



SPONSOR: Rep. Schwartzkopf & Sen. Bunting

HOUSE OF REPRESENTATIVES

143rd GENERAL ASSEMBLY

HOUSE BILL NO. 530

AN ACT TO AMEND CHAPTER 197, VOLUME 54 OF THE LAWS OF DELAWARE, AS AMENDED, ENTITLED "AN ACT REVISING THE PRIOR CHARTER OF THE CITY OF REHOBOTH BEACH AND ESTABLISHING A NEW CHARTER THEREFOR AND PRESCRIBING THE POWERS AND DUTIES OF THE COMMISSIONERS OF REHOBOTH BEACH" RELATING TO 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 Section 18, Chapter 197, Volume 54 of the Laws of Delaware, as amended, by striking Section 18 and its heading in their entirety and substituting in lieu thereof the following:

"AUDITORS

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 The Commissioners at each annual meeting hereinbefore provided to serve for the term of one year or until their successors shall have been duly appointed and qualified.

b. It shall be their duty to audit the accounts of The City and all of its officers whose duty involves the collection, custody and payment of monies to The City. They shall audit the books of the Mayor of The City of Rehoboth Beach, and the records of all fines, penalties and costs imposed or collected by him pursuant by any judgment, order, or decree made. The auditors on or before the fifteenth day of September, annually, next following their appointment, shall make and deliver a detailed report of every and all accounts, records, and books by them examined and audited, which report under their hands and seals shall be printed in a newspaper published in The City in the issue immediately succeeding their annual report. The auditors, in the performance of their duties, shall have access to all records and accounts of the offices of The Commissioners and they are authorized and empowered to employ such clerks and accountants as in their judgment may be necessary in the proper performance of their duties at such compensation as may be determined by The Commissioners."

Section 2. Amend Section 19, Chapter 197, Volume 54 of the Laws of Delaware, as amended, by striking Section 19 and its headings in their entirety and substituting in lieu thereof a new Section 19 and heading to read as follows:

"CITY SOLICITOR

Section 19. The Commissioners shall select and appoint a City Solicitor for an indefinite term who shall be removable at the pleasure of The Commissioners of Rehoboth Beach either with or without due cause stated. The City Solicitor shall be a member in good standing of the Bar of the State of Delaware. It shall be his duty to give legal advice to The Commissioners and other offices of The City and to perform other legal services as may be required of him by The Commissioners."

Section 3. Amend Section 20, Chapter 197, Volume 54 of the Laws of Delaware, as amended, by striking Section 20 in its entirety and substituting in lieu thereof the language "[Reserved]".

Section 4. Amend Subsection a., Section 29, Chapter 197, Volume 54 of the Laws of Delaware, as amended, by striking from paragraph 30 of said Subsection the phrase ""one million dollars (\$1,000,000.00)" as said phrase appears therein and substituting in lieu thereof the phrase "three million dollars (\$3,000,000.00)".

Section 5. Amend Subsection a., Section 29, Chapter 197, Volume 54 of the Laws of Delaware, as amended, by striking from paragraph 42 of said Subsection the phrase "however, that any annual appropriation which is made by The Commissioners under any such pension plan or any health and welfare plan, or both, shall not exceed a maximum of Fifteen per cent (15%) of the total annual payroll of the City, and provided further," as said phrase appears therein.

Section 6. Amend Subsection (f), Section 32, Chapter 197, Volume 54 of the Laws of Delaware, as amended, by striking the phrase "more than fifty percent" as said phrase appears throughout therein and substituting in lieu thereof the phrase "fifty percent or more".

Section 7. Amend Subsection (f), Section 32, Chapter 197, Volume 54 of the Laws of Delaware, as amended, by striking the phrase "referred to said resolution" as said phrase appears therein and substituting in lieu thereof the phrase "referred to in said resolution".

Section 8. Amend Subsection a., Section 42A, Chapter 197, Volume 54 of the Laws of Delaware, as amended, by striking the phrase "no tax levied under this section shall exceed one percent (1%) of the sales price (including the value of any assumed mortgage or mortgages) or fair market value of the real property so transferred; And Provided Further that" as said phrase appears therein.

Section 9. Amend Subsection e., Section 42A, Chapter 197, Volume 54 of the Laws of Delaware, as amended, by striking the phrase "No tax levied under this section shall exceed the difference between any tax levied by the State of Delaware on the same property and one percent (1%)" as said phrase appears therein and substituting in lieu thereof the phrase "All taxes levied under this section shall be of an amount consistent with Title 22, Chapter 16, Revised Code of Delaware, 1974, and all amendments thereto".

48 Section 10. If any provision of this Act shall be deemed or held to be invalid or unenforceable for any reason whatsoever,
49 then such invalidity or unenforceability shall not affect any other provision of this Act which may be given effect without such
50 invalid or unenforceable provision, and to this end, the provisions of this Act are hereby declared to be severable.

51 Section 11. This Act shall become effective upon its enactment into law.

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SYNOPSIS

This Act amends the City Charter for the City of Rehoboth Beach by deleting the requirement that the City Solicitor have an office in Sussex County. This Act restates the section concerning auditors. This Act also deletes all reference to a Board of Health. This Act further raises the amount of taxes that may be levied and collected upon real estate within the City from \$1,000,000.00 to \$3,000,000.00 to address the increase in the value of property within the City. In addition, this Act removes the previous requirement that any annual appropriation which is made by The Commissioners under any City pension plan or any City health and welfare plan, or both, shall not exceed a maximum of fifteen percent (15%) of the total annual payroll of the City. This Act further addresses a scenario to which the City Charter was previously silent concerning requirements for the installation, repair, or replacement of sidewalks, curbs, or gutters, when exactly fifty percent (50%) of the lots on a block have such amenities and exactly fifty percent (50%) of the lots on a block do not have such amenities. Finally, this Act clarifies that all taxes levied, assessed, and collected pursuant to Section 42A of the City Charter shall be of an amount consistent with Title 22, Chapter 16, Revised Code of Delaware, 1974, and all amendments thereto.