount to be raised from each ~~such~~ authorized revenue source determined by ~~them~~ The Commissioners to be ~~used,~~ used as ~~aforesaid: Provided, however, that sources 3, 4 and 5 aforementioned,~~ allowed under this subsection.

(2) The authorized revenue sources listed under paragraphs (b)(1)c. through (b)(1)e. of this Section may be determined, fixed, assessed, ~~levied~~ levied, and/or altered or changed ~~upon other than a fiscal year basis and~~ at any other regular or special meeting of The Commissioners as ~~they~~ The Commissioners in their own proper discretion ~~shall~~ determine.

(3) Whenever there is a total reassessment of taxable properties located in The City of Rehoboth Beach, all of the following must be done as provided in § 1105 of Title 22 of the Delaware Code:

a. The rolled-back rate must be computed.

b. The difference between the rolled-back rate and the tax rate determined under paragraph (b)(1)a. of this Section must be advertised.

~~c.~~ (c) Immediately after ~~their~~ the regular meeting in ~~June~~ March of each ~~and every~~ year, The Commissioners shall make, or cause to be made, a full, ~~true~~ true, and correct annual tax list showing the amount of tax levied against each taxable ~~thereon from sources 1 and 2 abovementioned.~~ under paragraphs (b)(1)a. and (b)(1)b. of this Section. This list ~~shall be~~ is known as the annual tax list of ~~the~~ The City of Rehoboth Beach. In addition to the information contained in the assessment list, ~~it shall likewise~~ the annual tax list must contain information as to the rate of tax upon real estate per $100 of assessed ~~value thereof.~~ value.

~~d.~~ (d) The Commissioners shall cause to be delivered to the City Manager a duplicate of ~~said~~ the annual tax list, and the City Manager shall immediately proceed to collect the ~~same~~ annual taxes as ~~hereinafter provided.~~ provided in Section 25 of this Charter.

~~e.~~ (e) Nothing contained in this Charter ~~shall~~ may be construed to effect or impair in any way the validity of any tax, fee, ~~assessment~~ assessment, or other charge lawfully levied, assessed, or due ~~the~~ The City of Rehoboth Beach under existing laws ~~in reference~~ relating to ~~said~~ The City of Rehoboth Beach and the same are ~~hereby~~ declared to be valid, ~~binding~~ binding, and vested in ~~the~~ The City of Rehoboth ~~Beach created hereby.~~ Beach.

~~Town~~ City Budget

~~Section 28~~ Section 28.

~~a~~ (a) The fiscal year of ~~the~~ The City of Rehoboth Beach ~~shall be~~ is established from time to time by resolution adopted by ~~the Commissioners of Rehoboth Beach.~~ The Commissioners.

~~b. Annually each year and not later than May 1st,~~ (b) Annually, the City Manager shall prepare a rough draft of a City Budget. From this rough draft, ~~the~~ The Commissioners ~~of Rehoboth Beach shall, not later than the regular meeting held in May of each year,~~ shall prepare the City ~~Budget,~~ Budget containing the financial plan for conducting the affairs of The City of Rehoboth Beach for the ~~ensuing~~ following fiscal year.

~~c.~~ (c) The City Budget ~~shall~~ must contain all of the following information:

(1) A detailed estimate showing the expense of conducting each department and office of ~~the~~ The City of Rehoboth Beach for the ~~ensuing~~ following fiscal year.

(2) The value of supplies and materials on hand, together with the nature and kind of machinery or other implements and the condition thereof.

(3) The amount of the debt of ~~the City,~~ The City of Rehoboth Beach together with a schedule of maturities of bond issues.

(4) An itemized statement of all other estimated expenses to be incurred in the affairs of ~~the City.~~ The City of Rehoboth Beach.

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

(6) An estimate of the amount of money to be received from taxes, assessments, scrap ~~assessments~~ assessments, and all other anticipated income of ~~the~~ The City of Rehoboth Beach from any ~~source or sources whatsoever.~~ source.

~~d.~~ (d) To the extent possible, The Commissioners ~~shall, so far as possible,~~ shall adhere to the City Budget ~~so adopted~~ in the making of appropriations.

(e)(1) In the City Budget, The Commissioners shall fix the salaries and compensation of The City of Rehoboth Beach's employees, officers, and agents and the time and manner of payment. If the employee, officer, or agent is appointed for a designated term, the salary or compensation of the employee, officer, or agent may not be increased during the term.

(2) An officer, employee, or agent of The City of Rehoboth Beach may not have, take, or receive any compensation from The City of Rehoboth Beach in addition to the salary or compensation fixed by The Commissioners.

Enumeration Of Powers

~~Section 29~~ Section 29.

