SPONSOR: Sen. Gay & Rep. Lambert

DELAWARE STATE SENATE
152nd GENERAL ASSEMBLY

SENATE BILL NO. 243

AN ACT TO AMEND THE CHARTER OF THE VILLAGE OF ARDENCROFT.

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 Village of Ardencroft by deleting the text of the Charter in its entirety and making insertions as shown by underlining as follows:

Charter of the Village of Ardencroft

Preamble

We the people of the Village of Ardencroft, under the constitution and laws of the State of Delaware, in order to secure the benefits of self-governance do hereby adopt this charter and confer upon the Village the following powers, subject to the following restrictions, and prescribed by the following procedures and governmental structure. By this action, we secure the benefits of home rule and affirm the values from our Georgist, conservationist, and integrationist history, including: equal opportunity, direct democracy, common land ownership, environmental stewardship, diversity, inclusion, and belonging.

Section 1

Name and General Powers

(a) The inhabitants of the Village of Ardencroft in New Castle County, Delaware, and their successors within the limits hereinafter prescribed or hereafter established, are hereby constituted, created and established a municipal corporation and body public forever, by the name and style of the "Village of Ardencroft" hereinafter "the Village".

(b) Under that name they shall have perpetual succession; may have and use an official seal, which may be altered, changed or renewed at pleasure; may sue or be sued; for any public, municipal educational or charitable purpose, may acquire by gift, grant, purchase, lease, demise, bequest or otherwise hold, real and personal property within and without the limits hereinafter prescribed; for the common benefit may dispose of real and personal property owned or held by it; and shall possess in addition to the powers expressly enumerated or specifically mentioned in this Act, all powers, which under the Constitution of the State of Delaware, it is now or in the future may be, lawful for this Act to enumerate. All powers of the

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Village, whether expressed or implied, shall be exercised as prescribed by this Act. If no procedure or manner of exercise be prescribed herein the same shall be exercised as prescribed by an appropriate ordinance or resolution of the Village Assembly of Ardencroft.

Section 2

Territorial Limits

(a) The corporate limits of the Village are described in Exhibit A, along with a mapped representation of that description.

(b) The Village Assembly may at any time hereafter, cause a survey and plot of the Village to be made, and said plot or any supplement thereto, when so made and approved by the Village Assembly signed by the Secretary of the Village Assembly, and upon being recorded in the office of the Recorder of Deeds of the State of Delaware in and for New Castle County, shall be the record thereof, and such record, or a duly certified copy thereof, shall be evidence in all Courts of Law and Equity of this State.

Section 3

Definitions

The following are definitions as used in this Act:

(a) Village Assembly is the legislative body of eligible voters.

(b) Meetings of the Village Assembly are events held at various points in the year. At such meetings, whether regular or special meetings, eligible voters choosing to attend conduct Village business by hearing updates from officers and committees and by debating and voting on issues at hand. Village Assembly meetings are open to the public, but only eligible voters may vote.

(c) Eligible voter shall mean a resident, age 18 years or older.

(d) Resident is defined as a person residing in the Village for a period of 30 consecutive days who currently resides in the Village for the majority of the calendar year. Residents include those renting housing units in the Village, as well as resident leaseholders.

(e) Officers of the Village Assembly shall be the Village Assembly Chair, Secretary, and Treasurer.

(f) An ordinance is a legislative act of the Village Assembly. It is the municipal equivalent of a statute.

(g) A resolution, like an ordinance, is a legislative act of the Village Assembly. A resolution is a formal decision of the Village Assembly taken by a vote and recorded in the minutes of a meeting.

(h) A policy is a set of principles used for making decisions or taking actions. A procedure is a set of rules, guidelines or processes for implementing a policy. There is considerable overlap in the definitions and purposes of policies and procedures.

(i) A motion is not a legislative action. Rather, it is a proposal for formal action that if approved by the Village Assembly would enact an ordinance or resolution.

Section 4

Form of Government

The Village's form of government is an open town meeting, one of several historical forms of municipal governments in the United States (others may include mayor-council, council-manager, city commission, and representative town meeting).

