LEGISLATIVE, FINANCE, AND ADMINISTRATION COMMITTEE AGENDA

OCTOBER 27, 2014 - 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. **DISCUSSION - RESPONSIBILITIES AND REPORTING STRUCTURE FOR THE MAYOR AND CITY MANAGER AND CONTINUATION OF FULL-TIME STATUS FOR THE POSITION OF MAYOR**

2. **UPDATE - CERTIFIED LOCAL GOVERNMENT APPLICATION**

3. **ADJOURNMENT BY 6:25 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.

Council-Manager
Form of Government







Frequently Asked Questions

ICMA *Leaders at the Core of Better Communities*

What is the council-manager form of government, which is used today by so many cities, towns, and counties?

Council-manager government combines the strong political leadership of elected officials with the strong managerial experience of an appointed manager or administrator. All power and authority to set policy rests with an elected governing body, which includes a mayor or chairperson and members of the council, commission, or board. The governing body in turn hires a nonpartisan manager who has very broad authority to run the organization.

Born out of the U.S. progressive reform movement at the turn of the 20th century, the council-manager system was designed to combat corruption and unethical activity in local government by promoting effective management within a transparent, responsive, and accountable structure.

Since its establishment, the council-manager form has become the most popular structure of local government in the United States. The form is also widely used throughout the world in countries such as Canada, Australia, the Netherlands, New Zealand, and the United Kingdom.

How does council-manager government work?

The elected council or board represent their community and develop a long-range vision for its future. They establish policies that affect the overall operation of the community and are responsive to residents' needs and wishes.

To ensure that these policies are carried out and that the entire community is equitably served, the governing body appoints *a highly trained professional manager* on the basis of his/her education, experience, skills, and abilities (and not their political allegiances). If the manager is not responsive to the governing body, it has the authority to terminate the manager at any time.

How can council-manager government benefit my community?

A city, town, or county benefits from the council-manager form of government in a number of important ways:

1. Political power is concentrated in the *entire* governing body. The mayor and council share legislative functions
2. Policy making resides with elected officials, while oversight of the day-to-day operations of the community resides with the manager. In this way, the elected officials are free to devote time to policy planning and development

3. The manager carries out the policies established by the elected governing body with an emphasis on effective, efficient, and equitable service delivery
4. Because decisions on policy and the future of the community are made by the entire governing body rather than a single individual, council-manager governments more often engage and involve their residents in decision making. Residents guide their community by serving on boards and commissions, participating in visioning and strategic planning, and designing community-oriented local government services
5. The form is flexible enough to adapt to local needs and demands. For example, some communities elect their councils at large, while others elect them by district or by a combination of an at-large-and-by-district system. Also, the mayor can be directly elected by voters or selected by and from among the council.

What is the role of the manager under council-manager government?

The manager is hired to serve the council and the community and brings to the local government the benefits of his/her training and experience in administering municipal or county projects and programs. The manager prepares a budget for the council's consideration; recruits, hires, terminates, and supervises government staff; serves as the council's chief advisor; and carries out the council's policies. Council members and residents count on the manager to provide complete and objective information about local operations, discuss the pros and cons of alternatives, and offer an assessment of the long-term consequences of their decisions.

Appointed managers serve at the pleasure of the governing body. They can be fired by a majority of the council, consistent with local laws, or any employment agreements they may enter into with the council. The manager makes policy recommendations to the council for consideration and final decision. The manager is bound by whatever action the council takes, and control is always in the hands of the elected representatives of the people.

What is the role of the council?

The council is the community's legislative and policy-making body. Power is centralized in the elected council, which, for example, approves the budget and determines the tax rate. The council also focuses on the community's goals, major projects, and such long-term considerations

as community growth, land use development, capital improvement and financing, and strategic planning. The council hires a professional manager to implement the administrative responsibilities related to these goals and supervises the manager's performance.

What is the role of the mayor or chairperson?

Mayors or chairpersons in council-manager communities are key political and policy leaders, and their specific duties, responsibilities, and authorities depend on the organization's charter. In council-manager communities, typically the mayor or chairperson is a voting member of the city council who presides at council meetings, represents the city in intergovernmental relationships, appoints members of citizen advisory boards and commissions (with the advice and consent of council), assigns agenda items to committees, facilitates communication and understanding between elected and appointed officials, and assists the council in setting goals and advocating policy decisions.

What value does a professional manager contribute to a community?

Professional managers contribute value to a community because they:

- Work in partnership with elected officials to develop sound approaches to community challenges by bringing together resources to make the right things happen and produce results that matter
- Bring a community-wide perspective to policy discussions and strive to connect the past and future while focusing on the present. They help the governing body develop the long-term vision for the community that provides a framework for policy development and goal setting
- Promote ethical government through commitment to a set of ethical standards that goes beyond those required by law. Managers who are members of ICMA subscribe to the organization's Code of Ethics, which requires them to "affirm the dignity and worth of the services rendered by government and maintain…a deep sense of social responsibility as a trusted public servant"
- Encourage inclusion and build consensus among diverse interests (including those of elected officials, the business community, and citizens) by focusing on the entire community rather than the centralized interests of one or two individuals

- Promote equity and fairness by ensuring that services are fairly distributed and that administrative decisions (such as hiring and contracting) are based on merit rather than favoritism
- Develop and sustain organizational excellence and promote innovation. Professional managers focus relentlessly on efficient and equitable service delivery, policy implementation, and evaluation. They align the local government's administrative systems with the values, mission, and policy goals defined by the community and elected officials.

Does it cost more for a community to adopt the council-manager form and hire a professional manager?

Many local governments have found that their overall costs are actually reduced under competent management. Savings can come from decreased operating costs, increased efficiency and productivity, improved revenue collection, and effective use of technology. The economic health of the community may also benefit from implementation of improved business development and retention strategies.

What kinds of communities use the council-manager form of government?

In 2007, more than 3,500 (49 percent) of the 7,171 U.S. cities and towns with populations of 2,500 residents or more operated under the council-manager form. This structure is also used by more than 370 counties. More than 92 million people in the U.S. live in communities that operate under this form.

Is the council-manager form popular among larger communities?

Of the 247 U.S. cities with populations greater than 100,000 residents, 144 (58 percent) use this form of government. Larger cities and counties that use the form include:

- Broward County, Florida (pop. 1,623,000)
- Charlotte, North Carolina (pop. 540,000)
- Dallas, Texas (pop. 1,188,000)
- Fairfax County, Virginia (pop. 969,000)
- Las Vegas, Nevada (pop. 535,000)
- Mecklenburg County, North Carolina (pop. 695,000)
- Oklahoma City, Oklahoma (pop. 506,000)

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- Phoenix, Arizona (pop. 1,321,000)
- San Antonio, Texas (pop. 1,144,000)
- San Jose, California (pop. 894,000)
- Virginia Beach, Virginia (pop. 425,000)
- Wichita, Kansas (pop. 344,000)

How can a community adopt the council-manager form of government?

Most communities can adopt council-manager government through a charter, local ordinance, state enabling law, or by voter referendum. For information on how your community can adopt council-manager government, contact your state municipal league or association of counties. You can locate the addresses of these organizations on the Internet, or in the back section of ICMA's *Municipal Year Book,* which you may find in your local library.

Once a community adopts council-manager government, how does it choose a professional manager?

The vacancy usually is announced in the *ICMA Newsletter,* and managers, assistants, and other individuals from across the country are invited to apply. Interested parties apply directly to the council, which reviews the applications and interviews qualified candidates. ICMA makes no recommendations regarding candidates. Additional information is available in ICMA's *Recruitment Guidelines Handbook*. To download a copy, visit http://jobs.icma.org and click on "Recruitment Guidelines Handbook" under "Resources."

What kind of educational and professional experience do professional local government managers possess?

Nearly 67% of managers surveyed by ICMA in 2006 indicated that they had earned a master's (usually in public administration, business, or public policy), or other advanced degree. Respondents to the same survey said they had spent an average of 19 years in the local government management profession.

Do professional local government managers have a membership organization?

Yes. ICMA (the International City/County Management Association) is the premier local government leadership and management organization that serves as the

professional and educational "home" for appointed professional managers and administrators. ICMA's membership also includes directors of state associations of local governments, other local government employees, academics, students, and concerned citizens who share the goal of improving local government.

ICMA's mission is to create excellence in local governance by developing and fostering professional local government management worldwide. To that end, the organization provides technical assistance and publications for management professionals to help them improve their skills and increase their knowledge. ICMA also serves as a clearinghouse for the collection, analysis, and dissemination of information and data about local government.

Why is membership in ICMA important for a professional local government manager?

In addition to gaining access to valuable resources and lifelong professional development opportunities, managers who belong to ICMA are bound by its Code of Ethics, which states that every member of the organization shall act with integrity in all personal and professional matters so that they will merit the respect and trust of elected officials, employees, and the public. This stringently enforced Code specifies 12 ethical principles of personal and professional conduct, including dedication to the cause of good government.

ICMA members believe in the effectiveness of representative democracy and the value of government services provided equitably to residents within a community. ICMA members are also committed to standards of honesty and integrity that go beyond those required by the law. For more information, contact ICMA or visit http://icma.org/ethics.

Finally, ICMA defines professional management and recognizes individual members who are qualified by a combination of education and experience, adherence to high standards of integrity, and an assessed commitment to lifelong learning and professional development. ICMA members who meet these requirements may earn designation as an ICMA Credentialed Manager. For more information on ICMA's Voluntary Credentialing Program, visit http://icma.org/credentialing.

Are there other, independent organizations that support council-manager government?

The National Civic League (NCL) is America's original advocate for community democracy. This nonprofit, nonpartisan membership organization is dedicated to strengthening citizen democracy by transforming democratic institutions. NCL accomplishes its mission through technical assistance, training, publishing, research, and promoting the All-America City Awards, America's original and most prestigious community recognition program.

Founded in 1895, NCL serves as a clearinghouse for information on methods of improving state and local government. The League's *Model City Charter,* now in its eighth edition, has endorsed council-manager government since 1915.

For further information, contact

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COUNCIL-MANAGER OR "STRONG MAYOR"
The Choice is Clear

Learn the Facts About
Council-Manager Government

Everyone wants strong political leadership—neighborhoods, civic leaders, and the business community included. And today's complex communities cannot succeed without the guidance of effective mayors who provide a sense of direction and contribute to the smooth functioning of a local government.

But communities also need thoughtful, dedicated council members, who work with the mayor to establish appropriate policy, and competent, professional managers to carry out those policies. None of the three are mutually exclusive; they can and do work together today in many of the country's successful council-manager communities.

Today council-manager government is the fastest growing form of government in the United States; it frees up the elected body to establish policy, which is carried out by an appointed manager and an administrative staff. The manager is accountable to the entire council for the satisfactory implementation of council policy and the day-to-day administration of municipal affairs.

There are compelling reasons why many of the nation's most successful cities and towns have adopted council-manager government rather than the "strong-mayor" form. Council-manager government encourages neighborhood input into the political process, diffuses the power of special interests, and eliminates partisan politics from municipal hiring, firing, and contracting decisions.

People who take time to learn the facts about council-manager government are likely to join the ranks of those who favor this popular form. Consider the following when deciding which form of government is best for your community:

Neighborhoods Strengthen Their Voice
The council-manager form encourages open communication between citizens and their government. Under this form, each member of the governing body has an equal voice in policy development and administrative oversight. This gives neighborhoods and diverse groups a greater opportunity to influence policy.

Under the "strong mayor" form, political power is concentrated in the mayor, which means that other members of the elected body relinquish at least some of their policy-making power and influence. This loss of decision-making power among council members can have a chilling effect on the voices of neighborhoods and city residents.

The Power of Special Interests is Diffused
Under the council-manager form of government, involvement of the entire elected body ensures a more balanced approach to community decision making, so that all interests can be expressed and heard—not just those that are well funded. Under the "strong mayor" form, however, it's easier for special interests to use money and political power to influence a single elected official, rather than having to secure a majority of the city council's support for their agenda.

Merit-Based Decision Making Vs. Partisan Politics
Under council-manager government, qualifications and performance—and not skillful navigation of the political election process—are the criteria the elected body uses to select a professional manager. The professional manager, in turn, uses his or her education, experience, and training to select department heads and other key managers to oversee the efficient delivery of services. In this way, council-manager government maintains critical checks and balances to ensure accountability at city hall.

Functioning much like a business organization's chief executive officer, the appointed professional manager administers the daily operations of the community. Through a professional staff, the manager ensures the effective provision of services and enforces the policies adopted by the elected body. He or she, in turn, uses merit as the leading criterion for making all hiring and personnel decisions.

Appointed local government managers have no guaranteed term of office or tenure. They can be dismissed by the council at any time, for any reason. As a result, they constantly must respond to citizens and be dedicated to the highest ideals of honesty, integrity, and excellence in the management and delivery of public services.

Under the "strong mayor" form of government, the day-to-day management of community operations shifts to the mayor, who often lacks the appropriate training, education, and experience in municipal administration and finance to oversee the delivery of essential community services. Also, under the "strong mayor" form, the temptation is strong to make decisions regarding the hiring and firing of key department head positions—such as the police chief, public works director, and finance director—based on the applicant's political support rather than his or her professional qualifications.

Many Successful Cities Use Council-Manager Government
Council-manager government works! It balances diverse interests, responds quickly to challenges, and brings the community together to resolve even the toughest issues.

Currently, more than 92 million Americans live in council-manager communities, and the system continues to flourish. This form of government is used by thousands of small, medium, and large jurisdictions, including Charlotte, N.C.; Dallas, El Paso, Fort Worth, and San Antonio, Texas; Las Vegas, Nev.; Oklahoma City, Okla.; Phoenix and Tucson, Ariz.; Sacramento, San Jose, and Anaheim, Calif.; Wichita, Kans.; and Colorado Springs, Colo. Consider these examples:

History Argues for the Council-Manager Form of Government

Nearly 100 years old, the council-manager form of government has proven its adaptability; today it is the most popular choice of structure among U.S. communities with populations of 2,500 or greater.

Council-manager government, however, was not always an option. In the late 19th and early 20th centuries, there was widespread corruption, graft, and nepotism among U.S. cities. The stories of New York City's Tammany Hall and Kansas City's Pendergrast machine are only two examples of the misuse of local government power during this time.

By the early 20th century, reformers were looking for ways to return control of municipal government to citizens. Those reformers advocated the council-manager structure of government to eliminate the corruption found in many cities. With its emphasis on professional training and accountability, the council-manager form of government was first formally adopted in 1912 (following appointment of the first manager in 1908), and was subsequently adopted by a number of cities in the 1920s and 1930s.

San Jose, California (pop. 894,000)
Long viewed as the "capital" of Silicon Valley, San Jose uses the council-manager form of government to successfully manage diverse interests in an environment of rapid residential and commercial growth.

Phoenix, Arizona (pop. 1,321,000)
In 1993, Phoenix captured the international Bartelsmann Award for being one of the two best managed cities in the world. Today, the city continues to maintain its reputation as a model U.S. community.

Boulder, Colorado (pop. 94,000)
One of the nation's most beautiful and environmentally conscious communities, the city of Boulder successfully balances environmental quality with a vibrant business climate.

Dayton, Ohio (166,000)
Dayton enhanced the process of involving citizens in community decision making by creating neighborhood-based priority boards to deal with key funding, service, and neighborhood issues.

It took years to diffuse the power entrenched in turn-of-the-century city political machines and special interests. Today, however, citizens throughout the U.S. have resumed control by adopting or retaining council-manager government in their community and enjoying representative democracy at its best.

Prepared by the California City Management Foundation and ICMA, the International City/County Management Association (Revised 2009)

Most Prevalent Form of Local Government in Specific Population Ranges (2014): Council-Manager (CM) vs. Mayor-Council (MC)

Between **2,500** and **4,999** (2,017)	Between **5,000** and **9,999** (1,938)	Between **10,000** and **24,999** (1,941)	Between **25,000** and **49,999** (889)	Between **50,000** and **99,999** (486)
CM: 743 (37%)	**CM: 894 (46%)**	**CM: 1,004 (52%)**	**CM: 552 (62%)**	**CM: 309 (64%)**
MC: 1,123 (56%)	MC: 864 (45%)	MC: 760 (39%)	MC: 299 (34%)	MC: 165 (34%)

Between **100,000** and **249,999** (208)	Between **250,000** and **499,999** (42)	Between **500,000** and **1,000,000** (25)	Over **1,000,000** (9)
CM: 144 (69%)	CM: 20 (48%)	CM: 8 (32%)	CM: 3 (33%)
MC: 61 (29%)	**MC: 21 (50%)**	**MC: 16 (64%)**	**MC: 6 (67%)**

Note: The above statistics are based on the 7,555 cities with a population of 2,500 and greater whose form of government **is known** (3,427 forms of government are unknown). The council-manager form of government is the most prevalent form in five of the nine ranges. Fifty-three percent (53%) of municipalities with a population between 5,000 and 249,999 residents are governed under the council-manager structure (2,903 out of 5,462).

Source: ICMA Municipal Yearbook, 2014.

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Form of Local Government: Longitudinal Statistics (1984 – 2012)

Fast Facts about U.S. cities:

- More than 92 million individuals live in cities operating under council-manager government.
- 62% of U.S. cities with populations of 50,000* or more operate under the council-manager form
- 62% of U.S. cities with populations of 25,000* or more operate under the council-manager form
- 57% of U.S. cities with populations of 10,000* or more operate under the council-manager form
- 53% of U.S. cities with populations of 5,000* or more operate under the council-manager form

*Source: *The 2012 Municipal Year Book*, published by ICMA, Washington, D.C. Percentages were derived by dividing the number of council-manager communities in a specific population range by the total number of cities in that population range.

FORM OF GOVERNMENT	2012	2008	2004	2000	1996	1992	1988	1984
Council-Manager	3,661 (48.6%)	3,520	3,453	3,302	2,760	2,441	2,356	2,290 (34.7%)
Mayor-Council	3,315 (44.0%)	3,131	3,089	2,988	3,319	3,635	3,686	3,686 (55.8%)
Commission	144 (1.9%)	143	145	143	154	168	173	176 (2.7%)
Town Meeting	351 (4.7%)	338	338	334	365	363	369	370 (5.6%)
Representative Town Meeting	67 (0.9%)	62	63	65	70	79	82	81 (1.2%)
Unknown			3					
Total	**7,539	**7,194	**7,091	**6,832	**6,668	**6,686	**6,666	**6,603

**Totals for the number of U.S. local governments represent only those municipalities with populations of 2,500 and greater. There are close to 30,000 local governments with populations fewer than 2,500.

Source for tabular statistics: "Inside the Year Book: Cumulative Distribution of U.S. Municipalities" in *The Municipal Year Books* 1984, 1988, 1992, 1996, 2000, 2004, 2008, and 2012 published by the premier local government leadership and management organization, ICMA, Washington, D.C.

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HISTORY OF THE OFFICE OF MAYOR

PART-TIME VERSUS FULL-TIME

MAY 2014

QUARTERLY OPEN TOWN MEETING

The Quarterly Open Town Meeting was held on February 6, 1989 at 7:30 p.m., with Mayor Richter presiding. Members present were Councilmen Hall, Daisey, Legates, Lynn, Christiansen, Levitt, Weyandt and VanSant.

John Kernan

Mr. John Kernan informed members of Council that many citizens are not comfortable in discussing their problems with the City because they feel that Council will not listen and many are unaware of how to contact their Council representative. He suggested that members of Council let their constituents know how to contact them.

Mr. Kernan stated concerns with the City of Dover having its Planner, Ed Cregar, serving on the Kent County Planning Commission and the County having Mr. John McKenna serving on the City of Dover Planning Commission. He felt that such a situation could result in a conflict of interest for the Commission members. Relating to the rapid growth of the City of Dover, Mr. Kernan suggested that the City give consideration to utilizing a full-time Mayor, feeling that the Mayor should have more power than what appears to be a ceremonial position.

REGULAR COUNCIL MEETING

The Regular Council Meeting was held on May 22, 1989 at 7:30 p.m. with Mayor Richter presiding. Members present were Councilmen Daisey, Legates, Lynn, Christiansen, Levitt, Salters, VanSant and Weyandt. Mr. Hall was absent.

Council staff members present were Chief Hutchison, Mr. Lucas, Mr. Bartolotta, Mr. Cregar, Ms. Bittner and Mr. Rodriguez.

The invocation was given by Pastor Dorina Miles of the First Pilgrim Baptist Church, followed by the Pledge of Allegiance.

AGENDA ADDITIONS/DELETIONS

Mayor Richter requested the addition of an executive session to discuss personnel and legal matters. By motion of Mr. Christiansen, seconded by Mr. Lynn, Council unanimous adopted the agenda as amended.

