LEGISLATIVE, FINANCE, AND ADMINISTRATION COMMITTEE

The Legislative, Finance, and Administration Committee meeting was held on May 12, 2014, at 5:00 p.m. with Chairman Lynn presiding. Members present were Mr. Hare, Mr. Slavin, Mr. Rushe, Mr. Shevock. Other members of Council present were Mr. Anderson, Mr. Dixon, Mrs. Williams (departed at 6:05 p.m.; returned at 6:14 p.m.; departed at 6:17 p.m.), and Mr. Hutchison. Mayor Bonar was also present (departed at 6:05 p.m.; returned at 6:15 p.m.).

AGENDA ADDITIONS/DELETIONS

Mr. Rushe moved for approval of the agenda, seconded by Mr. Shevock and unanimously carried.

Downtown Dover Business Improvement District (BID) Budget and Assessment (Tax) Rates for Fiscal Year 2014/2015

Ms. Cheryl Russell, Tax Assessor, explained that the Business Improvement District (BID) Ordinance adopted by City Council requires that Council adopt a BID budget and assessment every year. She stated that this report represents the proposed budget and assessment for fiscal year 2014-15. Ms. Russell informed members that, based on the assessments provided by the City's Tax Office, the proposed revenue was $50,000, which would allow for the personnel and administration expenses in the amount of $50,000.

Staff recommended approval of the proposed budget and assessment (tax) rates for Fiscal Year 2014/2015, as presented.

Mr. Hare moved to recommend approval of staff's recommendation, seconded by Mr. Rushe, and carried by a vote of four (4) yes (Hare, Rushe, Shevock, and Lynn)and one (1) no (Slavin).

Discussion - Responsibilities and Reporting Structure for the Mayor and City Manager and Continuation of Full-Time Status for the Position of Mayor

Councilman Hutchison stated that it was very important for members to keep in mind that the City of Dover has a City Manager form of government, and that the largest department within the City is the Police Department, with a total of 130.5 people, a budget of $13.5M per year, with $500,000 per year in overtime costs and 700,000 per a year in extra duty work, and that the Police Department also oversees a number of grants ranging from $200,000 to $400,000 annually. He reminded members to also keep in mind that the Police Department has a very complex payroll system, and that the City has strict guidelines and policies regarding promotions and discipline.
(City Clerk's Office Note: The City of Dover has operated under a modified Council-City Manager form of government since 1929.)

Mr. Hutchison stated that the Secretary of Homeland Security is in charge of the Delaware State Police, noting that the Secretary is a professional, as is the City Manager for the City of Dover.

Referring to the City's organizational structure, Mr. Hutchison informed members that, having served as Police Chief as well as a part-time and full-time Mayor for the City, one (1) of his greatest concerns was the serious disconnect of the Mayor from the structure of the City. He stated that, as a result of the 1988 Consent Decree, the Mayor was removed from the Council Chambers, lost connection with the City Manager and Council, and was left to do what he/she would like to do.

Mr. Hutchison advised members that, whether the City has a full-time or part-time Mayor, it is absolutely necessary to have a job description as well as responsibilities and duties.

Mr. Hutchison expressed his opinion that the City of Dover has one (1) of the finest police department's in the State of Delaware; however, he indicated his concern with the fact that when a Police Chief retires or leaves, only the Mayor is involved with the selection of the new Police Chief. As an alternative, Mr. Hutchison suggested that members consider a change to require the selection of the Police Chief by a Committee of three (3), consisting of the Mayor, City Manager and Council President. He further recommended that following the Committee's interview process, they make a recommendation to City Council for confirmation. Mr. Hutchison stated that this proposed change would bring the Mayor, City Manager, Council and Police Department under one (1) control and, in his opinion, would work a lot better than the current method.

Mr. Hare expressed his opinion that the City of Dover needs to decide whether to have a strong Mayor or City Manager type of government, noting that the City has had a hybrid type of government for as long as he could remember. Mr. Hare stated that, in 1997, when the Mayor's position became full-time, he thought that the City was going to switch to a strong Mayor type of government but it remained the same. It was his recollection that when the Mayor first became a full-time position, a job description was created; however, over the years, it had been eliminated. Mr. Hare stated that he did not disagree with the hiring policy and, whether or not the Mayor or City Manager is in charge of the Police Department, he indicated that the selection of the Chief by a Committee of three (3) would probably be good.

