LEGISLATIVE, FINANCE, AND ADMINISTRATION COMMITTEE AGENDA

JULY 13, 2015 - 6:00 P.M.

CITY HALL COUNCIL CHAMBERS
15 LOOCKERMAN PLAZA
DOVER, DELAWARE

PUBLIC COMMENTS ARE WELCOMED ON ANY ITEM AND WILL BE PERMITTED AT APPROPRIATE TIMES. WHEN POSSIBLE, PLEASE NOTIFY THE CITY CLERK (736-7008 OR E-MAIL AT CITYCLERK@DOVER.DE.US) SHOULD YOU WISH TO BE RECOGNIZED.

AGENDA ADDITIONS/DELETIONS

1. **FISCAL YEAR 2014/15 EDWARD BYRNE JUSTICE ASSISTANCE GRANT PROGRAM - POLICE VEHICLE COMPUTER/VIDEO TECHNOLOGY UPGRADES & SORT FIREARMS**
   (STAFF RECOMMENDS APPROVAL OF THE GRANT PROJECT, AS REQUESTED)

2. **DISPOSAL OF EXCESS PROPERTY - SILVER LAKE DRIVE (EAST LAKE GARDENS)**
   (STAFF RECOMMENDS THE FOLLOWING: 1. DETERMINE THAT THE PROPERTY IS EXCESS PROPERTY; 2. AUTHORIZE THE CITY MANAGER TO CONVEY THE EXCESS PROPERTY IN ACCORDANCE WITH EXCEPTION C OF THE PROCEDURES FOR SALE AND DISPOSITION OF REAL PROPERTY.)

3. **TIMELINE FOR REVIEW OF FISCAL YEAR 2016/17 BUDGET** *(DEFERRED DURING THE MEETING OF JUNE 22, 2015)*

4. **PROPOSED AMENDMENTS TO THE CITY OF DOVER CODE OF ORDINANCES - CHAPTER 2 - ADMINISTRATION, ARTICLE IV - OFFICERS AND EMPLOYEES, DIVISION 4 - CONTROLLER/TREASURER AND DIVISION 5 - CITY CLERK; CHAPTER 54 - HEALTH AND SANITATION, ARTICLE I - IN GENERAL, SECTION 54-1 - HEALTH INSPECTOR GENERALLY; CHAPTER 82 - PLANNING, SECTION 82-2 - CITY PLANNER; AND CHAPTER 102 - TAXATION, ARTICLE I - IN GENERAL, SECTION 102-3 - ADMINISTRATIVE REPORTING.**
   (TO MOVE DEPARTMENT REPORTING UNDER THE DIRECTION OF THE CITY MANAGER IN ACCORDANCE WITH COUNCIL ACTION OF MARCH 23, 2015 AND TO REMOVE ANNUAL APPOINTMENT REQUIREMENTS.)
   (STAFF RECOMMENDS DIRECTING THE CITY CLERK TO PREPARE THE NECESSARY ORDINANCE AMENDMENTS FOR PRESENTATION TO CITY COUNCIL/FIRST READING)

5. **PROPOSED AMENDMENTS TO THE CITY OF DOVER CHARTER**

6. **ADJOURNMENT BY 7:00 P.M.**

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THE AGENDA ITEMS AS LISTED MAY NOT BE CONSIDERED IN SEQUENCE. THIS AGENDA IS SUBJECT TO CHANGE TO INCLUDE THE ADDITION OR THE DELETION OF ITEMS, INCLUDING EXECUTIVE SESSIONS.

ACTION FORM

PROCEEDING: Legislative and Finance Committee	**AGENDA ITEM NO.:**
DEPARTMENT OF ORIGIN: Police	**DATE SUBMITTED:** 6/15/15
PREPARED BY: Captain Timothy Stump / Administrative Division Commander	
SUBJECT: FY15 Edward Byrne Justice Assistance Grant Program – Police Vehicle Computer/Video Technology Upgrades & SORT Firearms	
REFERENCE: Annual Recurring Grant Funding	
RELATED PROJECT: N/A	
APPROVALS: City Manager, Controller/Treasurer	
EXHIBITS: None	
EXPENDITURE REQUIRED: $51,549.00	**PROJECT BUDGET:** $108,549
FUNDING SOURCE (Dept./Page in CIP & Budget):	USDOJ Grant (as noted above) Computer Equipment Budget (20-38)
TIMETABLE: The grant should be awarded in August or September. Once received and accepted, the items will be ordered.	
RECOMMENDED ACTION: Approve the grant project as requested.	

BACKGROUND

The Dover Police Department recently received its annual allocation from the Office of Justice Programs (OJP) for the 2015 Justice Assistance Grant (JAG). Similar to previous years, Dover Police Department was identified as a disparate funding agency along with Kent County because there is no law enforcement function at the county level, unlike Newcastle County in northern Delaware. The disparate condition above requires the submission of a joint grant application for the two agencies. Although no funds were designated for Kent County in the allocation document, a Memorandum of Understanding will be completed and signed by both agencies which will state that Kent County will waive any claim to the funding on this grant.

The Dover Police Department intends to upgrade/replace nine additional vehicle computer/video systems. Grant funding will be combined with $54,000 budgeted for the mobile data computer (MDC) portion of the system for this purchase. These systems will be purchased for the nine new vehicles that will be coming on line during FY16. The vendor for the purchase will be COBAN and was approved as a sole vendor last year since grant funds were used for the same purpose last year. This brand of equipment is the current brand being used by the State Police and other agencies throughout the state.

In addition, a portion of the funds will also be used to replace three shotguns and night scopes for the department's Special Operations Response Team (SORT). The old weapons they are replacing are over 20 years old. The purchase will be awarded to state contract vendor that is an authorized gun dealer.

ACTION REQUESTED

The Legislative and Finance Committee and Council approve the receipt of this grant and the purchases identified.

Department Grant Application Analysis Form
For Use in Evaluating Grant Opportunities

General Information

Department: Police Staff Contact: Capt Stump

Grant/Project Title: FY15 Byrne Memorial Justice Assistance Grant (JAG)

Brief Grant/Project Description: Recurring formula based Federal grant program which provides funding for various Law Enforcement programs. This grant is a joint grant with Kent County, but no funds will be allocated to Kent County, since they have no Law Enforcement element in their structure. Funds will be used for the purchase of nine vehicle computer/video systems and three SORT shotguns and night scopes.

Application Information

Due Date: 6/22/15

New ☐

Recurring ☒

Related Grants: Previous years' grants

Anticipated Award Date: 8/1/14

Anticipated Notification Date: 8/1/15

Start Date: 8/1/14

End Date: 12/31/16

Award Amount: $51,549.00

Cash ☐ Reimbursement ☒

Approx. reimbursement turn-a-around time 1-2 weeks

Council Approval Needed: Yes ☒ No ☐

(Council approval is needed for grant projects > $25,000, when match amounts equal or exceed $25,000, or when expressly required by the granting authority.)

Which apply?

Match amount ☐

Project shortage ☐

Other grant requirement ☒

Grant/Project Costs

Budget Category	Award Amt	Match Amt	Match Source
Contractual			
Equipment/Supplies	51,549.00	$0.00	Not Applicable
Indirect Cost (ie, vehicle repairs, mileage, IT, telephone)			
Personnel			
Additional Personnel/Over-time (ie, support costs, administrative salaries)			
Travel/Training			
Capital Voicemail System			
Other (ie, informant/buy money)			
Total	$51,549.00	$ 0.00	
	GRANT TOTAL	$51,549.00	**Award + Match**

Department Grant Application Analysis Form
For Use in Evaluating Grant Opportunities

Other Information

1. Are any of this project's costs included in the City budget?
   Yes, currently the Dover Police Department has $54,000 programmed in its computer budget for the replacement of mobile computers in the vehicles. These funds will be combined with the grant funds to purchase nine systems.

2. Are there any long-term costs or commitments?
   Maintenance costs for the systems will be picked up by the department budget after the end of the five year warranty period.

3. How will this program/project be funded after the grant expires?
   Not Applicable.

4. What is the maximum amount of funds available from this funding source?
   The amounts shown on the preceding table are the maximum amounts available.

5. If the Department receives only a portion of the amount requested, how will the project be funded?
   The funds are explicitly authorized for Dover PD's use, so the full amount will be available.

6. Are there other departments in the City eligible for this funding?
   No.

7. Are other departments in the City willing to collaborate on this project?
   Not Applicable.

8. Will this project duplicate or compete with other services or programs provided by the City or other local agency?
   No.

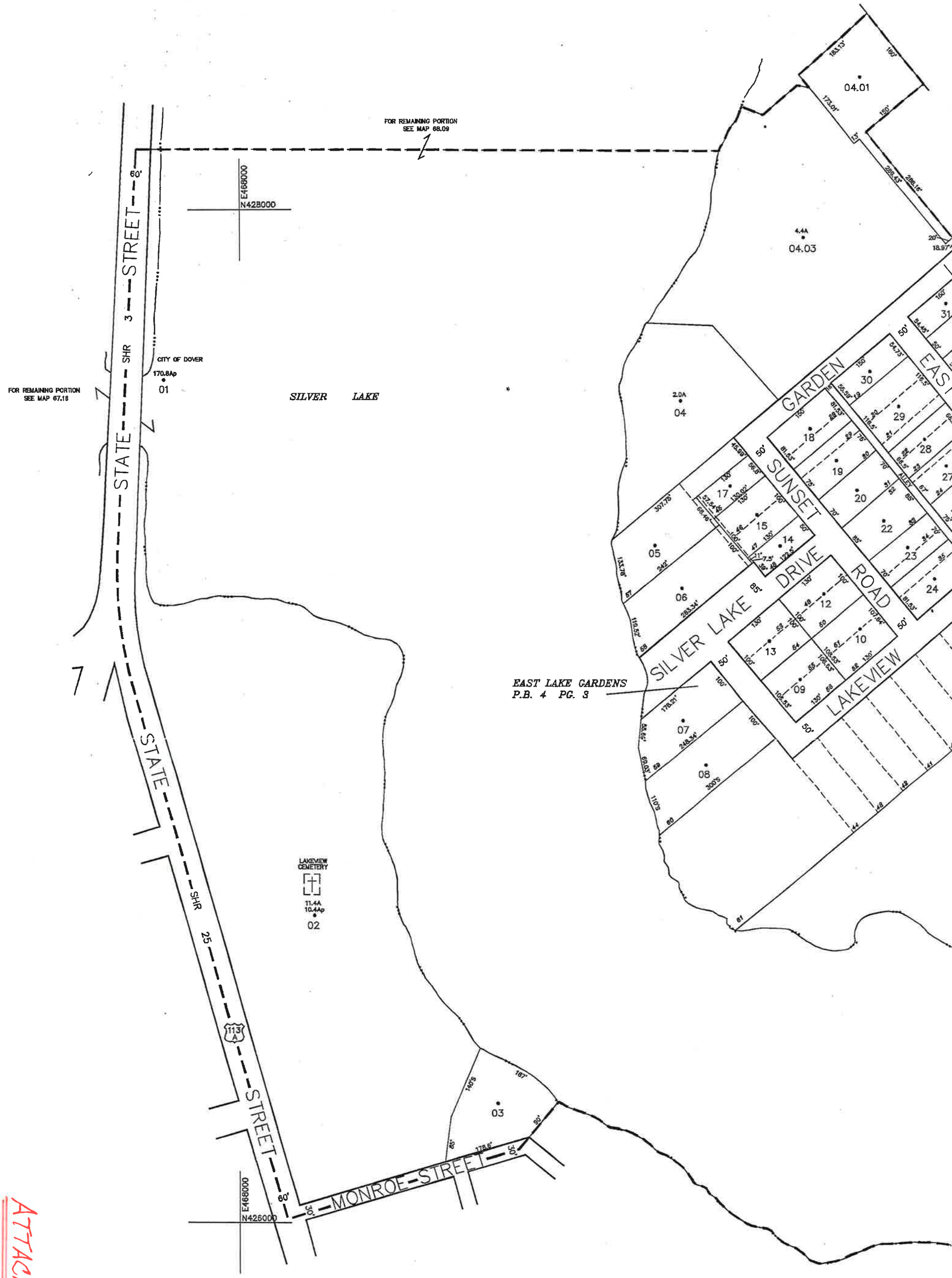
ACTION FORM

PROCEEDING: Legislative, Finance & Administration Committee
DEPARTMENT OF ORIGIN: City Manager's Office **DATE SUBMITTED**: July 2, 2015
PREPARED BY: Scott D. Koenig, P.E., City Manager
SUBJECT: Disposal of excess property – Silver Lake Drive (East Lake Gardens)
REFERENCE: N/A
RELATED PROJECT: N/A
REVIEWED BY: Scott D. Koenig, P.E., City Manager; Donna Mitchell, Controller
EXHIBITS: Attachment A: Copy of Real Property Tax Map (East Lake Gardens); Attachment B: Copy of property survey for 107 Silver Lake Drive; Attachment C: Letter Received on March 19, 2015; Attachment D: Letter Received on September 30, 2014. Attachment E: Proposed Procedure for Sale and Disposition of Real Property.
EXPENDITURE REQUIRED: $0 **AMOUNT BUDGETED**: $0 **FUNDING SOURCE (Dept./Page in CIP & Budget)**: N/A
TIME TIMETABLE: N/A
RECOMMENDED ACTION: 1. Determine that the property is excess property. 2. Authorize the City Manager to convey the excess property in accordance with Exception C of the Procedures for Sale and Disposition of Real Property.