The government of the Village and the exercise of all powers conferred by this Act, except as otherwise provided herein, shall be vested in the Village Assembly of the Village of Ardencroft.

Section 5

Powers and Ordinances

The Village shall have all powers possible for the Village to have under the Constitution and laws of Delaware as fully and completely as though they were specifically enumerated by this Act. In furtherance thereof, the Village Assembly is hereby vested with the authority to enact ordinances and adopt resolutions relating to any subject within the powers of functions of the Village, or relating to the government of the Village, its peace and order, its sanitation, beauty, the health, safety, convenience and comfort of its population, and the protection and preservation of property, and to fix, impose and enforce the payment of fines and penalties for the violation of such ordinances or resolutions on any particular subject shall be held to be restrictive of the power to enact ordinances or resolutions on any subject not specifically enumerated.

The Village may exercise any of its powers or perform any of its functions and may participate in the financing thereof, jointly or in cooperation, by contract or otherwise with any one or more states or civil divisions or agencies thereof, including the government of New Castle County, or the United States or any agency thereof.

No ordinances of the Village concerning zoning, housing or building permits shall be less restrictive than the requirements of the New Castle County codes now and hereafter in effect.

Section 6

Meetings of the Village Assembly

(a) A minimum of 4 regular meetings of the Village Assembly shall be held each year, barring any force majeure. Meeting locations can be the Buzz Ware Village Center, the Arden Gild Hall, or other suitable public place. Meetings may

also be virtual in whole or in part. The annual number and timing of regular meetings shall be established by the Village Assembly.

(b) Special meetings of the Village Assembly may be called by the Secretary of the Village Assembly: 1. upon written request of 15 eligible voters, provided that such request shall state the purpose for calling such meeting, which purpose shall be set forth in the notice of such meeting; or 2. upon the affirmative vote of a majority of eligible voters at a regular or special meeting shall state the purpose therefore, which purpose shall be set forth in the notice thereof.

(c) Notice of all meetings of the Village Assembly, regular or special, shall conform with County, State, and/or Federal law. Further specification on notices of meetings shall be established by the Village Assembly.

(d) At all meetings of the Village Assembly, 14 eligible voters shall constitute a quorum for the enactment of all ordinances, the adoption of all resolutions and motions, and the transaction of all business properly before the Village Assembly. Village Assembly meetings are open to the public, including non-eligible voters.

(e) Each eligible voter attending a meeting of the Village Assembly shall have 1 vote on each matter brought before such meeting. The Secretary of the Village Assembly shall take the yeas and nays and, unless otherwise specified in this Act, a majority of the yeas shall be sufficient to pass all ordinances, resolutions and motions at any meeting of the Village Assembly, and to transact all business properly brought before the meeting.

(f) No ordinance of the Village shall be voted upon by the Village Assembly unless submitted to the Village Assembly in writing and read at 2 consecutive meetings whether regular or special, with a vote following the reading at the second meeting.

(g) The Village Assembly shall determine its own rules and order of business and shall conform with County, State, and/or Federal law. Minutes shall be kept by the appropriate officer.

Section 7

Officers

(a) The Village Assembly shall elect an eligible voter to serve as Chair of the Village Assembly who shall preside at all meetings thereof, and who may be empowered by the Village Assembly to appoint members to Special Committees. The term length of the Chair shall be established by the Village Assembly but be no less than 1 year and no greater than 2 years. Each Chair shall serve until a successor is duly elected by the Village Assembly in accordance with the provisions hereof. The signature, certifications or attestation of the Chair of the Village Assembly to any document pertaining to the affairs of the Village called for by any act, statute, rule or regulation of the State of Delaware or any agency thereof shall be good and sufficient compliance therewith, notwithstanding that such act, statute, rule or regulation designates such document to be signed, certified or attested by the Mayor, City Manager, President or Council or like designated chief executive of an

incorporated municipality of the State of Delaware. The Chair may have other powers and responsibilities as prescribed by the Village Assembly.

