LEGISLATIVE, FINANCE, AND ADMINISTRATION COMMITTEE AGENDA

FEBRUARY 23, 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. **REPLENISHMENT OF UNINSURED EXPENSES RELATED TO THE SETTLEMENT OF DOVER POLICE DEPARTMENT GRIEVANCES** *(REQUEST OF MAYOR CHRISTIANSEN)*

2. **CIVILIANIZATION OF THE POLICE ACCREDITATION MANAGER POSITION** (POLICE DEPARTMENT)
   (STAFF RECOMMENDS THE CIVILIANIZATION OF THE CURRENT POLICE ACCREDITATION MANAGER POSITION AND ALLOWING STAFF TO REVISE THE DUTIES OF THE NEW POSITION AND PLACE IN THE CITY'S PAY SCALE IN ACCORDANCE WITH THE ASSIGNED DUTIES AND RESPONSIBILITIES)

3. **PROPOSED RESOLUTIONS**
   A. **RESOLUTION NO. 2015-02 REQUESTING THE GENERAL ASSEMBLY TO AMEND ARTICLE V - MISCELLANEOUS PROVISIONS, SECTION 53 - MAYOR TO BE THE CONSERVATOR OF THE PEACE WITH COMPANION ORDINANCE #2015-06 AMENDING CHAPTER 62 - LAW ENFORCEMENT, ARTICLE II - POLICE DEPARTMENT, SECTION 62-32 - CHIEF OF POLICE GENERALLY AND SECTION 62-38 - SPECIAL POLICE**
      (*REQUEST OF MAYOR CHRISTIANSEN***)**

   B. **RESOLUTION NO. 2015-03 REQUESTING THE GENERAL ASSEMBLY TO AMEND ARTICLE I - POWERS OF THE CITY, SECTION 1.05 - PROCEDURE TO EXTEND BOUNDARIES; AND ARTICLE II - MAYOR AND COUNCIL, SECTION 5 - COUNCIL TO BE LEGISLATIVE BODY; SIZE; DISTRICTS; TERMS OF MAYOR AND COUNCILMEN; QUALIFICATIONS, SECTION 6 - MUNICIPAL ELECTION; DATES, TIME, AND PLACE OF ELECTIONS, SECTION 7 - NOMINATION PETITIONS FOR CANDIDATES FOR COUNCIL AND MAYOR, SECTION 9 - MEETINGS OF MAYOR AND COUNCIL-GENERALLY, SECTION 10 - MEETINGS OF MAYOR AND COUNCIL-PROCEDURE, AND SECTION 13 - VACANCIES; FORFEITURE OF OFFICE; FILLING OF VACANCIES**
      (STAFF RECOMMENDS ADOPTION OF RESOLUTION NO. 2015-03)

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

/TM
S:\AGENDAS-MINUTES-PACKETS-PRESENTATIONS-ATT&EXH\COMMITTEE-AGENDAS\2015\02-23-2015 LF&A.WPD

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, Finance, and Administration Committee	**AGENDA OF:** 02-23-2015
DEPARTMENT OF ORIGIN: Police Department	**DATE SUBMITTED**: 02-06-2015
PREPARED BY: Captain Tim Stump; Administrative Division Commander; Scott Koenig, P.E., City Manager	
SUBJECT: Civilianization of the Police Accreditation Manager	
EXHIBITS: 1) Wage and Benefit Information Form for Employee Hiring and Transfers 2) Hiring Justification Outline and 3) Permission to Recruit Form	
TIMETABLE: Consideration by City Council on 02-23-2015	
RECOMMENDED ACTION: Authorize the civilianization of the current Police Accreditation Manager Position and allow staff to revise the duties of the new position and place in the City's pay scale in accordance with the assigned duties and responsibilities.	