~~a.~~ Not by way of limitation upon the power vested in ~~the~~ The Commissioners to exercise all powers delegated by this Charter to ~~the municipal corporation of the Commissioners~~ The City of Rehoboth Beach except as may expressly appear ~~herein~~ in this Charter to the contrary, ~~but, rather,~~ but by way of enumeration and for purposes of clarity, ~~the~~ The Commissioners are vested by this Charter with all of the following powers, to be exercised by ~~said the~~ The Commissioners

in the interest of good government and the safety, ~~health~~ health, and welfare of ~~the City,~~ The City of Rehoboth Beach and its inhabitants and affairs:

~~1.~~ (1) To prevent vice, drunkenness and immorality.

~~2.~~ (2) To provide for and preserve the health, peace, safety, cleanliness, ~~ornament~~ ornament, and good order of ~~the~~ The City of Rehoboth Beach and its inhabitants.

~~3.~~ (3) To prohibit all gaming and fraudulent devices.

~~4.~~ (4) To prohibit, restrain, ~~license~~ license, or regulate all public sports, exhibitions, shows, parades, productions, ~~circuses~~ circuses, or other public performances, amusements, and games.

~~5.~~ (5) To ascertain, locate, lay out, establish, open, change, alter, widen, abandon, regulate the use and enjoyment of, prevent or remove any obstruction of, level, grade, flag, dress, macadamize, pave, gravel, shell, improve, dredge, erect, remove, ~~repair~~ repair, or replace any ~~new~~ future or present street, highway, lane, alley, watercourse, park, lake, strand, crosswalk, wharf, ~~dock~~ dock, sewer, drain, ~~aqueduct~~ aqueduct, or pipe line, or portion thereof, or any ~~new~~ future or present sidewalk, ~~curb~~ curb, or gutter, or portion thereof, in ~~the City;~~ The City of Rehoboth Beach; to specify the grade thereof, the materials to be used in the doing thereof and the manner in which the same ~~shall be~~ is done; and to enter into contracts or agreements for the doing thereof, including contracts or agreements with the ~~State Highway of the State of Delaware~~ Delaware Department of Transportation for the permanent maintenance, ~~repair~~ repair, and upkeep of any street, lane, alley, ~~roadway~~ roadway, or other highway within ~~the City.~~ The City of Rehoboth Beach.

~~6. To regulate or control the observance of the Sabbath Day.~~

~~7. To establish and regulate pounds and to restrain, prohibit and impound any domestic or wild animal, beast, bird or fowl running at large, and to authorize the destruction of the same, and to impose taxes on the owners of dogs.~~

~~8.~~ (6) To locate, regulate, license, ~~restrain~~ restrain, or require the removal of slaughter houses, wash houses, laundries, canning establishments, phosphate, fish, fertilizer or manure plants or establishments, swine pens, privies, water ~~closets~~ closets, and any ~~businesses or buildings~~ businesses, buildings, or conditions detrimental to the public ~~health or~~ health, constituting a public ~~nuisance~~ nuisance, or of an offensive or noxious nature.

~~9.~~ (7) To enforce the removal of snow, ice, ~~dirt~~ dirt, or other foreign substance from sidewalks and gutters by owners or abutting owners.

~~10.~~ (8) To prohibit, remove, or regulate the erection and maintenance ~~of,~~ of any stoop, step, platform, bay window, cellar door, gate, area, descent, sign, post, or any other erection or projection in, over, ~~upon~~ upon, or under any street, highway, alley, lane, watercourse, park, lake, strand, sidewalk, crosswalk, wharf, dock, sewer, drain, ~~aqueduct~~ aqueduct, or pipeline of ~~the City.~~ The City of Rehoboth Beach.

~~11.~~ (9) To define, prevent, ~~abate~~ abate, or remove nuisances, ~~obstructions~~ obstructions, or any condition detrimental to the public safety, ~~health~~ health, or welfare.

~~12.~~ (10)a. To provide an ample supply of pure water for ~~the~~ The City of Rehoboth Beach and its inhabitants ~~and~~ and, to this ~~end~~ end, to acquire, lease, erect, construct, maintain, operate, extend, enlarge, renew, replace, ~~control~~ control, and dispose of wells, reservoirs, pumps, machines, stations, tanks, standpipes, water mains, fire ~~hydrants~~ hydrants, and all other equipment, ~~property~~ property, or rights used in and about the collection, storage, purification, conveyance, ~~distribution~~ distribution, or sale of water; to regulate and prescribe for what private or public purposes the water furnished by ~~the municipal corporation~~ The City of Rehoboth Beach may be used, the manner of its use, the amounts to be paid by the users thereof, the ~~means whereby such amounts shall be collected~~ method for collecting the users' payments, and the ~~fines or~~ fines, penalties, or ~~both,~~ both for any willful or negligent injury or damage to or interference with the water system or equipment of ~~the City;~~ The City of Rehoboth Beach; to furnish, or refuse to furnish, water from ~~the~~ The City of Rehoboth Beach system to places and properties outside ~~the~~ The City of Rehoboth Beach limits; and to contract for and purchase water and distribute the same to users ~~within or without the~~ inside or outside The City of Rehoboth Beach with the same full powers as though such water had been initially reduced to usefulness by ~~the municipal corporation~~ The City of Rehoboth Beach itself.