(b) The Village Assembly shall elect an eligible voter to serve as Secretary of the Village Assembly. The term length of the Secretary shall be established by the Village Assembly but be no less than 1 year and no greater than 2 years. Each Secretary shall serve until a successor is duly elected by the Village Assembly in accordance with the provisions hereof. The Secretary shall have charge of all papers and documents arising out of the proceedings of the Village Assembly and shall maintain an accurate public record of ordinances, resolutions, and policies in response to changes. . The Secretary may have other powers and responsibilities as may be prescribed by the Village Assembly.

(c) The Village Assembly shall elect an eligible voter to serve as Treasurer of the Village Assembly. The term length of a Treasurer shall be established by the Village Assembly but be no less than 1 year and no greater than 2 years. Each Treasurer shall serve until a successor is duly elected by the Village Assembly in accordance with the provisions hereof. It shall be the duty of the Treasurer to furnish annually to the Coordinating Committee (hereinafter referred to) all necessary information upon which the Coordinating Committee can recommend a proposed budget to the Village Assembly at least 2 months prior to the next fiscal year. Such information shall include the actual expenditures of the Village during the prior fiscal year and the budget adopted by the Village Assembly for the current fiscal year of the Village. The Treasurer shall regularly update the Village Assembly on income and expenditures. The Treasurer may have other powers and responsibilities as prescribed by the Village Assembly.

Section 8

Committees

(a) The Village Assembly shall elect such officials and agents, committees, and commissioners of the Village which the Village Assembly may deem proper and necessary for the management of the Village and for the operation and enforcement of this Act and of any ordinances and resolutions adopted hereunder. Any person so elected must be an eligible voter of the Village and shall serve at the pleasure of the Village Assembly but in no event longer than 2 years unless re-elected.

(b) The Village Assembly may at such times as it deems appropriate empower the Village Assembly Chair to appoint members to Special Committees. Any person so elected or appointed must be an eligible voter of the Village and shall serve for the duration of the committee's purpose.

(c) All persons presently serving on committees of the Village Assembly shall continue in office until their successors are duly elected in the manner herein provided.

Section 9

Registration Committee

(a) The Registration Committee shall consist of at least 3 eligible voters elected for terms of 2 years. Number of members and staggering of members' terms shall be established by the Village Assembly.

(b) The Registration Committee shall register all eligible voters as defined in Section 3(c) of this Act and keep a complete up-to-date record denoting all eligible voters of the Village of Ardencroft including the date of the establishment of residence. The Registration Committee shall keep an accurate record of eligible voters.

(c) The Registration Committees shall have complete supervision of all elections of officers, agents, committees and commissioners of the Village, and shall certify in writing the results of such voting to the Village Assembly held hereunder.

Section 10

Coordinating Committee

(a) The Coordinating Committee shall consist of Village Assembly officers, the chairs of all standing and special committees, and the immediate past Village Assembly Chair. The Village Assembly Chair shall serve as Chair of the Coordinating Committee. The Village Assembly Secretary shall serve as secretary of the Coordinating Committee.

(b) The Coordinating Committee shall be advisory to the Village Assembly; coordinate and review the committee activities of the Village; advise on preparation of agendas for the meetings of the Village Assembly; and prepare a budget governing the expenditure of all Village funds and report the same to the Village Assembly at the regular meeting next preceding the beginning of the new fiscal year. The Village Assembly can modify or amend all or any portion of the budget proposed by the Coordinating Committee. The Village budget, as approved by the Village Assembly, with or without modification, shall govern the use and expenditure of the monies therein specified for and during the fiscal year of the Village next following.

(c) The Coordinating Committee shall present annually nominations for all vacancies in standing committees; and officers of the Village Assembly to the Village Assembly for elections to be held annually. They shall make every effort to submit more nominees than are to be elected to each committee and office. Additional nominations may also be made from the floor at the regular Village Assembly meeting preceding the meeting at which elections are to be held. Nominations may also be made until 30 days before the date of election by petitions, presented to the Registration Committee, containing signatures of 10 eligible voters of the Village of Ardencroft.