BACKGROUND AND ANALYSIS

The purpose of CALEA's Accreditation program is to improve the delivery of public safety services, primarily by: maintaining a body of standards, developed by public safety practitioners, covering a wide range of up-to-date public safety initiatives; establishing and administering an accreditation process; and recognizing professional excellence. Specifically, CALEA's goals are to:

- Strengthen crime prevention and control capabilities;
- Formalize essential management procedures;
- Establish fair and nondiscriminatory personnel practices;
- Improve service delivery;
- Solidify interagency cooperation and coordination; and
- Increase community and staff confidence in the agency.

The CALEA Accreditation Process is a proven modern management model; once implemented, it presents the Chief Executive Officer (CEO), on a continuing basis, with a blueprint that promotes the efficient use of resources and improves service delivery—regardless of the size, geographic location, or functional responsibilities of the agency.

By recent City Council votes, the Police Department's authorized strength is 102 officers. Cpl. Jeffrey Matthews has announced his intention to retire and began his terminal leave on February 17, 2015. In lieu of filling his position with a new police officer, staff is proposing to civilianize our Accreditation Manager position, which is currently being held by a Patrolwoman First Class, whose annual salary is $62,774. The police department has been Nationally Accredited since the year 2000 and the standards set forth by CALEA (Commission of Accreditation for Law Enforcement) are essential in maintaining our professionalism. Chief Bernat has agreed to allow the authorized strength of the department decrease from 102 to 101 in exchange for civilianizing the Accreditation Manager position at an estimated annual salary of $45,000. This will be a substantial cost savings as seen in the projection below:

Dover Police Department

Accreditation Manager Payroll Cost Comparison Summary

Item	FY15 (Apr-Jun) Costs *		FY15-19 Costs		Savings	Remarks
	Officer	Civilian	Officer	Civilian		
Salary	10,631	11,466	229,803	203,001	26,802	based on FY15 budget info
Unscheduled Overtime	-	-	21,800	-	21,800	
Social Security	659	711	14,248	12,587	1,661	
Medicare	154	166	3,331	2,944	387	
Health Insurance	1,712	1,712	28,596	28,596	(0)	employee only
Life Insurance	20	21	428	375	53	
Worker's Compensation	419	452	9,068	8,010	1,058	
AD&D	4	4	83	73	10	
Vision Insurance	10	10	170	170	(0)	
OPEB	1,265	-	27,347	-	27,347	
Retirement	1,435	688	31,023	12,181	18,842	
Total Benefits	5,678	3,765	139,922	64,937	74,985	
Total Salary + Benefits	16,309	15,230	369,725	267,937	101,788	
Training, Uniforms, Equipment & Ammo	10,326	-	12,943	-	12,943	see breakouts at succeeding tabs details
Total Cost Per Position	26,635	15,230	382,668	267,937	114,730	

as of: 2/6/15

* Note FY15 training, uniforms, equipment & ammo costs reflect start-up costs for new police officer, not existing officer already assigned to the department.

City Manager Comments:

Furthermore, the City Manager and Police Chief have discussed adding additional duties to the position to include a Crime Analysis function. A job description must be proposed by the Police Department and reviewed by the Human Resources Department to appropriately place the position within the City's pay system. Based on the request of the Police Department, it is likely that the proposed position will be titled Crime Analyst / Accreditation Manager. The job description and pay grade will finalize after authorization from City Council to civilianize the position.

PERMISSION TO RECRUIT REQUEST

TO: CITY MANAGER **DATE: 02/06/2015**

FROM: CHIEF PAUL M. BERNAT **DEPARTMENT:** DOVER POLICE DEPARTMENT

TITLE OF POSTION: Police Accreditation Manager **NUMBER OF POSITIONS REQUESTED: 1**

TYPE OF POSITION: (select one)

Regular Full-Time	☒	Regular Part-Time	☐
Temporary Full-Time	☐	Temporary Part-Time	☐

START EMPLOYMENT ON: **April 1, 2015**

OPENING IS DUE TO: (select one)

Termination	☐	Transfer	☐	Retirement	
Promotion	☐	Resignation	☐	New Position	X

Other: **N/A**

NAME OF PREVIOUS EMPLOYEE: **N/A**

***TYPE OF RECRUITMENT DESIRED:** *All out-of-house job postings will be advertised in local newspapers (State News & Dover Post), website and Dover TV.*

PLEASE INDICATE ADDITIONAL WEBSITES OR PROFESSIONAL ORGANIZATIONS FOR RECRUITMENT:
Along with the publications listed above, we will also advertise in the News Journal.