b. For ~~all~~ purposes of this Charter, ~~the word "user"~~ when referring to the users of either the public water system or the public sewer ~~system shall be deemed to mean~~ system, "user" means either the owner to whom the real estate is assessed or a leaseholder who holds land under a valid lease for a term of not less than ~~ten (10)~~ 10 ~~years and~~ years, whose lease is of record in the Sussex County Office of the Recorder of ~~Deeds, in and for Sussex County,~~ Deeds and who has erected upon the leasehold an ~~improvement having an assessed valuation of at least One Thousand Dollars ($1,000.00)~~ improvement.

~~13.~~ (11) To provide, ~~construct.~~ construct, extend, maintain, ~~manage~~ manage, and control a sewer ~~system and/or~~ system, a sewage treatment and disposal plant and ~~facilities~~ facilities, or both for the health, ~~sanitation~~ sanitation, and convenience of the inhabitants of ~~the City;~~ The City of Rehoboth Beach; to regulate and prescribe for what private or public purposes the system may be used, the manner of ~~its~~ the system's use, the amounts to be paid by the ~~users thereof,~~ system's users, the ~~means whereby such amounts shall be collected~~ methods for collecting the users' payments, and the ~~fines or~~ fines, penalties, or both, for any willful or negligent injury or damage to, or interference ~~with~~ with, the ~~said~~ system, ~~plant~~ plant, or facilities; to ~~furnish~~ furnish, or refuse to furnish, sewer disposal service from ~~the~~ The City of Rehoboth Beach system to places and properties outside ~~the~~ The City of Rehoboth Beach limits; in the interest of the public's health, to compel any ~~and all~~ properties in ~~the~~ The City of Rehoboth Beach to be connected to

the sewer system of ~~the City;~~ The City of Rehoboth Beach and to contract for and purchase sewer disposal service and to resell the same to users ~~within or without the~~ inside or outside The City of Rehoboth Beach with the same full powers as though ~~such~~ the service had been initially provided by the facilities ~~therefor of the municipal corporation~~ of The City of Rehoboth Beach itself.

~~14.~~ (12) To ~~provide~~ do any of the following:

a. Provide, construct, extend, maintain, ~~manage~~ manage, and control a plant and system, or plants and systems, for the generating, ~~manufacturing~~ manufacturing, and distributing of electric ~~current or~~ current, gas, or both, to the inhabitants of ~~the~~ The City of Rehoboth Beach and for lighting the streets, highways, lanes, alleys, watercourses, parks, lake, strands, sidewalks, crosswalks, wharves, docks, public ~~buildings~~ buildings, or other public places of ~~the City, and~~ The City of Rehoboth Beach and, to this ~~end~~ end, to acquire, lease, erect, construct, ~~maintain. operate.~~ maintain, operate, extend, enlarge, renew, replace, ~~control~~ control, and dispose of transmission and distribution lines, pipes, ~~mains~~ mains, and other conveyances for any ~~such~~ electric current or gas as ~~may be~~ is necessary ~~properly~~ to light ~~the City,~~ The City of Rehoboth Beach, and to furnish proper connections for electric current and gas to the properties of the inhabitants of ~~the~~ The City of Rehoboth Beach who ~~may~~ desire the ~~same; to regulate~~ electric current or gas.

b. Regulate and prescribe for what private or public purpose the electric current or gas furnished by ~~the municipal corporation~~ The City of Rehoboth Beach may be used, the manner of its use, the amount to be paid by the users thereof, the ~~mains whereby such amounts shall be collected~~ methods for collecting payment from users, and the ~~fines or~~ fines, penalties, or both, for any willful or negligent injury or damage to ~~orinterference~~ or interference with ~~the~~ an electric or gas system or systems of ~~the City; to furnish~~ The City of Rehoboth Beach.

c. Furnish, or refuse to furnish, electric current or gas from ~~the City's~~ The City of Rehoboth Beach's system or systems to places and properties outside ~~the~~ The City ~~limits; and to~~ of Rehoboth Beach's limits; contract for and purchase electric current or gas and distribute the same to ~~user within or without the~~ users inside or outside The City of Rehoboth Beach with the same full powers as though ~~such~~ the electric current or gas had been initially reduced to usefulness by ~~the municipal corporation~~ The City of Rehoboth Beach itself.

~~15. To~~ (13) Within The City of Rehoboth Beach's limits, to fully control ~~within the City~~ the drainage of all water and, to that end, to alter or change the course and direction of any natural water course, ~~runs~~ runs, or rivulet within ~~the City,~~ The City of Rehoboth Beach; to regulate, maintain, ~~clean~~ clean, and keep the same open, ~~clean~~ clean, and ~~unobstructed,~~ unobstructed; and to provide, construct, extend, maintain, ~~manage~~ manage, and control a surface

water drainage system and facilities for the ~~health., sanitation~~ health, sanitation, and convenience of the inhabitants of ~~the City.~~ The City of Rehoboth Beach.