Section 11

Elections

(a) Elections shall be held annually.

(b) Officers and committee members shall be elected by secret ballot.

(c) The officers shall be elected by a majority of votes cast. If no candidate for an office receives a majority of the votes cast, a run-off election shall be held between the two candidates receiving the highest number of votes.

(d) Committee members shall be elected by plurality of those voting.

Section 12

Vacancies

In case of vacancy created in any office established under the provisions of this Act and the doings of the Village Assembly, the Village Assembly, at the earliest possible meeting, shall elect some suitable person to serve the unexpired term of such office.

Section 13

Records

Officers and committee chairs shall oversee the maintenance and security of pertinent electronic and tangible Village records, and backups thereof, transferring secure access to successors. Access to records for residents and the public shall conform with County, State, and/or Federal law.

Section 14

Enforcement, Fines and Penalties

(a) The Justices of the Peace sitting (whether regularly, specially or otherwise) in the Justice of the Peace Court located nearest to the Village shall have jurisdiction and cognizance of all offenses against the provisions of this Act or the authorized ordinances of the Village committed within the limits of the Village as far as to arrest and hold to bail or fine offenders, provided that he shall impose no fine or penalty in excess of that fixed by ordinance.

(b) The Village Assembly shall set a municipal fine structure.

Section 15

Contracts of the Village Assembly

The Village Assembly shall set policy and procedures on contracting for the rendering of services to the Village and/or the purchase of supplies and doing of work for any municipal purpose of the Village consistent with this Act.

Section 16

Severability

If any part of this Act shall be held unconstitutional, such holding shall not in anywise invalidate the remaining provisions of this Act.

Section 17

Public Act

This Act shall be deemed and taken to be a public Act, superseding prior versions of the Ardencroft Municipal Charter. It shall go into effect July 1, 2024.