ADOPTION OF MINUTES - ANNUAL COUNCIL MEETING OF MAY 8, 1989

The Minutes of the Annual Council Meeting of May 8, 1989 were unanimously approved by motion of Mr. Weyandt, seconded by Mrs. Legates and bore the written approval of Mayor Richter.

REMARKS BY MAYOR JOHN E. RICHTER

In reflecting over the past year and looking forward to meeting the challenges facing the City of Dover in the next year, Mayor John E. Richter offered the following remarks:

The City of Dover is in very good health but the City must plan properly to ensure control and orderly

growth. Specific attention was called to the revitalization of downtown Dover and the need for planning and zoning controls for expected growth stemming from the proposed Route #13 By-Pass. Mayor Richter suggested similar ring road for the west side of the City that would allow for a total ring around Dover. Naturally, the City's infrastructure must be expanded to coincide with expected growth and the City must continue looking at utilities; i.e. water, sewer, streets, sidewalks, electric.

The Administrative Committee recently submitted a proposal calling for a full time Mayor for Dover, which is very similar to the proposal of the Charter Review Committee in 1986. Mayor Richter urged members of Council to take action on the recommendations so that the matter can be settled before the mayoral election in 1990.

Law enforcement in the combat of crime is essential in maintaining a safe and healthy environment for our citizens. Although law enforcement is a vital part of the City, Mayor Richter reminded the citizens that they must want alternatives for themselves before crime can be eradicated. Expansion of recreational programs may help in the fight against drug and alcohol abuse and Mayor Richter suggested promotion and advertisement of recreational programs and closer coordination with our local YMCA, schools, and county and state programs. Mayor Richter alluded to plans to enhance the St. Jones River and plans to construct a recreational park west of Dover.

There is a continued need for affordable housing in our community. Referring to the proposed moderate income housing project known as "Walker Woods", Mayor Richter voiced his support for such projects. Although neighbors of the project have legitimate concerns, Mayor Richter felt that the need for housing is imperative and he urged the entire community to look closer at the needs of others.

In concluding his comments, Mayor Richter explained that the City Clerk will be introducing the use of "Consent Agenda" which will expedite the approval of non-controversial issues and he requested that all proposals be formalized for Council review so that there is a full understanding of subjects prior to action by Council.

REGULAR COUNCIL MEETING

The Regular Council Meeting was held on July 10, 1989 at 7:30 p.m. with Mayor Richter presiding. Members present were Councilmen Hall, Daisey, Legates, Christiansen, Levitt, Salters, VanSant and Weyandt. Mr. Lynn was absent.

Council staff members present were Chief Hutchison, Mr. Lucas, Mr. Bartolotta, Mr. Cregar, Mrs. Boaman and Mr. Rodriguez.

ADMINISTRATIVE COMMITTEE - FULL-TIME MAYOR

Mr. Christiansen referred to a recent report from the Administrative Committee on the administrative structure on the City of Dover government as well as a report from a former Charter Review Committee and made the following motion:

In conjunction with a recent Administrative study on City government structure, I move to develop criteria for an ordinance for the position of a full time Mayor. Inclusive in this ordinance would be organization, duties 'and responsibilities, and compensation. The motion was seconded by Mr. Weyandt and carried by a unanimous roll call vote (Mr. Lynn absent).

SPECIAL COUNCIL MEETING

A Special Council Meeting was held on October 17, 1989 at 7:30 p.m. with Mayor Richter presiding. The meeting was held specifically for the purpose of holding a public hearing on a proposed Charter revision to provide for a full-time Mayor. Member- of Council present were Mr. Hall, Mr. Daisey, Mrs. Legates, Mr. Lynn, Mr. Christiansen, Mr. Levitt, Mr. Salter--, Mr. VanSant and Mr. Weyandt.

Mayor Richter summarized the proposal, stating that the City Solicitor has prepared draft legislation that would provide for a full-time Mayor for the City of Dover. If approved by Council, the legislation would be submitted to the General Assembly for their approval in January. The filing deadline for the office of Mayor is January 31, 1990. Mayor Richter explained that public input is invited and that additional public hearing- will be held if necessary. He stated that the concept of this proposal has been considered by two former Charter Review Committees which will be addressed during this meeting. With the recent resignation of the City Manager, it was felt that if a change is to be made it should be done prior to employment of a new Manager. Basically, the proposal makes the following changes:

Mayor shall become a full-time employee and shall be the executive and chief official of the City.

Mayor shall appoint the City Manager with Council confirmation; Mayor may terminate City Manager appointment .

The o-alary of the Mayor will be set by Council.

City Clerk will report to Council.

Finance Director/Comptroller will report to Mayor and Council. Chief of Police will continue to report to the Mayor.

City Manager will report to Mayor.

All other department heads will report to City Manager, including Inspector/Planner and Assessor who formerly reported to Mayor and Council.

Mayor Richter opened the meeting for public input.

JAMES JACKSON

Mr. James **Jackson,** member of the 1986 Charter Review Committee, reviewed the proposals of their report. This Committee reviewed in detail the four basic forms of government in an attempt to recommend the most desirable form for the City of Dover, and made the followin6- recommendations:

Ill. Following the evolution and development of the system of government in our country, we should continue, in the municipal government of Dover, to maintain the separate duties and functions of the executive branch (Mayor and administrative offices) and the legislative branch comprising the City Council. The-e branches with their duties and responsibilities are well spelled out in the present City Charter.

2. Dover has functioned well under its present Charter with some changes- and amendments a- needed. We recommend that the present Charter be retained and that certain corrections be made as this report will suggest.

3. At present, the City Manager, the City Clerk, the City Treasurer, the City Assessor, the City Building inspector and the Fire Marshal are reporting to the City Council. To be compatible with the best form of government, as we perceive it, these administrative offices, with the exception of the City Assessor, should report directly to the Mayor rather than to the City Council. Thu-, executive branch responsibilities would be coming to the attention of the Mayor who is the chief executive. In turn, the Mayor would be in a position to communicate directly to the Council regarding any of these important administrative functions.

4. To maintain a uniformity in that branch of government, we recommend further that the City Manager, the City Clerk, the City Solicitor, the Chief of Police, the Fire Marshal, the Building Inspector and the City Treasurer should be appointed by the Mayor of Dover, reporting directly to the Mayor, but approved and confirmed by the City Council.

5. The above recommendations not withstanding, the Dover City Charter Review Committee is not yet ready to recommend a pure strong Mayor form of government. Thus, for a period of at least five year from the present we recommend a continuance of our present Charter requirement for a City Manager to administer the day-to-day affair. of the City. But we stress again that current Council appointments should, in the future, be the Mayor's choice with approval and confirmation of the Council.

6. Presently, there is no method to break a tie vote. Should we continue to have an even number of Council persons, it is recommended that the Mayor be empowered to break a tie vote. Most feel that a tie vote should never be construed as a no vote. However, Mr. James B. Jackson dissents from the majority, noting that this matter would be appropriately re-solved through the selection of an uneven number of Council persons. Empowering the Mayor to break a tie vote, Mr. Jackson stresses, places the Mayor in a legislative posture; the legislative function is the exclusive province of the Council.

Thou.-h we perhaps depart from our specific charge, we feel compelled to indicate that the City committee structure is not a Charter covenant. This structure should be discarded in favor of a Committee of the Whole approach that would relieve the City Council members from attending numerous meetings and allow the Mayor to be knowledgeable of referral items discussed by staff and Council prior to the regular meetings of the City Council. The present committee structure fragments important staff presentations to individual committees and Council members feel obligated to attend all meeting rather than wait for the formal presentation of the committee deliberations at a regular Council meeting."

Many questions were posed to Mr. Jackson by members of Council in an attempt to further explain the position taken by the Charter Review Committee. (An official recording is on file in the Office of the City Clerk.) Clarifying the term "strong mayor", Mr. Jackson stated that at the time his committee reviewed the Charter structure, they did not specifically review the concept of a full-time, paid Mayor.

JOHN JARDINE

Mr. John Jarcline, Chairman of the 1989 Administrative Review Committee, summarized the report of his committee, stating that they were charged with reviewing the administrative structure of the City of Dover. The basic recommendation- of this committee were:

"BASIC RECOMMENDATIONS

RECOMMENDATION T: The day-to-day operation and management of the city should be in the liatids of a full-time professional manager. That professional manager should report to one elected official who is responsive to the entire city populations (i.e. , elected at large).

The key consideration in this recommendation is that there should be one clear simple chain of command so that all the resource- of the city (whether brain power, man power, equipment, or finances) can be managed most efficiently and cost effectively for the overall long-term benefit of the city population.

RECOMMENDATION II: City Council should establish specific objectives for administration of the city and identify the measurement- to be used in judging the effectiveness of operations. Using measurements determined by Council, the City Manager should evaluate each department at least annually and formally report the results of the evaluation to Council through the Mayor. Similarly, the Mayor should evaluate the City Manager at least annually and formally report the results of that evaluation to Council.

ALTERNATIVES FOR IMPLEMENTATION OF RECOMMENDATION I

ALTERNATIVE 1: City Council functions in a legislative and oversight manner with no direct responsibility for day-to-day management. The department beads- of the city, with the exception of the Police Chief, report to a hired professional City Manager who reports to the Mayor. The Police Chief also reports directly to the Mayor. The City Manager and Police Chief are both hired and fired by the Mayor, with the advice and agreement of Council required.

ALTERNATIVE II: City Council functions in both a legislative and managerial/administrative role. The department head- of the city, with the exception of the Police Chief, report to a hired professional City Manager who reports to the President of City Council. The Police chief also reports directly to the Council President. The City Manager and the Police Chief are both hired and fired by the Council President, with the advice and agreement of the full Council and the Mayor required.

ALTERNATIVE Ill: As a slight variation on either Alternative I or 11, auditing, inspection, and assessment functions can report either through the City Manager or directly to the chief elected official. If these functions report through the City Manager, clearly identified and legally sanctioned "dotted lines" should exist that hold both the City Manager and these department heads responsible for performance."

Mr. Jardine stated that the proposed organizational structure fits fairly well into the Scheme proposed by his committee. The proposal call- for the City Clerk to report to Council and the Treasurer/Comptroller to report to the Mayor and Council. Although his committee did not make this recommendation, he stated that he agreed with the recommendation for the City Clerk. He questioned the need to have the Treasurer/Comptroller report to the Mayor and Council but did not strongly disagree with the proposal.

His committee did not directly review a proposal for - full-time, paid Mayor; however, they did recommend that most department heads report to someone that is elected City-wide. Responding to question-, Mr. Jardine reminded those present that the Council President will not necessary be someone that is elected City-wide. Members of Council must determine if this job would require a full-time position. Mr. Jardine suggested that Council determine exactly what the job responsibilities of the Mayor will be and then judge

if it warrants a full-time position.

CRAWFORD CARROLL

Former Mayor Crawford Carroll addressed the issue of a full-time Mayor, stating that having served the City of Dover for over 20 years, he fully supports the concept of a full-time Mayor. He alluded to the growth of our City, stating that the Mayor's responsibilities have all grown and that it is impossible to perform this function on a part-time basis. As an official that is elected City-wide by the voters of this City, Mayor Carroll stated his opinion that the Mayor should perform his duties, not hire an administrator to carry out those responsibilities.

Referring to the current structure of the Police Chief working under the jurisdiction of the Mayor, Mayor Carroll suggested that members of Council look to this as an example of how the proposed structure would work. The Police Department is professionally operated under the direction of a professional Police Chief that reports to the Mayor. Never in the history of the City of Dover, has a Police Chief been appointed that is incapable of carrying out his responsibilities. A professional City Manager **could** be appointed in this same manner. If this change takes place, Mayor Carroll Suggested that the term "City Manager" be changed to "City Administrator".

Mayor Carroll alluded to problems that occur with an individual having- ten bosses, stating that under the current structure, the Mayor has absolutely no jurisdiction over Council employee- since he cannot vote to hire ' /fire these individual-. Alluding to the need to have the Treasurer from under the City Manager's jurisdiction, he stated that the person collecting the money should never be the same person responsible for the accountability of the money.

The true Setup should be that the Council sets the legislative structure by passing rules, regulations and legislation that is necessary to run the City properly. it should be up to the Mayor to ensure that department- are carrying out the guidelines set by Council. Mayor Carroll noted that Mr. Lynn has expressed concern of a possible conflict of interest with current members of Council voting for a full-time Mayor in the event they may wi-h to run for the office. He disagreed, stating- that the selection of the next Mayor will be made by the voters, not by the current Mayor or Council members. Mayor Carroll ended his remarks by asking that members of Council be a legislative body and give the Mayor the authority to carry out the wishes of Council.

WILLIAM HART

Mr. William Hart, a former elected official from another locality, informed those present that he has encountered former Mayor Carroll all over the country while attending different national conferences. Mayor Carroll devoted his life to promoting the City of Dover which is something that very few people are willing or able to do. Mr. Hart asked Council to imagine a child with a part-time mother, a State with a part-time Governor, a country with a part-time President, or schools with a part-time principal. Mr. Hart stated that the City of Dover needs a leader on a full-time basis. The Council/Manager form of government is normally recommended for town- with populations of less than 10,000. When a problem in the City occurs, someone must be able to accept responsibility and offer explanation to the people.

Mr. Hart stated his feeling that department head- should report to the Mayor, and should always have direct access to the Mayor. This is the system utilized throughout our federal government system and it works well. Regarding the question, "what will a full-time Mayor do", Mr. Hart stated that Mayors do everything, often having to give up their personal time in addition to their professional time in order to get the job done.

In conclusion, Mr. Hart stated that the shortcoming-s with the present system, as outlined by former Mayor

Carroll, should be seriously considered by members of Council.

CHARLES WELLER
Mr. Charlie Weller, President of the Crossgates ' 'Mayfair ' 'Sherwood ' /Wedgewood Civic Association, requested that the City attempt to get out more information to the public on this subject. After -surveying several residents in his area, he found that many people had very little information on the proposal for a full-time Mayor. He stated that he learned a great deal from attending the public hearing and urged other citizens to participate.

RUTH TEE
Ms. Ruth Tee expressed her opposition to the proposal for a full-time Mayor, feeling that it would become a political boondoga-le. She stated that an elected official does not necessarily have the required skill to professionally run a City. Ms. Tee suggested that local radio stations stage debates on the issue of a full-time Mayor so that more people can become involved.

ROBERT BERGLUND
Mr. Bob Berglund -stated that he agrees with the general principals of accountability, responsibility and authority. However, he supports the principle of a full-time Mayor, feeling that the electorate of the City of Dover is wise enough to elect a competent Mayor. He has enough faith in the people of Dover to believe that the proposed plan would work well.

DR. HOWARD ROWE
Dr. Howard Rowe addressed the issue of a proposed full-time Mayor position. Althoug1h he has never held a public office, he has a great deal of experience in civics and democracy, gained from hi- teaching career. Dr. Rowe felt that the real issue before Council is the question of separation of legislative and executive responsibilities. In making this decision, Council must determine if they wish to be policy makers- or administrators of policy. The current Council seems to make many administrative decisions which should be handled by the executive branch. An alternative to the proposed plan was offered by Dr. Rowe. He suggested that all department heads report to the Mayor, subject to the confirmation of Council. This is the method utilized by the state and federal governments. Dr. Rowe felt that the Mayor should only attend Council meetings when invited by Council or when required. He also felt that staff members should not be present at Council meetings. Dr. Rowe objected to the Finance Director/Comptroller reporting to Mayor and Council, reminding Council that it is difficult for one person to serve two masters.

He urged members of Council to take their time to fully review the proposal and not to heed to a January deadline, stating.- that the legislation could become effective at some future date. In reviewing the proposed legislation, Dr. Rowe listed several grammatical. error-- and proposed language modifications. The suggestions were so noted by the City Clerk and will be referred to the City Solicitor for further review.

BEN BOWINGS
Mr. Ben Bowings was unable to attend the public hearing, but Mr. VanSant requested that correspondence from Mr. Bowins be made a part of the record (attached).

Mayor Richter concluded the meeting by thanking the participants for their input and assured everyone that review of this matter will continue.

Meeting Adjourned at 9:35 P.M.

REGULAR COUNCIL MEETING

The Regular Council Meeting was held on October 23, 1989 at 7:30 p.m. with Mayor Richter presiding. Members present were Councilmen Hall, Daisey, Legates, Christiansen, Levitt, Salters, VanSant and Weyandt. Councilman Lynn was absent.

Council staff members present were Chief Hutchison, Mr. **TUC@S'** Mr. Swain, Mr. Cegar, Mrs. Boaman and Mr. Rodriguez.

Discussion on Concept of Full-Time Mayor

At the direction **of"** Council., the City Solicitor submitted draft legislation that would be necessary to change the City Charter and Code to implement the concept ***of*** a full-time Mayor in conjunction with a new organizational chart. The committee discussed the proposed legislation in detail with m--ny members of Council feeling that public meetings should be Scheduled to afford an opportunity for input from the citizens of Dover.

1"le committee recommended that the proposed legislation be presented too Council for consideration.

Mr. Weyandt noted that one public hearing has been scheduled for the proposal for a full-time Mayor.

Mr. Hall moved that the matter be tabled for further discussion at a later date, seconded by Mr. VanSant and unanimously carried.

Mr. Christiansen moved for acceptance of the Legislative and Finance Committee Report, Seconded by Mr. Salters and unanimously carried.

QUARTERLY OPEN TOWN MEETING

The Quarterly Open Town Meeting was held on November 6, 1989 at 7:30 p.m. with Mayor Richter presiding. Members of Council present were Mr. Hall, Mr. Daisey, Mrs. Legates, Mr. Lynn, Mr. Christiansen, Mr. Levitt, Mr. Salters, Mr. VanSant and Mr. Weyandt.

Members of staff present were Mr. Cregar, Ms. Swain, Mr. Lucas, Chief Hutchison and Mrs. Boaman.

ANNOUNCEMENTS

Mayor Richter reminded those present that the purpose of the Quarterly Open Town Meetings is to allow citizens an opportunity to express their opinions or to relate their problems to Council.

OR

Roy Bogus

Mr. Roy Bogus, President of the Towne Point Civic Association, stated that during a recent civic association meeting, a consensus of the members depicted that they are not in favor of a full time Mayor for the City of Dover. If, however, this was approved, the Association felt that the current Mayor and/or current Council members, should not be permitted to run for the paid office for at least two years and that a full-time, professional City Manager should be utilized. The association favors the proposal for a civic

center.

E.qbert Tudor
Former Councilman Bob Tudor, expressed his opposition to the proposal for a full-time, paid Mayor. Mr. Tudor tated that the City of Dover has never had an unsatisfactory Mayor. Money is not what entices-public officials; it is love for the City of Dover. Mr. Tudor feared that utilization of a paid Mayor would lead the City into partisan politics. He also expressed concern with the costs involved to the taxpayer for a full-time, paid Mayor.

Mr. Ben Bowings expressed his agreement with the statements made by Mr. Tudor. Although he was unable to attend the public hearing on the proposal for a full-time Mayor, Mr. Bowings reminded Council that he has sent letters in opposition to the proposal.

Questioned by Mr. Weyandt and Mr. Christiansen, Mayor Richter suggested that members- of Council save their comments for a regular Council meeting so that the time afforded for town meetings can be utilized by the citizens. Mr. Christiansen felt that a special meeting should be scheduled so that members of Council may interact with the citizens on this subject without taking time away from the citizens at the Town Meeting.

REGULAR COUNCIL MEETING

The Regular Council Meeting was held on December 18, 1989 at 7:30 p.m. with Mayor Richter presiding. Members present were Councilmen Hall, Daisey, Legates, Lynn, Christiansen, Levitt, Salters, VanSant and Weyandt.

Council staff members present were Chief Hutchison, Mr. Lucas, Ms. Swain, Mr. Cregar, Mrs. Boaman and Mr. Rodriguez.

PROPOSAL FULL-TIME MAYOR

Mayor Richter stated that proposed legislation for a full-time Mayor has been pending for some time. Draft legislation has been prepared and distributed by the Solicitor.

It was noted that a letter was received from the Greater Dover Committee, stating the following:

> "The Greater Dover committee feels that the size of the City of Dover now requires that there be a separation of the executive and legislative branches of its government. Therefore, the Greater Dover Committee recommends that the day-to-day operation and management of the city should be in the hands of a professional city manager who reports to a mayor who is elected at-large by the citizens of Dover. City Council should function in a legislative and oversight manner with no direct responsibility for day-to-day operations."

Mr. Christiansen moved to postpone consideration of a full-time Mayor at this time and that we consider the duties and responsibilities and the need for such a position sometime prior to the election of 1992. The motion failed for lack of a second.