~~16.~~ (14) To provide, ~~construct.~~ construct, extend, maintain, ~~manage~~ manage, and control jetties, bulkheads, embankment, flood gates, piers, ~~boardwalks~~ boardwalks, or fills for the preservation of ~~anystrand~~ any strand or high land within the limits of ~~the~~ The City of Rehoboth Beach or contiguous ~~thereto, to the end~~ to The City of Rehoboth Beach so that the same may be preserved, property ~~protected~~ protected, and the general public might enjoy the use thereof.

~~17.~~ (15) To grant nonexclusive franchises or licenses to any responsible person, firm, ~~association~~ association, or corporation, for ~~such period of time,~~ the period, for the consideration, and upon ~~such~~ the terms, restrictions, ~~stipulations~~ stipulations, and conditions ~~and for such considerations as~~ The Commissioners ~~shall~~ deem wise, to use the present and future streets, highways, lanes, alleys, watercourses, parks, lakes, strands, sidewalks, crosswalks, wharves, docks, and other public places of ~~the~~ The City of Rehoboth Beach for the purpose of furnishing heat, light, power, gas, water, sewer, drainage, electric current, telephone, telegraph, railroad ~~excepting railroads or railways~~ not engaged in interstate commerce, bus, ~~taxi~~ taxi, or other transportation, ~~carrier~~ carrier, or public service to ~~the~~ The City of Rehoboth Beach and to the persons, firms, or corporations residing or located ~~therein~~ in The City of Rehoboth Beach and for ~~the purpose of transmitting~~ any of the following purposes:

a. Transmitting the same from or through ~~the~~ The City of Rehoboth Beach to points outside ~~the limits thereof, and for the purpose of erecting~~ The City of Rehoboth Beach's limits.

b. Erecting wharves and ~~piers, and for the purposes of vending~~ piers.

c. Vending any article of merchandise or service upon, or from any vehicle upon, any ~~such~~ present and future street, highway, lane, ~~alley, etc.; provided, that no exclusive franchise or license shall be granted for any such purpose to any person, firm, association or corporation whomsoever.~~ alley, etc.

~~18.~~ (16) To regulate and control the exercise of any license or franchise ~~mentioned in Section 29 (17) of this Charter or intended so to be.~~ that may be granted under paragraph (15) of this Section.

~~19.~~ (17) To direct, ~~regulate~~ regulate, and control the planting, rearing, ~~treatment~~ treating, and preserving of ornamental shade trees in the streets, highways, avenues, ~~parks~~ parks, and grounds of ~~the~~ The City of Rehoboth Beach and to authorize or prohibit the removal or destruction of ~~said~~ ornamental shade trees.

~~20.~~ (18) To direct the digging down, draining, filling up, cleaning, ~~cutting~~ cutting, or fencing of lots, tracts, ~~pieces~~ pieces, or parcels of ground in ~~the~~ The City of Rehoboth Beach which may be deemed dangerous or unwholesome or necessary to carry out any improvements authorized by this Charter.

~~21.~~ (19) To provide for or regulate the numbering of houses and lots on the streets, and the naming of streets and avenues.

~~22.~~ (20) To regulate, ~~control~~ control, or prevent the ~~use of~~ storage of gunpowder, fireworks, tar, pitch, ~~resin~~ resin, and all other combustible materials and the use of candles, ~~lamps~~ lamps, and other lights in stores, shops, ~~stables~~ stables, and other places; to suppress, remove, or secure any fireplace, stove, chimney, oven, broiler, or other apparatus which may be dangerous in causing fire.

~~23.~~ (21) For the prevention of fire and the preservation of the beauty of ~~the City,~~ The City of Rehoboth Beach, to ~~regulate~~ do any of the following:

a. Regulate and control the manner of building or ~~removal of~~ removing dwelling houses and other ~~buildings; to establish~~ buildings.

b. Establish a code for ~~the same~~ building or removing dwelling houses and other buildings and ~~to~~ provide for the granting of permits for the ~~same; to establish~~ same.

c. Establish a building line for buildings to be ~~erected; zone~~ erected.

d. Zone or district ~~the~~ The City of Rehoboth Beach and make ~~particular~~ provisions for particular zones or districts with regard to building or building ~~materials; and, generally to~~ materials.

e. Generally exercise all the powers and authorities vested in the legislative body of ~~cities and incorporated towns under and by virtue of Chapter 179, Revised Code of Delaware, 1935, and all amendments thereto.~~ incorporated municipalities under Title 22 of the Delaware Code.