BACKGROUND AND ANALYSIS

The City Manager's Office has received a request to abandon a certain portion of right-of-way adjacent to property owned by Bruce & Della Parham at 107 Silver Lake Drive in the East Lake Gardens Subdivision. Mr. and Mrs. Parham wish to make various improvements to their property and would like to take ownership of an irregular piece of right-of-way adjacent to their property. Attachment A shows the real property tax map for the subdivision and outlines the varying width right-of-way for Silver Lake Drive. The right-of-way adjacent to 107 Silver Lake Drive is 85 feet wide; where as other rights-of-way in the subdivision are only approximately 50 feet wide. Attachment B shows that approximately thirty-nine (39) of the eighty-five (85) feet is unimproved. Mr. & Mrs. Parham are currently maintaining this area adjacent to their property. The City of Dover has no plans to further improve or enhance this right-of-way.

The excess right-of-way is not large enough to create a buildable lot in this subdivision; therefore, the City Manager recommends that the excess property described above be conveyed to the abutting property owner in accordance with Exception C of the Procedures for Sale and Disposition of Real Property. All costs to survey the land and prepare a deed for the transfer of the areas shall be the sole responsibility of Mr. & Mrs. Parham.



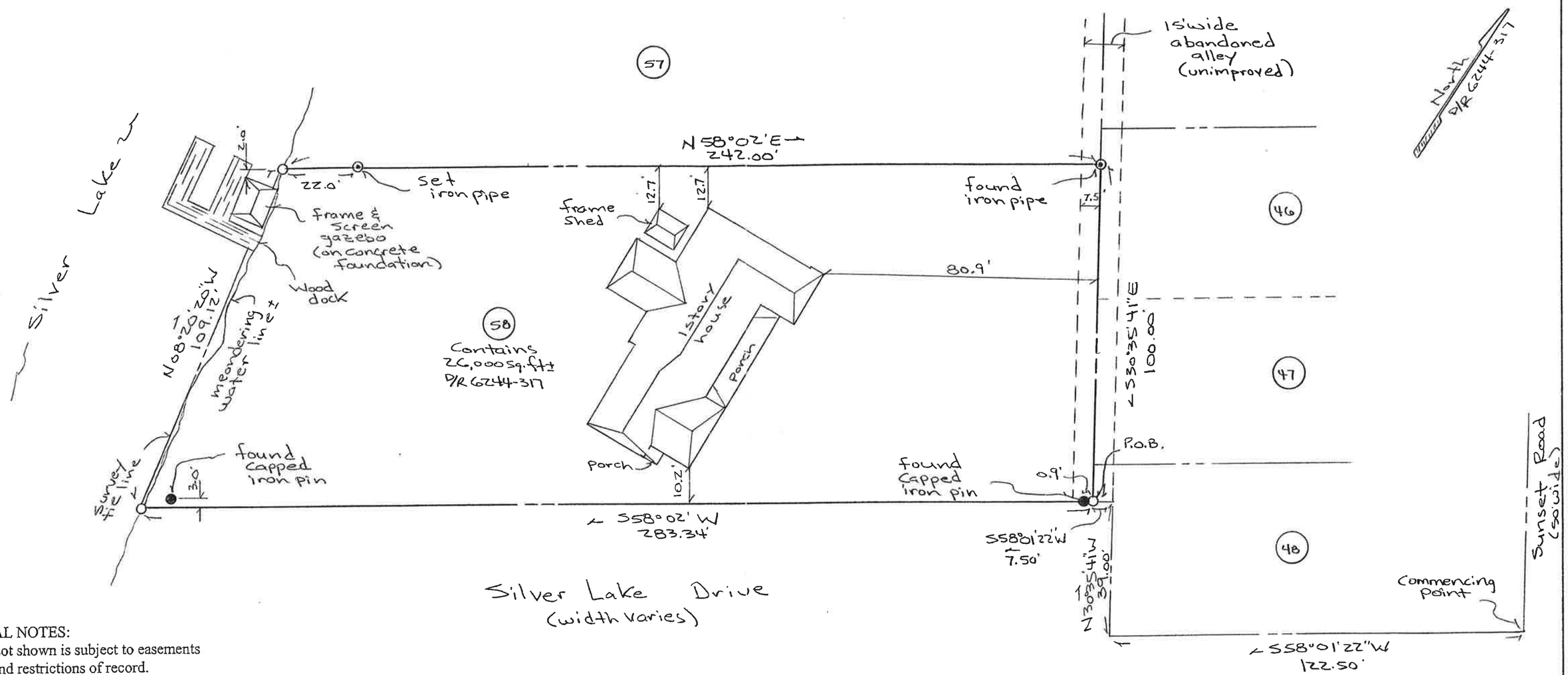
ATTACHMENT A

REAL PROPERTY TAX MAP
PREPARED FOR
KENT COUNTY, DELAWARE

STATE LINE
COUNTY LINE

PROPERTY LINE
ORIGINAL LOT LINE

PARCEL NO.
BLOCK NO.



GENERAL NOTES:

1. Lot shown is subject to easements and restrictions of record.
2. Certifications for this plan and for copies of this plan are valid only if they bear the impression seal and signature of the Licensed Land Surveyor named below.
3. This Plan is based on deed records shown (D/R), on any record plan noted below and on physical evidence found.

This plan exceeds the requirements for a Class B Survey

ATTACHMENT B

McClure Associates INCORPORATED
Professional Land Surveying
140 Mifflin Road
Dover, Delaware 19904
(302) 674-4558

DRAWING NUMBER- MA:06-27-12

DRAWING BY- W. McClure

SCALE- 1" = 30'

DATE- 7/5/12

E005-68.13-01-06

FB# 130 pg. # 47

Boundary Survey Plan
of property to be conveyed to:

Bruce Parham & Della Parham

East Lake Gardens Subdivision - Lot 58 (PB#4 Pg#3)
#107 Silver Lake Drive - City of Dover
East Dover Hundred - Kent County - State of Delaware

Attachment C

City of Dover
RECEIVED
MAR 19 2015
CITY MANAGER/MAYOR

107 Silver Lake Dr.
Dover, De 19901
March 16, 2015

Mr. Scott Koenig
City Manager
City Hall
15 Loockerman Plaza
Dover, De 19903

Dear Mr. Koenig,

I am writing as a follow up to our conversation in December 2014. At that time we discussed the possibility of the City abandoning the City owned property adjacent to 107 Silver Lake Drive in Dover DE. As mentioned previously, the issue of access to our existing property and our desire to build a garage makes attainment of the adjacent City owned property the ideal solution for us. I appreciate the fact that you are busy with the affairs of the City so I respectfully ask if there is anything we can do to expedite the process, please let us know. I will follow up with a phone call in about a week to see if anything is needed from us to move the process forward. Thank you for you consideration and attention to this matter.

Sincerely,

Bruce D. Parham

Della M. Parham

Attachment D

City of Dover
RECEIVED
SEP 30 2014
CITY MANAGER/MAYOR

107 Silver Lake Drive
Dover, De 19901
September 27, 2014

Mr. Scott Koenig
City Manager
City Hall
15 Loockerman Plaza
Dover, De 19903

Dear Mr. Koenig,

Thank you for coming out to our home on Friday, August 29, 2014. We are writing as a follow up to our discussion last month. We are very interested in purchasing the vacant lot adjacent to our home at 107 Silver Lake Drive, Dover, De.

At your earliest convenience, please let us know if the City of Dover is still interested in selling this lot. Thank you again for your attention to this matter.

Sincerely,

Bruce D. Parham, D.D.S.

Della M. Parham

Approved 10/14/14

PROPOSED PROCEDURE

FOR SALE AND DISPOSITION OF REAL PROPERTY

1. PURPOSE

To establish a policy for the City of Dover regulating the sale and disposition of excess lands.

2. LAWS AND POLICIES

City of Dover Code of Ordinances, Chapter 2, Article IV, Section 2-99, authorizes the sale and disposal of excess property.

This policy will standardize the procedure for disposal of excess City owned real property.

3. DETERMINATION

A City Staff member, upon determining that a City owned parcel of land is excess in nature and that the disposal of such land would be beneficial to the City of Dover, will request, through the Legislative and Finance Committee, that the Dover City Council consider disposal of such land.

4. STANDARD METHOD OF DISPOSITION

A. The Legislative and Finance Committee, upon receiving a request to dispose of excess real property, shall, prior to making a recommendation to the Dover City Council, request all pertinent information including, but not limited to, the following:

a-1) determination that subject parcel is not required by any other City department.

a-2) written explanation of why subject parcel is now surplus.

a-3) determination of whether a zoning change would enhance the sale value of subject parcel and recommend said change if warranted.

a-4) determine if parcel's exact location and size is known and, if not, recommend whether said parcel should be surveyed by the City prior to any sale attempts.

B. Dover City Council, after receiving a positive recommendation from the Legislative and Finance Committee to dispose of a surplus parcel of land, shall, as part of its deliberations:

b-1) determine if disposal of the parcel is in the City's best interests.

b-2) determine if disposal by sale, gift, or some other means would best serve the City's interests.

b-3) determine if the City Planner should be requested to initiate rezoning procedures.

b-4) publicize the pertinent information concerning the surplus parcel and its availability for purchase to the general public at least once a week for two weeks in a local newspaper.

b-5) make public, and a part of the record, all written correspondence received and, after the publicizing requirements of Section 4, Paragraph B(4) are met, hold a public hearing to receive any other citizen input.

C. Dover City Council, after voting to proceed with the sale of surplus land, shall determine:

c-1) if an unbiased appraisal is needed to establish a minimum acceptable price.

c-2) whether to sell the parcel by public auction or by sealed bid, and what the minimum acceptable offer will be.

c-3) the degree and scope of advertising, with a minimum of exposure being advertisement once a week for two weeks in a newspaper of general circulation within the county.

c-4) whether the circumstances of and surrounding a particular sale may be such that the best interests of the City would be served by listing the property for sale with a licensed real estate agent.

D. City Staff shall, with Council direction:

d-1) arrange for advertisement of the sale

d-2) draft the sale bill setting out a description of the parcel to be sold, time, date, and place of sale or bid opening, the terms and conditions of sale, and the City's reservation of acceptance or rejection of any or all bids received at the time of sale or bid opening.

d-3) order and distribute a sufficient number of sale bills for posting and distribution in the County Courthouse, at the site, and in the general area of the parcel.

d-4) obtain the services of a professional auctioneer if said sale is to be a public auction.

d-5) conduct the sale and submit the results to Dover City Council.

d-6) obtain the services of a licensed real estate agent if sale is to be brokered.

E. Dover City Council, after confirming the sale, shall:

e-1) request the City Solicitor to prepare a deed for execution and to arrange for final settlement with the purchaser at which time the City will deliver the deed, the purchaser will pay all balances due, and the City Solicitor will record said deed, in the Recorder of Deeds Office for Kent county.

F. If any excess parcel of land is too small or irregular in shape to be of any value to anyone other than an abutting owner, it may be sold to such owner at either its fee appraised fair market value, or at its fair market value as established by the City's assessment records, whichever Council shall select. The costs of the appraisal and all legal costs shall be paid by the owner requesting the conveyance.

G. Costs of Conveyance

Unless otherwise specified by Dover City Council, all fees and costs, legal or otherwise, associated with the sale and conveyance of all excess lands shall be paid by the purchaser.

5. EXCEPTIONS TO STANDARD METHOD OF DISPOSITION

Exception A.

Sale to an abutting owner: When, in the opinion of City Council, a public sale would be detrimental to the lands of an abutter, and/or that a public sale would place the abutter at undue risk; or that the combination of abutter's land and City's land would be substantially greater in value than that of the sum of the parcels considered individually, Dover City Council may direct the City Assessor to have prepared one or more unbiased fee appraisals of the parcel. Thereafter, the subject land will be offered for sale to the said abutter at the appraisal price, plus the appraisal fees, plus the legal costs. In the event the offer is not accepted, a public sale may be ordered.

Examples of detrimental affect might be when the surplus City parcel lies between an abutting property and the street and development of the parcel would obstruct visibility of the abutter's property, of when the surplus parcel is zoned multi-family and abuts a single family parcel.

Exception B.

Trade of lands: A trade of lands may be approved when it is shown beyond doubt that such a trade will be equal to or better than the lands to be traded either on a "square foot for square foot" measure and/or on a "dollar for dollar" measure.

Exception C.

Conveyance of odd shaped and/or unbuildable parcels: City acquisitions for roads, utility usages, etc. may, after such usage is accomplished, leave a small strip of land that is odd shaped and unbuildable. Dover City Council may approve the conveyance of this strip of land to an abutting property owner on request of said owner. The price for these lands shall be at the same cost basis as that paid by the City. If conveyance is made in excess of two years after the date of City acquisition, then the consideration shall either be based on a price established by an unbiased fee appraisal made on the basis of the value added to the abutting property by the acquisition of said lands, or on the City's cost basis for the parcel adjusted for inflation, whichever Dover City Council shall select. All fees, legal or otherwise, associated with the conveyance are to be paid by the purchaser.

Exception D.

Donation of Land to Non-Profit Organizations: If, in the opinion of Dover City Council, the donation of a parcel of excess land to a non-profit organization would be in the best interest of the City of Dover, Council then reserves unto itself the right to make such donation.