Mr. VanSant moved that the Charter changes, as written by the Solicitor. be approved with the

exception of Section 10 and that portion therein that deals with the appeal process of the City Manager in the event of dismissal by the Mayor, and that this portion provide for the City Manager, upon dismissal, to have an appeal to Council with the override of the dismissal requiring a two-thirds vote of those persons elected to Council. The motion also stipulated that the effective date of the Charter changes be May 1992. which would eliminate any possible conflict of interest by any current member of Council or the Mayor. The motion was seconded by Mr. Christiansen.

Mr. Levitt objected to a motion that commits a future Council to a decision of this body. He felt that the recent Charter changes involving district voting and a Council President should be given some time for full development prior to making additional changes.

Mr. Hall and Mr. Salters also objected to making a change two years in advance. Mr. VanSant reiterated that a future Council can certainly make their own changes to the Charter regardless of what this current Council may do. He urged members of Council to vote yes or no on this issue so that we can move in some direction.

Mr. Weyandt stated his opinion that members of Council have skirted a decision

on this issue for too long and urged a final resolution. He stated that the public deserves someone, on a full time basis, that the citizens can count upon.

On a call for the question by Mr. Levitt, Mr. Hall and Mr. Salters, the motion

failed by a roll call vote of six (6) no, three (3) yes (Mr. Christiansen, Mr. VanSant and Mr. Weyandt).

Mr. VanSant moved for approval of the recommended change to the Charter, with the exception of the provisions of Section 10 (relating to the appeal process of the City Manager) and a change that the City Manager be entitled to an appeal process to Council with the override requiring a two-thirds vote of those elected to Council, to be effective May 1990. The motion was seconded by Mr. Christiansen. The motion failed by a roll call vote of six (6) no, three (3) yes (Mr. Christiansen, Mr. VanSant and Mr. Weyandt).

REGULAR COUNCIL MEETING OF 2/13/1995

Legislative and Finance Committee Report of January 25, 1995:

Proposal for Full-Time Mayor

Members considered a letter from Mayor James L. Hutchison proposing that the office of Mayor be a full-time position. The proposal does not include any changes in the City's organizational structure. It was his feeling that the Mayor has ample responsibility under the current structure, however, there is insufficient time to achieve all that needs to be done. The proposal would change the Mayor's status from part-time to full-time with a four year term, to require a minimum of 40 flex hours per week. The position would be salaried, with an expense account and the use of a vehicle. The Mayor must be available to the public when needed, including evening, weekends, early mornings and holidays, which is why flexible hours are necessary. He explained that it is difficult to maintain a full-time job in addition to contributing the necessary time that the Mayor's position demands.

Mayor Hutchison stated that the Mayor should continue to work with City Council, the City Manager, the Dover Police Department and the citizens of Dover. He stated that it is imperative that the Mayor have a good working relationship with the many organizations associated with the City. In order to ensure good working relationships, the Mayor should work closely with the Federal, State and County elected officials and large businesses to discuss with their CEO, matters of concern such as employment and City utilities and services. The Mayor should also meet with small businesses as much as possible to ensure that their interests and concerns are being met or considered. Mayor Hutchison indicated that the City has established many commissions, committees and boards over the years and felt that the Mayor should meet with them at least annually to discuss their role and their goals and objectives. He also noted that there are many organizations associated with the City such as the Chamber of Commerce, Delaware Economic Development Council, Kent County Tourism, League of Local Governments, Neighborhood Civic Associations, and many others that the Mayor should remain very active in. Mayor Hutchison requested that members consider the proposal and that the citizens be permitted an opportunity for involvement as they are the ones that would truly benefit.

It was noted for the record that two letters (as on file in the Office of the City Clerk) were received in support of the concept of a full-time Mayor: 1) Mr. Richard Ornauer of 17 Mifflin Road; and 2) previous Mayor John E. Richter of 733 Oak Drive.

Mrs. Malone relayed concern with the possibility of bringing partisan politics to City government if the Mayor was to become a full-time, paid position. She also felt that the proposal would discriminate against individuals that have a full-time position, with benefits, that have an interest in serving as Mayor but could not afford to give up their employment status.

Mr. Tudor felt that members should not consider this matter at this time and suggested that the question be put on a ballot for the citizens to vote.

Mr. Javan Davis of 635 Nimitz Road, Ms. Mary Skelton from Kent County Tourism, Mr. Edward Minus of 37 McKee Road, Dr. Reed Stewart of 34 North State Street, Mr. Woody Miller, Ms. Juanita Wieczoreck, Coordinator for Dover Metropolitan Planning Organization (MPO),
Mr. Gerald Street of 201 William Street and Mr. Richard Ornauer of 17 Mifflin Road all spoke before the committee in favor of the proposal for a full-time Mayor.

QUARTERLY OPEN TOWN MEETING

The Quarterly Open Town Meeting was held on February 6, 1995 at 7:00 p.m. with Mayor Hutchison presiding. Members of Council present were Mr. Lambert, Mr. Tudor, Mr. Leary, Mr. Pitts, Mrs. Malone, Mr. Weyandt, Mr. Hare and Council President Christiansen. Councilman Salters was absent. Council staff present were Mr. DePrima, Mr. O'Connor, Mr. Lucas and Mrs. Boaman.

Full-Time Mayor Proposal

David Anderson, representing United We Stand (P.O. Box 1784, Dover, DE) addressed the issue of a full-time Mayor. This subject has come up several times over the years and to date, the matter has reached no resolution. It is the recommendation of United We Stand that City Council place this issue on their municipal ballot as a non-binding referendum. It is felt that this would provide an opportunity to hear the views of the citizens on this issue. United We Stand is currently circulating petitions on their proposal which will be submitted to City Council at a later date.

Not being aware of what the people want at this time, Mr. Weyandt suggested that the question be placed on the ballot during the municipal election in April. Mr. Schaefer relayed concern with placing the proposal on a ballot for the public. He felt that the public's opinion can be sought and achieved by holding public hearings.

Mr. Lambert advised members that he has observed some confusion among the public that the proposal for a full-time Mayor includes a change in the City's structure. He assured everyone that the proposal does not include any change in the City's structure and that it would simply allow the Mayor to perform his duties on a full-time basis.

The committee recommended that public hearings be scheduled, as soon as possible, to be highly advertised in an attempt to solicit comments regarding the proposal for a full-time Mayor.

Mr. Tudor reiterated his opinion that this matter should be placed on the ballot in order to garner the wishes of the citizens. During the public hearings, Mr. Tudor suggested that specific questions be addressed to avoid a lot of wasted time and confusion. Many members of Council discussed the question of whether the matter should be placed on the ballot. It was generally agreed that the public hearings be held and then the need for further action will be considered.

Council President Christiansen suggested that public hearings be scheduled for February 22 and 28, 1995 between the hours of 7:00 p.m. and 9:00 p.m.; that sign-up sheets be made available in the City Clerk's Office for those wishing to speak during the public hearings; that the sign-up sheet be placed at the entrance of the Council Chambers prior to the meeting to allow additional time for speakers to sign-up; that speakers be allotted up to three minutes each; and that written comment be accepted for up to seven days after the hearings. (It was noted that the committee meetings of February 28, 1995 will be cancelled.)

Mr. Leary moved for approval of the committee's recommendation and that the public hearings be set for February 22 and 28, 1995 as suggested by the Council President. The motion was seconded by Mr. Hare and unanimously carried.

REGULAR COUNCIL MEETING OF 3-27-1995

Legislative and Finance Committee Report of March 27, 1995:

Proposal for Full-Time Mayor

Mr. Salters explained that during a committee meeting held prior to this Council Meeting, the Committee of the Whole addressed the proposal for a full-time Mayor.

The Committee addressed the following question: "Do you want to pursue the concept of a full-time Mayor?" A vote was taken and a majority of those present voted negatively. It was, therefore, the recommendation of the committee that City Council not pursue the concept of a full-time Mayor.

Mr. Salters moved for approval of the committee's recommendation that City Council not further pursue the concept of a full-time Mayor. The motion was seconded by Mr. Lambert.

Mr. Leary objected to the motion, stating his opinion that it is ill-timed and that Council should have gone through the normal deliberative process to address a specific proposal. Although he generally agreed with Mr. Leary, Mr. Hare felt that even though a specific proposal was not reviewed, all members of Council should know if they support the concept of a full-time Mayor. If there is no support for the concept, he felt that much time would be wasted on drawing up a specific proposal only to have it defeated in the end.

Council President Christiansen also voiced concern with not allowing the Legislative and Finance Committee the opportunity to review a specific proposal on the issue.

On a call for the question on the motion by Mr. Salters, the motion that City Council not pursue the concept of a full-time Mayor was approved by a roll call vote of six (6) yes, three (3) no (Mr. Leary, Mr. Hare and Mr. Christiansen).

LEG. & FIN. COMM. - 1-27-1997

Remuneration - Mayor and Council

Mr. Salters reminded members of the Committee that during their meeting of January 14, 1997, the committee recommended that the Legislative and Finance Committee prepare a compensation package for the position of Mayor and that a recommendation be brought before Council within thirty (30) days.

The committee also recommended that the City Code be amended to provide that Council members receive an annual salary of $3,600, to be paid monthly, effective May 11, 1998, and that an automatic increase of $50 per month be added to the Council salary every 10 years, commencing May 2008.

It was noted by Mr. Salters that in order to facilitate the above, an amendment to Chapter 12 of the City Charter would be necessary, which requires approval by the Delaware General Assembly. The recommendations of the Committee will be referred to City Council for action during the Council Meeting of February 10, 1997.

City Charter

Referring to the request to the General Assembly to amend Chapter 12 of the City Charter, Mr. Salters moved to recommend approval of the following:

> "Section 12. COMPENSATION AND EXPENSES - MAYOR AND COUNCIL AND OTHER ELECTED OR APPOINTED OFFICIALS.
>
> The Council shall determine the annual salary of the Mayor and Council and other elected or appointed officials by ordinance. Members of the Council, the Mayor and other elected or appointed officials shall receive reimbursement for actual and necessary expenses incurred when on official business as prescribed by City ordinance or policy.

The motion was seconded by Mr. Schaefer and unanimously carried (**Attachment #1)**.

Referring to the proposed language for Chapter 12 of the City Charter, Mr. Hare asked if Council could legally change the annual salary of the Mayor during the course of the term of office. Mr. Fenimore stated that it was his understanding that the language would permit such a change in the event City Council felt it necessary. He requested that the City Solicitor submit a legal opinion on this question prior to an official vote by City Council.

Mayor

Referring to Sec. 2-70, paragraph (1) of the City Code, Mr. Schaefer moved to recommend deletion of the paragraph and insertion in its place, the following (which will set the annual salary level for the Mayor at $45,000):

(1) The mayor shall receive an annual salary of $45,000, effective May 11, 1998. In addition, the mayor shall receive an expense allotment of up to five thousand dollars ($5,000.00), to be included in the city's annual budget, for miscellaneous expenses, to be reimbursed upon submission of receipts or proper documentation. Expenses in excess of this amount shall only be permitted by Council approval.

The motion was seconded by Mr. Salters.

Prior to action by the committee on Section 2-70, paragraph (1), Mr. Fenimore and Mr. Leary suggested that the question of benefits be addressed.

Council President Christiansen suggested that prior to setting an annual salary for the Mayor, that the committee address exactly what will be expected of the Mayor. Although some have voiced objections to a job description for the Mayor, Council President Christiansen stated his opinion that this issue needs to be addressed.

Mr. Leary stated his opinion that the Mayor should be permitted to opt into the City's health care program. He explained that if an individual should choose to take a leave of absence from his/her job in order to become the Mayor, they should not be deprived of the right to a health care program.

There was a considerable amount of discussion on employee benefits that should be offered to a paid Mayor. It was generally agreed that a paid Mayor should be eligible to receive all benefits customary to City employees (i.e., health insurance, life & disability insurance, vision care, blood bank, etc.) with the exception of pension and sick and vacation leave.

Mr. Leary moved to amend the motion, seconded by Mr. Salters, that the following sentence be added to the proposal for paragraph (1) of Section 2-70:

> That the Mayor be entitled to all benefits customary to a City employee with the exception of pension and sick and vacation leave.

The motion, as amended, was unanimously carried.

See summary of proposed changes to Section 2-70, paragraph (1) - **(Attachment 2)**

City Council

Referring to Section 2-70, paragraph (2), Mr. Leary noted that the proposal for City Council remuneration does not address a salary for the Council President. He stated that traditionally the Council President receives a different salary than that of other members of Council and he suggested that the Council President receive an annual salary of $4,200 ($350 per month).

Mr. Lambert referred to language in the proposed ordinance that sets an automatic $50 increase in the salary every 10 years. He stated his opinion that the amount should not be predetermined by City Council and that it should be addressed in the future on an as needed basis.

Mr. Schaefer moved to recommend deletion of the sentence *"An automatic increase of $50 per month shall be added to the Council salary every 10 years, commencing in May 2008"* and to recommend that the sentence, *" The Council President shall receive an annual salary of $4,200, to be paid monthly, effective May 11, 1998" be added to Section 2-70 of the City Code, paragraph (2).* The motion was seconded by Mr. Leary and unanimously carried. See summary of proposed changes to Section 2-70, paragraph (2) - **(Attachment 3).**

After reviewing all proposed changes outlined during the course of the meeting, Mr. Leary moved to recommend approval of the proposed changes to Section 2-70 of the City Code (**Attachment #4)**, seconded by Mr. Schaefer and unanimously carried.

REGULAR COUNCIL MEETING - 2-24-1997

FINAL READING - PROPOSED ORDINANCES

The First Reading of the following proposed ordinances was accomplished during the Council Meeting of February 10, 1997.

Mr. Leary moved that the final reading of the proposed ordinances be acknowledged by title only, seconded by Mr. Lambert and unanimously carried.

Noting that there are two parts to the amendment to Section 2-70, Mr. Fenimore moved that each paragraph be considered separately, seconded by Mr. Lambert and unanimously carried.

Section 2-70, Paragraph (1) - Mayor

Mr. Hare moved for adoption of the following ordinance, seconded by Mrs. Malone.

Mr. Truitt stated that Section 14 of the City Charter defines the duties of the Mayor. It alludes to powers and duties inferred and imposed by Charter and ordinance. The citizens and business people are asking what the Mayor will be doing in addition to his present duties to warrant $45,000 per year. He stated that there is no question in his mind that the Mayor will earn every cent of the salary, but stated that Council should define the duties more specifically, without tying his hands. He suggested such duties as being available to the public, in his office, at least two or more hours per day, five days per week, and available by telephone when he has to be out of the office during regular daytime working hours, exceptions not withstanding. Mr. Truitt stated that he agrees with the concept and is comfortable with the salary, but he is not comfortable with passing the ordinance without the duties of the Mayor expressed. Mr. Truitt suggested that the Legislative and Finance Committee meet, with all members of Council present, to brainstorm the duties issue before the ordinance is passed.

Mr. Truitt moved that the ordinance be tabled until the above proposal is accomplished and that an amended proposal, including enhanced duties and responsibilities, be returned for consideration and approval at the next meeting. The motion was seconded by Mr. Pitts and failed by a vote of three (3) yes (Mr. Truitt, Mr. Pitts and Mr. Fenimore), and six (6) no (Mr. Lambert, Mr. Leary, Mrs. Malone, Mr. Salters, Mr. Hare and Mr. Christiansen).

Mr. Lambert stated that when this issue came up in the past, it was a different proposal in that it always included a proposal to assign the Mayor more responsibilities, such as having the City Manager report to the Mayor. He has always opposed such a proposal and continues that opposition. It is his fear that by assigning specific duties and responsibilities to the Mayor, it could possibly upset the delicate balance of power that we have in Dover. He stated that he will agree to some very general guidelines but he opposes any proposal to spell out in too much detail the duties and responsibilities of the Mayor. He reminded Council that the Governor of the State of Delaware has no job description and as a member of City Council, he has no job description. When a candidate runs for the position of Mayor, he or she run on a platform. In that platform, he tells the people what he plans to do and he is elected or not elected based on that platform. He reiterated that he will not support any proposal to strengthen the power of the Mayor, because he fears it will have a negative effect on our very successful City Manager form of government.

In response to suggestions that have been made, Mr. Salters suggested that a meeting of City Council (as a Committee of the Whole) and all other interested parties, be scheduled for March 18, 1997 at 7:00 p.m. to review any possible changes that may be deemed necessary relative to the duties and responsibilities of the Mayor.

In clarifying his position, Mr. Truitt stated that he agrees completely with Mr. Lambert and completely supports the City Manager form of government. His previous motion was not meant to suggest that he favored a strong Mayor form of government but that, while the City maintains the current structure, that we also define the duties, in general terms, of the Mayor.

Mr. Fenimore expressed appreciation to the Legislative and Finance Committee for their work on this subject and to its Chairman for attempting to address the concerns of defining the duties of the Mayor by suggesting that a meeting be held to address this issue. Mr. Fenimore expressed his hope that former Mayors and Council members will participate in this meeting. However, he stated that a meeting to discuss possible duties and responsibilities of the Mayor should be held prior to approval of the compensation ordinance.

Mr. Hare reminded all members of Council that during the discussion stages of this topic by the Legislative and Finance Committee, the Chairman requested input and written suggestions from all members of Council for consideration by the committee members. Not one member of Council submitted any suggestions or proposals for the committee's review. Mr. Hare felt it unfair to the committee members that other members of Council criticize the committee's proposal during the final stages of action.

Mr. Pitts agreed that the Chairman of the Legislative and Finance Committee requested his suggestions during review of this issue. However, he offered no suggestions to the committee because he made it clear from the beginning that he did not support the proposal for a full-time Mayor.

On a call for the question on the motion by Mr. Salters, the motion to approve the following ordinance was approved by a roll call vote six (6) yes, three (3) no (Mr. Pitts, Mr. Truitt and Mr. Fenimore):

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

That the Dover Code be amended by deleting Sec. 2-70, paragraph (1) in its entirety and inserting in lieu thereof the following:

Sec. 2-70. Compensation and Expenses - Mayor, Council, Employees and Other Elected or Appointed Officials.

In accordance with Section 12 of the Charter, authorizing Council to establish compensation and expenses for the Mayor and Council members, city employees and other elected or appointed

officials, the following fees are hereby established:

(1) The mayor shall receive an annual salary of $45,000, effective May 11, 1998. In addition, the mayor shall receive an expense allotment of up to five thousand dollars ($5,000.00), to be included in the city's annual budget, for miscellaneous expenses, to be reimbursed upon submission of receipts or proper documentation. Expenses in excess of this amount shall only be permitted by Council approval. The mayor shall be entitled to all benefits customary to an employee of the City with the exception of pension benefits and sick and vacation leave.

ADOPTED: February 24, 1997

Section 2-70 - Paragraph (2) and (9) - Council

Mr. Salters moved for approval of the following ordinance, seconded by Mrs. Malone and by a roll call vote of six (6) yes, three (3) no (Mr. Pitts, Mr. Fenimore and Mr. Christiansen), the following ordinance was approved:

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

That the Dover Code be amended by deleting Sec. 2-70, paragraph (2) and paragraph (9) and inserting in lieu thereof the following:

Sec. 2-70. Compensation and Expenses - Mayor, Council, Employees and Other Elected or Appointed Officials.

In accordance with Section 12 of the Charter, authorizing Council to establish compensation and expenses for the Mayor and Council members, city employees and other elected or appointed officials, the following fees are hereby established:

(2) Each Council member shall receive an annual salary of $3,600, to be paid monthly, effective May 11, 1998. The Council President shall receive an annual salary of $4,200, to be paid monthly, effective May 11, 1998. Council members shall receive reimbursement for actual and necessary expenses incurred when on official business as prescribed by ordinance or policy.

ADOPTED: February 24, 1997

SPECIAL COUNCIL MEETING

A Special Meeting was held on March 18, 1997 at 7:00 p.m. with Council President Christiansen presiding. Council members present were Mr. Lambert, Mr. Pitts, Mr. Leary, Mr. Truitt, Mrs. Malone, Mr. Fenimore, Mr. Salters and Mr. Hare. Mayor Hutchison and Mr. Schaefer were also present.

Mr. Charles Weller - 241 Fiddlers Green - Mr. Weller read into the record the following:

"At one time, I thought a paid, full-time mayor as the City's ambassador and lobbyist would be beneficial as long as we maintain a council form of government and do not give the position monstrous compensation. Developed and utilized properly, this type of position could become a jewel for the City. However, it does have its downside. Just to mention a couple, it has the potential to become a plum political position, which would mean party politics for the City (which Dover does not need), and why, when we are in an era of government downsizing, are we expanding ours?