~~24.~~ (22) To acquire, build, ~~erect~~ erect, and maintain a suitable place as a lock-up or jail for ~~the~~ The City of Rehoboth Beach, which ~~shall be~~ is used as a place of detention for persons convicted of violation of law or ordinance, or for the detention of persons accused of violation of law or ordinances for a reasonable time, in cases of necessity, prior to hearing and trial; and to provide for the restraint, ~~support~~ support, and employment of paupers, ~~beggars~~ beggars, and ~~vagrants; provided, that the~~ vagrants. The jails of Sussex County may be used for any ~~such purpose, in which event the City~~ purpose allowed under this Section. If a Sussex County jail is used, The City of Rehoboth Beach shall pay for the board of persons committed ~~thereto~~ to that jail for violations of The City of Rehoboth Beach ordinances ~~of the City which~~ that are not violations of any general law of ~~the~~ this State.

~~25.~~ (23) To acquire, build, ~~erect~~ erect, and maintain buildings and facilities necessary ~~or required~~ for housing and equipping offices of ~~the City.~~ The City of Rehoboth Beach.

~~26.~~ (24) To regulate or prevent the use of guns, air guns, spring guns, pistols, sling shots, beanshooters, and any other devices for discharging missiles which might cause bodily harm or injury to property; and to regulate or prevent the use of fireworks, ~~bombs~~ bombs, and detonating works of all kinds.

~~27.~~ (25) To provide for the punishment of a violation of any ordinance of ~~the~~ The City of Rehoboth Beach by a fine ~~or imprisonment, or both,~~ not exceeding ~~Five Hundred Dollars ($500) or sixty (60) days, and for working any person sentenced to such imprisonment or any person who shall refuse to so work when ordered.~~ $2,500.

~~28.~~ (26) To ~~provide~~ do any of the following:

a. Provide for the ~~organization~~ organization, control, and government of a fire ~~department and the control and government thereof; to establish~~ department.

b. Establish fire limits and do all things necessary ~~for the prevention or extinguishment of fires; and, in their discretion, to contribute, donate~~ to prevent or extinguish fires.

c. Donate or give ~~such amounts of money~~ money, as ~~they may~~ The Commissioners deem ~~appropriate unto~~ appropriate, to any ~~Volunteer Fire Company or Companies~~ volunteer fire company incorporated under the laws of ~~Delaware,~~ this State or any ~~Volunteer Fire Association or Associations~~ volunteer fire association maintaining and operating ~~fire fighting~~ firefighting equipment and service to ~~the City; provided that any such~~ The City of Rehoboth Beach. A contribution, ~~donation~~ donation, or gift may be made subject to ~~such~~ conditions and stipulations ~~as to the use thereof~~ on using the contribution, donation, or gift as The Commissioners ~~shall~~ deem advisable.

~~29.~~ (27) To purchase, ~~take~~ take, and hold real and personal property ~~when~~ sold for any delinquent tax, assessment, water rent, electric bill, gas bill, license fee, tapping fee, charge growing out of abatement of nuisances and the like, laying out and repairing sidewalks, or other charge due ~~the~~ The City of Rehoboth Beach and to sell the same.

~~30.~~ (28) To levy and collect taxes for any ~~and all~~ municipal purposes upon all real estate located within ~~the City,~~ The City of Rehoboth Beach, except lands belonging to ~~the~~ The City ~~provided that the~~ of Rehoboth Beach. The amount to be raised from ~~this source shall~~ real estate taxes may not exceed ~~the sum of three million dollars ($3,000,000.00).~~ 0.1% of the fully assessed value of all real estate located within The City of Rehoboth Beach.

~~31. To levy and collect a personal or per capita tax upon all persons otherwise qualified to vote at any annual municipal election to be used for any and all municipal purposes and not to exceed the sum of One Dollar ($1.00) in any one year for each such person.~~

~~32. To~~ (29) Except telephone, telegraph, power lines or poles, and rail lines owned or operated by any railroad or railway company engaged in interstate commerce, to levy and collect taxes upon all telephone, telegraph, power poles, pipe lines, rail ~~lines~~ lines, or other constructions or erections of a like character erected within the limits of ~~the~~

~~City,~~ The City of Rehoboth Beach, together with the wire or other appliances thereto or thereon attached, ~~expressly excepting all telephone, telegraph, power lines or poles and rail lines owned or operated by any railroad or railway company engaged in interstate commerce,~~ for any ~~and all~~ purposes, and to this end may at any time direct the same to be included in or added to the ~~City Assessment. In case~~ annual assessment. If the owner or lessee of such constructions or erections, ~~wires~~ wires, or other appliances ~~shall refuse~~ refuses or ~~neglect~~ neglects to pay the taxes levied thereon, in addition to the remedies for the collection ~~thereof~~ of taxes set forth in Section 27 of this Charter, The Commissioners ~~shall have authority to~~ may cause the same to be removed.