ACTION FORM

PROCEEDING: Legislative, Finance, and Administration Committee	**MEETING DATE:** 07/13/15
DEPARTMENT OF ORIGIN: City Clerk's Office	**DATE SUBMITTED**: 07/09/2015
PREPARED BY: Traci A. McDowell, City Clerk on Behalf of City Council	
SUBJECT: Proposed Code Amendments related to City Council action of March 23, 2015 which was: *To maintain a full time mayor and that all departments, excluding the City Clerk's Office and the Finance Department, will report to the City Manager who is appointed by and will report to City Council*.	
EXHIBITS:	
TIMETABLE: Recommendations to City Council on July 27, 2015	
RECOMMENDED ACTION: To direct the City Clerk to prepare the necessary Ordinance Amendments for presentation to City Council/First Reading.	

BACKGROUND AND ANALYSIS

During the Regular Council meeting of March 23, 2015, City Council adopted a motion "to maintain a full time mayor and that all departments, excluding the City Clerk's Office and the Finance Department, will report to the City Manager who is appointed by and will report to City Council". The proposed ordinance amendments will change the selection and/or reporting of the City Planner and the City Assessor to the City Manager. The Economic Development Office is not referenced in either the City of Dover Charter or the Dover Code of Ordinances. City Council's motion of March 23, 2015 effectively moved the Economic Development Office from the Mayor to the City Manager. Charter amendments will be necessary to complete the transfer of the City Assessor and the Police Department to the City Manager.

Additionally, the proposed amendments remove the requirement for the annual reappointment of these positions.

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CHAPTER 2 - ADMINISTRATION, ARTICLE IV - OFFICERS AND EMPLOYEES

DIVISION 4. - CONTROLLER/TREASURER

Sec. 2-261. - Appointment.

There shall be a controller/treasurer selected by the city council ~~at its annual meeting~~. **The controller/treasurer shall be directly responsible to the mayor and council.**

(Code 1981, § 2-136; Ord. of 3-12-2001; Ord. No. 2009-23, 10-26-2009)

Charter reference— Treasurer and financial affairs, subpart A, §§ 42—50.

DIVISION 5. - CITY CLERK

Sec. 2-281. - Appointment.

There shall be a city clerk selected by the city council ~~at its annual meeting, and such person shall serve as the clerk of the city council~~. **The city clerk shall be directly responsible to the mayor and council.**

Charter reference— City clerk, subpart A, §§ 16, 49.
(Code 1981, § 2-116; Ord. of 3-12-2001)

CHAPTER 54 - HEALTH AND SANITATION, ARTICLE I - IN GENERAL

Sec. 54-1. - Health inspector generally.

(a) *Created; selection*. There is hereby created the position of health inspector. The director of planning and inspections shall serve as the health inspector who shall be selected by the **city manager and confirmed by** city council ~~and shall serve at its pleasure~~.

(b) *Duties*. The health inspector shall:

(1) Order compliance with the health provisions of this Code and state law.

(2) Be authorized to have the chief of police cause the police force to execute his**/her** orders.

(3) Provide for the protection of the health of the population within the city limits and one mile thereof by preventing and controlling the introduction and spread of infectious or contagious diseases or nuisances.

(c) *Compliance*. The disregard of any order given by the health inspector shall be a nuisance and unlawful.

(Code 1968, §§ 16-1, 16-3, 2-70; Code 1981, § 9-1)

CHAPTER 82 - PLANNING

Sec. 82-2. - City planner.

There is hereby established the office of city planner who shall be selected by the **city manager and confirmed by** city council ~~**at its annual meeting and employed at the pleasure of mayor and council**~~. The city planner shall be directly responsible to the ~~**mayor and council**~~ **city manager**.

(Code 1968, § 2-68; Ord. of 10-12-1970; Code 1981, § 17-2; Ord. of 1-9-2006; Ord. of 7-24-2006(1); Ord. No. 2009-24, 11-9-2009)

CHAPTER 102 - TAXATION, ARTICLE I. - IN GENERAL

Sec. 102-3. - Administrative reporting.

The city assessor shall be selected in accordance with the City Charter, and shall be directly responsible to the mayor and council. **The city assessor shall function under the administration of the city manager.**

(Note: A Charter Amendment will be necessary to transfer selection of the city assessor from the City Council to the City Manager.)

(Ord. of 7-24-2006(2); Ord. No. 2009-25, 11-9-2009)

ECONOMIC DEVELOPMENT

The Economic Development Office is not referenced in either the City of Dover Charter nor the Dover Code of Ordinances. City Council's motion of March 23, 2015 to have all departments, excluding the City Clerk's Office and the Finance Department, report to the City Manager effectively moved the Economic Development Office from the Mayor to the City Manager.

ACTION FORM

PROCEEDING: Legislative, Finance, and Administration Committee	**MEETING DATE:** 07/13/15
DEPARTMENT OF ORIGIN: City Clerk's Office	**DATE SUBMITTED**: 07/10/2015
PREPARED BY: Traci A. McDowell, City Clerk on Behalf of City Council	
SUBJECT: Proposed Charter Amendments	
EXHIBITS:	
TIMETABLE:	
RECOMMENDED ACTION: To direct the City Clerk to prepare the necessary Charter Amendments for presentation to City Council.	

BACKGROUND AND ANALYSIS

During the Regular Council meeting of March 23, 2015, City Council adopted a motion "to maintain a full time mayor and that all departments, excluding the City Clerk's Office and the Finance Department, will report to the City Manager who is appointed by and will report to City Council". The proposed charter amendments will change the selection and/or reporting of the Chief of Police and the City Assessor to the City Manager. The Economic Development Office is not referenced in either the City of Dover Charter or the Dover Code of Ordinances. City Council's motion of March 23, 2015 effectively moved the Economic Development Office from the Mayor to the City Manager.

Additional amendments throughout the charter are also included for review.

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Subpart A - CHARTER

PREAMBLE [3]

We the people of the City of Dover, under the constitution and laws of the state of Delaware, in order to secure the benefits of local self-government and to provide for an honest and accountable council-manager government, do hereby adopt this charter and confer upon the city 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 of representative democracy, professional management, strong political leadership, citizen participation, and regional cooperation.

FOOTNOTE(S):

--- (**2**) ---

Editor's note—Senate Bill 126, adopted July 12, 2005, amended this Charter in its entirety and enacted similar provisions as set out herein. The former Charter derived from 37 Laws of Del., ch. 151, §§ 1, 2, adopted March 23, 1931; 37 Laws of Del., ch. 152, § 1, adopted April 25, 1931; 38 Laws if Del., ch. 99, § 1, adopted April 4, 1933; 40 Laws of Del., ch. 159, § 1, adopted April 1, 1935; 46 Laws of Del., ch. 275, adopted April 10, 1947; 47 Laws of Del., ch. 219, § 1, adopted June 8, 1949; 47 Laws of Del., ch. 313, § 1, adopted June 29, 1949; 47 Laws of Del., ch. 330, § 1, adopted June 30, 1949; 48 Laws of Del., ch. 323, § 1, adopted June 5, 1951; 48 Laws of Del., ch. 334, adopted June 5, 1951; 51 Laws of Del., ch. 92, § 1, adopted May 14; 1952; 49 Laws of Del., ch. 318, §§ 1—4, adopted July 8, 1953; 61 Laws of Del., ch. 147, § 1, adopted July 14, 1955; 50 Laws of Del., ch. 471, § 1, adopted July 18, 1955; 52 Laws of Del., ch. 112, § 1, adopted June 30, 1959; 54 Laws of Del., ch. 96, §§ 1, 4, adopted July 8, 1963; 54 Laws of Del., ch. 165, § 1, adopted Dec. 7, 1963; 59 Laws of Del., ch. 98, §§ 1—4, adopted June 25, 1973; 60 Laws of Del., ch. 301, § 3, adopted Jan. 20, 1976; 60 Laws of Del., ch. 311, § 1, adopted Feb. 5, 1976; 60 Laws of Del., ch. 447, § 2, adopted June 11, 1976; 60 Laws of Del., ch. 457, §§ 1, 3, 4, 6—9, adopted June 11, 1976; 61 Laws of Del., ch. 147, §§ 2—5, adopted July 14, 1977; 64 Laws of Del., ch. 5, §§ 1—7, 11—17, adopted Jan. 20, 1983; Amd. of 1-27-1983; 64 Laws of Del., ch. 143, § 1, adopted July 12, 1983; Amd. of 7-8-1986 (H.B. No. 260); 56 Laws of Del., ch. 49, §§ 1—3, adopted June 28, 1987; Amd. of 6-29-1987 §§ 1, 2 (H.B. No. 228, §§ 1, 2); Amd. of 7-16-1987 (H.B. No. 231, §§ 1, 2); 66 Laws of Del., ch. 361, § 1, adopted July 12, 1988; 66 Laws of Del., ch. 365, §§ 1—3, 5—9, 11, 12, adopted July 12, 1988; 67 Laws of Del., ch. 7, §§ 1, 3—5, adopted Jan. 26, 1989; Amd. of 8-27-1990 (H.B. No. 52, § 1); Amd. of 8-27-1990 (H.B. No. 53, § 1); Amd. of 11-26-1990 (H.B. No. 115, §§ 1, 2); Amd. of 5-11-1992 (H.B. No. 617, §§ 1—3); Amd. of 12-14-1993 (H.B. No. 55, §§ 1, 2); Amd. of 6-16-1997 (H.B. No. 214, § 1); Amd. of 4-4-2000 (ch. 431, § 1); Amd. of 7-9-2001 (H.B. No. 261, § 1); and Amd. of 6-17-1992 (H.B. No. 260, § 1).

--- (**3**) ---

Editor's note—Senate Bill 165, § 1, adopted July 8, 2009, added this preamble to the Charter.

ARTICLE I. - POWERS OF THE CITY

FOOTNOTE(S):

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Editor's note—S.B. No. 165, § 2, adopted July 8, 2009, amended art. I in its entirety and enacted the provisions set out herein. The former art. I, titled General Provisions, derived from Amd. of 7-12-2005 (S.B. 126).

Sec. 1.01. - Powers of the City.

In addition to the powers specifically enumerated by statutes in Title 22 of the Delaware Code and elsewhere, the City of Dover shall assume and have all powers which under the Constitution of the State it would be competent for the General Assembly to grant by specific enumeration, and which are not denied by statute.

(Amd. of 7-8-2009 (S.B. 165, § 2))

Sec. 1.02. - Construction.

The powers of the city under this Charter shall be construed liberally in favor of the city, and the specific mention of particular powers in the charter shall not be construed as limiting in any way the general power granted in this article.

(Amd. of 7-8-2009 (S.B. 165, § 2))

Sec. 1.03. - Intergovernmental Relations.

The city may participate by contract or otherwise with any governmental entity of this state or of the United States in the performance of any activity which one or more of such entities has the authority to undertake.

(Amd. of 7-8-2009 (S.B. 165, § 2))

Sec. 1.04. - Municipal corporation continued; boundaries.

The municipal corporation of the State of Delaware known as "the City of Dover" shall continue to be a body politic and corporate. The boundaries of the City of Dover are hereby established and declared as recorded on the official map of record in the Recorder of Deeds Office in and for Kent County and State of Delaware as presently existing and as hereinafter amended.

(Amd. of 7-8-2009 (S.B. 165, § 2))

Sec. 1.05. - Procedure to extend boundaries.

The City may, from time to time, extend its boundaries in accordance with Title 22, Chapter 1, Section 101 (22 Del. C. § 101) through the following annexation processes:

(1) In the case where annexation is petitioned by all owners of all property considered for annexation, no election shall be required.

For an annexation petition not requiring an election, such petition shall be processed in accordance with procedures established for amendments to the zoning map, specified in Dover Code, Appendix B - Zoning. All annexation petitions shall be processed concurrently with the rezoning of the property considered for annexation and shall be subject to public hearing before City Council. Public notice shall be completed in accordance with the provisions of the Dover Code relating to amendment of the zoning map.

(2) In the case where annexation is not petitioned by all owners of all property considered for annexation, such annexation shall be subject to an election, as follows:

(a) In order to extend the boundaries of The City of Dover the council shall adopt a resolution proposing the inclusion of all property considered for annexation within the limits of the City of Dover and calling for a special election to be held not less than thirty (30) nor more than sixty (60) days after the adoption of the resolution, in accordance with Title 22, Chapter 1, Section 101, Delaware Code. The resolution shall contain a description of all property considered for annexation, the date of the election, and the place or places of said election. The resolution shall be published in at least two (2) issues of a newspaper of general circulation within the City of Dover at least two (2) weeks prior to the day of said election.

(b) The annexation election shall be held by the city's election officers. Each owner of the property considered for annexation shall be entitled to one (1) vote. Owners of real estate in common shall be entitled to one (1) vote each. Life tenants shall be entitled to one (1) vote each but the holders of the remainder interest or similar interest subject to the life estate shall not be entitled to vote. Corporations, firms or associations shall be entitled to one (1) vote, the same as private persons.

More than one (1) annexation election may be held on the same day; however, the elections shall be separate.

The Council of the City of Dover shall provide the ballots and shall bear the cost of holding such annexation elections. The ballots shall briefly indicate the property proposed for annexation and shall provide two (2) boxes on the ballot beside which shall appear the words "FOR inclusion within the City of Dover," and "AGAINST inclusion within the City of Dover." Each voter shall indicate their preference by making a mark within the box beside the words expressing their preference.

For the annexation election, the polls shall open at 11:00 a.m. and remain open until each eligible voter has cast their vote or until 8:00 p.m., whichever occurs first. When the polls are closed the election officers shall publicly count the votes and forthwith certify to the clerk of the council the number of votes cast for and against inclusion within the city limits. At the next regular or special meeting of the council the mayor and council shall receive the results of the election and make the same a part of the minutes of said meeting.