As recently presented by City Council, I do not support the full-time Mayor position. It may be a plausible concept, but it needs more serious exploration. As presented, there are too many gray, unclear areas that need to be addressed. The citizens of Dover deserve to know with specificity what constitutes the characteristics and duties of the job. This way we will know what to expect from the Mayor, or better yet, what we will demand from the position.

Serious consideration of the proposal and its potential effects on Dover have to be given again by the Council and by you, the citizens, the owners of the City. We need to interact with Council members and our neighbors so that our feelings are known and a true and fair consensus will evolve. I am not saying the position of full-time Mayor cannot be developed, possibly, creating benefits for the City. We may very well need our own ambassador and lobbyist to champion the City' s various causes. However, proposing a salary before establishing accountability that the average citizen can understand does not seem like the fair thing to do with tax dollars. In reality, the position has the potential to cost Dover taxpayers substantially more than the inflated $45,000 proposed salary. The City will also incur the costs of the Mayor's expense account, car, and health insurance, just to point out a few. The citizens need to be presented with an accountability picture.

The Council may have a good concept of the position and its benefits, but it has done a poor job of communicating these facts to the citizens. If the concept of a full-time Mayor is a viable, practical alternative, present it as such and sell it to the citizens. Don't shove it down our throats. At this time, I don't see it as a pressing issue that needs immediate attention.

I personally cannot support the concept as currently presented. However, when elected, I will support the majority of the 2nd District's citizens' views. If my constituents convey to me that they are in favor of the present proposal of a paid, full-time Mayor, I will support their opinions."

Mr. Robert Tudor - 706 E. Division Street - Mr. Tudor stated that he opposes a full-time Mayor,

but since the matter has already been voted on, he wondered if members of Council had fully considered all of the ramifications. He stated doubt that any additional funds will be derived from the Mayor's presence at Legislative Hall and voiced concern with possible conflicts between a City Manager and a Mayor. There is a possibility that both could have very strong personalities and he feared that a City Manager would be pressured by the presence of a full-time Mayor.

Mr. Tudor reminded Council that the Mayor has veto power and could force a 2/3 vote of Council on any issue, including the ordinance that sets the Mayor's salary. He stated that there is no method of impeachment in the City Charter and wondered what action Council can take in the event the Mayor is not performing his duties properly.

Referring to the City's current City Manager form of government, Mr. Tudor stated his fear that a full-time Mayor will lead to a strong Mayor form of government. He stated that the City's current City Manager is the best Manager the City of Dover has ever had and he strongly urged City Council to protect the City Manager position.

Mr. Javan Davis - 635 Nimitz Road - Mr. Davis relayed his support for a full-time Mayor and reminded members of Council that he has supported the proposal for a number of years. He felt it somewhat unfair to members of Council that some waited until after action was taken to voice their disagreement with the proposal for a full-time Mayor. Unlike what many are saying, this issue was not acted on quickly. He stated that it has been discussed for many years. He agreed that some mistakes may have been made in not holding an official public hearing prior to making the decision, but Mr. Davis commended members of Council for the outstanding job they are doing for the citizens of Dover. He feels that the action to have a full-time Mayor is good preparation for the 21st century. He reminded the public that where there are no changes, there is no vision and where there is no vision, there are no changes.

Referring to public comments about the present Mayor already drawing retirement salary from his position as Chief of Police, Mr. Davis stated that he earned his retirement and that it should have nothing to do with the issue of a full-time Mayor.

Mr. Davis urged the public to allow the Mayor to do his job without tying his hands too closely. Although a very general job description would be beneficial, he felt that the Mayor should have a considerable amount of flexibility so that the job can be performed properly.

Richard Senato - 152 Evergreen Drive - Mr. Senato reminded the public that City Council has been dealing with the issue of a full-time Mayor for a long time. He is not in favor of a full-time Mayor at the suggested annual salary of $45,000, in addition to the benefits and expenses. He stated that a paid Mayor would essentially be doing the same job as the present Mayor which does not justify such a high salary. Since City Council has already approved the position of a full-time, paid Mayor, Mr. Senato suggested that a job description be created that states specifically the separation of duties between the Mayor and the City Manager. He stated that it is essential to ensure that there will be no conflict between the two positions and that the current City Manager form of government be maintained.

Mr. Senato stated that the general public has made it clear that they do not favor a full-time, salaried

Mayor. He objected to the format that was used by Council in making the decision for a paid Mayor, stating that public hearings should have been held prior to making the decision. Mr. Senato stated that members of Council should make a case explaining how the City will benefit from a paid Mayor, ensure that the Mayor will not infringe on the duties of the City Manager, and that the Council justify the full-time Mayor's salary with a detailed and fully accountable job description.

Mr. James Webster - 8 Arbor Drive - Mr. Webster stated his opposition to a full-time Mayor, relaying his feeling that the process was wrong and the decision was wrong. Referring to the duties and responsibilities of the Governor, Mr. Webster stated that the State Constitution lists several very powerful duties of the Governor. He stated his opinion that the current discussion over the full-time Mayor position has revealed no duties whatsoever. Mr. Webster reminded members of Council of the oath of office they took when sworn into the office of City Council, reminding them that they swore to "always place the public interests above any special or personal interests." Council President Christiansen and Mr. Hare took exception to any inference that members of Council do not abide by their sworn oath of office.

Mr. Michael Chapman - 863 Schoolhouse Lane - Mr. Chapman stated that he favors a full time Mayor. He stated that this issue has been discussed for several years and felt it was time for a decision to be made on the subject. Referring to concerns that the duties of the Mayor and City Manager could conflict, Mr. Chapman felt that the jobs are entirely different and should not conflict in any way. The City Manager is in charge of the day to day operations of the City, while the Mayor acts more in the way as an ambassador for the City. Currently, the Mayor is doing a full-time job with a part-time salary. Mr. Chapman stated his opposition to a job description for the Mayor, but suggested some basic guidelines under which the Mayor would operate. Referring to the suggestion by some for impeachment procedures, Mr. Chapman reminded the public that the terms of office are only for two years and that the term would likely be complete before impeachment could be achieved.

Mr. Samuel Schlegel - 1153 Woodstock Court - Mr. Schlegel stated that much discussion and procrastination has surrounded the idea of a full-time Mayor for Dover. He stated that the time has come for a full-time Mayor, however, he cannot support it without job guidelines. He stated that the proposed annual salary of $45,000 is too high and stated he felt it unfair for someone to have this position without the democratic process of an open and fair election.

Mr. Schlegel stated that if the person possesses a true desire and feeling for the well being of Dover, then the proposed financial package is more than what is needed to compensate someone for the position. He stated that the initial and on-going parameters for the position should be clearly set before the new position is filled, such as if the current or past Dover Mayors are eligible and if there should be term limits for the position.

Mr. George Johnson - 829 Woodcrest Drive - Mr. Johnson stated that he supports the idea of a full-time Mayor. He supports a job description for the position but suggested that it be a very flexible job description. Mr. Johnson stated that volunteerism is a noble endeavor but the reality of the situation is that Dover needs someone that is not only committed, but someone that is accountable and responsible. General guidelines for the position would provide the Mayor with

knowledge of what is expected and would provide the citizens an opportunity to evaluate how well the Mayor is performing in the position. Mr. Johnson stated that it would facilitate the idea of a realistic achievement of the goals and objectives within the boundaries of a stated set of duties, responsibilities and the authority of the person. It facilitates the organizational communication, enhances the monitoring capacity (checks and balances) and provides stability and consistency, regardless of the individual who holds the position. Referring to any potential conflict between a Mayor and City Manager, Mr. Johnson stated that this is the nature of the political beast in a democratic society. He reminded Council that conflict is not always negative and at times can even be positive.

Mr. Johnson stated that as we move into the 21st century, we need to think more realistically about the entire issue. He stated that he knows very few administrators who are responsible for an organizational structure that has nearly 30,000 individuals (citizens of our community) who make less than $45,000 annually. He stated the old adage, "you get what you pay for."

Council President Christiansen noted that Mr. Stephen M. Weill of 18 White Marsh Court had signed up to speak but was not present at the meeting.

Mr. Truitt reminded the public that the current City Charter and Code already contain language on the duties and responsibilities of the Mayor and that the issue at hand is if additional duties and responsibilities should be elaborated upon in the ordinances. He apologized for not making this information more available to the public. He reiterated his opinion that a structured job description is not needed but that he favors general guidelines. He stated his support for language submitted by Mr. Lambert, with a few minor changes.

Mr. Lambert stated his feeling that the position of Mayor has been a full-time job for a very long time. Previous efforts to set an annual salary for the position also incorporated changes in the duties which would have given the Mayor control over the City Manager. He has opposed that proposal each time it was presented. However, the current proposal makes no change to the powers of the Mayor and it was based upon this fact that he decided to support the current proposal. Referring to the current duties and responsibilities of the Mayor, as outlined in Section 14 of the Charter, Mr. Lambert stated that they are very general and he feels that they were designed to be very general. He cautioned members of Council to be careful that proposed language does not imply additional powers which could serve the effect of giving the Mayor control over the City Manager.

Mr. Lambert and Mr. Truitt submitted the following proposed language, for insertion into the City Code, which would be in addition to the current language contained in Section 14 of the City Charter:

> The Mayor shall be available on a full time basis to interact with private citizens, business people, state and county officials/representatives, and civic and neighborhood associations to promote the economic and social interests of the City and the general welfare of its citizens.
>
> Referring to Section 14 of the Charter, Mr. Truitt suggested the addition of the following sentence, to appear as the third sentence in the paragraph:

> It will be his duty to see that the orders, ordinances and resolutions enacted by City Council are faithfully executed.

He stated that the language is very similar to the language for the Governor found in the State Constitution.

Mr. Fenimore stated his feeling that the proposed addition to Section 14 of the Charter may infer that the Mayor has authority in other areas. For example, during a Council Meeting, City Council may pass a resolution directing an action by the City Planner. The Mayor could then infer that it is his responsibility to ensure that the action is executed by the City Planner which would be in conflict with the current structure where the City Planner is under the direction of City Council.
Mr. Truitt stated that it was not his intention to make such a change. It was agreed that the proposal should be referred to the City Solicitor for an opinion.

Referring to the proposal by Mr. Lambert and Mr. Fenimore, Mr. Salters suggested the addition of the word "national" after the words "state and county".

Mr. Fenimore suggested that the paragraph end with the word "basis", to read "The Mayor shall be available on a full time basis". It his feeling that there is no need to elaborate upon with whom the Mayor should interact.

Mr. Schaefer, member of the Legislative and Finance Committee, expressed his appreciation to the citizens that have offered input on this subject. He stated that it was never the intention of the committee to change the structure of the City government. Their efforts were geared toward ensuring that the City can sustain the successes we are blessed with today. He agreed that Dover has always had a full time Mayor and stated that the only change being made is to fairly compensate the Mayor for the required commitment of time. There is no proposed change in the structure of our City government or in the level of authority of any department head.

In terms of a job description, Mr. Schaefer stated objections to any detailed job descriptions. Each elected Mayor should have a very good idea of what needs to be done and the needs may vary from time to time.

Mr. Salters reminded Council of the following quotation: *"For it is with words, as with sunbeams, the more they are condensed, the deeper they burn."* He stated his feeling that the proposed language is brief, but to the point, and he felt it would be sufficient without being too restrictive.

Mr. Salters moved for acceptance of the proposed language, for insertion into the proper section of the City Code. The motion was seconded by Mrs. Malone and Council approved the following language by a roll call vote of seven (7) yes, two (2) no (Mr. Pitts and Mr. Fenimore):

> The Mayor shall be available on a full time basis to interact with private citizens, business people, state, county and national officials/representatives, and civic and neighborhood associations to promote the economic and social interests of the City and the general welfare of its citizens.

Mr. Truitt moved table action on the proposed addition to Section 14 of the Charter until a legal opinion has been received from the City Solicitor. The motion was seconded by Mr. Leary and

unanimously carried.

Mr. Salters moved to adjourn, seconded by Mr. Truitt and unanimously carried.

Meeting Adjourned at 8:15 P.M.

DEBRAH J. BOAMAN
CITY CLERK

All orders, ordinances and resolutions adopted by City Council during their meeting of March 18, 1997, are hereby approved.

JAMES L. HUTCHISON
MAYOR

REGULAR COUNCIL MEETING

The Regular Council Meeting was held on April 14, 1997 at 7:30 p.m. with Council President Christiansen presiding. Council members present were Mr. Lambert, Mr. Pitts, Mr. Leary, Mr. Truitt, Mrs. Malone, Mr. Fenimore, Mr. Salters and Mr. Hare.

Council staff members present were Major Faulkner, Mr. Lucas, Mr. O'Connor, Mr. DePrima, Chief Carey, Mrs. Boaman and Mr. Rodriguez.

FIRST READING - PROPOSED ORDINANCES

Mr. Truitt moved to waive the reading of the proposed ordinances before Council, seconded by Mrs. Malone and carried with Mr. Pitts voting no. Council President Christiansen reminded the public that copies of the proposed ordinances are available at the entrance of the Council Chambers or can be obtained from the City Clerk's Office. Final action by Council on the proposed ordinances will take place during the Council Meeting of April 28, 1997.

Referring to proposed amendment to Section 2-96, Mr. Truitt stated a proposal to amend the Charter was tabled by Council and referred to the City Solicitor. The City Solicitor proposed a minor change so that the sentence would read as follows: "It will be the Mayor's duty to see that the orders, ordinances and resolutions enacted by Council which are within his jurisdiction are faithfully executed." The Solicitor recommended that the change could be made to Section 14 of the Charter or added to the proposal for Section 2-96 of the City Code.

After considering this matter, Mr. Truitt moved that the above sentence not be considered and that it be stricken from the proposed language for Section 2-96 of the City Code. The motion was seconded by Mrs. Malone and carried with Mr. Pitts voting no. Mrs. Malone stated that she supports striking the sentence as she feels that the language is too close to the definition of the responsibilities of City Council.

Mr. Truitt moved for acknowledgment of the first reading of the following proposed ordinance, as amended, by title only, seconded by Mrs. Malone and carried with Mr. Pitts voting no.

A. Chapter 2 - Administration - Article IV - Mayor Section 2-96 - Duties and Responsibilities of the Mayor

Mr. Truitt moved for acknowledgment of the first reading of the following proposed ordinance, by title only, seconded by Mrs. Malone and unanimously carried.

A. Division 4. Meters - Sec. 22-226 - Required; Sec. 22-227 - Location; Section 22-228 - Installation; Sec. 22-229 - Maintenance and Responsibility for Damage; Sec. 22-230 - Notice to City of Damage or Malfunction; and Sec. 22-231 - Inaccurate Meters

REGULAR COUNCIL MEETING

The Regular Council Meeting was held on April 28, 1997 at 7:30 p.m. with Council President Christiansen presiding. Council members present were Mr. Lambert, Mr. Pitts, Mr. Truitt, Mrs. Malone, Mr. Salters and Mr. Hare. Mr. Leary and Mr. Fenimore were absent.

Council staff members present were Chief Smith, Mr. Lucas, Mr. O'Connor, Mr. DePrima, Chief Carey, Mrs. Boaman and Mr. Rodriguez.

FINAL READING - PROPOSED ORDINANCES

The First Reading of the following proposed ordinances was accomplished during the Council Meeting of April 14, 1997.

Mr. Hare moved that the final reading of the proposed ordinances be acknowledged by title only, seconded by Mrs. Malone and unanimously carried.

Mr. Hare moved for adoption of the following ordinance, (effective May 11, 1998). The motion was seconded by Mr. Lambert and carried by a roll call vote of six (6) yes, one (1) no (Mr. Pitts) and two (2) absent (Mr. Leary and Mr. Fenimore):

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

That the Dover City Code shall be amended in the following respects:

* Chapter 2, Administration, is amended by inserting a new article to be designated Art. IV, Mayor, consisting of §2-96 through §2-115 and all of the following articles and sections shall be renumbered so that the next successive article shall be Art. V, City Manager, §2-116 - §2-125 which renumbering shall be true for the remainder of this chapter.

Newly renumbered Art. IV, Mayor, shall read as follows:

Section 2-96. Duties and Responsibilities of the Mayor.

The Mayor shall have all of those duties and responsibilities set forth in Section 14 of the Charter. In addition thereto, the Mayor shall be available on a full time basis to interact with private citizens, business people, national, state and county officials and representatives and civic and neighborhood associations to promote the economic and social interests of the City and the general welfare of its citizens.

ADOPTED: APRIL 28, 1997

Mr. Lambert moved for approval of the following ordinances, seconded by Mr. Hare and carried by a unanimous roll call vote (Mr. Leary and Mr. Fenimore absent):

* For City Code codification purposes and to avoid renumbering other ordinances, Municipal Code renumbered this ordinance to Article III.I, Sec. 2-91 (Sec. 2-92 - 2.95 Reserved)

ANNUAL COUNCIL MEETING

The Annual Council Meeting was held on May 11, 1998 at 7:30 p.m. with Mayor Hutchison presiding. Council members present were Council President Christiansen, Mr. Lambert, Mr. Pitts, Mr. Leary, Mr. Truitt, Mr. Carey, Mrs. Malone, Mr. Salters and Mr. Weller.

Council staff members present were Chief Faulkner, Mr. Lucas, Mr. O'Connor, Mr. DePrima, Chief Carey, Mrs. Green and Mr. Rodriguez.

AGENDA ADDITIONS/DELETIONS

Council President Christiansen moved for approval of the agenda, seconded by Mr. Leary and unanimously carried.

OATHS OF OFFICE - CITY COUNCIL

The Honorable Henry DuPont Ridgely, President Judge of the Superior Court, administered the Oath of Office to the Mayor and members of City Council, as follows:

Mayor	-	James L. Hutchison
First District	-	Thomas J. Leary
Second District	-	Robert W. Lambert
Third District	-	William P. Truitt
Fourth District	-	John W. Pitts

In closing I pledge to you, as the first full-time Mayor of this city, that I am committed to working with City Council, the City Manager, staff, business community, citizens, and the leadership of our State and County as we continue toward the 21st Century."

SPECIAL COUNCIL WORKSHOP

A Special Council Workshop was held on November 18, 2002 at 4:30 p.m. with Council President Carey presiding. Council members present were Mr. Ritter, Mr. Pitts, Mrs. Williams, Mr. Truitt, Mr. McGlumphy, Mr. Speed, Mr. Salters (departed at 6:08 p.m.) , and Mr. Ruane.

Note from City Clerk's Office: This was a continuation of the meeting held on November 4, 2002, which was held specifically to review the PAS Organizational Study. A copy of the PAS Organizational Study is filed in the Office of the City Clerk.

Part-Time - Mayor (page 6) - Mr. Ritter indicated that the vast majority of municipalities, within our population range, and with a City Manager/Council form of government, do not have full-time Mayors. Mr. Ritter moved that the Mayor serve on a part-time basis as recommended in the PAS Study, seconded by Mr. McGlumphy. The motion failed by a roll call vote of six (6) no, two (2) yes (Mr. Ritter and Mr. McGlumphy), and one (1) absent (Mr. Salters).

Mrs. Williams moved that there be no changes in the position of the Mayor and that he continue to serve on a full-time basis, seconded by Mr. Truitt and carried by a roll call vote of seven (7) yes, one (1) no (Mr. Ritter) and one (1) absent (Mr. Salters).

COUNCIL COMMITTEES

The Council Committees Meeting was held on August 11, 2003, at 5:30 p.m., with Council President McGlumphy presiding. Members of Council present were Mr. Carey, Mr. Pitts, Mrs. Williams, Mr. Truitt, Mr. Ritter, Mr. Speed, Mr. Salters, and Mr. Ruane.

LEGISLATIVE AND FINANCE COMMITTEE

The Legislative and Finance Committee met with Mr. Speed presiding. Members present were Mr. Ritter, Mr. Ruane, Mr. Gorman, and Mr. Shelton.

Public Discussion of the Public Administration Service (PAS) Study - Compensation and Classification Review (Item tabled during April 28, 2003 Meeting)
Council President McGlumphy indicated that the presentation being made was strictly his points of view of the Compensation and Classification Study.

Several questions were asked by members of Council regarding to the overtime pay related to the Police Department. Chief Horvath was requested to provide members of Council with a breakdown of the overtime.

Responding to Mr. Speed's invitation for comments from the audience, Dr. Margaret McKay, 54 Rodney Road, suggested the following:

1. Return to part-time Mayor system (put the issue to the voters by way of a referendum);
2. City Council enforce its statutory responsibility as "guardians of the public purse", pursue competitive bidding for all contracts, including those of City Auditor and City Attorney;
3. Seek outside, truly independent, legal advice concerning the Mayor's veto power and an independent auditor;
4. City Council establish clear and unambiguous rules that determine which expenditures incurred by City staff (elected and appointed) are and are not allowable and those expenditures that are not allowable and should not be reimbursed.