~~33.~~ (30) To license, ~~tax~~ tax, and collect fees annually for any ~~and all~~ municipal ~~purposes (including~~ purposes, including the cost and expense of advertising ~~the City)~~ The City of Rehoboth Beach, of ~~such~~ various amounts as The Commissioners from time to time ~~shall~~ fix, from any individual, firm, ~~association~~ association, or corporation carrying on or practicing any business, ~~profession~~ profession, or occupation within ~~the limits of the Town; provided, however, that nothing herein shall~~ The City of Rehoboth Beach's limits. Nothing in this paragraph (30) may be so construed as to make it mandatory ~~upon~~ for any resident of ~~the~~ this State to apply for a license in order to ~~sell~~ sell, in ~~the~~ The City of Rehoboth Beach, any farm produce or products grown upon a farm owned by the vendor or any member of ~~his~~ the vendor's family with whom ~~he~~ the vendor resides.

~~34.~~ (31) To determine from which authorized sources and in what proportions taxes ~~shall be~~ are levied and used each year to raise the revenue or funds required to meet the general expenses of ~~the municipal corporation~~ The City of Rehoboth Beach and all funding, ~~amortization~~ amortization, and interest requirements on ~~it's the~~ The City of Rehoboth Beach's outstanding bonds or other indebtedness.

~~35.~~ (32) To provide for the collection of and disbursement of all ~~monies~~ moneys to which ~~the~~ The City of Rehoboth Beach may become entitled by law, including licenses and fines, ~~where~~ if no provision for the collection and disbursement ~~thereof~~ of the moneys is otherwise provided in ~~the~~ this Charter.

~~36.~~ (33) To borrow money in the name of ~~the~~ The City of Rehoboth Beach 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~~ The City of Rehoboth Beach or such other security or securities as The Commissioners ~~shall~~ select, for the payment of the principal ~~thereof~~ and ~~the interest due thereon, all of which~~ interest. The bonds or other kinds or forms of certificates of indebtedness issued by ~~the~~ The City ~~shall be~~ of Rehoboth Beach are exempt from all ~~State, County~~ state, county, or municipal ~~taxes; provided, that in no event shall the~~ taxes. The indebtedness of ~~the City for any and all purposes,~~ The City of Rehoboth Beach for all purposes may not at any one time exceed in aggregate ~~seventy-five million dollars ($75,000,000.00).~~ $75,000,000.

~~37. To acquire, and/or~~ (34) By way of condemnation or eminent domain, to acquire or to vacate the use of, lands, tenements, personalty, property, easements, rights of way, or any interest in property, either ~~within or without~~ inside or outside the limits of ~~the City, by way of condemnation and eminent domain,~~ The City of Rehoboth Beach, for any proper and lawful municipal purpose or whenever required properly to carry out, ~~exercise~~ exercise, or fulfill any power conferred upon or delegated to ~~the municipal corporation~~ The City of Rehoboth Beach by ~~the~~ this Charter. Proceedings by way of condemnation ~~in any such case shall be~~ are the same ~~or prescribed hereafter in Section 33 of this Charter~~ as for the opening and laying out of new streets or the vacating or abandoning of old streets ~~and the~~ under Section 33 of this Charter. The resolutions referred to in ~~said~~ Section 33 ~~shall~~ of this Charter must be changed and modified to cover any case contemplated ~~hereby.~~ under this paragraph (34).

~~38.~~ (35) To appropriate money to pay the debts, ~~liabilities~~ liabilities, and expenditures of ~~the City, or any part or item thereof,~~ The City of Rehoboth Beach from any ~~fund applicable thereto,~~ applicable fund, and to temporarily transfer ~~temporarily~~ money from one fund to another fund ~~of the Town~~ in case of emergency.

~~39.~~ (36) To provide for the payment of any tax, fine, penalty, license, forfeiture, assessment, fee, ~~charge~~ charge, or other amount due ~~the~~ The City of Rehoboth Beach by the performance of labor or service for ~~the~~ The City of Rehoboth Beach by any person owing the same.

~~40.~~ (37) To inquire into and investigate the conduct of any office, officer, agent, or employee of ~~the~~ The City of Rehoboth Beach or any municipal ~~affair, and for~~ affair. For any such ~~purpose or purposes~~ purpose, The Commissioners may subpoena witnesses, administer oaths or affirmations, and compel the attendance of witnesses and production of books, ~~papers~~ papers, or other evidence by summary process.

~~41.~~ (38)a. To make, ~~adopt~~ adopt, and establish ~~all such~~ ordinances, regulations, ~~rules~~ rules, and ~~by-laws,~~ bylaws, not contrary to the laws of this State ~~and~~ or the United States, as The Commissioners ~~may~~ deem necessary to carry into effect any of the provisions of this Charter or any other law of ~~the~~ this State relating generally to municipal corporations or which ~~they~~ The Commissioners may deem proper and necessary for the good government of ~~the City,~~ The City of Rehoboth Beach, the protection and preservation of persons and ~~property~~ property, and of the public health and welfare of ~~the~~ The City of Rehoboth Beach and its ~~inhabitants; provided, that any~~ inhabitants.

b. Any ordinance relating to the public health of ~~the~~ The City of Rehoboth Beach and its inhabitants, or designed to prevent the introduction or spread of infectious or contagious ~~diseases,~~ diseases or to prevent nuisances affecting the same, ~~shall apply not only~~ applies within the corporate limits of ~~the~~ The City ~~but as well~~ of Rehoboth Beach and to all areas and persons within 1 mile outside ~~the~~ The City ~~within one mile from said~~ of Rehoboth Beach limits.