If a majority of the votes cast in an annexation election are in favor of the inclusion of that property, the council may thereupon adopt a resolution annexing said property and including same within the limits of the City of Dover. Upon the adoption of a resolution of annexation a copy thereof certified by the clerk of council and a plot of the area annexed shall be forthwith filed for record with the Recorder of Deeds of Kent County, and the area so annexed shall for all purposes thenceforth be part of the City of Dover.

If a majority of the votes cast in an annexation election shall be against the inclusion of that property within the limits of the City of Dover, the proposed annexation of said property shall be declared to have failed. Nothing in this Charter shall prohibit the council from resubmitting a proposal for annexation to the eligible voters for said property, or any portion thereof, under the authority of this section and in accordance with the provisions thereof.

(Amd. of 7-8-2009 (S.B. 165, § 2); Res. No. 2013-10 (S.B. 71), 3-11-2013)

Sec. 2. - Status, general corporate powers, specific provisions for condemnation of property.

The inhabitants of the City of Dover within the boundaries defined in section ~~1.05~~ **1.04** of this Charter, or within the boundaries hereafter established, shall continue to be a body politic and corporate, by the name of "the City of Dover," and under that name shall have perpetual succession; may have and use a corporate seal; may sue and be sued; may hold and acquire by purchase, gift, devise, lease or condemnation, real property and personal property within or without its boundaries for any municipal purpose, in fee simple or lesser estate or interest, and may sell, lease, hold, manage, and control such property as its interest may require; and shall have all other powers and functions requisite or appropriate for the government of the city, its peace and order, its sanitation, appearance and beauty, the health, safety, convenience, comfort and well-being of its population, and the protection and preservation of property, public and private.

Whenever it shall be necessary for any municipal purpose to condemn any real property or personal property under this Charter, except as is herein otherwise specifically provided, the council must follow applicable state law.

(Amd. of 7-12-2005 (S.B. 126); Amd. of 7-8-2009 (S.B. 165, § 3))

Sec. 3. - Employee pension, benefit and retirement systems authorized.

The City of Dover is hereby authorized, empowered and permitted to establish a system of pensions or benefits through group insurance or otherwise as may be found proper and necessary, providing for life, accident, health, hospitalization and death benefits, or any or either of them, for the regular employees of the said "City of Dover." The said "City of Dover" is hereby authorized, empowered and permitted to enter into an agreement or agreements with one or more insurance companies to provide a group insurance plan or plans, as may be required or proper to carry out such system of pensions or benefits. The election to exercise such authority on the part of the city shall be evidenced by an ordinance or resolution duly adopted by the council of the City of Dover as other ordinances or resolutions are adopted, and the same shall be recorded in the official minutes of the said council. Such ordinance or resolution shall provide for and establish a fund for the payment of the costs of such pension system or benefits by making appropriations out of the treasury of the said "City of Dover," or by requiring contributions payable from time to time by the employees included

in such plan or plans, or by a combination of both, or by any other method not prohibited by law. The participation in any plan adopted shall be deemed to be mandatory by the City of Dover and made a condition of employment and continuing employment.

The city council shall have power to enact ordinances for a pension or retirement system for the police of the City of Dover, and to set aside a special fund for that purpose which fund shall be administered in accordance with ordinances made and provided in that behalf and the laws of the State of Delaware.

~~Notwithstanding any statute to the contrary, the City of Dover shall have the power by ordinance to impose and collect a tax, to be paid by the transferor or transferee as determined by council, upon the transfer of real property within the city not to exceed one and one-half percent or as amended by state law of the value of the real property as represented by the document transferring the property. The provisions of Section 5401 and Section 5403 of Chapter 54, Title 30 of the Delaware Code (30 Del. C. §§ 5401, 5403) shall apply with respect to any realty transfer tax imposed by the City of Dover pursuant to the authority granted herein. The council of the City of Dover may adopt an ordinance or ordinances to provide for the effective administration and regulation of any tax adopted pursuant to the authority conferred herein. If the taxing power and authority granted herein shall be exercised by way of a stamp affixed to a document, the recorder of deeds in and for Kent County shall not receive for record documents subject to said tax unless stamps provided by the City of Dover are affixed thereto showing payment of the tax.~~
(Moved to 49B - Realty Transfer Tax)

(Amd. of 7-12-2005 (S.B. 126); Amd. of 7-8-2009 (S.B. 165, § 4))

ARTICLE II. - MAYOR AND COUNCIL

Sec. 4. - General powers and duties.

All powers of the city shall be vested in the city council, except as otherwise provided by law or this charter, and the council shall provide for the exercise thereof and for the performance of all duties and obligations imposed on the city by law.

(Amd. of 7-12-2005 (S.B. 126); Amd. of 7-8-2009 (S.B. 165, § 5))

Sec. 5. - Council to be legislative body; size; districts; terms of mayor and ~~councilmen~~ council members; qualifications.

The council shall be the legislative body of the city and composed of nine (9) members nominated and elected as herein provided.

The city shall be divided into four (4) election districts, the boundaries of which shall be established by council so that they are nearly equal in population based on the latest federal decennial census information. The district boundaries established for municipal elections shall be used for the next regular municipal election and shall continue in effect until the next succeeding federal decennial census is made available for use by municipalities in the State of Delaware.

~~At the regular municipal election held in April of 2012, the mayor shall be elected at-large. The term of mayor elected at the April 2012 regular municipal election shall be for a period of three years, commencing on the second Monday in May following his/her election~~

~~and continuing for a term of three years until the second Monday in May 2015, or until his/her successor has been duly elected and qualified.~~

~~Thereafter, commencing~~ **Commencing** with the regular municipal election to be held in April of 2015, the term of mayor shall be for a period of four years commencing on the second Monday in May following his/her election and continuing for a term of four years until the second Monday in May, or until his/her successor has been duly elected and qualified.

~~At the regular municipal election held in April of 2012, four councilmen shall be elected by district voting from each of the districts of the city. The term of the councilmen elected at the April 2012 regular municipal election shall be for three years, commencing on the second Monday in May following their election and continuing for a term of three years until the second Monday in May 2015, or until their successors have been duly elected and qualified.~~

~~At the regular municipal election held in April of 2013, five councilmen shall be elected, four by district voting being from the districts and one at-large. The term of the councilmen elected at the April 2013 regular municipal election shall be for a period of four years, commencing on the second Monday in May following their election and continuing for a period of four years until the second Monday in May, or until their successors have been duly elected and qualified.~~

~~Thereafter, commencing~~ **Commencing** with the regular municipal election to be held in April of 2013, the terms of the ~~councilmen~~ **council members** shall be for a period of four years, commencing on the second Monday in May following their election and continuing for a term of four years until the second Monday in May, or until their successors have been duly elected and qualified. The mayor and at-large ~~councilman~~ **council member** shall be elected at alternating biennial regular municipal elections.

In order to be eligible to be elected as mayor or as a member of council, the person must as of the date of the election be:

(1) A citizen of the United States and of the State of Delaware;

(2) A resident of the city and having continuously resided therein or in an area annexed to the city during the two (2) years immediately preceding the day of the election;

(3) A resident of the election district from which they are seeking election, unless they are seeking election as an at-large ~~councilman~~ **council member** or mayor;

(4) Eighteen (18) years of age or older; and

(5) Nominated therefore, as hereinafter provided~~.~~**; and**

(6) A registered voter of the city.

Holding Other Office. Except where authorized by law, no council members shall hold any other elected public office, city office, or city employment during the term for which the member was elected to the council. No former council members shall hold any compensated appointive office or employment with the city until one year after the expiration of the term for which the member was elected to the council, unless granted a waiver by the Board of Ethics (Ethics Commission).

(Amd. of 7-12-2005 (S.B. 126); Amd. of 7-8-2009 (S.B. 165, § 6); Ord. No. 2010-23, 8-23-2010 (S.B. 8); Res. No. 2011-11 (S.B. 165), 10-10-2011; Res. No. 2013-09 (S.B. 69), 3-25-2013)

Sec. 6. - Municipal election; dates, time, and place of elections.

Regular municipal elections shall be held biennially on the third Tuesday in April. All other municipal elections that may be held shall be known as special municipal elections. At each such municipal election, the polls shall be opened at 7:00 a.m. and closed at 8:00 p.m. The council may designate the places of election and make all necessary rules and regulations not inconsistent with this Charter or with other laws of the State of Delaware for the conduct of elections, for the prevention of fraud in elections, and for the recount of ballots in case of doubt or fraud. At alternating biennial regular municipal elections held on the third Tuesday in April, five ~~councilmen~~ **council members** shall be elected for a term of four years, four of whom shall be elected by district voting from each of the districts as designated by council and one of whom shall be elected by at-large voting by all voters of the city, as provided in section 5 of this Charter. At the next biennial regular municipal election held on the third Tuesday in April, four ~~councilmen~~ **council members** shall be elected by district voting from each of the districts as designated by council for a term of four years, and a mayor shall be elected by **at-large voting by all** ~~the~~ voters of the city for a term of four years, as provided in section 5 of this Charter.

(Amd. of 7-12-2005 (S.B. 126); Amd. of 7-8-2009 (S.B. 165, § 7); Res. No. 2011-11 (S.B. 165), 10-10-2011)

Sec. 7. - ~~Nomination~~ Nominating petitions for candidates for council and mayor.

The mode of nomination of candidates for the council and for mayor shall be by petition, signed by not less than ten (10) nor more than twenty-five (25) electors of the city, filed with the clerk of council**. In the years when a mayor is to be elected, nominating petitions for candidates for mayor shall be accepted no sooner than the first working day of January and no later than the last working day of January** on or before 4:30 p.m. ~~on the second Friday of February biennially~~ **Nominating petitions** for candidates for council **shall be accepted no sooner than the first working day of January and no later than the last working day of February biennially** on or before 4:30 p.m. ~~on the last working day in January biennally for candidates for mayor in the years when a mayor is to be elected. Should the second Friday of February fall on a legal holiday, the filing date shall be 4:30 p.m. on the next working day thereafter which is not a legal holiday.~~

Whenever a petition nominating a person for the office of mayor or ~~councilman~~ **council member** shall have been filed as above prescribed, the name of such person shall ~~he~~ **be** printed on the ballot for the regular biennial municipal election as a candidate for the office for which they were nominated, provided they possess the qualifications prescribed by this Charter for a candidate for such office.

No nominating petition shall designate more than one person to be voted for as a member of council or as mayor.

The signers of a nominating petition for a member of the council must be ~~electors~~ **registered voters** of the city residing in the city election district in which the nominee resides; but the signers ~~to the~~ **of a** nominating petition for the mayor and for the at-large ~~councilman~~ **council member** may be **registered voters of the** city ~~electors~~ residing in the city at-large.

There must be attached to each nominating petition an affidavit of the circulator thereof, stating the number of signers and that each signature appended thereto was made in their presence, and is the genuine signature of the person whose name it purports to be, and that all of said signers are entitled to vote at the regular municipal election referred to; and, in the case of a petition nominating a candidate for ~~councilman~~ **council member** running from a particular district and to be elected by district voting, that the circulator of the petition verily believes that each signer of said petition is a resident of the same city election district in which the nominee resides.

With each signature shall be stated the place of residence of the signer, giving the street and number or other description sufficient to identify the same. The form of the nominating petition shall be substantially as follows:

> We, the undersigned, ~~electors~~ **registered voters** of the City of Dover, hereby nominate _____, who resides in the _____ City District of the said City of Dover, for the office of ~~Councilman~~ **Council member** (or for the office of Mayor as the case may be) to ~~he~~ **be** voted for at the regular municipal election to be held in the said City, on the _____/_____/_____ day of _____/_____/_____ in the year _____/_____/_____; and we individually certify that we are qualified to vote for a candidate for the office named, and that we have not signed any other nominating petition for that office, and that our places of residences are truly stated after our signatures.
>
> Name _____
> Street ~~and number~~ **address**_____
> (Space for Signatures)
> STATE OF DELAWARE
> KENT COUNTY
> SS.
> _____/_____/_____ being duly sworn (or affirmed) deposes and says that they were the circulator of the foregoing petition paper containing ____signatures, and that the signatures appended thereto were made in his**/her** presence, and are the signatures of the persons whose names they purport to be, and that they verily believe the residence of each signer thereof to be truly stated, and that all of said signers are entitled to vote at the regular municipal election referred to in said paper; and, in case the petition is nominating a candidate for ~~councilman~~ **council member** to be elected from a specific district by district voting, that each signer of said petition is a resident of the same city election district in which the nominee resides.
>
> (Signed) _____
>
> Subscribed and sworn to (or affirmed) before me this _____/_____/_____ day of _____/_____/_____ Justice of the Peace (or Notary Public)

(Amd. of 7-12-2005 (S.B. 126); Amd. of 7-8-2009 (S.B. 165, § 8); Res. No. 2011-11 (S.B. 165), 10-10-2011)

Sec. 8. - Election board; counting of votes; determination of winners; tie votes; persons eligible to vote; voter registration; official ballots and voting machines; absentee ballots.

