



SPONSOR: Rep. Quillen & Sen. Bonini

HOUSE OF REPRESENTATIVES

142nd GENERAL ASSEMBLY

HOUSE BILL NO. 386  
AS AMENDED BY  
HOUSE AMENDMENT NO. 1

AN ACT TO AMEND AN ACT ENTITLED "AN ACT TO REINCORPORATE THE CITY OF HARRINGTON", BEING CHAPTER 115, VOLUME 69, LAWS OF DELAWARE, AS AMENDED, RELATING TO CHARTER REVISIONS FOR THE CITY OF HARRINGTON.

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 Chapter 115, Volume 69, Laws of Delaware, as amended, by deleting the word "THENCE" as found in Section 2 and substituting in lieu thereof the word "thence".

Section 2. Amend Chapter 115, Volume 69, Laws of Delaware, as amended, by deleting the word "Manager" as found in Section 3.2.2 (c).

Section 3. Amend Chapter 115, Volume 69, Laws of Delaware, as amended, by deleting the words "electric bill, gas bill" as found in Section 4.2.6.

Section 4. Amend Chapter 115, Volume 69, Laws of Delaware, as amended, by striking in its entirety Section 5.2.3 and substituting in lieu thereof the following:

"5.2.3. Limitation on Terms

There will be no term limits on a person who holds the Office of Mayor under this Charter. There will be no term limits on a person who holds the Office of Council Person, under this Charter."

Section 5. Amend Chapter 115, Volume 69, Laws of Delaware, as amended, by deleting "1994" as found in Section 5.3.7 (b).

Section 6. Amend Chapter 115, Volume 69, Laws of Delaware, as amended, by deleting "1990" as found in Section 5.3.7 (b) and substituting in lieu thereof the word "current".

Section 7. Amend Chapter 115, Volume 69, Laws of Delaware, as amended, by deleting the words "City Clerk" as found in Section 5.5 and substituting in lieu thereof the words "Clerk of Council".

Section 8. Amend Chapter 115, Volume 69, Laws of Delaware, as amended, by deleting the phrase “two (2) years” as found in Section 5.6.1 and substituting in lieu thereof the phrase “four (4) years”.

Section 9. Amend Chapter 115, Volume 69, Laws of Delaware, as amended, by deleting the word “natural” as found in Section 6.2.

Section 10. Amend Chapter 115, Volume 69, Laws of Delaware, as amended, by deleting the word “City’s” as found in Section 6.2 and substituting in lieu thereof the words “Kent County”.

Section 11. Amend Chapter 115, Volume 69, Laws of Delaware, as amended, by deleting the words “City Manager” as found in Section 7.2.3 and substituting in lieu thereof the words “Finance Director”.

Section 12. Amend Chapter 115, Volume 69, Laws of Delaware, as amended, by striking in its entirety the paragraph which begins with the words “The Mayor” and ends with the words “by Council” as found in Section 7.2.3.

Section 13. Amend Chapter 115, Volume 69, Laws of Delaware, as amended, by deleting the words “City Manager” as found in Section 7.3 and substituting in lieu thereof the words “Operations Manager”.

Section 14. Amend Chapter 115, Volume 69, Laws of Delaware, as amended, by adding a new Section 7.4.3 to read as follows:

“Section 7.4.3. Restrictions Related to Personal or Private Interest.

- (a) A Mayor or Council Member who has a personal or private interest in any measure pending in the City of Harrington shall disclose the fact to the Council, which he or she is a member, and shall not participate in the debate nor vote thereon; provided that upon the request of any other member of the Council or Mayor, as the case may be, a Council Member or Mayor who has such a personal or private interest may nevertheless respond to questions concerning any such measure. A personal or private interest in a measure is an interest which tends to impair a Council Member’s or Mayor’s independence of judgment in the performance of his or her Council duties with respect to that measure.
- (b) A Council Member or Mayor has an interest which tends to impair his or her independence of judgment in the performance of his or her Council duties with regard to any measure when:
  - (1) the enactment or defeat of the measure would result in a financial benefit or detriment to accrue to the Council Member, Mayor or a close relative to a greater extent that such benefit or detriment would accrue to others who are members of the same class or group of persons, or

- (2) the Council Member or Mayor or a close relative has a financial interest in a private enterprise which enterprise or interest would be affected by a measure to a lesser or greater extent than like enterprises or other interests in the same enterprise.”.

Section 15. Amend Chapter 115, Volume 69, Laws of Delaware, as amended, by striking Section 7.7 in its entirety and by substituting in lieu thereof the following:

“Section 7.7. Compensation.