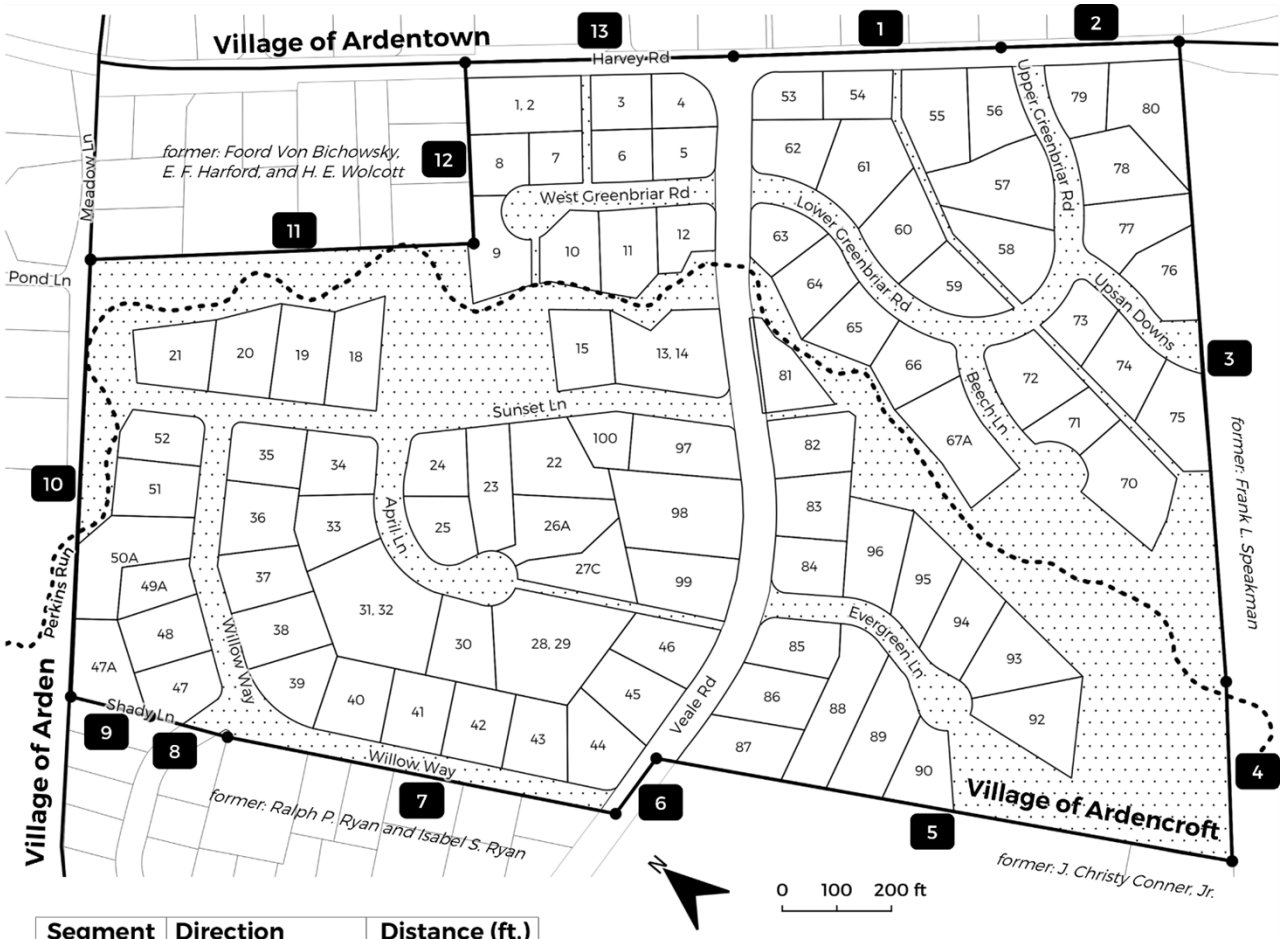
Exhibit A

Metes and Bounds Description from 1976 Charter

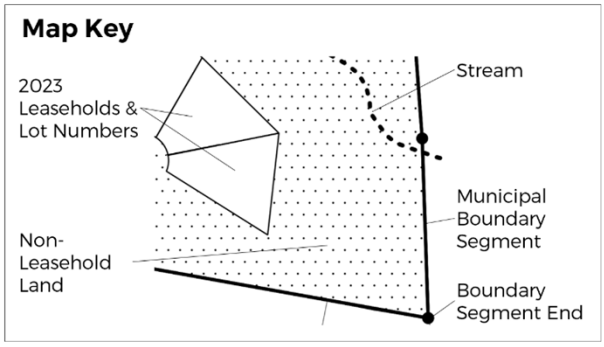
Beginning at the point of intersection of the centerline of the Bird or Veale Road with the centerline of the Grubb or Harvey Road; thence along the centerline of the Grubb or Harvey Road, South thirty-five degrees fifty-eight minutes East four hundred eighty and eighty hundredths feet and South thirty-six degrees twelve minutes East three hundred twenty-two and fifty-five hundredths feet to a corner of lands formerly of Adam Williamson now the lands of Frank L. Speakman; thence along the boundary line of lands of said Frank L. Speakman South fifty degrees fifty-nine minutes West, passing over a three-quarter inch diameter iron pipe at a distance of twenty-five and three hundredths feet, a total distance of eleven hundred sixty-eight and thirty-one hundredths feet to old fence post at an angle point; thence continuing along the boundary line of lands of said Frank L. Speakman South fifty-three degrees fifty minutes five seconds West three hundred twenty-seven and seventy-two hundredths feet to a four and one-half inch diameter iron post marking the corner of lands formerly of James S. Conly, later lands of W. W. Weiman, now the lands of J. Christy Conner, Jr.; thence along the boundary line of lands now of J. Christy Conner, Jr. North twenty-four degrees twenty-five minutes twenty seconds West, passing through a four and one-half inch diameter iron post at a distance of one thousand forty-three and two hundredths feet, a total distance of one thousand sixty-one and forty-nine hundredths feet to the centerline of the Bird or Veale Road; thence along the centerline of said Bird or Veale Road North eighty-seven degrees thirty-nine minutes thirty seconds West one hundred thirty-three and seventeen hundredths feet to a point, said point being on the extension Southeasterly of the Southwesterly side of a twenty-five feet wide right of way, and a corner of lands recently conveyed by Mary A. Burnham to Ralph P. Ryan and Isabel S. Ryan, his wife; thence along the boundary line of the land of Ralph P. Ryan and Isabel S. Ryan and along the Southwesterly side of a twenty-five feet right of way above mentioned North twenty-two degrees forty-one minutes fifteen seconds West seven hundred twenty-seven and seventy-seven hundredths feet to an iron pipe, a corner of land of said Ryans and said Mary A. Burnham; thence North seventeen degrees thirty two minutes fifty-five seconds West one hundred and thirty-nine and fifteen hundredths feet to an iron pipe and North twenty-two degrees forth-one minutes fifteen seconds West one hundred and forty-nine and fifty-nine hundredths feet to an iron pipe, a corner of said land of said Ryans and of the real estate development known as Arden; thence along the boundary line of said Arden tract North fifty-seven degrees thirty-eight minutes fifty seconds East eight hundred and nine and seventy-seven hundredths feet to a one-half inch diameter pipe that marks the corner of lands of Foord Von Bichowsky; thence partly along the boundary lines of Foord Von Bichowsky, E. F. Harford, and H. E. Wolcott, South thirty-five degrees fifty-four minutes fifteen seconds East seven hundred four and forty-nine hundredths feet