Paul M. Bernat
Department Head Signature

Approved ☐ Denied ☐	Financial & Budgetary Review Completed ☐
City Manager	Controller

Hiring Justification Outline

1. **Explain the principal function of this job.**

   The principal function of this position is managing the accreditation process and to ensure that the department maintains and complies with 483 standards set forth by CALEA (Commission of Accreditation for Law Enforcement). Additionally, the Accreditation Manager coordinates with assessors through the National CALEA Office and is responsible for collecting and providing "proofs" showing the department's compliance.

2. **Explain why this position is critical and cannot go unfilled or postponed**.

   It is essential for the department to maintain a standard of professionalism that it has become accustomed to. The police department first became accredited in the year 2000 and has since received the prestigious honor of being awarded "Accreditation with Excellence", one of only 35 police agencies in the United States to reach this level. It would not be feasible to let this position go unfilled or to postpone it. Accreditation is an ongoing process that needs to be constantly monitored to maintain.

3. **How would City services diminish if this position were not filled or postponed at this time?**

   The standards of Police Department would be diminished by not staying current with the CALEA expectations, which are ever-changing. This would ultimately adversely affect the service provided to the community.

4. **Are there other employees whose ability to perform would be diminished by not filling or postponing this position?**

   Yes. The responsibilities of this position would then fall upon another officer which would adversely affect our manpower.

5. **Is there a person that can be promoted into these positions and whose position is less critical at this time and can go unfilled permanently or temporarily?**

   No. This position is essential for a police agency of our size.

6. **Can one or more existing employees absorb the duties of these positions?**

   No. We do not have the staffing necessary to absorb these duties and this position in and of itself is a full-time position. We currently have a police officer in

this position but by civilianizing it, we will add to the number of officers on the street, which will increase public safety.

7. **Could a temporary person be hired to fill these positions for 60 days?**

   No, there are too many complexities involved with this position.

8. **Grade / Salary Information**

   Recommended $45,000 Annual Salary

DRAFT PROPOSED COUNCIL RESOLUTION NO. 2015-02

BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF DOVER, IN COUNCIL MET:

That the Mayor and Council have determined that the Charter of the City of Dover should be amended to establish a police chief selection committee comprised of the mayor, council president, chair of the safety advisory and transportation committee, city manager, and the human resources director. Therefore, the Mayor and Council of the City of Dover respectfully request the General Assembly of the State of Delaware to amend Article V - Miscellaneous Provisions, Section 53 - Police; Mayor to be conservator of peace, of its Charter, which amendments, if adopted by the General Assembly, would be as follows:

ARTICLE V. MISCELLANEOUS PROVISIONS

Sec. 53. Police; mayor to be conservator of peace.

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 mayor is hereby vested with all the powers of a conservator of the peace within the city limits. **A police chief selection committee comprised of the mayor, council president, chair of the safety advisory and transportation committee, city manager, and human resources director shall advise the mayor on the nomination of the police chief.** The mayor shall ~~appoint~~ **nominate** a chief of police**, whose appointment shall be effective upon confirmation by the city council. The chief of police shall be** subject to removal at any time by the mayor**, with the affirmative vote of two-thirds of the members elected to the city council,** in accordance with applicable laws. The members of the police force shall be subject to ~~his/her~~ **the** direction and orders **of the chief of police** 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~~ **mayor and the city council** 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.