Mr. Ritter moved to recommend acceptance of the PAS Compensation and Classification Review *(Attachment #3*) as presented, seconded by Mr. Ruane and unanimously carried.

Comptroller/Auditor Review - Mayor's Budget (Councilman Ritter)
As requested by Council President McGlumphy, the following portion of the minutes have been transcribed verbatim:

Mr. Speed: "Now onto item #2. The Chair recognizes Mr. Ritter."

Mr. Ritter: "Yes, thank you Mr. Speed, actually we did go into this some already and looking into the past five (5) year budget of expenses that everyone should have a copy of the budget expenses made by the Office of the Mayor is clear that the expenses are not clearly identified as official City of Dover business as outlined in the City Charter Section 12 and City Code Section 2-70; the expenses are not clearly justified and are not clearly business related. If everyone has taken a look at those already, you can clearly see some of the examples that Mrs. McKay has spoken of. What I am declaring is we need an outside auditor or objectively done by an auditor. To go on and give gifts to certain organizations you get into an equity situation also. How is it fair to give to one organization versus the other? I would like to make a motion and then we can discuss the motion and go from there. I would like to move that the City Finance Director have the audit firm that is already engaged to audit the City's fiscal year 2003 finances analyze the expenses of the Mayor's Office for the past six (6) years, fiscal year 1998 to fiscal year 2003. The purpose of such an audit would be to: (1) recreate, from an accounting perspective, all accounting related transactions identified in this special purpose engagement; (2) determine the extent in which the transactions described in the engagement were completed or accomplished in compliance with the City Charter and Code, city policy and procedure and applicable federal regulations; and (3) to evaluate the responsibility, appropriateness, and equity of the transactions with respect to the function and purpose and identify internal control weaknesses based on the results of the review performed by the auditor and to make recommendations for internal control enhancements and improvements and policy guidelines.

Mr. Speed: "Is there a second to the motion?"

Mr. Ruane: "I'll second the motion."

Mr. Speed: "Alright, discussion? Members of the committee, any questions? Mr. Shelton."

Mr. Shelton: "Thank you Mr. Chairman. The question I have is do we have any idea what the cost would be to go back and do that for the past six (6) years?"

Mr. Ritter: "I do not have a cost estimate, but basically what it would entail is going back into the next six (6) years, they already have expenditures of it, but what we have is not as broken down as what can possibly be done due to the fact we have credit card expenses all through the year. With the credit card expenses we would have to pull the receipts for each and every one and none of us have the appropriate time to engage into this process, that's why the outside audit and to have this coincide with the audit firm that we are currently engaged with in the City."

Mr. Shelton: "I guess I'm trying to understand what the cost would be and why six (6) years, why not three (3) years, why not two (2) years? I don't know how relevant it is to go back six (6) years."

Mr. Ritter: "If we go back six (6) years, we're going back to the first time we have a full-time Mayor."

Mr. Shelton: "I see."

Mr. Speed: "Any other mem... Mr. Shelton did you have any more questions?"

Mr. Shelton: "No, not at this time, thank you."

Mr. Speed: "Any other members of the committee? Mr. Mayor."

Mayor Hutchison: "Mr. Chairman, Mr. Ritter, members of Council, and Ladies and Gentlemen. First, let me ask Donna Mitchell, our Finance Director, please, do you have a copy of the policy regarding my $5,000 per year expense account that dictates what I am allowed to spend, what I'm not allowed to spend?"

Mrs. Mitchell: "I don't have it here with me Mayor, but I think that's the Code Section 2-70 that was cited. Is that correct? I'm not sure."

Mr. Ritter: "Yes."

Mayor Hutchison: "So the question is, do we have a policy?"

Mrs. Mitchell: "No."

Mayor Hutchison: "Thank you. Could you pass them out please? (Requested the City Clerk to distribute information) If you indulge with me just for a couple of minutes. The Mayor's Office and the duties and responsibilities of my office are, first, in charge of the Police Department. Second, public relations, spokesperson for the City of Dover. Third, economic development. Fourth, building relationships/partnerships with government, federal, state, and county, business, education and citizens. Serve as a lobbyist at Legislative Hall when in session. On call 24 hours a day, seven days a week. Committees in which I serve on:

1. President, Delaware League of Local Governments
2. Council on Police Training
3. Livable Delaware Advisory Council
4. Delaware Emergency Management Agency (charged with allocation of homeland security funds to local municipalities)
5. Delaware National Guard and Reserve Emergency Assistance Fund Board (allocates funding to needy families of servicemen and women)
6. Delaware Workforce Investment Board
7. Central Delaware Chamber of Commerce
8. Dover Rotary Club (honorary member)
9. Central Delaware Economic Development Council
10. Honorary Wing Commander
11. Kent County Tourism
12. Department of Public Safety and Homeland Security
13. Delaware State University Board of Visitors
14. Delaware Technical & Community College Development Council
15. Delaware Civic Center
16. Greater Dover Committee (honorary member)

17. Downtown Dover Development Corporation

Now, let's talk about what the Mayor's Office has been involved in. The Garrison Farm which resulted in $2.5M being given to the City of Dover and the last three (3) years that the farm has been under the ownership of this City, that farm has been leased for $60,000. We work very hard with the City of Wilmington to bring the Wilmington College to Dover. Currently, I am proud to say that the construction represents $12.2M. Kent County Levy Court, I am proud to say on September the 9th they will break ground to build an $18M new building. House Bill 306 and 307 that was passed on the very last day of the General Assembly this year represents a total of $250,000 to $400,000 annually that comes back to this City. We were also able to contact Senator Biden this year because of the four (4) new officers being increased to the Dover City Police Department and we received $350,000. And in the past we worked with Dover Air Force Base, Senator Biden, Senator Roth, Mike Castle, and we received $95M for the infrastructure at Dover Air Force Base. I am proud to say that we worked with Dover Downs when they got ready to expand and build a new hotel. We set up a meeting with the Governor and the task force and I'm proud to say today we have a $60M new hotel. We also worked on the Delaware Air Park and the Schwartz Theater. And currently, today, we are working on two (2) big projects; we are working with our United States Senator Tom Carper dealing with home ownership initiative and downtown Dover. We also are working on Eden Hill.

With that said, let's talk about expenses for just a minute. In the year 2000, I spent a total of $24.24 on entertaining people for food costs. In the year 2001, it came to $25.79 a week. In the year 2002, $22.07. This year, already, I have spent $13.34 a week. As far as gifts, we give out Dover golf shirts, and I might add we spend a lot money for golf shirts, coins, writing pens, lapel pins. This year I have already spent $1,605.41 for these items. Last year I spent $1,181.76. So whomever you're going to pay to do the audit, it should be real quick, it shouldn't take too long. In the year 2001, I spent $2,231.15. In the year 2000, I spent $1,744.61. What I am saying to all of you, economic development in the City of Dover, we done a lot of good things and it was said that the Mayor, no, it's not about the Mayor, I represent a team effort. And let me assure you, when Dover Air Force Base has a problem, do they call any member of Council, or do they call the City Manager? I don't think so. Let me ask you, members of Council, including the City Manager, how many of you have been to Proctor and Gamble in the last year, or two (2) years? How many of you know Phil Burns personally, like I do? How many of you have been to Kraft Food to see Brice Link, and talk to him about his issues and concerns? I have. How many of you have been to Dover Air Force Base and sat down with the Commander, personally, to talk about his issues and concerns? None of you have, I have. So I ask all of you, do away with the full time Mayor and I have a suggestion, you either are going to do one (1) or (2) things; you're going to have a City Manager and an Assistant City Manager and if you look in the PAS Study, go ahead and get one and see what it costs. It's recommended $95,000. Quite frankly, I personally believe that for $45,000, I think you're getting a pretty good deal.

Thank you. And by the way before I close, I would welcome an audit, I have no problem with an audit, you are welcome to look at it."

Mr. Ruane: "I call for the question on the motion."

Mrs. Williams: "Can I..."

Mr. Speed: "There's only been a couple of people that have had an opportunity to speak. Mr. Salters."

Mr. Salters: "My position is, if we do not have clear guidelines, in any direction, regarding the expenditures of the Mayor and how this Council would require the Mayor to spend the funds, then it's the Council's fault. Now, I'm not protecting the Mayor, the Mayor just protected himself. What I'm saying is, if we wish to set guidelines and make policies to control the expenditures of the Mayor, that's our responsibility and we should do it. Another thing is the fuss about what has been spent on various items. I just want to make a statement about the full and part time Mayor. I took a major part of the responsibility for creating a full time Mayor and I'm proud to say that. I think this City deserves a full time Mayor, I think it needs a full time Mayor, and those of you who disagree with me, that's your position. But I believe every time, and I'm out a lot in the community, I go to a lot of things, and every time I'm out, I see the Mayor. I represent the Mayor on many occasions when he has duplications. Now, I don't know whether anybody else does that. There are probably other people here that do that. My suggestion, and Dr. McKay made a reference to it, that we need independence in determining what is going on in the City. I don't know whether we need any auditor other then the ones we have, Mr. Ritter alluded to that. But my position is that we have something that has happened in the past, that's the past. If we want to correct it, it's our responsibility. We need to set the guidelines and if the Mayor doesn't want live by them, he won't run. And if he does, then he'll abide by the rules that are set by this Council, expenditures, everything. I don't know whether we do a ten (10) year study, what is it going to prove? A ten (10) year study on expenditures is going to show a lot of money has been spent. What's it going to do to prove any point? My point is we need to go forward from today, from this minute and develop a scenario where we will know what the Mayor's expenditures are going to be and he'll have to live by it. Let me mention something, in all the expenditures that I have seen come across my desk, I had so many of them, I had to get extra stuff from the Clerk's Office to keep up with them. We have been inundated with requests and paperwork that comes in. I don't know whether all this paperwork is worth it. I think Mr. Shelton made a good point when he said, "what's the audit going to cost?" An audit that goes back ten (10) years will probably cost more than $10,000. I am also of the opinion that maybe some other reason, other than just straightening out the books, that we are making this declaration at this time. If we are on a "witch hunt", most of us could probably be caught up in it. Those of us that have served in the past have served with diligence. I'll personally take responsibility if the Mayor has over spent and we let him get away with it, that's the Council 's fault, that's the old Council's fault. All of us who have served in the old Council during this year and in the past. If that is the case, and that is the case, then I think we need to move ahead, set the guidelines, and live by them, and get this out of the way.

REGULAR COUNCIL MEETING

The Regular Council Meeting was held on December 8, 2003 at 7:30 p.m. with Council President McGlumphy presiding. Council members present were Mr. Carey, Mr. Pitts, Mrs. Williams, Mr. Truitt, Mr. Ritter, Mr. Speed, Mr. Salters, and Mr. Ruane.

Council staff members present were Major Harding, Mr. Cooper, Mrs. Mitchell, Ms. Melson, Chief

Bashista, City Solicitor Rodriguez, Mrs. Green, and Mayor Hutchison.

CONSIDERATION FOR PLACEMENT OF BALLOT QUESTION FOR CITY OF DOVER MUNICIPAL ELECTION ON APRIL 20, 2004 - PART-TIME MAYOR

Council President McGlumphy advised members that the discussion on the consideration for placement of a ballot question should focus on the question to be placed on the ballot; not the issue of whether the Mayor should be full-time or part-time.

Relaying concern, Mrs. Williams stated that the Charter only allows for referendums related to monetary issues. She also expressed concern that such a question may violate the spirit of the maintenance standards for City elections. Mrs. Williams stated that the same or similar conditions should be maintained for a referendum or an election because the same people who may vote in a referendum may not vote in an election.

Mr. Salters asked how the item was placed on the agenda and with what support. Council President McGlumphy stated that he placed the item on the agenda. Mr. Salters requested that the item be abandoned until the City Solicitor provides a legal opinion as to the Council President's authority to place an item on the agenda without the support of other Council members. Mr. Rodriguez stated that he would look into the question. He also reminded members that they unanimously adopted the agenda at the beginning of the meeting.

Mrs. Williams asked Council President McGlumphy if he would be willing to hold a public hearing on the issue to provide the citizens with the whole range of information related to the question. Council President McGlumphy stated that he would not since there have been debates and public hearings and at this time, the question is whether or not members wish to place the question on the ballot. Mrs. Williams asked if he would be willing to pose the question of whether the City needs a Council President. Council President McGlumphy responded that the issue of a Council President was discussed in relationship to the consent decree resulting from the NAACP lawsuit.

Mr. Ruane stated that there would be ample time for the electorate to come forward and have their questions answered regarding the issue of a full-time or part-time Mayor.

Mr. Ruane's call for the question failed by a roll call vote of eight (8) no, one (1) yes (Mr. Ritter).

Mr. Salters suggested that the question be worded so that the voters would make a choice between a full-time or a part-time Mayor; not just "are you in favor of a part-time Mayor". He noted that he had received many calls from constituents wondering what this Council's intentions are.

Mrs. Williams stated that if members truly want to hear the answer to this question, it should be put forth honestly and not hurriedly.

Mr. Speed agreed that it was important to word the question in a way that would not lead the voters. He suggested that wording such as "Are you in favor of a full-time or a part-time Mayor" would result in a more accurate response.

Mayor Hutchison, noting that this was a very important issue, urged members to allow public hearings on the issue to obtain public input prior to voting on the issue.

Mrs. Williams moved that the whole issue of the question on the ballot go into public hearings prior

to a decision being made on the exact wording for the ballot and that the City Solicitor be given plenty of time to evaluate the legality of the question. The motion was seconded by Mr. Truitt.

Mr. Speed noted that the Council President presented the question for a vote without a motion being necessary. He asked which motion had priority, the President's or Mrs. Williams'. Council President McGlumphy stated that Mr. Rodriguez advised him that his motion took precedence and requested the Clerk to call the roll.

By a roll call vote of five (5) yes, four (4) no (Mr. Carey, Mrs. Williams, Mr. Truitt, and Mr. Salters), Council approved the placement of a ballot question pertaining to a part-time Mayor on the ballot for the City of Dover Municipal Election being held on April 20, 2004.

REGULAR COUNCIL MEETING

The Regular Council Meeting was held on January 12, 2004 at 7:30 p.m. with Council President McGlumphy presiding. Council members present were Mr. Carey, Mr. Pitts, Mrs. Williams, Mr. Truitt, Mr. Ritter, Mr. Speed, Mr. Salters, and Mr. Ruane.

Council staff members present were Chief Horvath, Mr. Cooper, Mrs. Mitchell, Mr. Galvin, Chief Bashista, Mr. DePrima, City Solicitor Rodriguez, Mrs. Green, and Mayor Hutchison.

CONSIDERATION FOR PLACEMENT OF BALLOT QUESTION FOR CITY OF DOVER MUNICIPAL ELECTION ON APRIL 20, 2004 - PART-TIME MAYOR

Council President McGlumphy advised members that the discussion on the consideration for placement of a ballot question should focus on the question to be placed on the ballot; not the issue of whether the Mayor should be full-time or part-time.

Relaying concern, Mrs. Williams stated that the Charter only allows for referendums related to monetary issues. She also expressed concern that such a question may violate the spirit of the maintenance standards for City elections. Mrs. Williams stated that the same or similar conditions should be maintained for a referendum or an election because the same people who may vote in a referendum may not vote in an election.

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hearing on the issue to provide the citizens with the whole range of information related to the question. Council President McGlumphy stated that he would not since there have been debates and public hearings and at this time, the question is whether or not members wish to place the question on the ballot. Mrs. Williams asked if he would be willing to pose the question of whether the City needs a Council President. Council President McGlumphy responded that the issue of a Council President was discussed in relationship to the consent decree resulting from the NAACP lawsuit.

Mr. Ruane stated that there would be ample time for the electorate to come forward and have their questions answered regarding the issue of a full-time or part-time Mayor.

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Mayor Hutchison, noting that this was a very important issue, urged members to allow public hearings on the issue to obtain public input prior to voting on the issue.

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Mr. Speed noted that the Council President presented the question for a vote without a motion being necessary. He asked which motion had priority, the President's or Mrs. Williams'. Council President McGlumphy stated that Mr. Rodriguez advised him that his motion took precedence and requested the Clerk to call the roll.

By a roll call vote of five (5) yes, four (4) no (Mr. Carey, Mrs. Williams, Mr. Truitt, and Mr. Salters), Council approved the placement of a ballot question pertaining to a part-time

Mayor on the ballot for the City of Dover Municipal Election being held on April 20, 2004.

SPECIAL COUNCIL MEETING

A Special Council Meeting was held on January 29, 2004 at 7:00 p.m. with Council President McGlumphy presiding. Council members present were Mr. Carey, Mr. Truitt, Mr. Ritter, Mr. Speed, Mr. Salters, and Mr. Ruane. Mr. Pitts and Mrs. Williams were absent.

Council staff members present were Mr. DePrima and Mrs. Gardner.

PUBLIC HEARING - FULL-TIME OR PART-TIME MAYOR FOR THE CITY OF DOVER

Following the Pledge of Allegiance, Council President McGlumphy reminded members that during their Regular Meeting of January 12, 2004, Council set a Public Hearing on the issue of a Full-Time or Part-Time Mayor for the City of Dover (due to inclement weather, the public hearing scheduled for January 27, 2004 was canceled).

Council President McGlumphy read the guidelines and declared the public hearing open.

Mary Skelton - Resident of the City of Dover and Director of Kent County Tourism

Ms. Mary Skelton spoke in favor of a full-time Mayor. She felt that the salary should be increased and that although comparisons of other municipalities may indicate otherwise, the full-time position deserves additional compensation. She stated that the City of Dover is a metropolitan City and is on the verge of becoming a great city, it's growing enormously, quickly and now would not be the time to revert back to a part-time Mayor position. For the Mayor, a full-time position means 24 hours a day, seven (7) days a week; therefore, it is more than what the average person would consider being a full-time position.

Concurring with comments made by individuals in the community that because of our government, the Mayor is a public relations position, she asked what could be more important to a City than public relations. She also explained that for the "ribbon cutting" ceremonies, the City is made up of many small businesses that feel it is important for the Mayor to be present for these ceremonies. On many occasions, she has requested that the Mayor join her when making a presentation to groups that are considering the City of Dover for bringing meetings to our City. The Mayor has played an important role in their decision to come to Dover.

Ms. Skelton stated that the real issue is availability of the Mayor and the City of Dover and people deserve to have a full-time Mayor.

Dan Wolfensberger - Central Delaware Economic Development Council

Mr. Dan Wolfensberger reiterated the commitment of the Central Delaware Economic Development Council for support of a full-time Mayor. He stated that it has been the Council's experience that there is tremendous value in a full-time Mayor to the City and in particular, economic development issues and the availability of a Mayor at the spur of a moment. Mr. Wolfensberger urged Council's support for a full-time Mayor in the future.

William Daisey - Candidate for Mayor

Mr. William Daisey indicated his opposition to a full-time Mayor; the City has a Council/Manager Form of Government not a Mayor/Council Form of Government. He referred to the past two (2) studies that have been done which indicate that the City of Dover is not large enough to support both a full-time City Manager and Mayor nor can the City justify the costs for both positions. Mr. Daisey explained that there may often be more than 40 hours worked per week by the Mayor, as well as members of City Council; however, it is expected that with a City the size of Dover, those that run for office and are elected serve, do so with the understanding that they will be donating many hours.

Mr. Daisey reminded members that the purpose for conducting a study is to obtain information and answers. If Council is unwilling to abide by the recommendations of a study, then a study should not be requested. With this particular issue, he stated that there were two (2) studies conducted. It was his feeling that the Council did not have the right to alter the recommendations of such a study and that only the people would have that right.

Mr. David Anderson - 217 Cecil Street

Mr. David Anderson stated that he is not speaking for or against the issue of a full-time or part-time Mayor but rather to advocate the issue of placing the question on the ballot to be answered by the people. He advised members that several years ago he had proposed the concept of placing such a question on the ballot. Mr. Anderson stated that over time, he has come to realize that a full-time Mayor position is an investment for the City. However, in order to settle the issue, he felt it was necessary to put the question before the people and supports Council in this endeavor.

Mr. John Friedman - Candidate for Mayor

Mr. John Friedman indicated his support for a full-time Mayor position for the City of Dover and read a statement into the record (*Exhibit #1*).

Mr. Jeff Reed - Candidate for Mayor

Mr. Jeff Reed commended members for allowing the people of the Capital City of the First State to finally decide the issue of a full-time or part-time Mayor for the City of Dover. He stated that many changes have occurred in the City which has resulted in a different community that has grown into a very viable and large metropolitan area. Because of this, it was his feeling that the

people should be given the opportunity to determine if a full-time Mayor is necessary.