to a one inch diameter iron pipe that marks the corner of property of H. E. Wolcott; thence along the boundary line of lands of H.E. Wolcott North fifty-four degrees fifty-seven minutes thirty seconds East, passing over a three-quarter inch diameter pipe at a distance of three hundred five and fifteen hundredths feet to the centerline of the above mentioned Grubb or Harvey Road; thence along the centerline of the said Grubb or Harvey Road South thirty-five degrees fifty-eight minutes East four hundred eighty and seventy-four hundredths feet, a total distance of three hundred thirty and fifteen hundredths feet to the centerline of the above mentioned Grubb or Harvey Road; thence along the centerline of the said Grubb or Harvey Road South thirty-five degrees fifty-eight minutes East four hundred eighty and seventy-four hundredths feet to the centerline of the above mentioned Bird or Veale Road and the place of Beginning. Containing within said metes and bounds sixty and seven hundredths acres be the same more or less.

238 **Mapped Representation of 1976 Charter Metes and Bounds**



Segment	Direction	Distance (ft.)
1	S 35°-58'-00" E	480.80
2	S 36°-12'-00" E	322.55
3	S 50°-59'-00" W	1,168.31
4	S 53°-50'-05" W	327.72
5	N 24°-25'-20" W	1,061.49
6	N 87°-39'-30" W	133.17
7	N 22°-41'-15" W	727.77
8	N 17°-32'-55" W	139.15
9	N 22°-41'-15" W	149.59
10	N 55°-38'-50" E	809.77
11	S 35°-54'-15" E	704.49
12	N 54°-57'-30" E	305.15
13	S 35°-58'-00" E	487.74



SYNOPSIS

This Act deletes the current Charter of the Village of Ardencroft (the "Village") and replaces it with a new charter that differs in several respects.

Among other changes, the Act changes the Village's governing body from the "Town Meeting" to the "Village Assembly."

The Act also adds a requirement for residents to qualify as eligible voters. Under the current charter, eligible voters are persons 18 or older who have resided in the Village for a period of 30 consecutive days. The new charter provides that an "eligible voter" means a resident who is 18 years or older, and defines "resident" to mean a person who has resided in the

Village for a period of 30 consecutive days and who currently resides in the Village for the majority of the calendar year. In addition, the Act clarifies that "resident" includes persons renting housing units in the village, as well as resident leaseholders.

The Act decreases the minimum required number of regular meetings of the governing body from 6, under the current charter, to 4, under the new charter, and clarifies that they may be held virtually, in whole or in part, and that they are open to the public, which includes persons who are not eligible to vote.

Finally, the Act removes the current charter's provisions concerning a town police force.

Author: Senator Gay