There is hereby created an election board which shall be a non-elected body to oversee the municipal elections, as well as to serve as an advisory board to Council on such matters as voter

registration, municipal elections, election rules and regulations, and polling locations for City elections. The board shall be composed of five members, serving three-year terms, to be appointed by the Mayor and confirmed by council at the Annual Meeting, or as necessary to fill vacancies as they occur. One member shall be appointed from each district into which the city has been divided for election purposes, and one member shall be appointed on an at-large basis. The City Clerk shall serve as a liaison member of the board. Upon expiration of the term of appointment, a member shall serve until his/her successor has been duly appointed. If a vacancy occurs during the term of any member of the election board, a person residing in the same numbered district shall be appointed to fill the remainder of said term. Members serve without salary, but shall be paid a per diem allowance as specified by City ordinances.

To be eligible for appointment to the election board, each prospective member shall be a citizen of the United States, a registered voter within the City, and have resided within the geographical boundaries of the City for one year preceding the appointment. The Mayor and members of Council, their parents, spouse, or children, shall not be eligible for appointment to the election board.

Election board members will voluntarily remove themselves from the election board prior to participating in any campaign to elect a candidate. Upon certification of the election results, the election board member shall resume their duties on the board. If a majority of council members determine that a conflict of interest or a potential conflict of interest exists regarding an election board member and a candidate, then the election board member shall be temporarily removed from the election board.

When the polls are closed, the election board shall publicly count the votes and shall certify the results of the election to each of the persons selected and to the council. The candidate for the office of mayor who receives the highest number of votes cast for that office shall be declared to be elected mayor; the candidate for the office of at-large ~~councilman~~ **council member** who receives the highest number of votes cast for that office shall be declared to be elected at-large ~~councilman~~ **council member**; and the candidates for the offices of ~~councilmen~~ **council member** from each district who receive the highest number of votes cast by voters who reside in that district and cast votes for ~~councilmen~~ **council members** of that district shall be declared to be elected to that office. In the event of a tie vote for any office, a special election for said office(s) only shall be held within 30 days and the registration books shall remain closed until the outcome of the special election is determined.

Every resident of the City of Dover who shall have reached the age of 18 years by the time of the election and who is properly registered to vote shall be entitled to vote at all regular or special municipal elections. A voter will be considered properly registered to vote if they are properly registered to vote for state elections in accordance with Title 15 of the Delaware Code as amended.

The council shall provide for the use of voting machines in all regular and special municipal elections in conformity with Title 15 of the Delaware Code by ordinance duly adopted by council. Voting machines shall be used in accordance with Title 15 of the Delaware Code and by ordinance duly adopted by council. The names of the candidates for each office shall be listed in alphabetical order on the voting machines under the name of the office to which they seek election. The voters shall designate their choice of candidates in accordance with the regular method of operation of voting machines. The council may provide sample ballots plainly marked as such and printed on paper of any color except white to be distributed to any voter or candidate who requests them prior to or during the election.

Any qualified voter, duly registered, who shall be unable to appear to cast their ballot at any election either because of being in the public service of the United States or of this state, or because they will be unavoidably absent from the city on the day of the election, or because of his sickness or physical disability may cast a ballot at such election by absentee ballot to be counted in the total of such election. The council may provide the rules and regulations for such absentee voting by ordinance for all elections.

(Amd. of 7-12-2005 (S.B. 126); Amd. of 7-8-2009 (S.B. 165, §§ 9, 10))

Sec. 9. - Meetings of mayor and council—Generally.

At 7:30 p.m. on the second Monday in May ~~following a regular municipal election~~, the mayor and council shall meet at the usual place for holding council meetings and ~~the~~ newly elected officers shall assume the duties of office, being first duly sworn or affirmed to perform their duties with fidelity. Such meeting shall be called or known as the annual meeting. Thereafter, the council shall hold regular meetings at such times as may be prescribed by ordinance, but not less frequently than once each month. Special meetings may be called and held as prescribed by ordinance. All meetings of the council shall be open to the public except scheduled executive sessions.

At the annual meeting held on the second Monday in May, the members of council shall elect one of their members to serve as council president, such term to he in effect until the next regularly scheduled annual meeting or until a successor is elected. The council president shall serve as vice-mayor. Council president shall preside over regular and special council meetings.

The mayor shall preside over the annual meeting and quarterly town meetings, and at the annual meeting present a state of the city message and offer mayoral appointments for council confirmation. The mayor, upon recommendation from the council president, will present council appointments for council approval.

In the event of absence of the council president, then the senior member of council in terms of length of service as a ~~councilman~~ **council member** shall assume the duties of the council president and shall be designated council president acting. In the event that two or more members of council have the same seniority in terms of length of **(continuous) (cumulative)** service as a ~~councilman~~ **council member**, then the members of council shall vote and elect one of those as council president acting. Council president acting shall fulfill all of the duties and responsibilities of council president during his period of unavailability or absence.

(Amd. of 7-12-2005 (S.B. 126))

Sec. 10. - Meetings of mayor and council—Procedure.

Five of the members elected to the council shall constitute a quorum to do business, but a less number may adjourn from time to time and may compel the attendance of absent members in such manner and under such penalties as may be prescribed by ordinance.

No ordinance, resolution, motion or order shall be valid unless it shall have (1) the affirmative vote of a majority of the members elected to the council, and (2) the written approval of the mayor, or the vice-mayor in those cases where the vice-mayor is authorized to act as mayor as provided in section 15 hereof, provided that in the absence of such approval by the mayor, or the vice-mayor as the case may be, the council may, after not less than seven days nor more than 35 days after the prior vote, pass or adopt the said ordinance, resolution, motion or order which did not

receive the approval of the mayor, or the vice-mayor, by the affirmative vote of two-thirds of the members elected to council.

Whenever the council shall adopt an ordinance, resolution, motion or order, it shall be the duty of the mayor, or the vice-mayor, to signify his/her approval or disapproval thereof in writing to the clerk of the council within seven days thereafter. The clerk of the council shall forthwith notify the members of the council of such approval or disapproval.

Motions to adjourn meetings of council and orders to compel the attendance of absent members shall not require the approval of the mayor or vice-mayor.

A ~~councilman~~ **council member** shall abstain from voting on a matter that he**/she** feels would involve the consideration of his**/her** own official conduct, on a matter in which he**/she** has a financial interest, in a matter in which he**/she** has a conflict of interest or in accordance with a policy adopted by council.

The yeas and nays shall be taken upon the passage of every ordinance and resolution and entered together with the text of the ordinance or resolution upon the journal of the proceedings of the council. The journal shall be deemed conclusive evidence of the facts stated therein except in the case of fraud.

The city council may adopt any standard code of technical regulations by reference thereto in an adopting ordinance. The procedure and requirements governing such an adopting ordinance shall be as prescribed for ordinances generally except that:

(1) The requirements for distribution and filing of copies of the ordinance shall be construed to include copies of the code of technical regulations as well as of the adopting ordinance, and

(2) A copy of each adopted code of technical regulations as well as of the adopting ordinance shall be authenticated and recorded by the city clerk.

Copies of any adopted code of technical regulations shall be made available by the city clerk for distribution or for purchase at a reasonable price.

(Amd. of 7-12-2005 (S.B. 126); Amd. of 7-8-2009 (S.B. 165, § 11))

Sec. 11. - Council to be judge of election results and qualification of members; power to fix procedure.

The council shall be the judge of the election results and qualification of its members and, in such cases, shall have power to subpoena witnesses and compel the production of all pertinent books, records and papers; but the decision of the council in any such case shall be subject to review by the courts. The holding over members shall constitute the council for the purpose of determining election contests. The council shall determine its own rules and order of business and keep a journal of its proceedings. It shall have power to compel the attendance of absent members, and may punish its members for disorderly behavior.

(Amd. of 7-12-2005 (S.B. 126))

Sec. 12. - Compensation; expenses—Mayor, ~~councilmembers~~ council members and other elected or appointed officials.

The council shall determine the annual salary and emoluments of the mayor, council members, and other elected or appointed officials by ordinance, but no ordinance increasing the salary of the mayor or city council members shall become effective until the date of commencement of the terms of the mayor or council members elected at the next regular election. The mayor and council members shall receive their actual and necessary expenses incurred in the performance of their duties of office.

(Amd. of 7-12-2005 (S.B. 126); Amd. of 7-8-2009 (S.B. 165, § 12))

Sec. 13. - Vacancies; forfeiture of office; filling of vacancies

(a) Vacancies. The office of a council member shall become vacant upon the member's death, resignation, or removal from office or forfeiture of office in any manner authorized by law.

(b) Forfeiture of office. A council member shall forfeit that office if the council member:

(1) Fails to meet the residency requirements,

(2) Violates any express prohibition of this charter,

(3) Is convicted of a crime involving moral turpitude, or

(4) Fails to attend three consecutive regular meetings of the council without being excused by the council.

In the case of any such vacancy or of any vacancy created by death, resignation or otherwise for which said vacancy shall be less than six months in duration **from the next regular or special election**, the **~~office shall remain vacant~~ vacancy shall be filled at the next regular or special election if there is sufficient time to meet the requirements of the Dover Code of Ordinances, the City of Dover Charter, and Title 15 of the Delaware Code**. If such vacancy should be in excess of six months in duration **from the next regular or special election**, a special election shall be held to fill such vacancy, this special election to be held no sooner than 30 days from the date of the vacancy, but said special election to be held no later than 60 days after the date of the vacancy. If council fails to call for a special Election, the special Election shall be called by the Election Board.

(Amd. of 7-12-2005 (S.B. 126); Amd. of 7-8-2009 (S.B. 165, § 13))

Impeachment and removal.

The mayor and city council members shall be subject to an impeachment proceeding upon majority vote of the city council and, upon conviction, removal from office for malpractice, willful neglect or failure to perform the duties of their office, abuse of their powers, or any other unbecoming conduct.

The mayor and/or council member who is subject to the impeachment proceedings shall be given no less than five business days notice of the impeachment hearing date, place and time. The mayor and/or council member who is subject to the impeachment proceedings shall have

the right to counsel at the impeachment hearing at his/her own expense and the right to subpoena and present witnesses and other evidence. The burden of proof for impeachment shall be preponderance of the evidence and shall rest with the city. The members of the council who are not the subject to the impeachment hearing shall then vote on the issue of impeachment. Upon majority vote of impeachment by the council after the hearing, the affected member shall be removed from office.

Sec. 14. - Duties of mayor.

The mayor shall be the executive and chief official of the city. The mayor shall have the powers and perform the duties conferred and imposed by this Charter and ordinances of the city. The mayor shall preside at the annual meeting of the council and at all quarterly town meetings. The council president shall preside at all other meetings of the council. The mayor shall have no vote on council matters of any nature whatsoever. The mayor is an ex officio member of all committees, but shall have no vote.

(Amd. of 7-12-2005 (S.B. 126))

Sec. 15. - Council president/vice-mayor, duties of.

At each annual meeting, the council shall elect one of their number as council president who shall also serve as vice-mayor. During a vacancy in the office of mayor or during the absence or disability of the mayor, the vice-mayor shall have all the powers and duties of the mayor, except as hereinafter provided. The council president and vice-mayor shall retain his/her right to vote as ~~councilman~~ **a council member** at all times although he/she may be acting as the mayor, unless the mayors absence appears to be indefinite or extended, in which case council shall pass a resolution appointing the vice-mayor as mayor until the mayor's position is either filled in accordance with section 13 hereof or the mayor returns to his/her duties, which resolution shall provide that the vice-mayor shall have the right to approve or disapprove council action in accordance with section 10 hereof, in which case the vice-mayor shall lose his/her vote as ~~councilman~~ **a council member** until further action is taken by council.

(Amd. of 7-12-2005 (S.B. 126))

Sec. 16. - City clerk.

The city council shall appoint an officer of the city who shall have the title of city clerk. The city clerk shall give notice of council meetings to its members and the public, keep the journal of its proceedings and perform such other duties as are assigned by this charter or ordinance or by the council or by state law.

(Amd. of 7-12-2005 (S.B. 126); Amd. of 7-8-2009 (S.B. 165, § 14))

Sec. 17. - Controller/treasurer.

~~**At the annual meeting the**~~ **The** council shall ~~**elect**~~ **appoint** a controller/treasurer to hold office until ~~**the next annual meeting of the council, or until**~~ his/her successor has been duly chosen and qualified, but subject to removal at any time by the council.

The controller/treasurer shall be the custodian of all the city funds and shall deposit them in a banking institution designated by the council.

(Amd. of 7-12-2005 (S.B. 126); Amd. of 7-8-2009 (S.B. 165, § 15))

Sec. 18. - Ordinances authorized; maximum penalty for violation.

The council is hereby vested with the authority to adopt ordinances of every kind relating to any subject coming within the powers and functions of the city, or relating to the government of the city, its peace and order, its sanitation, appearance and beauty, the health, safety, convenience and comfort of its population, and the protection and preservation of property, and to fix and impose and enforce the payment of, fines and penalties for the violation of any such ordinance; as penalties will be provided by the Code and no provision in this Charter as to ordinances on any particular subject shall be deemed or held to he restrictive of the power to adopt ordinances on any subject not specifically enumerated.

(Amd. of 7-12-2005 (S.B. 126); Amd. of 7-8-2009 (S.B. 165, § 16))

Sec. 19. - Power of council to define and abate nuisances.

The council shall have power to define nuisances and cause their abatement. The operation of any instrument, device, or machine of any kind whatsoever, that shall cause electrical interference with radio or television reception within the limits of the city shall, at the option of the council, be deemed to be a nuisance.

(Amd. of 7-12-2005 (S.B. 126))

Sec. 20. - Power of council to provide for fire protection measures.