Mr. Reed stated that previous Councils decided, without public input, to remove certain responsibilities from the Mayor and in addition, changed the Mayor's position to full-time. The Council now has the opportunity to solve the issue regarding a full-time or part-time Mayor by placing the question on the ballot. He felt that the community needs a full-time Mayor and explained the importance of having him serve as the leader of our City. He also suggested the Council consider the possibility of restructuring the entire Council. Although individuals may change, there will always be the Mayor and Council positions within the City of Dover and never should these positions be downgraded. Council has the opportunity to add more to the upcoming vote by allowing the people to relay their feelings as to which position should be leading this City.

Mayor James Hutchison - City of Dover

Mayor James Hutchison advised members that, during the last 10 years, he has had the opportunity to serve the City as Mayor, and during the last 6 years, has served in this capacity as the City's only full-time Mayor. It is clear to him that a full-time Mayor is needed in the City. By City Charter, the Mayor serves as Chief Executive Officer, responsible for the Police Department by appointment of the Police Chief, responsible for public safety, economic development, keeping jobs, and seeking new job opportunities. The Mayor is also responsible for building partnerships with State government, working with the Governor and the governor's cabinet, the membership of the General Assembly, and serving as a lobbyist. It is the Mayor's Office that has the responsibility of building relationships with businesses, both large and small, working with the Kent County Tourism and Economic Development Offices. Mayor Hutchison stated that the Mayor is responsible for having a strong working relationship with Dover Air Force Base, and that it is critical for the Mayor to be present at each Change of Command. He stressed the importance of meeting, personally, with every new commander of Dover Air Force Base, the Plant Managers of Proctor and Gamble, Kraft Foods, and Playtex.

Mayor Hutchison stated that the Mayor's Office represents the City of Dover, including City Council, city staff, and our citizens. He reminded members that the City acquired $2.5 million for the purchase of the Garrison Farm (381 acres), and explained that these funds were acquired due to the efforts of the Mayor. The City purchased the land at a cost of $5,000 per acre, and the City has leased the land for the past five (5) years generating revenues in the amount of $119,000. Mayor Hutchison advised members that today, this land is valued at $40,000 per acre, which equates to a $15 million asset to the City.

Mayor Hutchison also noted the diversity in the City and the importance of building relationships and partnerships with the entire City, which is accomplished everyday on a full-time basis.

There being no one else present wishing to speak, Council President McGlumphy declared the Public Hearing closed.

Council President McGlumphy noted receipt of a letter received from Mr. Robert Lambert, former member of City Council. He also indicated that Mr. Friedman had submitted written comments (noted above as an attachment) and that additional written comments should be submitted to the City Clerk's Office to be made a part of the record.

Considering that there was only one (1) written testimony received, Mr. Speed suggested that it be read into the record. Mr. Ruane requested that it not be considered a precedent to read written testimony into the record since Council could be inundated with such documents.

Written Testimony - Mr. Robert Lambert
Council President McGlumphy read a letter received from Mr. Robert Lambert, 210 Winterberry Drive, into the record (*Exhibit #2*).

Mr. Ruane moved for adjournment, seconded by Mr. Salters and unanimously carried.

SPECIAL COUNCIL MEETING

A Special Council Meeting was held on February 24, 2004 at 7:00 p.m. with Council President McGlumphy presiding. Council members present were Mr. Carey, Mr. Truitt, Mr. Ritter, and Mr. Speed. Mr. Salters, Mr. Ruane, Mr. Pitts, and Mrs. Williams were absent.

AGENDA ADDITIONS/DELETIONS
Mr. Carey moved for approval of the agenda as presented, seconded by Mr. Truitt and unanimously carried.

PUBLIC HEARING - FULL-TIME OR PART-TIME MAYOR FOR THE CITY OF DOVER
Following the Pledge of Allegiance, Council President McGlumphy reminded members that during their Regular Meeting of January 12, 2004, Council set a Public Hearing on the issue of a Full-Time or Part-Time Mayor for the City of Dover (due to inclement weather, the public hearing scheduled for January 27, 2004 was canceled).

Council President McGlumphy read the guidelines and declared the public hearing open.

Mr. James Flood, Sr. - 89 Laurel Drive
Mr. James Flood spoke in favor of a full-time Mayor. He felt that the amount of growth Dover is

experiencing, validates the need for a full-time Mayor. As the state's capital, he felt that Dover should have a Mayor that is constantly on duty and believes that the Mayor's responsibilities could be increased, along with accountability.

Mr. Carey moved for adjournment, seconded by Mr. Speed and unanimously carried.

REGULAR COUNCIL MEETING

The Regular Council Meeting was held on April 26, 2004 at 7:30 p.m. with Council President McGlumphy presiding. Council members present were Mr. Carey, Mr. Pitts, Mrs. Williams, Mr. Truitt, Mr. Ritter, Mr. Speed, Mr. Salters and Mr. Ruane.

Council staff members present were Lieutenant Boney, Mr. Cooper, Mrs. Mitchell, Mr. Galvin, Deputy Fire Chief Fortney, Mr. DePrima, City Solicitor Rodriguez, and Mrs. Green.

ELECTION RESULTS - 2004 MUNICIPAL ELECTION

Mrs. Green, City Clerk/Alderman, reported the results of the 2004 Municipal Election held on April 20, 2004, as follows:

TOTAL VOTES CAST - 4,666

MAYOR

Robin R. Christiansen	1,069
William H. Daisey	1,018
Kenneth E. Deimler	83
John J. Friedman	539
R. Jefferson Reed	773
Stephen R. Speed	**1,123**
Total Votes Cast for Mayor	4,605
Total Registered Voters	19,443

FIRST DISTRICT COUNCIL (One Year Term)

Kenneth L. Hogan	**1,011**
James P. Webster	453
Total District Votes Cast	1,574
Total Votes Cast for Council	1,464
Total Votes Cast for Mayor	1,562
Total Votes Cast for Question	1,530
Total Registered Voters	6,491

QUESTION ON BALLOT -

THE CITY OF DOVER SHOULD HAVE A:

Full-Time Mayor	**3,185**
Part-Time Mayor	1,285
Total Votes Cast for Question	4,470

2005 CHARTER REVIEW COMMITTEE

The 2005 Charter Review Committee met on October 26, 2006, at 7:13 p.m. with Chairman Leary presiding. Members present were Mrs. Greenwood, Mr. Jones, Mrs. Malone, Mr. Scheller, and Mrs. Merritt. Dr. Miller was absent. Mrs. McDowell was also present.

AGENDA ADDITIONS/DELETIONS

Mrs. Malone moved for approval of the agenda, seconded by Mr. Scheller and unanimously carried.

DISCUSSION - FORM OF GOVERNMENT - GUEST SPEAKER MR. TOM WONTOREK, CITY MANAGER - CITY OF LEWES, DELAWARE

During their meeting of September 7, 2006, there were no objections from members to grant the request of the City Manager, Mr. DePrima, for members to reconsider the "form of government" and the opportunity to have a guest speaker to provide some perspective on the subject as was discussed during the committee meeting of July 6, 2006.

Mr. DePrima introduced Mr. Thomas Wontorek, City Manager for the City of Lewes, Delaware (*Biography Attached*), who has served as a City Manager for several jurisdictions. He advised members that Mr. Carl Luft, City Manager of Newark, was not able to attend the meeting.

Mr. DePrima briefly reviewed with members his role as the City Manager for the City of Dover. In the City Manager profession, he explained that there is no term of office - "everyday is an election day", because there is an open contract. Typically a City Manager is hired and continues to serve in that capacity until they are dismissed or leave voluntarily.

With regards to the Council relationship, Mr. DePrima stated that he has regular weekly meetings with the Council President and meets with the Standing Committee Chairs once a month (currently only the Legislative, Finance, and Administration and Utility Committee Chairs have elected to do so). There are also meetings held twice each month with the Council President, Mayor, and Chairman of each Standing Committee, that are held specifically to review agendas for their preparation.

Although he does not have regularly scheduled meetings with the Mayor, Mr. DePrima advised members that there is language involving the City=s Budget included in the Mayor=s job description and he recently participated in the department budget meetings and interacted as part of the budget team.

Mr. DePrima stated that when the Mayor and City Manager do interact it is typically to discuss constituent complaints. He explained that people expect to be able to call their Mayor to submit a complaint. The Mayor takes these constituent issues, as do members of City Council, and then discusses them with him for resolution. He also interacts with the Mayor regarding economic development (recruiting), and legislation affecting the City, since the Mayor serves as liaison to legislators. Mr. DePrima stated that during a state of emergency, the Mayor is in charge and that this particular Mayor has been very active in this regard. Therefore, homeland security is another issue that they discuss on a regular basis. He also advised members that the Mayor=s Office is included in the budget and is treated like any other department. Like a department, the Mayor must develop strategic goals, objectives, and programs, which are presented to Council for approval as a part of the annual budget.

LEGISLATIVE, FINANCE, AND ADMINISTRATION COMMITTEE

The Legislative, Finance, and Administration Committee meeting was held on July 11, 2011 at 6:00 p.m. with Chairman McGlumphy presiding. Members present were Mr. Anderson, Mr. Hare, Dr. Jones and Mr. Shevock. Members of Council present were Mr. Bonar, Mr. Hutchison, Mr. Lynn, Mrs. Williams, and Council President Leary. Mayor Carey was also present**.**

Discussion - Economic Development Administration by the Mayor

Mr. Anderson submitted a proposal to place the City's Economic Development Office (EDO) under the supervision of the Mayor, rather than the City Manager. He noted that research by the City Clerk's Office has indicated that making this change will require only a motion (not an ordinance). He reminded members that City Council established economic development as a primary duty of the Mayor, rather than the City Manager, and provided a brief history of the organization of the EDO. Mr. Anderson advised members that, in 2004, the constituents and Council voted in favor of a full-time Mayor, based in part on the premise that the Mayor would focus on economic development. He noted that this was formalized in former Mayor Speed's job description, which is still policy under Mayor Carey. Mr. Anderson felt that having the EDO report to the Mayor would formalize the existing relationship, eliminate the possibility of confusion from having two (2) "bosses" when a permanent City Manager is hired, provide the Mayor formal resources to achieve the objective he was given by the Council and voters in the referendum held on April 20, 2004, and provide greater accountability to the voters for results. He also felt that, since the City is in the process of hiring a new City Manager, this would be an opportune time to make such a change.

Mr. Anderson recommended that the EDO be budgeted under the Mayor's Office, with the understanding that its employees will maintain the rights typical of city departmental employees (not a political appointment), and that the Office would make regular reports to City Council on its objectives and progress.

Mr. Hare suggested that such a decision be made after a new City Manager is hired in order to obtain their input on the concept. He felt that Council should refrain from any restructuring until after the hiring of a new City Manager.

Understanding the concern relayed by Mr. Hare, Mr. Anderson stated his opinion that the EDO should have been placed under the Mayor's Office initially. In addition, he stated that making such a change at this time would clarify the selection criteria for the new City Manager, noting that skills in public utilities, management, and administration would be emphasized (rather than economic development) if the restructuring were approved.

For clarification, Mrs. Williams explained that Mr. Anthony DePrima, former City Manager, added the functions of the EDO as an addition to the economic development responsibilities performed by the Mayor. It was her opinion that the City Charter clearly indicates that economic development is a mayoral responsibility. She felt that the previous relocation of the EDO under the City Manager's supervision was an expansion of the purview and staff of the City Manager's Department. Mrs. Williams suggested that the City Charter be reviewed to determine that this change did not

constitute a violation. In addition, she noted that City Council has daunting budget concerns and that there may be a need to eliminate departments that were created within the last few years, including the EDO. She suggested that action be delayed until after Council and the City Solicitor have had an opportunity to review these concerns thoroughly.

Dr. Jones suggested that a new City Manager may be reluctant to willingly relinquish responsibilities that have already been specified as his/her duty. She stated that any necessary changes should be made prior to the hiring of a new City Manager.

Mr. Leary relayed his concerns regarding any reorganization prior to the hiring of a new City Manager. He also indicated his concurrence with Mrs. Williams' suggestion that the City Charter be reviewed by Council and the City Solicitor.

Responding to Dr. Jones, Mr. Leary stated that steps have been taken to begin the process of hiring a City Manager.

Based on the Committee's discussion, Mr. Shevock suggested that this matter be tabled.

With reference to the concerns of members, Mr. Anderson stated that prior to submitting his suggestion, he conducted research. He noted that the City Charter specifically places economic development under the Mayor, rather than the City Manager; therefore, his recommendation is consistent with the Charter and not the City's current practice. He also advised members that the creation of the EDO and budget was not accomplished through an ordinance; therefore, the Office and its budget can be reorganized without an ordinance.

Mr. Hutchison reiterated his opinion that members should delay action until after a new City Manager is hired and provided an opportunity to review the organization of the City with "fresh eyes" and work with City Council on this matter.

Although he had no objection to further research, Mr. Anderson felt that such a change should be made prior to the hiring of a new City Manager.

Mr. Anderson moved to recommend that the Economic Development Office be budgeted under the Mayor's office, with the understanding that its employees will maintain the rights typical of city departmental employees (not a political appointment), and the Office shall make regular reports to City Council on its objectives and progress. The motion failed due to the lack of a second.

Mr. Hare moved to recommend tabling the recommendation that the Economic Development Office (EDO) be budgeted under the Mayor's Office, with the understanding that EDO employees would maintain the rights typical of City departmental employees (not a political appointment), and that the Office would make regular reports to City Council regarding its objectives and progress, for future discussion. The motion was seconded by Dr. Jones and unanimously carried.

The Regular Council Meeting was held on July 25, 2011 at 7:30 p.m. with Council President Leary presiding. Council members present were Mr. Anderson, Mrs. Russell, Dr. McGlumphy, Mr. Lynn, Mr. Bonar, Mrs. Williams, Mr. Hare, and Mr. Hutchison.

Council staff members present were Police Chief Hosfelt, Ms. Russell, Mrs. Mitchell, Mrs. Townshend, Deputy Fire Chief West, Mrs. Tieman, City Solicitor Rodriguez, and Mrs. McDowell. Mayor Carey was also present.

Discussion - Economic Development Administration by the Mayor

Mr. Anderson submitted a proposal to place the City's Economic Development Office (EDO) under the supervision of the Mayor, rather than the City Manager. He noted that research by the City Clerk's Office has indicated that making this change will require only a motion (not an ordinance). He reminded members that City Council established economic development as a primary duty of the Mayor, rather than the City Manager, and provided a brief history of the organization of the EDO. Mr. Anderson advised members that, in 2004, the constituents and Council voted in favor of a full-time Mayor, based in part on the premise that the Mayor would focus on economic development. He noted that this was formalized in former Mayor Speed's job description, which is still policy under Mayor Carey. Mr. Anderson felt that having the EDO report to the Mayor would formalize the existing relationship, eliminate the possibility of confusion from having two (2) "bosses" when a permanent City Manager is hired, provide the Mayor formal resources to achieve the objective he was given by the Council and voters in the referendum held on April 20, 2004, and provide greater accountability to the voters for results. He also felt that, since the City is in the process of hiring a new City Manager, this would be an opportune time to make such a change.

Mr. Anderson recommended that the EDO be budgeted under the Mayor's Office, with the understanding that its employees will maintain the rights typical of city departmental employees (not a political appointment), and that the Office would make regular reports to City Council on its objectives and progress.

Mr. Hare suggested that such a decision be made after a new City Manager is hired in order to obtain their input on the concept. He felt that Council should refrain from any restructuring until after the hiring of a new City Manager.

Understanding the concern relayed by Mr. Hare, Mr. Anderson stated his opinion that the EDO should have been placed under the Mayor's Office initially. In addition, he stated that making such a change at this time would clarify the selection criteria for the new City Manager, noting that skills in public utilities, management, and administration would be emphasized (rather than economic development) if the restructuring were approved.

For clarification, Mrs. Williams explained that Mr. Anthony DePrima, former City Manager, added the functions of the EDO as an addition to the economic development responsibilities performed by the Mayor. It was her opinion that the City Charter clearly indicates that economic development is a mayoral responsibility. She felt that the previous relocation of the EDO under the City Manager's supervision was an expansion of the purview and staff of the City Manager's Department. Mrs. Williams suggested that the City Charter be reviewed to determine that this change did not constitute a violation. In addition, she noted that City Council has daunting budget concerns and that there may be a need to eliminate departments that were created within the last few years, including the EDO. She suggested that action be delayed until after Council and the City Solicitor have had an opportunity to review these concerns thoroughly.

Dr. Jones suggested that a new City Manager may be reluctant to willingly relinquish responsibilities that have already been specified as his/her duty. She stated that any necessary changes should be made prior to the hiring of a new City Manager.

Mr. Leary relayed his concerns regarding any reorganization prior to the hiring of a new City Manager. He also indicated his concurrence with Mrs. Williams' suggestion that the City Charter be reviewed by Council and the City Solicitor.

Responding to Dr. Jones, Mr. Leary stated that steps have been taken to begin the process of hiring a City Manager.

Based on the Committee's discussion, Mr. Shevock suggested that this matter be tabled.

With reference to the concerns of members, Mr. Anderson stated that prior to submitting his suggestion, he conducted research. He noted that the City Charter specifically places economic development under the Mayor, rather than the City Manager; therefore, his recommendation is consistent with the Charter and not the City's current practice. He also advised members that the creation of the EDO and budget was not accomplished through an ordinance; therefore, the Office and its budget can be reorganized without an ordinance.

Mr. Hutchison reiterated his opinion that members should delay action until after a new City Manager is hired and provided an opportunity to review the organization of the City with "fresh eyes" and work with City Council on this matter.

Although he had no objection to further research, Mr. Anderson felt that such a change should be made prior to the hiring of a new City Manager.

Mr. Anderson moved to recommend that the Economic Development Office be budgeted under the Mayor's office, with the understanding that its employees will maintain the rights typical of city departmental employees (not a political appointment), and the Office shall make regular reports to

City Council on its objectives and progress. The motion failed due to the lack of a second.

The Committee recommended tabling the recommendation that the Economic Development Office (EDO) be budgeted under the Mayor's Office, with the understanding that EDO employees would maintain the rights typical of City departmental employees (not a political appointment), and that the Office would make regular reports to City Council regarding its objectives and progress, for future discussion.

By consent agenda, Mr. Bonar moved for approval of the Committee's recommendation, seconded by Mrs. Williams and carried by a unanimous roll call vote.

Public Comment Period

There was no one present wishing to speak during the public comment period.

By consent agenda, Mr. Bonar moved for acceptance of the Legislative, Finance, and Administration Committee Report, seconded by Mrs. Williams and carried by a unanimous roll call vote.

History of the Relationship of the Mayor and Police Department

Legislative History

1920 - 1928 Minutes reflect that the Chief of Police was elected by members of Town of Dover Council.

3/29/1929 House Bill No. 249 was adopted which changed the name of the "Town of Dover" to "The City of Dover. The new charter for the City established the office of Mayor, set forth the duties of this office, as follows:

SECTION 53: 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 Mayor is hereby vested with all the powers of a conservator of the peace within the City limits. The members of the police force shall be subject to his direction and orders and may be removed by him at any time. 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 or the Mayor shall prescribe.

07/12/2005 Senate Bill No. 126 - An Act to Reincorporate the City of Dover, as Amended was approved with some changes to this section:

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. 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.

History in City Council Minutes

It is difficult to research the history of the relationship between the Mayor and Police Department in the Council minutes due to the volume of the records and the number of interactions between the Mayor and the Department; however, this matter was part of the discussions that took place beginning in 1989 regarding whether the Mayor's position should be part or full time. This information can be viewed in "History of the Office of Mayor - Part-Time Versus Full-Time."

Appointment/Oversight of the Chief of Police in Various Council-Manager Municipalities

Staff has conducted research regarding the appointment/oversight of the chief of police in various municipalities which have a Council-Manager form of government. The following information indicates whether the chief of police is under the direction of the Council, Manager, or Mayor for each municipality. This information includes Council-Manager municipalities which were compiled utilizing: 1) "The Form of Government in the Thirty Most Populous Cities," issued by the National League of Cities; 2) research of the codes and charters of municipalities within the states of Delaware, Maryland, and Virginia; and 3) information provided by municipalities within the State of Delaware.