The Council shall determine the compensation per meeting and emoluments of the Mayor and Council by ordinance or policy. Members of Council, the Mayor and appointed officials shall receive reimbursements for actual and necessary expenses incurred when on official business as prescribed by ordinance or policy.”.

Section 16. Amend Chapter 115, Volume 69, Laws of Delaware, as amended, by deleting the word ‘written’ as it appears in two places in the first sentence in Section 9.2.

Section 17. Amend Chapter 115, Volume 69, Laws of Delaware, as amended, by deleting the title “City Manager” of Section 11.1 and substituting in lieu thereof the title “Operations Manager”.

Section 18. Amend Chapter 115, Volume 69, Laws of Delaware, as amended, by deleting the words “City Manager” as found in Section 11.1.1 and substituting in lieu thereof the words “Operations Manager”.

Section 19. Amend Chapter 115, Volume 69, Laws of Delaware, as amended, by adding the following sentence to the end of Section 11.1.1:

“Any reference in any previously enacted ordinance to City Manager shall be construed as referring to the Operations Manager.”.

Section 20. Amend Chapter 115, Volume 69, Laws of Delaware, as amended, by deleting the words “City Manager” as found in Section 11.1.2 and substituting in lieu thereof the words “Operations Manager”.

Section 21. Amend Chapter 115, Volume 69, Laws of Delaware, as amended, by deleting the words “City Manager” as found in Section 11.1.3 and substituting in lieu thereof the words “Operations Manager”.

Section 22. Amend Chapter 115, Volume 69, Laws of Delaware, as amended, by deleting the words “City Manager” as found in Section 11.1.4 and substituting in lieu thereof the words “Operations Manager”.

Section 23. Amend Chapter 115, Volume 69, Laws of Delaware, as amended, by deleting the phrase “to the City Council or its Personnel Committee” as found in Section 11.1.4 and substituting in lieu thereof the phrase “per the Employee Handbook Grievance Procedure.”.

Section 24. Amend Chapter 115, Volume 69, Laws of Delaware, as amended, by deleting the words “City Manager” as found in Section 11.1.5 and substituting in lieu thereof the words “Operations Manager”.

Section 25. Amend Chapter 115, Volume 69, Laws of Delaware, as amended, by deleting the words “City Manager” as found in Section 11.1.6 and substituting in lieu thereof the words “Operations Manager”.

Section 26. Amend Chapter 115, Volume 69, Laws of Delaware, as amended, by deleting the phrases “financial conditions” and “with the Budget Committee to prepare and submit to Council the annual budget estimate,” as found in Section 11.1.6.

Section 27. Amend Chapter 115, Volume 69, Laws of Delaware, as amended, by deleting the words “City Manager” as found in Section 11.1.7 and substituting in lieu thereof the words “Operations Manager”.

Section 28. Amend Chapter 115, Volume 69, Laws of Delaware, as amended, by deleting in its entirety the first sentence of the second paragraph of subsection 11.1.7.

Section 29. Amend Chapter 115, Volume 69, Laws of Delaware, as amended, , by deleting the words “City Manager” as found in Section 11.1.8 and substituting in lieu thereof the words “Operations Manager”.

Section 30. Amend Chapter 115, Volume 69, Laws of Delaware, as amended, by deleting the words “City Manager” as found in Section 11.2 and substituting in lieu thereof the words “Operations Manager”.

Section 31. Amend Chapter 115, Volume 69, Laws of Delaware, as amended, by deleting the words “City Manager” as found in Section 11.3 and substituting in lieu thereof the words “Operations Manager”.

Section 32. Amend Chapter 115, Volume 69, Laws of Delaware, as amended, by deleting the phrase “Personnel Committee and the” as found in Section 11.5.1.

Section 33. Amend Chapter 115, Volume 69, Laws of Delaware, as amended, by deleting the words “City Manager” as found in Section 11.5.1 and substituting in lieu thereof the words “Operations Manager”.

Section 34. Amend Chapter 115, Volume 69, Laws of Delaware, as amended, by renumbering the existing Sections 11.7 and 11.8 as new Sections 11.8 and 11.9 and by adding a new Section 11.7 to read as follows:

“Section 11.7. Finance Director.