ADOPTED: *

S:\RESOLUTIONS-PROCLAMATIONS-TRIBUTES\CHARTER AMENDMENT RESOLUTIONS\2015\RESOLUTION NO. 2015-02 Sec. 53 - Mayor to be the Conservator of Peace\Resolution No. 2015-02 Proposing the Establishment of a Police Chief Selection Committee.wpd

ROBIN R. CHRISTIANSEN	DAVID L. BONAR
MAYOR	COUNCIL PRESIDENT

Actions History:
February 23, 2015 - Scheduled for Introduction at Legislative, Finance, and Administration Committee

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CITY OF DOVER PROPOSED ORDINANCE #2015-06

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF DOVER, IN COUNCIL MET:

That Chapter 62 - Law Enforcement, Article II - Police Department, Section 62-32 - Chief of police generally, and Section 62-38 - Special police, be amended by deleting the text indicated in bold, red strikeout and inserting the bold, blue text, as follows:

ARTICLE II. - POLICE DEPARTMENT

Sec. 62-31. - Generally.

(a) *Established*. There shall be a city police department, which shall preserve peace and order and, within the city limits, compel obedience to all city ordinances and the law.

(b) *Officers*. The city council shall, upon adoption of the annual budget, designate the number and salaries of the individual police officers who shall comprise the police department. The mayor shall choose and appoint the police officers.

Sec. 62-32. - Chief of police generally.

(a) *Designation*. ~~**One of the regular members of the police department shall be designated by the mayor to serve as chief of police.**~~ **A police chief selection committee comprised of the mayor, council president, chair of the safety advisory and transportation committee, city manager, and human resources director shall advise the mayor on the nomination of the police chief. The mayor shall nominate a chief of police, whose appointment shall be effective upon confirmation by the city council. The chief of police shall be subject to removal at any time by the mayor, with the affirmative vote of two-thirds of the members elected to the city council, in accordance with applicable laws.**

(b) *Functions*. The chief of police shall have the authority to supervise and direct the police department and, pursuant to such authority, he shall promulgate police department rules and regulations, three copies of which are on file at the police department.

(c) *Reports*. The chief of police shall submit monthly reports to the city council giving the number of arrests and other pertinent information required by the city council.

Sec. 62-33. - Oath of police officers.

Every police officer, before entering upon his duties, shall be sworn by the mayor to perform his duties faithfully.

Sec. 62-34. - Enforcement of laws and ordinances.

It shall be the duty of each police officer to diligently inquire into the observance of the laws and ordinances within the city and, in case of a breach, to cause the offender to be legally proceeded against.

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Sec. 62-35. - Authority to preserve order at fires.

The police department shall have the authority, upon an alarm of fire, to report to the scene of a fire to preserve order and render any assistance to the fire department that may be practical.

Sec. 62-36. - Disciplinary authority of chief of police.

(a) *Generally*. The chief of police shall have final disciplinary authority and responsibility within the police department, subject to appeals to the mayor, and shall promulgate and carry out such disciplinary procedures as may be needed within his command. The chief of police shall, where cause exists, have the authority to suspend from duty an employee for a period of time not to exceed 30 days, to reduce employees in rank or pay grade, to place employees on probation and to suspend such sanctions as the need arises, or to dismiss an employee from service.

(b) *Appeal*. Any employee so disciplined has the right to appeal, on the record, to the mayor.

(c) *Subpoenas*. The chief of police, with approval from the mayor, shall, for the limited purpose of compelling the appearance of witnesses before the professional standards board of the city police department, sitting for the purpose of affording due process to members of the city police department in disciplinary matters, have the power to issue subpoenas for that purpose.

Sec. 62-37. - Mayor to advise council of personnel changes.

The mayor shall advise the city council of any change in the personnel of the police department at the next regular city council meeting following the change.

~~**Sec. 62-38. - Special police.**~~

~~**(a) *Appointment.* Whenever, in the opinion of the mayor, an emergency exists, he shall have the power to appoint one or more special police officers, with all the powers and authority of regular police officers, during the period of the emergency.**~~

~~**(b) *Term.* The special police officers shall not serve for a term of more than 30 days without the approval of the city council.**~~

Sec. 62-~~39~~ 38. - Sale of property.