COUNCIL	**MANAGER** (including direct report to Deputy or Assistant)	**MAYOR**
Elsmere, DE	Austin, TX	Dagsboro, DE*
Milford, DE	Charlotte, NC	
Woodstock, VA	Charlottesville, VA	
	Covington, VA	
	Dallas, TX	
	Delaware City, DE	
	El Paso, TX	
	Fredericksburg, VA	
	Fort Worth, TX	
	Harrisonburg, VA	
	Las Vegas, NV	
	Lewes, DE	
	Manassas Park, VA	
	Newark, DE	
	Norfolk, VA	
	Phoenix, AZ	
	Purcellville, VA	
	Rehoboth Beach, DE	
	San Antonio, TX	
	San Jose, CA	

COUNCIL	MANAGER (including direct report to Deputy or Assistant)	MAYOR
	Smithfield, VA	

* Section 21 (A) of the Dagsboro, DE Charter states: The Chief of Police shall be appointed by the Mayor at the Annual Meeting for a term of one (1) year or until his successor shall be appointed, by and with the advice and consent of a majority of all the elected members of the Town Council and at such compensation as shall be determined by the Town Council.

The following information from Ocean City, MD does not fit into any of the above categories, but is provided as an example of an alternative structure.

Ocean City: Council-Manager form of government

§ C-413. Powers and duties of Mayor.

1. The Chief of Police shall be appointed by a majority of votes of the Mayor and City Council with each Council member and the Mayor having one (1) vote. A commission consisting of four (4) members, one (1) of which shall be the Mayor, who is to be a permanent member of the commission and not subject to removal from the commission, and three (3) members taken from the membership of the City Council shall advise the administration of the Police Department, with all matters being resolved by a majority vote of the commission. The three (3) members of the commission taken from the membership of the City Council shall be appointed by the Mayor with the approval by the City Council members and shall serve at the pleasure of the City Council. The four-member commission shall be known as the "Ocean City Police Commission." The Mayor shall be the chief representative of the Town before all State, Federal and other local governmental bodies. The Mayor shall act as the City Manager of the Town during the pendency of any vacancy in the position of the City Manager and during such time shall be the chief administrative and financial officer of the Town. Upon confirmation by the Council, the Mayor shall appoint members to all city boards, commissions and committees. The powers and duties of the Mayor shall not be diminished without being submitted to a referendum of the voters.

/dd

NATIONAL LEAGUE of CITIES

Forms of Municipal Government

A municipal charter is the legal document that defines the organization, powers, functions, and essential procedures of the city government. The charter also details the form of municipal government, of which there are historically five forms: council-manager, mayor-council, commission, town meeting and representative town meeting.

Council-Manager

Characteristics include:

- City council oversees the general administration, makes policy, sets budget
- Council appoints a professional city manager to carry out day-to-day administrative operations
- Often the mayor is chosen from among the council on a rotating basis

This is the most common form of government. According to surveys by the International City/County Management Association (ICMA), this form of government has grown from 48% usage in 1996 to 55% usage in 2006. It is most popular in cities with populations over 10,000, mainly in the Southeast and Pacific coast areas. Some examples are Phoenix, Arizona; Topeka, Kansas; Salt Lake City, Utah and Rockville, Maryland.

Mayor-Council

Characteristics include:

- Mayor is elected separately from the council, is often full-time and paid, with significant administrative and budgetary authority
- Depending on the municipal charter, the mayor could have weak or strong powers
- Council is elected and maintains legislative powers
- Some cities appoint a professional manager who maintains limited administrative authority

Occuring in 34% of cities surveyed by International City/County Management Association (ICMA), this is the second most common form of government. It is found mostly in older, larger cities, or in very small cities, and is most popular in the Mid-Atlantic and Midwest. Cities with variations in the mayor-council form of government are New York, New York; Houston, Texas; and Minneapolis, Minnesota.

Commission

Characteristics include:

- Voters elect individual commissioners to a small governing board
- Each commissioner is responsible for one specific aspect, such as fire, police, public works, health, finance
- One commissioner is designated as chairman or mayor, who presides over meetings
- The commission has both legislative and executive functions

The commission form of city government is the oldest form of government in the U.S., but exists today in less than 1% of cities. It typically occurs in cities with populations below 100,000, such as Sunrise, Florida and Fairview, Tennessee.

Town Meeting

Characteristics include:

- All voters meet to decide basic policy and elect officials to carry out those policies

Although the town meeting form of government is generally viewed as the purest form of democracy, because it allows all eligible voters a voice in local policy decisions, it is practiced in only 5% of municipalities.

Town meeting government is found in Marblehead, Massachusetts.

Representative Town Meeting

Characteristics include:

- Voters select a large number of citizens to represent them at town meetings, where only they can vote
- Each town meeting must be announced with a warrant that provides the date, time and location of the meeting and specifies the items to be discussed
- The selectmen are responsible for implementing policy

This form of government is found in fewer than 1% of cities, almost exclusively in small, New England municipalities, such as Bowdoin, Maine and Lexington, Massachusetts.

Current Trends

Recent examinations of government structure indicate that these forms of government are less distinct that they once were. This is due, in part, to the common practice of incorporating structural features from other forms into one's current form. This mixing is also attributed to local responses to socioeconomic, demographic, and political changes. The most common mixing occurs across the two most prevalent forms, mayor-council and the council-manager. Among all cities proposing a change to their structure of government, the most common proposal was to add the position of chief administration officer/city manager. This professionalization of government administration also had the highest percentage of voter approval. Among other proposed changes, 50% or more respondents of ICMA's 2006 survey reported voter approval to increase or decrease the number of council members, to modify the method of electing the mayor and to decrease the power or authority of the mayor.

The Form of Government in the Thirty Most Populous Cities

Listed below is the form of government for the thirty most populous cities in the United States, based on the 2010 U.S. Census figures. The forms of government are informed by the member database at the National League of Cities.

Rank	City Name	State	Form Of Government
1	New York	NY	Mayor-Council
2	Los Angeles	CA	Mayor-Council
3	Chicago	IL	Mayor-Council
4	Houston	TX	Mayor-Council
5	Philadelphia	PA	Mayor-Council
6	Phoenix	AZ	**Council-Manager**
7	San Antonio	TX	**Council-Manager**
8	San Diego	CA	Mayor-Council
9	Dallas	TX	**Council-Manager**
10	San Jose	CA	**Council-Manager**
11	Indianapolis	IN	Mayor-Council
12	Jacksonville	FL	Mayor-Council
13	San Francisco	CA	Mayor-Council
14	Austin	TX	**Council-Manager**
15	Columbus	OH	Mayor-Council
16	Fort Worth	TX	**Council-Manager**
17	Louisville-Jefferson County	KY	Mayor-Council
18	Charlotte	NC	**Council-Manager**
19	Detroit	MI	Mayor-Council
20	El Paso	TX	**Council-Manager**
21	Memphis	TN	Mayor-Council
22	Nashville-Davidson	TN	Mayor-Council
23	Baltimore	MD	Mayor-Council
24	Boston	MA	Mayor-Council
25	Seattle	WA	Mayor-Council
26	Washington	DC	Mayor-Council
27	Denver	CO	Mayor-Council
28	Milwaukee	WI	Mayor-Council
29	Portland	OR	Commission
30	Las Vegas	NV	**Council-Manager**

Sources

Barnes, William R. "Forms and Structure of Municipal Government in the United States." Presentation to the Convention of Scottish Local Authorities, Edinburgh, Scotland, October 24, 1991.

DeSantis,Victor S. and Tari Renner. "City Government Structures: an Attempt at Classification." *State and Local Government Review*, 34(2) (Spring 2002).

Frederickson, H. George, Curtis Wood, and Brett Logan. "How American City Governments Have Changed: The Evolution of the Model City Charter" *National Civic Review* 90(1) (2001).

Frederickson, H. George, and Gary Alan Johnson. "The Adapted American City: A Study in Institutional Dynamics." *Urban Affairs Review*36(6) (July 2001).

Krane, Dale, Platon Rigos, & Melvin B. Hill, Jr. *Home Rule in America: A Fifty-State Handbook.* Washington, D.C.: CQ Press, 2001.

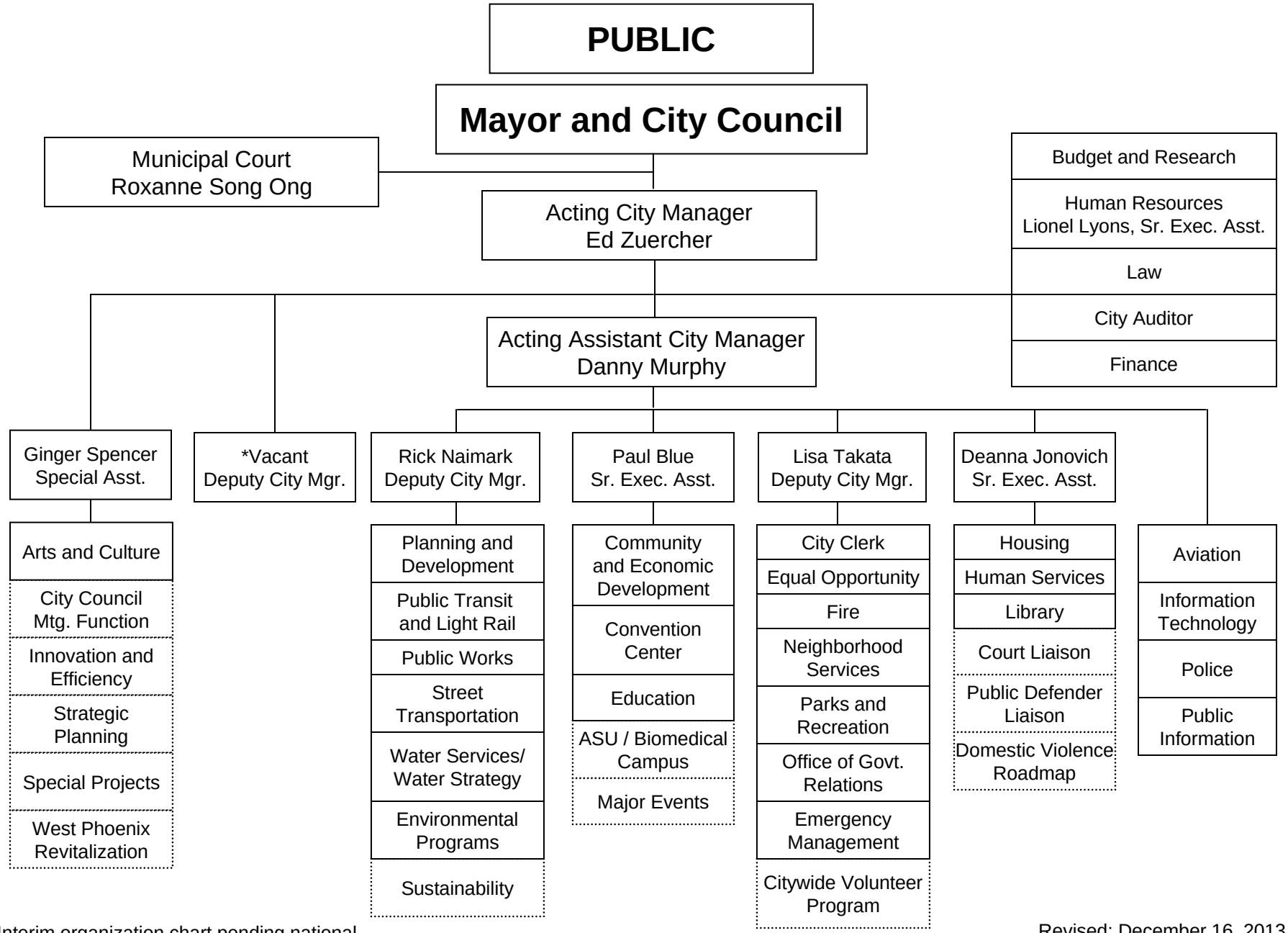
Moulder, Evelina. "Municipal Form of Government: Trends in Structure, Responsibility, and Composition." In *The Municipal Year Book 2008*. Washington, D.C.: International City/County Management Association, 2008.

National League of Cities. *Choices of the Citizenry: Forms of Municipal Government*. Washington, DC: National League of Cities, May 1989.

Svara, James H. "The Shifting Boundary Between Elected Officials and City Managers in Large Council-Manager Cities" *Public Administration Review* 59(1) (January-February 1999).

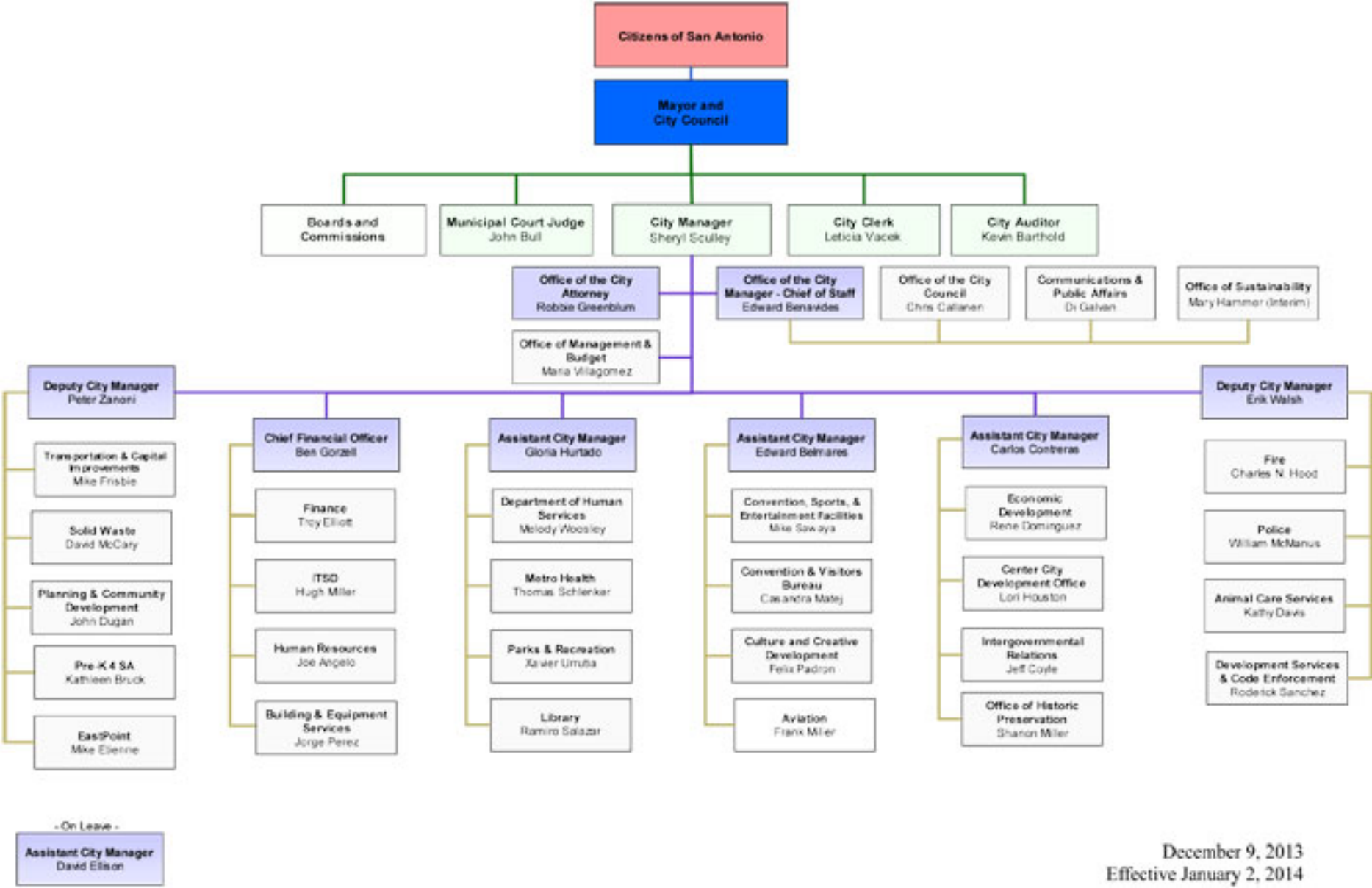
Svara, James H. *Two Decades of Continuity and Change in American City Councils*. Washignton, D.C.: National League of Cities, September 2003.

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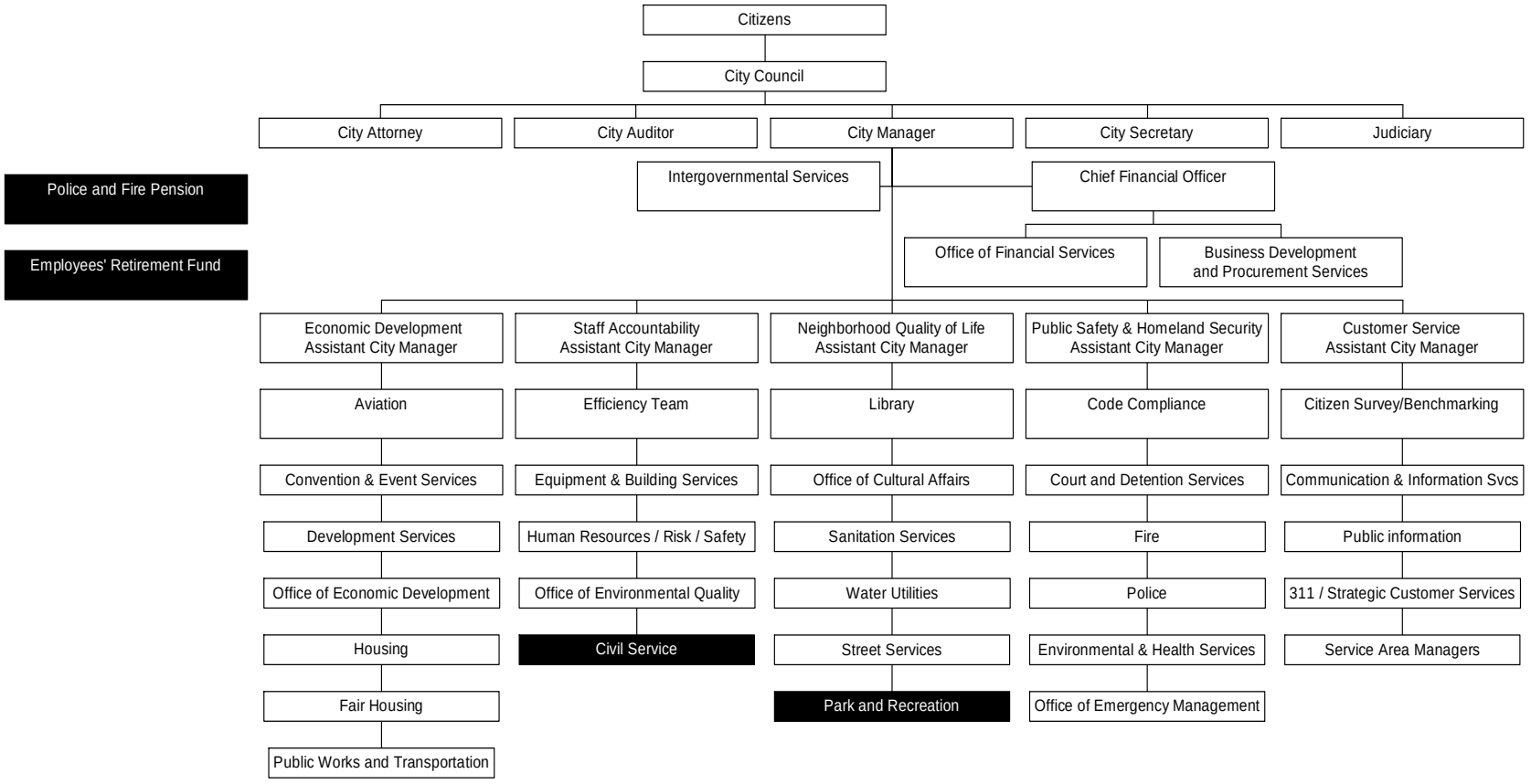
*Interim organization chart pending national recruitment for City Manager and Deputy City Manager.