~~42.~~ (39) To establish, by ordinance ~~duly~~ adopted ~~in accordance with~~ under this ~~Chapter,~~ Charter, a pension ~~plan or~~ plan, a health and welfare plan, or both, for the employees of The City of Rehoboth Beach under ~~such~~ the terms and conditions as The Commissioners, in their discretion, deem most ~~appropriate; provided, that the~~ appropriate. If deemed advisable by The Commissioners, the method of funding ~~may, if deemed advisable by The Commissioners,~~ may be accomplished through an insurance company licensed by ~~the State of Delaware~~ or authorized to do business in this State and approved by a majority of The Commissioners.

~~43.~~ (40)a. To borrow ~~money~~ up to $1,000,000 a year in anticipation of revenues on the full faith and credit of The City of Rehoboth Beach ~~sum or sums not exceeding One Million Dollars ($1,000,000) in any one year when,~~ if, in the opinion of a majority of ~~the Commissioners of Rehoboth Beach,~~ The Commissioners, the needs of The City of Rehoboth Beach require it.

b. Any sum ~~so~~ borrowed ~~shall~~ must be secured by promissory notes of The City of Rehoboth ~~Beach~~ Beach, which are duly authorized by a ~~Resolution~~ resolution adopted by ~~the~~ The Commissioners ~~of Rehoboth Beach~~ and signed by the Mayor ~~of The City of Rehoboth Beach~~ and attested by the Secretary ~~of the Commissioners of Rehoboth Beach~~ with the corporate seal ~~affixed and no~~ affixed. An officer or Commissioner ~~shall be~~ is not liable for the payments of ~~such~~ the promissory notes because ~~it is~~ the officer or Commissioner signed ~~by them~~ the promissory notes as ~~officers~~ an officer or Commissioner of The City of Rehoboth Beach and ~~is~~ the promissory notes are authorized by the ~~Resolution~~ resolution of ~~the Commissioners of Rehoboth Beach; PROVIDED, HOWEVER, that~~ The Commissioners. But the total sum outstanding at any one time ~~shall~~ may not exceed ~~One Million Dollars ($1,000,000); AND PROVIDED FURTHER, that any~~ $1,000,000.

c. Any sum of money ~~so borrowed, as aforesaid,~~ borrowed under this paragraph (40) in any fiscal year ~~shall~~ must be paid from the general fund of The City of Rehoboth Beach, and ~~shall~~ may be completely repaid at any time but must be completely ~~paid~~ paid, with interest, at the end of ~~ten (10)~~ 10 fiscal years following the first fiscal year when ~~said~~ the sum ~~or sums were borrowed with interest thereon; and PROVIDED FURTHER, that such ad~~ was borrowed. Ad valorem taxes shall be levied as are necessary to pay the principal of and interest on ~~said~~ the bonds ~~as is required~~ without regard to any other limitation concerning the maximum rate of ~~taxation and such~~ taxation. The notes and the interest ~~thereon shall be~~ on the notes are exempt from all taxation by ~~the~~ this State ~~of Delaware~~ or by any political subdivision, ~~agency~~ agency, or subdivision ~~thereof.~~ of this State.

~~44.~~ (41) To impose and collect a lodging tax of no more than 3% of the rent, in addition to the amount imposed by ~~the~~ this State, for the occupancy of any room ~~or rooms~~ in a hotel, motel, or tourist home ~~which is~~ located within the boundaries of ~~the City,~~ The City of Rehoboth Beach, under Chapter 61 of Title 30 of the Delaware Code.

Indemnification Of City Officers And Employees

Section 29A.

(a) For purposes of this ~~section, the term~~ Section, "city officers and employees" ~~shall include~~ includes the Mayor and ~~the Commissioners of the City of Rehoboth Beach,~~ other Commissioners, all appointed ~~officers~~ officers, and all employees of ~~the~~ The City of Rehoboth Beach.

(d)(1) The ~~city solicitor~~ City Solicitor shall undertake the representation or defense without charge of any city officer or employee in a civil action arising out of or related to the performance ~~by said officer or employee of his~~ of the city officer's or employee's public ~~duties; or~~ duties.