Section 11.7.1. The Finance Director shall be hired by the Council, in the same procedure as the Operations Manager. No member of Council shall, during the term for which elected, be appointed to act as Finance Director. The Finance Director shall be appointed for an indefinite term, but shall be removed at the pleasure of the Council. Before the Finance Director may be removed, he/she shall be given a written statement of the reasons alleged for his/her removal and shall be granted, if he/she demands in writing filed

with Clerk of Council within five (5) days after receiving the written notice of his/her removal, the right to be heard publicly thereon at a meeting of Council, but pending and during such hearing the Council may suspend him/her from office under such terms and/or conditions as specified by Council. The action of the Council in suspending or removing the Finance Director shall be final, it being the intention of this Charter to vest all authority and fix all responsibility for such suspension or removal in the Council. In the case of the absence, disability, or suspension of the Finance Director, the Council may designate some other competent person to perform the duties of the office during such absence, disability or suspension.

Section 11.7.2. Responsibility to Council.

It shall be the duty of the Finance Director to keep Council advised of the financial conditions, with the Budget Committee to prepare and submit to the Council the annual budget estimate.

Section 11.7.3. Duties of Finance Director.

He/she shall keep a full and strict account of all monies received and all disbursements made by his/her and such accounts shall be at all times open to inspection by the Council. He/she shall make such reports and at such times as the Council shall direct.

Section 11.7.4. Bond.

The Council may require the Finance Director to give bond in such amount and such form and with such surety as the Council shall approve, said bond to be paid by the City.”.

Section 35. Amend Chapter 115, Volume 69, Laws of Delaware, as amended, by deleting the word “three (3)” as found in Section 12.2.1 and substituting in lieu thereof the phrase “no more than six (6)”.

Section 36. Amend Chapter 115, Volume 69, Laws of Delaware, as amended, by deleting the words “City Manager” as found in Section 12.4.2 and substituting in lieu thereof the words “Operations Manager”.

Section 37. Amend Chapter 115, Volume 69, Laws of Delaware, as amended, by deleting the word “March” as found in Section 13.1 and substituting in lieu thereof the word “May”.

Section 38. Amend Chapter 115, Volume 69, Laws of Delaware, as amended, by deleting the words “City Manager” as found in Section 13.1 and substituting in lieu thereof the words “Finance Director”.

Section 39. Amend Chapter 115, Volume 69, Laws of Delaware, as amended, by deleting the words “City Manager” as found in Section 13.1(f) and substituting in lieu thereof the words “Finance Director”.

Section 40. Amend Chapter 115, Volume 69, Laws of Delaware, as amended, by deleting the word “first” as found in Section 13.1(f) and substituting in lieu thereof the word “thirtieth”.

Section 41. Amend Chapter 115, Volume 69, Laws of Delaware, as amended, by deleting the word “June” as found in Section 13.2 and substituting in lieu thereof the word “May”.

Section 42. Amend Chapter 115, Volume 69, Laws of Delaware, as amended, by deleting the words “City Manager” as found in Section 14.1 and substituting in lieu thereof the words “Operations Manager”.

Section 43. Amend Chapter 115, Volume 69, Laws of Delaware, as amended, by deleting the words “City Manager” as found in Section 15.1 and substituting in lieu thereof the words “Operations Manager”.

Section 44. Amend Chapter 115, Volume 69, Laws of Delaware, as amended, by deleting the words “City Manager” as found in Section 15.3 and substituting in lieu thereof the words “Operations Manager”.

Section 45. Amend Chapter 115, Volume 69, Laws of Delaware, as amended, by deleting the word “October” wherever it appears in Section 15.5 and substituting in lieu thereof the word “November”.

Section 46. Amend Chapter 115, Volume 69, Laws of Delaware, as amended, by deleting the words “City Manager” as found in Section 15.6 and substituting in lieu thereof the words “Operations Manager”.

Section 47. Amend Chapter 115, Volume 69, Laws of Delaware, as amended, by deleting the words “City Manager” as found in Section 17.3 and substituting in lieu thereof the words “Finance Director”.

Section 48. Amend Chapter 115, Volume 69, Laws of Delaware, as amended, by deleting the phrase “in the month of August” as found in Section 17.4 and substituting in lieu thereof the words “by the month of October”.

Section 49. Amend Chapter 115, Volume 69, Laws of Delaware, as amended, by deleting the phrase “sent, certified mail, return receipt requested” as found in Section 19.3 and substituting in lieu thereof the word “mailed”.

Section 50. Amend Chapter 115, Volume 69, Laws of Delaware, as amended, by deleting the words “City Manager” as found in Section 22.3 and substituting in lieu thereof the phrase “Operations Manager”.

Section 51. Amend Chapter 115, Volume 69, Laws of Delaware, as amended, by deleting “\$20,000” as found in Section 27(A) and substituting in lieu thereof “\$50,000”.