Revised: December 16, 2013
Effective: December 19, 2013



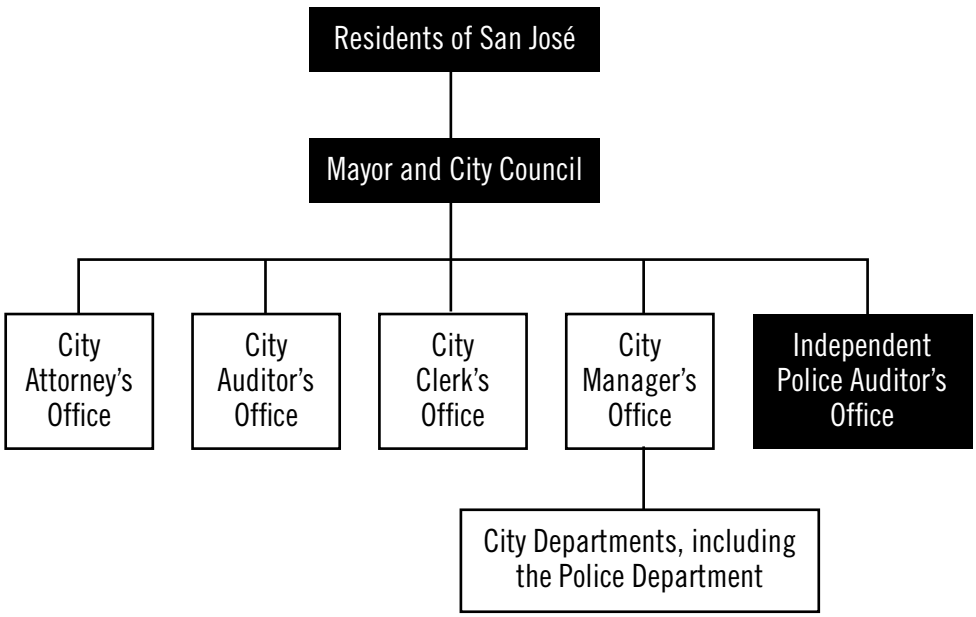
December 9, 2013
Effective January 2, 2014

FY 2005-06 CITY OF DALLAS ORGANIZATIONAL CHART



NOTE: Shading indicates Liaison Relationship

City of San José Organizational Chart



City of Austin, Texas

Austin Residents

Mayor and City Council

City Manager
Marc A. Ott
512-974-2200

City Auditor
Kenneth Mory
512-974-2805

City Clerk
Jannette Goodall
512-974-2210

Municipal Court
Rebecca Stark
Court Clerk, 512-974-4692

Municipal Court Judge
Evelyn J. McKee, Presiding Judge
512-974-4842

Austin Energy
Larry Weis
General Manager
322-6002

Financial Services
Elaine Hart
Chief Financial Officer
974-3344

Law Department
Karen Kennard, City Attorney
974-2268

Office of Police Monitor
Margo Frasier, Police Monitor
974-9090

Assistant to the City Manager
Ray Baray
974-2200

ACAP Coordinator
Valerie Harris
512-974-3297

Agenda Office
Leander Davila
974-2306

Administrative Services

Assistant City Manager
Anthony Snipes
512-974-7906

Austin Convention Center
Mark Tester, Director
512-404-4000

Communications & Technology Mgt
Stephen Elkins, Chief Information Officer, 512-974-7702

Contract Management Department
Rosie Truelove, Director
512-974-7141

Human Resources
Mark Washington, Director
512-974-3202

Labor Relations Office
Deven Desai, Officer
512-974-2777

Staff Liaison: City Auditor, ACVB, CFO

Development Services

Assistant City Manager
Sue Edwards
512-974-7906

Aviation Department
Jim Smith, Executive Director
512-530-7518

Economic Development Department
Kevin Johns, Director
512-974-7819

Office of Real Estate Services
Lauraine Rizer, Officer
512-974-7078

Planning and Development Review Department
Greg Guernsey, Director
512-974-2387

Sustainability Office
Lucia Athens, Officer
512-974-7902

Watershed Protection Department
Victoria Li, Director
512-974-2339

Infrastructure Services

Assistant City Manager
Robert Goode
512-974-7717

Austin Resource Recovery
Robert Gedert, Director
512-974-1987

Austin Water Utility
Greg Meszaros, Director
512-972-0108

Capital Planning Office
Mike Trimble, Officer
512-974-3344

Public Works Department
Howard Lazarus, Director
512-974-7065

Transportation Department
Robert Spillar, Director
512-974-7092

Staff Liaison: Austin Energy

Community Services

Assistant City Manager
Bert Lumbreras
512-974-7717

Animal Services Office
Abigail Smith, Officer
512-978-0536

Health and Human Services Department/Medical Director
Carlos Rivera, Director
512-972-5010

Library Department
Brenda Branch, Director
512-974-7444

Neighborhood Housing and Community Development
Betsy Spencer, Director
512-974-3100

Parks and Recreation Department
Sara Hensley, Director
512-974-6717

Staff Liaison: City Clerk

Public Safety

Deputy City Manager
Michael McDonald
512-974-2307

Code Compliance Department
Carl Smart, Director
512- 974-1970

Community Court
Pete Valdez, Court Administrator
512-974-4873

Emergency Medical Services Department
Ernesto Rodriguez, Director
512-972-7203

Fire Department
Rhoda Mae Kerr, Chief
512-974-0130

Office of Homeland Security and Emergency Management
Otis Latin, Director
512-974-0450

Office of Medical Director
Paul Hinchey, Director
512-978-0003

Police Department
Art Acevedo, Chief
512-974-5030

Staff Liaison: Municipal Court, Municipal Court Judges and Police Monitor

Support Services

Assistant City Manager
Rey Arellano
512-974-6339

Building Services
Eric Stockton, Officer
512-974-7948

Communications & Public Information Office
Doug Matthews, Director
512-974-2220

Fleet Services
Gerry Calk, Officer
512-974-3202

Government Relations
John Hrncir, Officer
512-974-2246

Small & Minority Business Resources Dept.
Veronica Lara, Director
512-974-7600

Telecommunications & Regulatory Affairs
Rondella Hawkins, Officer
512-974-2999

Last updated 9/30/2013

CITIZENS OF FORT WORTH

MAYOR AND COUNCIL
$1,282,000 6.00 A.P.

CITY ATTORNEY
$5,979,860 53.00 A.P.

CABLE COMMUNICATIONS
$386,236 3.00 A.P.

CITY MANAGER
$1,177,379 3.00 A.P.

CITY SECRETARY
$1,056,787 11.50 A.P.

INTERNAL AUDIT
$2,183,034 14.00 A.P.

Management Services (D)

- **BUDGET AND RESEARCH**
  $1,036,508 9.00 A.P.
- **HUMAN RELATIONS COMMISSION**
  $812,021 5.55 A.P.
- **INFORMATION TECHNOLOGY SOLUTIONS**
  $22,999,543 120.00 A.P.
- **NON-DEPARTMENTAL**
  $54,753,132 0.00 A.P.
- **FINANCIAL MANAGEMENT SERVICES**
  $7,634,301 65.00 A.P.
  Risk Management
  $7,403,937 7.00 A.P.
  Debt Service Fund
  $65,431,892 0.00 A.P.
- **OFFICE SERVICES**
  $1,352,771 9.00 A.P.
- **HUMAN RESOURCES**
  $3,531,435 34.25 A.P.
  Group Health Fund
  $84,649,053 10.00 A.P.
  Unemployment
  $705,876 0.20 A.P.
  Worker's Compensation
  $11,580,505 6.35 A.P.
- **TEMPORARY LABOR**
  $1,056,732 1.20 A.P.

Community Development Services (C) (D)

- **CULTURE & TOURISM**
  $29,729,447 126.00 A.P.
- **EQUIPMENT SERVICES**
  $25,019,050 123.00 A.P.
- **HOUSING & ECONOMIC DEVELOPMENT**
  $6,168,921 19.90 A.P.
- **LIBRARY**
  $18,904,930 205.50 A.P.
- **PARKS AND COMMUNITY SERVICES**
  $38,617,817 329.10 A.P.
- **MUNICIPAL GOLF**
  $5,687,673 47.65 A.P.

Infrastructure Services (B) (E)

- **AVIATION**
  $5,598,784 24.00 A.P.
- **PLANNING AND DEVELOPMENT**
  $11,546,420 147.00 A.P.
- **WATER AND SEWER**
  $353,037,854 932.00 A.P.
- **LAKE WORTH TRUST**
  $676,280 0.00 A.P.
- **TRANSPORTATION & PUBLIC WORKS**
  $52,612,739 320.50 A.P.
- **CAPITAL PROJECTS SERVICE FUND (PMO)**
  $14,621,006 145.00 A.P.
- **ENVIRONMENTAL PROTECTION FUND**
  $4,140,207 22.50 A.P.
- **MUNICIPAL PARKING**
  $7,539,894 6.00 A.P.
- **RED LIGHT ENFORCEMENT**
  $5,786,012 4.00 A.P.
- **STORM WATER UTILITY**
  $28,065,024 102.75 A.P.

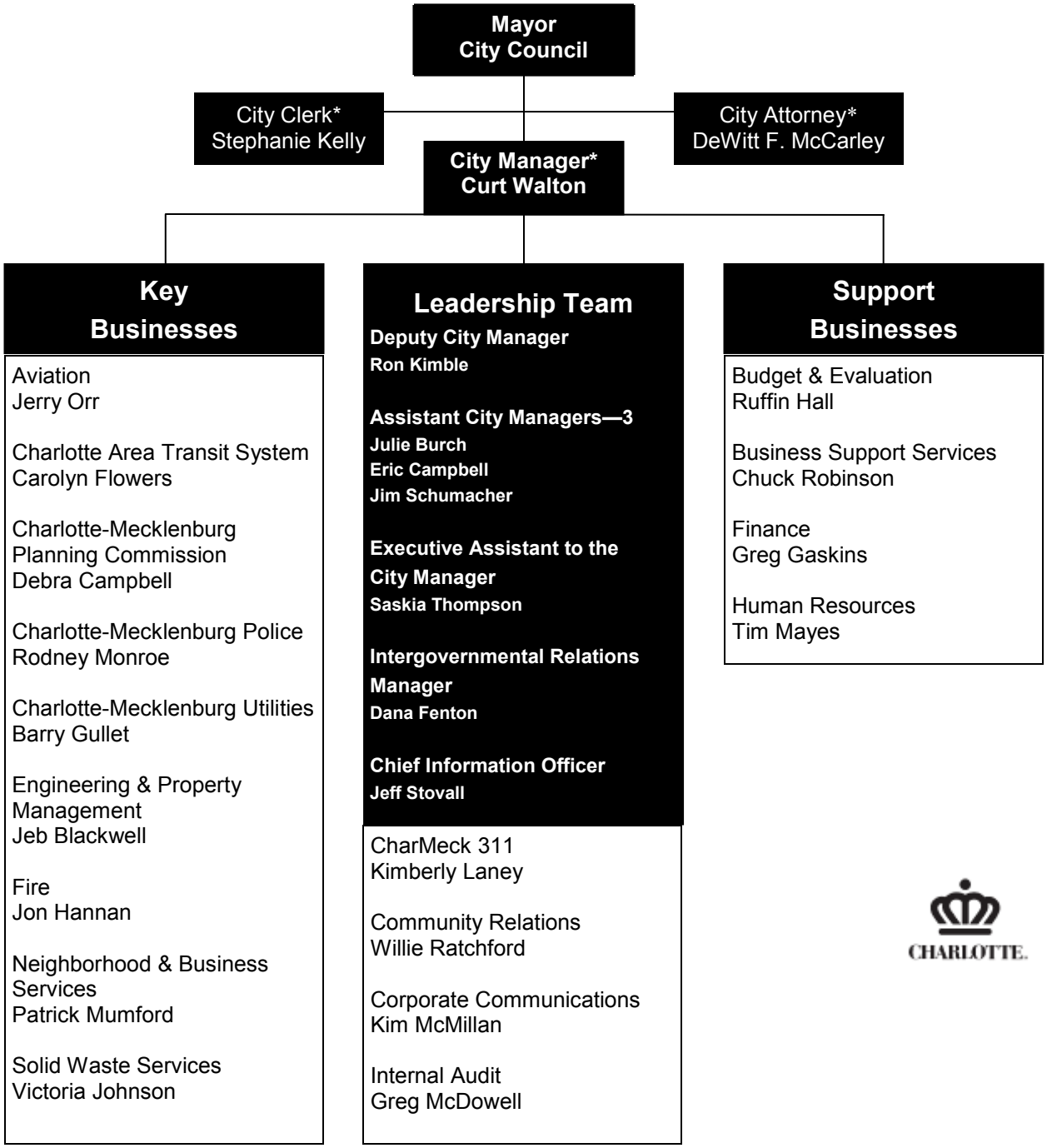
Public Safety Services (A) (C) (D)

- **CITY MANAGER'S OFFICE ADMINISTRATION**
  $2,003,798 13.00 A.P.
- **FIRE**
  $111,777,471 950.00 A.P.
- **MUNICIPAL COURTS**
  $14,802,316 201.50 A.P.
- **CODE COMPLIANCE**
  $14,247,221 176.00 A.P.
- **SOLID WASTE**
  $50,783,581 73.00 A.P.
- **POLICE**
  $181,241,835 1,732.00 A.P.
  Federal Awarded Assets
  $1,799,200 0.00 A.P.
  State Awarded Assets
  $742,856 0.00 A.P.
- **CRIME CONTROL & PREVENTION DISTRICT**
  $47,434,839 254.00 A.P.

(A) Make Fort Worth the nation's safest major city
(B) Improve mobility and air quality
(C) Create and maintain a clean, attractive city
(D) Strengthen the economic base, develop the future workforce, and create quality job opportunities
(E) Promote orderly and sustainable development

- ELECTED OFFICIAL
- APPOINTED BY CITY COUNCIL
- GOVERNMENTAL FUNCTIONS
- DEPARTMENTS/FUNDS

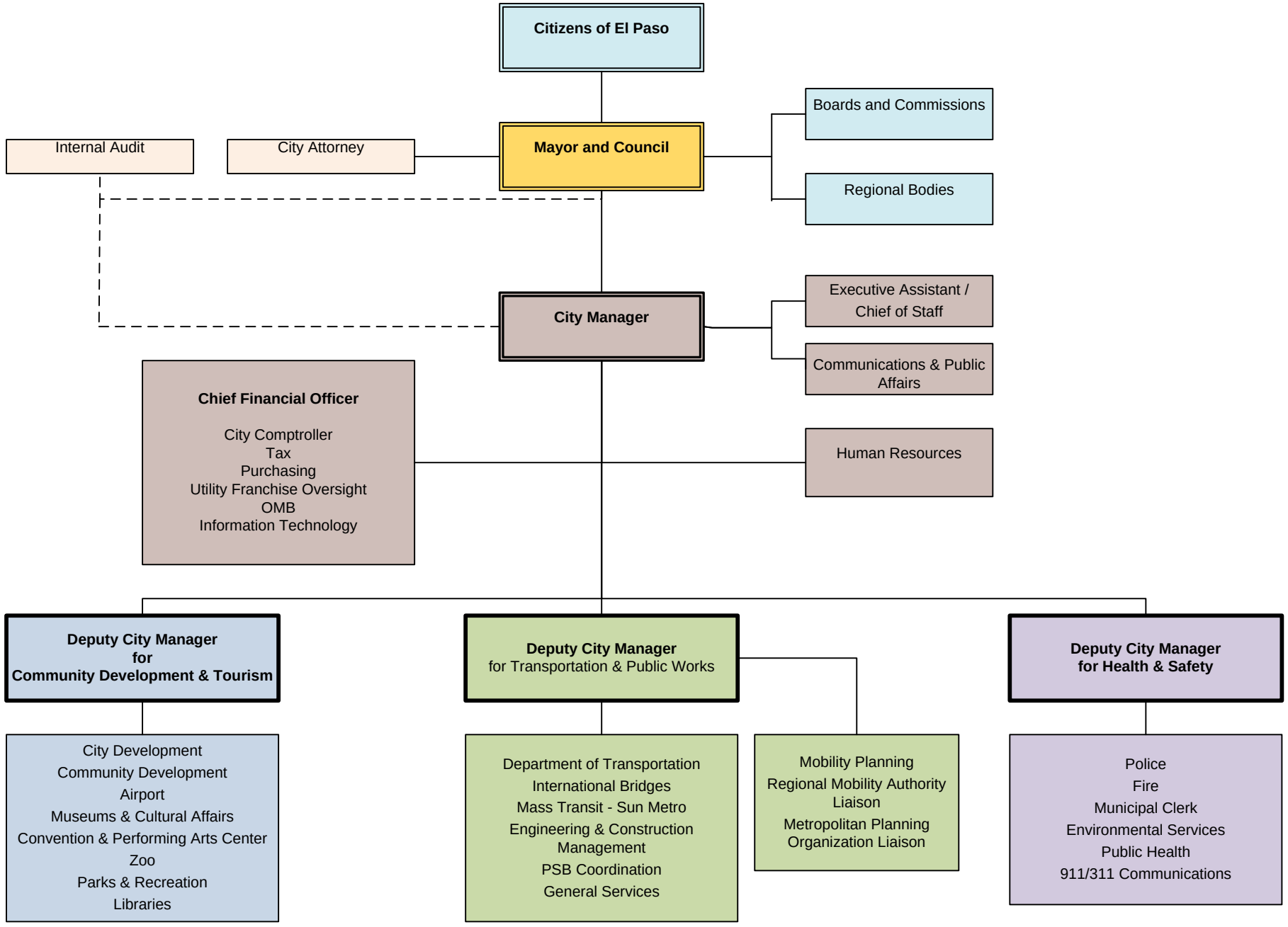
City of Charlotte
Organizational Chart



CHARLOTTE.

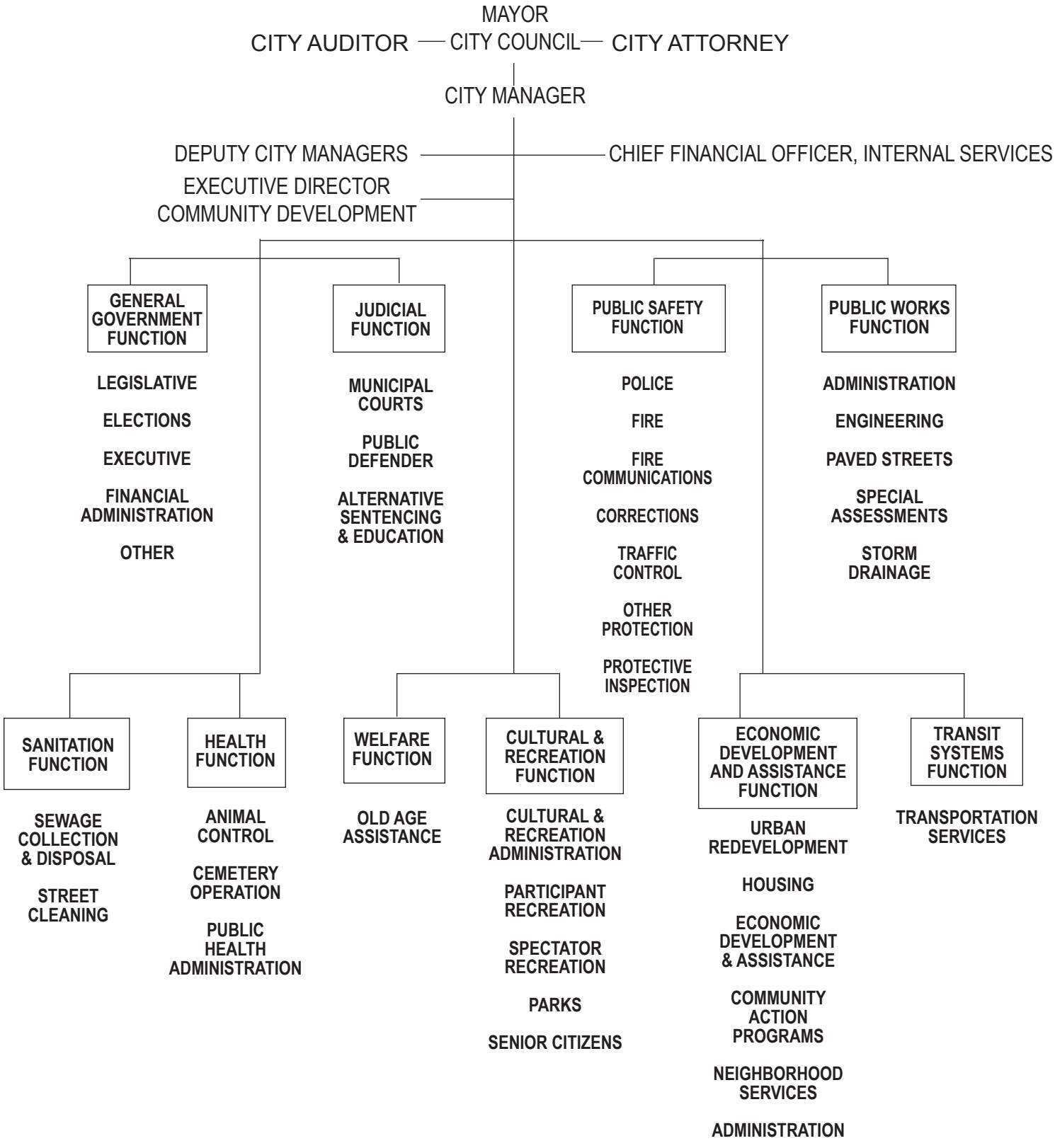
* Council Appointed

City of El Paso
Organizational Structure
as of January 2013



CITY OF LAS VEGAS

TABLE OF ORGANIZATION
BY FUNCTION AND ACTIVITY



REV. January 2013