The council shall have power to adopt all measures requisite or appropriate for protection against fire. To this end the council may adopt ordinances prohibiting the use of building materials that the council deem would create a fire hazard, and may zone or district the city and make particular provisions for particular zones or districts with regard to buildings and building materials. This power shall be deemed to embrace new buildings or additions to or alterations of existing structures of every kind. The council shall have the power to condemn any building or structure or portion thereof that it deems to be a health hazard or constitutes a fire menace or to require or cause the same to be torn down, removed, or so altered as to eliminate the health hazard or menace of fire.

(Amd. of 7-12-2005 (S.B. 126))

Sec. 21. - Power of council to adopt zoning ordinances.

The council may adopt zoning ordinances limiting and restricting to specified districts, and regulating therein, buildings and structures according to their construction and the nature and extent of their use.

(Amd. of 7-12-2005 (S.B. 126))

Sec. 22. - Power of council to regulate construction of buildings and require permits; building inspector authorized.

The power of the council to adopt ordinances for the safety of the city and its population shall be deemed to embrace the right to prescribe the height and thickness of the walls of any building and the kind and grade of materials used in the construction thereof.

The council may provide for the issuance of building permits and forbid the construction of a new building or the addition to or alteration and repair of an existing building except when a building permit has been obtained therefore. The council may appoint a building inspector and prescribe his/her powers and duties.

(Amd. of 7-12-2005 (S.B. 126))

Sec. 23. - Power of council to create city planning commission; members generally.

The council may create a city planning commission for the development, improvement, and beautification of the city, and prescribe its powers and duties. No member of the planning commission may hold at the same time, any elected city office.

Members of any planning commission created by the city shall consist of two members from each council district and one member serving at large.

All members of the planning commission must be residents of the City of Dover.

Each appointed member of the commission shall receive per diem reimbursement for expenses to be paid ~~quarterly~~ **monthly** for preparation and attendance at each meeting of the planning commission attended in an amount to be set by council.

(Amd. of 7-12-2005 (S.B. 126))

Sec. 24. - Power of council to franchise or license public utilities and common carriers.

The council shall have the right to grant or refuse franchises or licenses to public utilities and common carriers and fix the terms and conditions thereof and to regulate their use of the streets, lanes, alleys, rights-of-way, and air space or airways of the city.

(Amd. of 7-12-2005 (S.B. 126))

Sec. 25. - Power of council to operate light, power or water plant.

The council shall have power to operate a light, power and water plant for the city, and to do all things necessary for its maintenance and operation. The council may at their option transmit electric current and or water from its said plant to places or properties outside of the city limits upon such terms, charges and conditions as they shall determine.

The council shall have power to adopt ordinances, rules and regulations in regard to the use for public or private purposes of electric current distributed and or water furnished by the city and the amount to be paid by the users thereof, and fix fines and penalties for any willful or negligent injury or damage to its water and light plant, and to any objectionable use in connection with its light and water system, and to any interference with or obstruction of the said system.

(Amd. of 7-12-2005 (S.B. 126))

Sec. 26. - Power of council with reference to sewers.

The council shall have superintendence and supervision of the sewers and the sewer system of the city. They shall have power to install any or additional sewers in the city. The council may by condemnation proceedings take for sewer purposes, private land, or the right to use private land

under the surface thereof, for the laying of sewer mains. The proceedings by condemnation under this section shall be the same as prescribed by section 27 of this Charter with regard to the laying out of new streets, and the resolutions referred to in said section shall be modified to cover the case contemplated by this present section.

The council shall have power to make all ordinances, rules and regulations regarding the sewers and sewer system of the city and the use thereof, and may fix fines and penalties for the violation of the provisions of such ordinances. The council may require any property in the city to be connected with the water and sewer mains and to compel the owner of such property to pay the cost of such connection and the tapping fee or charge therefore. The connecting with the water or sewer mains and the tapping thereof shall be under the regulation and control of the council.

The council may extend the sewer system of the city to places outside of the city limits upon such terms, charges and conditions as it shall determine.

The council is hereby authorized to impose a charge or rent for the use of the sewer system of the city, both within and without the limits of the city, and in addition to the connection or tapping charges.

(Amd. of 7-12-2005 (S.B. 126))

Sec. 27. - Power of council to layout, locate, abandon, etc., streets, sidewalks, etc.

The council shall have power and authority to lay out, locate, accept, and open new streets and to widen and to alter existing streets or parts thereof, and to vacate or abandon streets or parts thereof, whenever they shall deem it for the best interest of the city.

Whenever, the land comprehended or included in any street, or part thereof, vacated or abandoned under this section is owned by the city, the council may, in their discretion, sell such land either at private or public sale and for such consideration as the council shall deem proper, and shall have the right and power to convey to the purchaser or purchasers thereof a good and sufficient title thereto.

The word "street" shall be deemed and held to comprehend and include sidewalks, lanes and alleys.

(Amd. of 7-12-2005 (S.B. 126))

Sec. 28. - Power of council to pave streets, sidewalks, etc. and levy assessment for public improvements; municipal lien docket.

The council shall have power to pave or repave, or to cause to be paved, or repaved, the streets and sidewalks of the city, or any part or portion thereof, with such material or materials as it shall determine.

The power hereby conferred shall be exercised in the following manner, to wit:

SIDEWALKS

A. The city council, at such time as it shall determine that the condition or conditions of a particular street or streets, or portion thereof, requires that sidewalks be laid, or that the sidewalks then existing, if there be sidewalks laid, should be improved, or

upon the petition of a majority of persons owning property along any of the streets, or a portion of any of the streets of the said city, asking that the sidewalks abutting on said street or streets, be improved, or that sidewalks be laid where there are none at the time of the filing of the petition, may direct the property owner or owners to lay or replace sidewalks with such material or materials, as, in the judgment of the said council of the City of Dover, may seem best under the circumstances.

It shall be the duty of the city manager to give at least 15 days' notice in writing to the owner or owners of the property affected by the action of the said council. Said notices shall be served in the manner following: A copy thereof shall be delivered personally to the owner or owners of said property, or a copy thereof shall be left with the tenant in possession of the property, or a copy thereof shall be sent by registered mail to the last known post office address of the owner or owners of the said property or properties so affected. Service of such notice by either of said methods shall be sufficient to bind the owner or owners under the provisions of this Charter.

It shall be the duty of the owner or owners, after notice shall have been given in either of the ways above designated, to forthwith cause the said sidewalks to be laid or the improvement or alterations thereof to be made, as directed in said notice.

Upon the failure of the owner or owners to lay or cause to be laid or improved or altered, the sidewalks or portion thereof, according to the direction of said notice, it shall be the duty of the city manager to cause the said sidewalks to be laid or altered or improved, as the case may be, according to the terms of such notice.

STREETS

B. The council shall adopt an ordinance or resolution stating, in effect, that on a named day and at a named hour and place, the council will meet to consider the question of paving or repaving, with specified material or materials, the named street in front of the property of named owners, and, of assessing the cost thereof against the owners. Said ordinance or resolution shall be published at least one week prior to the meeting aforesaid in at least one issue of a newspaper published in the city. The council shall hold a meeting in accordance with said ordinance or resolution and shall hear thereat the named owners of property and other residents of the city appearing on the questions presented in said ordinance or resolution.

After such hearing, the council shall decide, either at said meeting or at a subsequent meeting, whether or not to proceed with the paving or repaving specified in said ordinance or resolution; provided, however, that the council shall not proceed with such improvement if, at or prior to the hearing aforesaid, the council shall be presented with a written objection thereto signed by a majority of the owners of real property in front of which such paving or repaving was contemplated. The provisions of this subsection, relating to the paving or repaving of streets, shall be deemed to apply to and include curbs and gutters.

SPECIAL ASSESSMENTS

C. The city shall have the authority to levy and collect special assessments upon property in a limited and determinable area for special benefits accruing to such property as a consequence of any municipal public work or improvement, and to

provide for the payment of all, or any part of, the cost of the work, service or improvement out of the proceeds of such special assessments.
When the term "owner" or "owners" is used with respect to special assessments, it shall be deemed to mean the person or persons who owned the property in question at the time of the enactment of the assessment ordinance, and, any change in ownership thereafter shall not be deemed to affect any of the steps or proceedings described in this Charter with respect to special assessments.

The council shall also have the authority to enact ordinances which provide for the levy and collection of assessments against property owners for the cost of installation of sanitary sewers, storm sewers, water mains, streets, sidewalks, street lights, curbs, gutters and other public improvements.

Such ordinances shall prescribe:

(1) The basis to determine the amount which shall be assessed upon the properties abutting the public work or improvement;

(2) What portion of corner properties shall be considered frontage and what portion side frontage and whether there shall be any exemption on side frontage;

(3) Payment provisions providing for payment in installments, except that assessments for current services or service connections shall be payable within one year; and

(4) Rules under which individual appeals shall be heard.

All special assessments and all water and sewer service charges shall be liens and shall be entered in the municipal lien docket as liens.

The council may provide for the payment of special assessments for whatever purpose levied by installments, but assessments for permanent improvements shall be paid in annual or more frequent installments, and, assessments for current services shall be payable within one year.

MUNICIPAL LIEN DOCKET

D. A docket known as the City of Dover Municipal Lien Docket shall be prepared and maintained by the city manager. The docket shall be substantially the same in form as the judgment docket for Kent County and shall contain an index according to the name of the owner against whom such lien has been assessed. All taxes and all charges for water service, sewer service, garbage service, electric service, grass cutting services and debris removal, dangerous building ordinance costs and assessments, special assessments for municipal improvements of any nature, and all other charges or assessments made by the city against property owners may be recorded in the municipal lien docket and shall be and constitute a lien upon all of the real estate of the taxable against or upon whom such taxes and/or charges are laid or imposed, of which such taxable was seized at any time after such taxes and/or charges have been levied and imposed, situate in the City of Dover. All liens so recorded shall continue in full force and effect until the same plus accrued costs have been paid in full. Upon payment in full of the lien and all costs, it shall be the duty of the city manager to enter forthwith upon the docket the date of final payment and

the words 'satisfied in full." Failure to record liens in the municipal lien docket shall not affect liens otherwise provided for in 25 Del. section 2901, et seq.

(Amd. of 7-12-2005 (S.B. 126))

Sec. 29. - Streets, sidewalks, etc. to be under control of council; power of council to prescribe grades thereon and regulate.

The streets, sidewalks, lanes and alleys in the city shall be under the supervision, management and control of the council, and the council may prescribe the grades thereof and adopt ordinances regulating the use thereof and the traffic thereon.

(Amd. of 7-12-2005 (S.B. 126))

Sec. 30. - Power of council to provide for disposal of garbage and sewage.

The council shall have power to provide for the incineration or other sanitary disposal of litter, debris, refuse, garbage and sewage.

(Amd. of 7-12-2005 (S.B. 126))

Sec. 31. - Power of council to regulate parking and provide parking lots.

The council shall have power to adopt ordinances regulating the parking of automobiles and motor vehicles within the city, and may lease or purchase land to be used for parking purposes.

(Amd. of 7-12-2005 (S.B. 126))

Sec. 32. - Council to determine salaries of city appointees and employees.

The salaries or emoluments of all city appointees and city employees shall be determined by the council through the pay system and collective bargaining agreements as amended.

(Amd. of 7-12-2005 (S.B. 126))

ARTICLE III. - CITY MANAGER

Sec. 33. - The city manager generally.

The council shall appoint a city manager who shall be the chief administrative officer of the city. The city manager need not, when appointed, be a resident of the city or the state. No member of the council shall, during the time for which elected, be chosen as city manager. The manager shall be appointed for an indefinite term but shall be removable at the pleasure of the council. Before the manager may be removed he/she shall, if he/she so demand, be given a written statement of the reasons alleged for his/her removal and the right to be heard publicly thereon at a meeting of the council prior to the final vote on the question of his/her removal, but pending and during such hearing the council may suspend him/her from office. The action of the council in suspending or removing the manager 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 case of the absence or disability of the manager the council may designate some qualified person to perform the duties of the office during such absence or disability.

(Amd. of 7-12-2005 (S.B. 126))

Sec. 34. - Responsibility of manager; powers of appointment and removal.

The city manager shall be responsible to the council for the proper administration of all affairs of the city placed in his/her charge, and to that end, except as otherwise provided herein, he/she shall have the power to appoint and remove all employees in the administrative service of the affairs of the city under his/her charge. All such appointment shall be without definite term.

(Amd. of 7-12-2005 (S.B. 126))

Sec. 35. - Appointments and removals.

Neither the city council nor any of its members shall in any manner control or demand the appointment or removal of any city administrative officer or employee whom the city manager or any subordinate of the city manager is empowered to appoint, but the council may express its views and fully and freely discuss with the city manager anything pertaining to appointment and removal of such officers and employees. The city administrative officers and employees can be assured of due process in accordance with 19 Del. C.

(Amd. of 7-12-2005 (S.B. 126); Amd. of 7-8-2009 (S.B. 165, § 17))

Sec. 36. - Interference with administration.

Except for the purpose of inquiries, and investigations by council under section 39, the council or its members shall deal with city officers and employees who are subject to the direction and supervision of the city manager solely through the city manager, and neither the council nor its members shall give orders to any such officer or employee, either publicly or privately.

(Amd. of 7-12-2005 (S.B. 126); Amd. of 7-8-2009 (S.B. 165, § 18))

Sec. 37. - Duties of the manager.

