SPONSOR: Rep. Dukes & Sen. Venables;

HOUSE OF REPRESENTATIVES
147th GENERAL ASSEMBLY

HOUSE BILL NO. 314

AN ACT TO AMEND THE CHARTER OF THE TOWN OF BETHEL RELATING TO VACANCIES AND MEETINGS OF TOWN COUNCIL.

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 5.5 of the Charter of the Town of Bethel by making deletions as shown by strikethrough and insertions as shown by underline as follows:

Section 5: ELECTIONS:

5.5: PUBLIC OFFICE VACATED:

If any vacancy shall occur on the Bethel Town Council, by death, resignation, loss of residence in the Town of Bethel, refusal to serve, failure to elect, conviction of a felony, or otherwise, the position ~~shall~~ may be offered to the candidate of the preceding election who received the highest number of votes of candidates not winning a seat on the Council. If a vacancy ~~cannot thus be filled~~ is not filled in this manner, it may be filled by a majority vote of the Bethel Town Council. The person or persons so chosen to fill such vacancy shall be Qualified as in the case of newly elected Commissioners and shall hold office until the next annual election, at which time said vacancy or vacancies shall be filled by an election for the remainder of the unexpired term.

Section 2. Amend Section 8 of the Charter of the Town of Bethel by making deletions as shown by strikethrough and insertions as shown by underline as follows:

Section 8: MEETINGS OF TOWN COUNCIL:

2. Organizational Meeting

a. The Bethel Town Council shall hold an Organizational Meeting as soon as possible after the Municipal Election, in accordance with State and local law.

b. At the Organizational Meeting members of the council:

i. shall elect by ballot one of their own to be President of the Council and President Pro Tempore of the Council,

ii. shall elect by ballot a Secretary and a Treasurer for the Council,

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iii. Unless otherwise dictated by Delaware State law, the Bethel Town Council ~~will~~ may appoint by a majority vote membership to standing committees, boards and commissions. All candidates must express their interest to the Bethel Town Council in writing prior to the meeting. Council shall not appoint any person who has not recently expressed an interest in serving.

SYNOPSIS

This Bill amends the Town's Charter to make filling a vacancy on the Bethel Town Council by appointing a prior candidate for office optional as opposed to mandatory. This Bill also gives the Bethel Town Council discretion to decide whether to appoint members to standing committees, boards, and commissions during an organizational meeting.