(2) The City Solicitor may undertake the representation or defense without charge of any city officer or employee in a criminal action arising from the performance of ~~his~~ the city officer's or employee's ~~duties and which~~ duties, if the action does not allege official misconduct, profiteering, bribery, receiving unlawful gratuities, improper ~~influence~~ influences, or other use of ~~his~~ their office or employment. ~~An~~ A city officer or employee may select ~~his or her~~ their attorney with the concurrence of the ~~city solicitor~~ City Solicitor and ~~the~~ The Commissioners.

(e) ~~An~~ A city officer or employee who is held liable for the payment of any claims arising out of a civil action, or settlements, judgments, expenses, ~~costs~~ costs, and awards of ~~attorneys~~ attorney's fees arising ~~therefrom, shall be~~ from the civil action, is entitled to indemnification therefor from ~~the where~~ The City of Rehoboth Beach, if the City Solicitor determines, subject to The Commissioners' approval, that the claim ~~shall have been determined by the city solicitor, subject to the approval of the Commissioners, to have~~ resulted from ~~activities; which:~~ activities that were all of the following:

~~1. Were done~~ (1) Done in good ~~faith; and~~ faith.

~~2. Where done~~ (2) Done in the reasonable belief that ~~such~~ the activities were in ~~the~~ The City of Rehoboth Beach's best interest ~~of the City,~~ and in ~~the~~ furtherance of ~~the~~ The City of Rehoboth Beach's official practices and ~~policies of the City; and~~ policies.

~~3. Were within~~ (3) Within the city employee's or officer's the scope of ~~authority of the person so acting; and~~ authority.

~~4. Were within the~~ (4) Within the city employee's or officer's course of ~~employment of the person so acting; and~~ employment.

~~5. Were not wilful, malicious~~ (5) Not willful, malicious, or wanton.

(f) In addition to ~~the City's~~ The City of Rehoboth Beach's obligation to indemnify ~~City~~ city officers and employees, the City ~~Manager~~ Manager, on behalf of ~~the is hereby authorized to~~ The City of Rehoboth Beach, may enter into contracts of insurance for the indemnification of ~~City~~ city officers and employees who are determined to be entitled

~~thereto~~ to indemnification in accordance with ~~subparagraph (c)~~ subsection (e) of this ~~section,~~ Section, or for ~~such~~ broader coverage as ~~he~~ the City Manager deems advisable.

(g)(1) The Commissioners ~~may, upon resolution, authorize~~ may authorize, by resolution, the payment of legal fees incurred by a ~~City~~ city officer or employee for representation in a criminal action, if the charge arose out of or in the course of ~~City employment.~~ the city officer's or employee's official duties. The Commissioners shall review an application for reimbursement based ~~upon~~ on the criteria set forth in subsection ~~(c). In no event shall any payment~~ (e) of this Section.

(2) Payment under this ~~section~~ subsection may not be authorized ~~where the~~ if the city officer or employee ~~has~~ has, after trial and any appeal, been found guilty of, ~~after trial and any appeal,~~ or has entered a plea of guilty or ~~nolle contendere~~ nolo contendere, to a crime involving a breach of public trust.

Drainage

Section 38.

(a)(1) The Commissioners ~~of Rehoboth Beach shall have the full jurisdiction and control, within the limits of the City,~~ within The City of Rehoboth Beach's limits, have all of the following:

a. The full jurisdiction and control of the drainage of all ~~water thereof, together with the~~ water.

b. The right to alter and change the course and direction of any of the natural water courses, runs and rivulets within ~~the limits of the City and~~ The City of Rehoboth Beach's limits.

(2) The ~~Commissioner~~ Commissioners may pass ordinances for the opening of gutters, surface water and underground drains and sewers within ~~the limits of the City.~~ The City of Rehoboth Beach's limits.

(b)(1) The Commissioners ~~of Rehoboth Beach shall also~~ have full power to regulate, maintain, ~~clean~~ clean, and keep the natural water courses, ~~runs~~ runs, and rivulets within ~~the~~ The City of Rehoboth Beach's limits ~~open and clean~~ open, clean, and unobstructed and for that purpose may authorize the entry upon private lands and take, ~~condemn~~ condemn, and occupy the ~~same~~ private lands in the same manner and by the same condemnation proceedings as ~~hereinbefore~~ provided by Section 33 of this ~~Charter; which is concerned with the opening and laying-out of any streets.~~ Charter. By like proceedings The Commissioners ~~of Rehoboth Beach shall~~ also have the power ~~and authority~~ to enter upon private lands and take, ~~condemn~~ condemn, and occupy the ~~same~~ private lands for the purpose of laying-down ~~gutters, surface~~ any of the following within The City of Rehoboth Beach's limits:

a. Gutters.

b. Surface water and underground water ~~drains or sewers, or any of them, within the City limits. Provided, however, that the~~ drains.

c. Sewers.

(2) The resolutions referred to in Section 33 of this Charter ~~shall~~ must be changed and modified to cover those cases contemplated by this ~~particular~~ Section ~~of the Charter shall be changed and modified to cover those cases contemplated by this particular Section~~ of the Charter.