(a) *Authorized*. The chief of police shall have the authority to hold a sale of personal property held by the police department for a period in excess of one year, which said personal property shall be unclaimed evidence, lost and found articles, confiscated articles and any other items of personal property which have come into the hands of the members of the police department and have been held for a period of one year, if the owner or owners of the same shall be unknown or said property has been unclaimed.

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(b) *Auction*. The chief of police shall cause to be sold the said property at a public auction and shall advertise by publishing notice of said sale in one issue of a newspaper circulated in the city at least ten days before the date of the sale, which said notice shall merely state that a sale of unclaimed personal property shall be held by the police department, giving the date, time and place of said sale without specifying any of the items to be sold. The proceeds of said sale shall be retained by the police department to be used solely for pensions of the police department.

Secs. 62-~~40~~ 39 - 62-70. - Reserved.

ADOPTED: *

S:\ORDINANCES\2015\DRAFT\Ordinance #2015-06 Amending Ch 62 - Law Enforcement, Art II - Police Department, Sec 62-32 - Chief of police generally .wpd

SYNOPSIS

The amendment reflects the charter amendment that established a committee to advise the mayor on the nomination of the police chief. It also removes the requirement that the police chief be selected from among one of the regular members of the police department and removes the appointment of special police.

(SPONSORS: LEGISLATIVE, FINANCE, AND ADMINISTRATION COMMITTEE)

Actions History

02/23/2015 - Scheduled for Introduction at Legislative, Finance, and Administration Committee

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City of Dover

MAYOR AND COUNCIL

DRAFT PROPOSED COUNCIL RESOLUTION NO. 2015-03

BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF DOVER, IN COUNCIL MET:

That the Mayor and Council have determined that the Charter of the City of Dover should be amended to make corrections/include gender neutral language, remove outdated language, set a time frame for accepting nominating petitions, extend the filing deadline for council nominations, and revise the parameters for filling a vacancy, which amendments, if adopted by the General Assembly, would be as follows:

Section 1.05. Procedure to extend boundaries, (2)(b) - For the annexation election, the polls shall open at 11:00 a.m. ~~to~~ and remain open until each eligible voter has cast their vote or until 8:00 p.m., whichever occurs first.

Sec. 5. Council to be legislative body; size; districts; terms of mayor and councilmen; 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, c**~~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.**~~

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~~**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, c**~~**C**ommencing with the regular municipal election to be held in April of 2013, the terms of the council~~**men**~~ **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 council~~**man**~~ **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 council~~**man**~~ **member** or mayor;
(4) Eighteen (18) years of age or older; and
(5) Nominated therefore, as hereinafter provided.

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).

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

Regular municipal elections shall be held ~~**biennally**~~ **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 council~~**men**~~ **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 council~~**men**~~ **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 the voters of the city for a term of four years, as provided in section 5 of this Charter.

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Sec. 7. Nominati~~on~~ng 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 council~~man~~ **member** shall have been filed as above prescribed, the name of such person shall 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 of the city residing in the city election district in which the nominee resides; but the signers to the nominating petition for the mayor and for the at-large council~~man~~ **member** may be 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 council~~man~~ 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 of The City of Dover, hereby nominate _____, who resides in the _____ City District of the said City of Dover, for the office of Council~~man~~ (or for the office of Mayor as the case may be) to 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

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his/her presence, and are the signatures of the persons whose names they purport to be, and that they verily believe~~s~~ 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 council~~man~~ 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)

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 be 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 **continuous or total** length of service as a council~~man~~**member** shall assume the duties of the council president and shall be designated council president acting. In the event that two (2) or more members of council have the same seniority in terms of length of service as a council~~man~~**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/her period of unavailability or absence.

Sec. 10. Meetings of Mayor and Council--Procedure.

Five (5) 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 (7) days nor more than thirty-five (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

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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 (7) 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 council~~man~~ **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 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.

Section 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 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

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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.

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ADOPTED: *

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ROBIN R. CHRISTIANSEN	DAVID L. BONAR
MAYOR	COUNCIL PRESIDENT

Actions History:
February 23, 2015 - Scheduled for Introduction at the Legislative, Finance, and Administration Committee meeting

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