It shall be the duty of the city manager to supervise the administration of the affairs of the city under his/her charge; to make such recommendations to the council concerning the affairs of the city as may seem to him/her desirable; to keep the council advised of the financial conditions and future needs of the city; to prepare and submit to the council the annual budget estimate; to prepare and submit to the council such reports as may be required by that body; and to perform such other duties as may be prescribed by this Charter or required of him/her by ordinance or resolution of the council.

(Amd. of 7-12-2005 (S.B. 126))

Sec. 38. - Right of manager to sit in council meetings.

The city manager and such other officers of the city as may be designated by vote of the council, shall be entitled to seats in the council, but shall have no vote therein.

(Amd. of 7-12-2005 (S.B. 126))

Sec. 39. - Investigations.

The city council may make investigations into the affairs of the city and the conduct of any city department, office, officer, employee, or agency and for this purpose may subpoena witnesses, administer oaths, take testimony, and require the production of evidence. Failure or refusal to obey a lawful order issued in the exercise of these powers by the council shall be a Class A misdemeanor punishable by existing State Law.

(Amd. of 7-12-2005 (S.B. 126); Amd. of 7-8-2009 (S.B. 165, § 19))

Sec. 40. - Other functions of city manager.

The city manager shall have charge of the light and water plant operated by the city, and of the light and water and sewer systems of the city. The city manager shall have charge of the supervision of the streets, gutters, curbs and sidewalks of the city and of all work relating thereto. The city manager shall have charge of the administration of all provisions of this Charter and ordinances and regulations of the council relating to affairs of the city, when not otherwise provided for by this Charter or by any ordinance or resolution of the council. The city manager shall ex officio be the collector of taxes for the city. It shall be his/her duty to collect all water rents and fees for the tapping of water mains and sewers, all charges for electric current and all city revenue from any source whatsoever. The city manager shall pay over to the controller/treasurer at least monthly~~, and oftener if required by council,~~ all moneys received or collected by him/her and by any employee under him/her.

The city manager shall keep a full and strict account of all moneys received and all transfers made by him/her to the controller/treasurer and such accounts shall be at all times open to inspection by the council. The city manager shall make such reports and at such times as the council shall direct.

(Amd. of 7-12-2005 (S.B. 126); Amd. of 7-8-2009 (S.B. 165, § 20))

Sec. 41. -

This section has been intentionally left blank.

ARTICLE IV. - FINANCIAL AFFAIRS

Sec. 42. - Signing of warrants.

The controller/treasurer shall pay out no money except upon warrant signed by the city manager and countersigned by the mayor.

The mayor and the city manager shall sign no warrants on the controller/treasurer except pursuant to appropriations or resolutions theretofore made by the council.

The controller/treasurer shall keep a true and detailed account of all moneys received and of all moneys paid out by him/her. The controller/treasurer shall preserve all vouchers for moneys paid by him/her. His/her books and accounts shall at all times be open to inspection by the council or the mayor or the city manager.

The controller/treasurer shall make such reports and at such times as the council may direct.

The controller/treasurer shall be required to give bond in such amount and in such form and with such surety as the council shall determine or approve.

(Amd. of 7-12-2005 (S.B. 126); Amd. of 7-8-2009 (S.B. 165, § 20))

Sec. 43. - Fiscal year.

The fiscal year of the city shall begin the first day of July and shall end with the next succeeding thirtieth day of June.

(Amd. of 7-12-2005 (S.B. 126))

Sec. 44. - Annual budget.

On or before the second Monday of May of each year, the city manager **and the Controller/Treasurer** shall prepare and submit to the council, a budget, presenting a financial plan for conducting the affairs of the city for the ensuing fiscal year. The total of proposed expenditures shall not exceed the total of anticipated income.

The budget shall include the following information:

1. A detailed statement showing the expenses of conducting each department and office of the city for the current year and last preceding fiscal year.

2. A detailed estimate of the expenses of conducting each department and office of the city for the ensuing fiscal year with reasons for the increases and decreases recommended.

3. The amount of the debt of the city together with a schedule of maturities of bond issues.

4. A statement showing the amount required for interest on the city debt and for paying off any bonds maturing during the year and the amount required for the sinking fund.

5. An itemized statement of all anticipated income of the city with a comparative statement of the amounts received by the city from each of the same or similar sources for the last preceding and current fiscal years.

6. An estimate of the amount of money to be received from taxes.

7. Such other information as the city manager **and the Controller/Treasurer** may think desirable or as may be required by the council.

The council shall on or before the second Monday in the month of June in each year adopt a budget for the succeeding fiscal year. The council shall, so far as possible, adhere to the budget so adopted in the making of appropriations.

(Amd. of 7-12-2005 (S.B. 126))

Sec. 45. - Payment of claims; issuance of warrants after approval of city manager; reports by manager thereon to council.

No claim against the city shall be paid except on an order on the controller/treasurer, signed by the city manager, and approved and countersigned by the mayor. The city manager shall examine all payrolls, bills and other claims and demands against the city and shall issue no warrant for payment, unless he/she finds that the claim is proper and in proper form and correctly computed.

(Amd. of 7-12-2005 (S.B. 126); Amd. of 7-8-2009 (S.B. 165, § 20))

Sec. 46. - Annual audit.

Annually in the month of July the council shall have the finances of the city and the books and accounts of the city manager and the controller/treasurer audited by a certified accountant.

As soon as practicable after such audit has been completed, the council shall cause to be made and published a report of the city's finances for the preceding fiscal year.

(Amd. of 7-12-2005 (S.B. 126); Amd. of 7-8-2009 (S.B. 165, § 20))

Sec. 47. - General assessment; levy on utility property.

The city shall cause to be made a true, just, and impartial valuation and assessment of all real property within the city, locating each parcel of real property by street and number or other description. The assessor or assessors shall be ~~**appointed by the council at its annual meeting by majority vote thereof**~~ **selected by the city manager and confirmed by city council. The assessor or assessors shall be directly responsible to the city manager.** Before entering upon the duties of office, an assessor shall be sworn or affirmed by the Mayor to perform the duties of the assessor's office with fidelity and without favor or partiality.

Whenever council shall direct, as set forth in Chapter 102—Taxation, Article I—In general, Section 102-1—Valuation and assessment, of the Dover Code of Ordinances, all real property in the City of Dover shall be reassessed by an outside mass appraisal company chosen by council. The mass appraisal company shall be licensed to conduct business in the State of Delaware and the City of Dover and shall employ appraisers who are recognized by the Delaware Division of Professional Regulations. This assessment shall be in lieu of the valuation and assessment made by the assessor or assessors ~~**appointed by council as described herein above**~~ and in lieu of the assessor's duties described herein above.

The assessor or assessors shall include supplemental assessments made annually for the purposes of (1) adding property not included in the last assessment or (2) increasing or decreasing the assessment value of property which was included in the last annual assessment.

The annual assessment date for all real property shall be January 1st of each year. The assessment of all property shall be at its true value in money as of the assessment date. True value in money shall be the fair market value.

The general assessment shall be set down by the assessor or assessors in two or more copies, as the council shall direct, and shall be delivered to the council as soon as made. The council shall, on the first day of April of each year, cause a copy of the general assessment to be posted in two public places in the city for ten days. The assessor shall notify the public of an appeal deadline of 30 days from the date of general assessment posting.

The council may direct that appeals from any assessment be heard by a committee, known as the board of assessment appeals, of not less than three members appointed by the council. The

board of assessment appeals shall sit at a stated place and time to hear the appeals of all taxpayers dissatisfied with the assessment of their properties, shall collect such information as they consider proper and necessary, and shall report their findings.

Notice of the place and time that the board of assessment appeals will sit to hear appeals shall be posted with the general assessment in two public places for a period often days. Notice of the posting of the copies of the general assessment and of the place and time of the meetings of the board of assessment appeals shall be published in at least one issue of a newspaper published in the city.

The assessment as revised and adjusted by the board of assessment appeals or superior court shall be the basis for the levy and collection of taxes for the city.

The council shall have the right to levy and collect taxes on gas mains, telephone, telegraph, communications systems, or trolley poles or other erection of like character within the limits of the city, together with the wires thereon strung; and to this end the council may at any time direct the same to be included in or added to the general assessment.

Nothing contained in this section shall be deemed or held to invalidate or otherwise effect any assessment made prior to the approval of this section or any tax levied thereunder.

(Amd. of 7-12-2005 (S.B. 126); Amd. of 7-8-2009 (S.B. 165, § 21); Res. No. 2011-12 (S.B. 166), 11-28-2011)

Sec. 48. - Maximum budget.

The council shall in the month of June of each year determine the amount of money to be raised for the city for general purposes for the next fiscal year not exceeding two percent of the total taxable assessment for a general tax, and shall also determine the amount of money required to be raised in such year by the city for interest, sinking fund and redemption of the bonds of the city. A reasonable sum for delinquencies, discounts and costs of collection may be added by the council to the amounts aforesaid. The amounts determined as aforesaid together with any additional sum or sums authorized to be levied and collected, as in this section hereinafter provided, shall he levied and collected by the council on the property and persons assessed as aforesaid and in accordance with such assessment and according to a rate established by the council.

(Amd. of 7-12-2005 (S.B. 126))

Sec. 49. - Payment and collection of taxes; errors and delinquents in assessments.

All taxes shall he paid to the collector of taxes. For all taxes not paid on or before July 31st in the calendar year that they are assessed, there shall be added and collected a reasonable penalty.

It shall be the duty of the collector of taxes to proceed forthwith to collect all taxes unpaid by the first day of October in the calendar year that they were assessed and in the collection of said taxes he/she shall have all the powers conferred upon or vested in the Receiver of Taxes and County Treasurer for Kent County.

The council shall have the authority to allow errors and delinquents in the assessment.

The provisions of § 8705, title 9 of the Delaware Code shall be deemed and held to apply to all taxes laid and imposed under the provisions of this Charter.

(Amd. of 7-12-2005 (S.B. 126))

Sec. 49A. - Assessment, payment, and collection of taxes for new construction.

In the event that the mayor and council of the City of Dover desire to collect and levy taxes on newly constructed property not taxed by virtue of the city's annual assessment, the city may enact an ordinance to do so provided that: At the beginning of each quarter of each year, there shall be an increase in the valuation and assessment of all newly constructed real property within the city, locating each parcel of real property by street and number or other description. Property shall be deemed to be newly constructed when the city permits occupancy and use (certificate of occupancy) or when new construction is being used or occupied for its intended purpose. The said valuation and assessment shall be made by an assessor or assessors ~~**who shall be elected by council in accordance with the provisions set forth in section 47 of this Charter**~~.

The aforementioned assessment shall be during the months of January, April, July, and October of each year. Any new construction with an added value of $25,000.00 or less shall not be realized until the next annual assessment roll. The property owner may appeal any assessment for new construction in accordance with section 47 of this Charter.

Nothing in this section contained shall be deemed or held to invalidate or otherwise affect any assessment made prior to the approval of this section or any tax levied thereunder.

All taxes shall be paid to the collector of taxes. Said taxes shall be paid within 30 days of billing and those taxes not paid shall accrue a penalty in the amount of one and one-half percent per month. For every tax that is not paid as prescribed herein, the tax collector shall have all the powers conferred upon or vested in the Receiver of Taxes and County Treasurer for Kent County.

The council shall have the authority to allow errors and delinquents in the assessment.

The provisions of 9 Del. C. § 8705 and 25 Del. C. §§ 2901 through 2905, as they may from time to time be amended, shall be deemed and held to apply to all taxes laid and imposed upon the provisions of this Charter.

(Amd. of 7-12-2005 (S.B. 126); Amd. of 7-8-2009 (S.B. 165, § 22))

49B. - Realty Transfer Tax.

Notwithstanding any statute to the contrary, the City of Dover shall have the power by ordinance to impose and collect a tax, to be paid by the transferor or transferee as determined by council, upon the transfer of real property within the city not to exceed one and one-half percent or as amended by state law of the value of the real property as represented by the document transferring the property. The provisions of Section 5401 and Section 5403 of Chapter 54, Title 30 of the Delaware Code (30 Del. C. §§ 5401, 5403) shall apply with respect to any realty transfer tax imposed by the City of Dover pursuant to the authority granted herein. The council of the City of Dover may adopt an ordinance or ordinances to provide for the effective administration and regulation of any tax adopted pursuant to the authority conferred herein. If the taxing power and authority granted herein shall be exercised by way of a stamp affixed to a document, the recorder of deeds in and for Kent County shall not receive for record documents subject to said tax unless stamps provided by the City of Dover are affixed thereto showing payment of the tax.
(Moved from Sec. 3. - Employee pension, benefit and retirement systems authorized.)

Sec. 50. - Debt limit.

(a) Whenever the needs of the city shall require more money than is at the time in the city treasury from current receipts, the council shall be authorized and empowered to anticipate current revenue by borrowing such sums as shall be needed not in excess of one percent of the total taxable assessment for a general tax. The amount so borrowed shall be paid back out of current revenue received thereafter.

To exercise the power aforesaid the council shall adopt a resolution to that effect, which resolution shall require the affirmative vote of at least three-fourths of all the members of the council, and the approval of the mayor. The indebtedness created under this section shall be evidenced by the bond, or note, of the city, and the faith and credit of the city shall be deemed to be pledged thereby.

(b) The mayor and council is hereby authorized and empowered to borrow from time to time on the faith and credit of the City of Dover sums of money for such purposes as may be deemed necessary and proper by the mayor and council of the said city which purpose shall be consistent with the powers conferred upon the mayor and council of the City of Dover by the Charter thereof, as amended, for the management and maintenance of the said city and for these purposes the mayor and council shall have full power and authority to issue bonds of the said "City of Dover."

The aggregate of the amounts so borrowed together with all other bonded indebtedness for which the full faith and credit of the City of Dover has been pledged shall not at any time exceed a sum equal to five percent of the total assessed value of real property situate within the bounds of the City of Dover as such boundaries shall from time to time appear.

The said bonds shall be issued in one or more series, shall bear such date or dates, shall mature at such time or times, shall bear interest at such rate or rates, shall be payable at such time or times, and at such place or places, shall be in such denominations, and shall contain such other provisions as the mayor and council may provide and shall be set forth in the said bonds. Said bonds may or may not be coupon bonds and may be registered or otherwise as the mayor and council deem advisable.

The mayor and council shall direct and effect the preparation and sale of said bonds at such time or times, at such price or prices, and upon such terms as the said mayor and council deem advisable, and all the monies arising from the sale of said bonds shall be used for the municipal purposes of the City of Dover specified in the resolution authorizing their issue.

The form of said bonds and of any coupons which may be thereunto attached shall be as prescribed by the mayor and council, and all such bonds shall be signed by the Mayor and the Treasurer of the City of Dover and sealed with the corporate seal thereof. Facsimile signatures of the mayor and treasurer and a facsimile of the corporate seal may be imprinted upon such bonds and any coupons attached to said bonds in lieu of the signatures of the said mayor and treasurer in their own handwriting and of the affixing of the corporate seal itself.

Said bonds of the City of Dover shall be exempt from all state, county and municipal taxes.

The Mayor and Council of the City of Dover are hereby authorized and required to levy and raise by taxation in each and every year such sums of money as may be required to pay the interest accrued on said bonds while all or any of said bonds remain unpaid, and the said mayor and the city council are further authorized and required to levy and raise by taxation,

from time to time such sum or sums of money as shall be needed to establish such sinking funds as the said mayor and the city council may at their discretion authorize for the redemption of said bonds, or any of them, at or before their maturity and such sum or sums of money as shall be required to otherwise redeem any or all of said bonds at or before their maturity. Taxes for interest and for redemption of said bonds shall be levied and raised as taxes for general municipal purposes in the said city are levied and raised and shall be in addition to those levied and raised for any and all other municipal purposes.

A statement appearing in the bonds issued under the provisions of this section to the effect that the bonds have been duly authorized shall be deemed and held to be conclusive evidence in favor of the lawful holder of any such bonds that the terms and conditions of this section have been fully met and complied with.

(c) Bonds may he authorized and issued pursuant to subsection (b), without a referendum vote, by a resolution of the council which shall have the affirmative vote of three-fourths of the members thereof and the approval of the mayor, for the following purposes:

(i) To finance capital projects, including, but not limited to, public storm sewers, water mains, sewer mains, streets and public buildings provided that no more than ¼ of one percent (.25%) of taxable assessed value of real property of aggregate principal amount of general obligation bonds may be issued at any one time pursuant to this clause and any new bonds issued pursuant to this clause may not cause the total aggregate principal amount of general obligation bonds outstanding at any one time to exceed one percent of the total taxable assessment for a general tax at the time such new bonds are issued; and

(ii) To refund bonds secured by the city's full faith and credit, prior to their stated maturity, provided that (A) the present value of the aggregate principal and interest payments of the refunding bonds are not greater than the present value of the aggregate principal and interest payments on the bonds to be refunded determined by discounting at the effective interest rate on the refunding bonds, calculated based on the internal rate of return: and (B) at the time of issuance of the refunding bonds there are deposited in escrow, pledged to secure the refunded bonds, sufficient monies and/or direct obligations of, or obligation the principal of and interest on which are guaranteed by, the United States government, which, without regard to any reinvestment earnings, will be sufficient to pay when due all interest, principal and redemption price on the refunded bonds at maturity or upon earlier call for redemption.

(d) Except for bonds issued pursuant to subsection (c) hereof, all bonds issued under the provisions of subsection (b) shall first be approved by a referendum vote of the qualified voters (as herein defined) of the City of Dover.

Notice of the holding of such referendum election shall be authorized by resolution of the mayor and council, published once a week, for at least three consecutive weeks in at least one newspaper circulated in the City of Dover, Delaware. Such notice shall be set out in summary form the amount and purposes of such bond issue, the date and place of holding the referendum election and the hours the polls will be open.

At said referendum election "qualified voter" shall mean every natural person who is a resident or a nonresident taxable of the city, of the age of 18 years or upwards. Each qualified voter shall be eligible to vote and shall have one vote.

The city assessor or his/her designee shall attend the election with the last city assessment and tax payment records for the inspection of the election officers. The referendum election shall be held at such date as the mayor and council shall designate. The referendum election shall be held at such suitable place in said city as the mayor and council shall designate in said published notice. The polls shall be open from 7:00 a.m. (local time), and shall close at 8:00 p.m. (local time). The judge of the election shall, in the case of a tie vote on the bond issue, cast the deciding vote, otherwise judge of the election shall refrain from voting, but the election clerks may vote.

The total votes cast for and the total votes cast against the bond issue shall be certified as correct by at least two of the election officers and delivered to the mayor, or to the clerk of council immediately after the total vote count has been certified.

The mayor and council shall at the next regular meeting after the election, or at a special meeting, receive the results of the referendum election and make the same a part of the minutes of said meeting, whereupon if a majority of the votes cast were for the bond issue bonds herein provided for may be issued and sold as provided in subsection (b), but if at such referendum election the majority of the votes cast were against the bond issue, then no bonds shall be issued nor shall any money be borrowed pursuant to the resolution submitted to the referendum.

(e) In addition to the power otherwise granted in this section, the mayor and council may issue special assessment revenue bonds to finance those public projects for which the city may levy and collect special assessments pursuant to section 28 of this Charter. Such bonds shall not obligate the faith and credit of the city, but shall be payable solely from the proceeds of the special assessments which are pledged to the payment thereof. Such bonds shall be authorized without a referendum vote by a resolution of the council which shall have the affirmative vote of three-fourths of the members thereof and the approval of the mayor.

(f) After authorization of the sale of bonds as provided in this section and in anticipation of the sale and issuance of said bonds, the mayor and council may borrow money and issue notes of the city for the purpose and to the extent of the amount of bonds authorized to be sold, less the amount of any bonds theretofore issued under such authority. The said borrowing shall be authorized by a resolution of the council which shall have the affirmative vote of three-fourths of the members thereof and the approval of the mayor, and the note or notes thereby authorized shall be signed by the mayor and treasurer of the city. When issued and signed in accordance with this subsection (f), the faith and credit of the city shall be deemed to be pledged for the repayment of all said notes, except those issued pursuant to subsection (e) hereof.

The note or notes issued in anticipation of a bond issue may be renewed from time to time, but the proceeds of the sale of such bonds shall, to the extent necessary, be first used to pay and retire such notes. Said notes may be deemed at par and accrued interest at any time prior to their maturity if the right so to do shall have been reserved.

(g) For the purposes of the debt limitations prescribed in this section, (i) any bonds which have been refunded pursuant to subsection (c)(ii) shall be treated as no longer outstanding; and (ii) bonded indebtedness, principal amount of bonds and bonds outstanding shall be determined without regard to original issue discount.

(Amend. of 7-12-2005 (S.B. 126); Amend. of 7-12-2007 (S.B. 146), §§ 1, 2, Amd. of 7-8-2009 (S.B. 165, § 23); Res. No. 2012-02 (S.B. 173), 1-23-2012)

Editor's note— It should be noted that Charter Resolution No. 2012-02 (Senate Bill No. 173) was approved by the Delaware General Assembly and was signed by said Assembly on April 19, 2012.

ARTICLE V. - MISCELLANEOUS PROVISIONS

Sec. 51. - Trees.

Trees being among the chief beauties of the city, and their preservation requiring that they be treated with special care and intelligence, the city manager is empowered to appropriate annually an amount of money adequate for their care and preservation. The city manager may be given authority to take necessary or appropriate action to prevent injuries to trees from electric wires or from any other source or cause whatsoever, and to combat the pests and diseases to which they are subject, and when necessary to employ tree experts provided that they do not exceed the appropriation made by the council.

(Amd. of 7-12-2005 (S.B. 126))

~~Sec. 52. -~~

~~This section intentionally left blank.~~

Sec. 53. - Police~~; mayor to be conservator of peace~~ force; chief of police.

There shall be a city police force, the number thereof and their salaries shall be determined by the council~~, but they shall be chosen and appointed by the mayor~~. **The chief of police shall be selected by the city manager and confirmed by city council.** The ~~mayor~~ **police chief** is hereby vested with all the powers of a conservator of the peace within the city limits. ~~The mayor shall appoint a chief of police subject to removal at any time by the mayor in accordance with applicable laws.~~ The members of the police force shall be subject to his/her direction and orders delivered through the proper chain of command and in accordance with applicable laws and ordinances. They shall preserve peace and order, and compel obedience within the city limits to the ordinances of the city and the laws of the state. They shall have such other duties as the council and the mayor shall prescribe by ordinance.

Each member of the police force shall be vested with all the power and authority within the city limits and within one mile outside of said limits, (and, in the case of the pursuit of an offender, without limit) of a constable of Kent County.

(Amd. of 7-12-2005 (S.B. 126))

Sec. 54. - City solicitor.

~~At the annual meeting the~~ **The** council shall ~~elect~~ **appoint** a city solicitor ~~for the term of one year or~~ **to hold office** until his/her successor has been duly chosen and qualified.

The city solicitor may be removed during his/her term by a vote of three-fourths of the members elected to the council.

The city solicitor shall be an attorney at law who shall have practiced in the State of Delaware for at least five years. The city solicitor shall be the chief legal adviser of and attorney for the city. It shall be his/her duty, either personally or by such assistants as they may designate, to

attend meetings of the council; to give advice in writing, when so requested, to the council or the city manager to prosecute or defend, as the case may be, all suits or cases to which the city may be a party; to prosecute for all offenses against the ordinances of the city and for such offenses against the laws of the state as may be required of him/her by law; to prepare all contracts, bonds and other instruments in writing in which the city is concerned, and to endorse on each his/her approval of the form and correctness thereof; and to perform such other duties of a legal nature as the council may by ordinance require. In addition to the duties imposed upon the solicitor by this Charter or required of him/her by ordinance or resolution of the council he/she shall perform any duties imposed upon the chief legal officers of municipalities by law.

~~At the annual meeting the~~ **The** council shall ~~elect~~ **appoint** a deputy city solicitor ~~for the term of one year or~~ **to hold office** until his/her successor has been duly chosen and qualified. The deputy city solicitor shall be an attorney-at-law entitled to practice law in the State of Delaware, and shall serve in such manner as shall be determined by the city solicitor to be necessary and proper.

(Amd. of 7-12-2005 (S.B. 126))

~~**Sec. 55. - Powers of Town of Dover or town council conferred on city or city council.**~~

~~**All powers conferred upon or vested in the Town of Dover and or the Town Council of the Town of Dover by any act or law of the State of Delaware not in conflict with the provisions of this Charter, are hereby expressly conferred upon and vested in the City of Dover and or the Mayor and Council of the City of Dover, precisely as if each of the said powers was expressly repeated in this Charter.**~~

(Amd. of 7-12-2005 (S.B. 126))

~~**Sec. 56. - Ordinances passed by town council continued in effect.**~~

~~**All ordinances adopted by the Town Council of the Town of Dover and in force at the time of the approval of this Charter are continued in force until the same or any of them shall be repealed, modified or altered by the city council under the provisions of this Charter.**~~

(Amd. of 7-12-2005 (S.B. 126))

~~**Sec. 57. - Officers of town to be initial city officers; prior actions of town council ratified.**~~

~~**The mayor and members of council at the time of approval of this enactment of this Charter shall retain their elected terms of office until re-elected or failure to be re-elected under the provisions and terms established herein.**~~

~~**All the acts and doings of the Council of the Town of Dover or of any officials of the said town lawfully done or performed under the provisions of any law of this state or of any ordinance of the council of the said town, prior to the approval of this Charter are hereby ratified and confirmed.**~~

(Amd. of 7-12-2005 (S.B. 126))

~~**Sec. 58. - Debts due to town to be due to city; impairment of bonds.**~~

~~All taxes, debts, fines or penalties and forfeitures due the Town of Dover shall be deemed to be due the City of Dover, and all debts due from the said Town of Dover shall be deemed to be debts of the City of Dover, and the same imposed under the provisions of this Charter shall be deemed to apply and extend to all unpaid taxes imposed by the Town Council of Dover.~~

~~The bonds given by or on account of any official of the Town of Dover shall not be impaired or affected by the provisions of this Charter.~~

(Amd. of 7-12-2005 (S.B. 126))

Sec. 59. - Printed copies of ordinances and resolutions to be proper evidence.

Printed copies of the ordinances and resolutions of the City Council of Dover, published by authority of the council, shall be admitted as evidence thereof in all courts, and in pleading it shall not be necessary to recite or draw them out at large.

(Amd. of 7-12-2005 (S.B. 126))

Sec. 60. - Repeal of prior acts.

All acts or parts of acts inconsistent with or in conflict with the provisions of this Charter are hereby repealed.

(Amd. of 7-12-2005 (S.B. 126))

Sec. 61. - Severability.

If any part of this Charter, as it may from time to time be amended, are held to be unconstitutional, such holding shall not be deemed to invalidate the remaining portions of this Charter or amendments thereto.

(Amd. of 7-12-2005 (S.B. 126))