Mayor Bonar thanked Mr. Lynn for compiling the in-depth information provided on this topic, and expressed his personal support of the Police Department. He indicated that when this topic was discussed during the 1990s, the members involved, including himself, had the best intentions of a having a system that would operate in the best interest of the City, noting that all of the debate and discussion was prefaced by the phrase "as we perceive it." Mayor Bonar expressed his opinion that Mr. Hutchison's suggestion for putting the Police Chief under the City Manager bears merit, but suggested the possibility of creating a Committee with four (4) members for the selection process for the Police Chief. He agreed with Mr. Hutchison that the complexities of the Police Department are increasingly detailed and stated that it requires oversight by someone who is familiar with not only day to day personal management procedures, but also budgeting and hiring procedures as well as contract negotiations. Mayor Bonar expressed his opinion that, nine (9) times out of 10, the City would not elect a Mayor with that type of expertise, but noted that those abilities could be realized by involving the Council President, City Manager, and others in the selection process for the Police Chief. Mayor Bonar reminded members that, ultimately, it was the Committee's decision whether to forward this matter to Council for full debate, but expressed his opinion that the public should be provided with an opportunity to comment. Referring to the information provided with regard to this topic, Mayor Bonar noted that there were a great number of municipalities throughout the region which have the Police Chief under a City Manager form of oversight, and that it is indicative that most cities with the same type of government as the City of Dover are satisfied with this type of structure.

Mr. Lynn stated that it was important to separate the various issues surrounding this topic, noting that the City's type of government had become intermingled with the decision about whether or not to limit or reduce the Mayor's powers as well as the decision regarding the part-time/full-time Mayor.

Noting that the Legislative and Finance Committee Report of January 25, 1995 and the Special Council Meeting minutes of January 29, 2004 reflect Mr. Hutchison's advocacy for a full-time Mayor in the City of Dover, Mr. Lynn questioned what had changed Mr. Hutchison's position regarding this topic. Responding, Mr. Hutchison stated that the status of the full-time Mayor today has changed, compared to what it was when he held the office. For example, he stated that one (1) of the duties and responsibilities of the full-time Mayor was to handle economic development for the entire City; whereas, today there are three (3) additional positions which handle economic development. Additionally, Mr. Hutchison explained that there have been many changes over the last 10 years with regard to salaries, benefits, payroll, and the complexities of contracts and he believed that it would be unfair for the Mayor to be responsible for these matters without having the training to do so. He stated that he still wholeheartedly supported a full-time Mayor but explained that the City cannot have a full-time Mayor if he/she is not going to be given and held accountable for specific duties and responsibilities. Mr. Hutchison stated that the Mayor could maintain responsibility for the Police Department, with the City Manager running the daily operations and reporting to the Mayor.

Mr. Hare stated that he did not have any objections to the City of Dover having a Mayor-Council form of government or a full-time Mayor, but noted that in cities with a Mayor-Council form of government or a strong Mayor, the Mayor typically has an assistant with similar qualifications and responsibilities as a City Manager. Mr. Hare expressed his opinion that the Mayor of the City of Dover be given more responsibility.

Councilman Anderson stated that Mr. Hutchison had raised valid points, and noted that having input from the City Manager, or City's Manager representative, and the Council President, or the Council President's representative, would be a very sensible approach for hiring of a replacement Police Chief. Mr. Anderson expressed his opinion that this type of advice and overview would be helpful in the future but noted that it had not been necessary in the past because the City of Dover Code does not allow for outside recruitment for the Chief of Police. He shared his belief that most promotions should be made from with inside the City but that the complete elimination of potential candidates not employed by the City narrows the field. Mr. Anderson suggested that the City conduct a review of the entire process for hiring the Police Chief. He stated that the idea that members of City Council should confirm the selection for Police Chief makes sense, since the Mayor's other appointments require such confirmation. He stated that he was not in favor of the idea of completely restructuring, noting that there was a movement in the U.S. to restore some measure of accountability to elected officials and law enforcement. Mr. Anderson also reminded members that Council had recently moved the Economic Development Office under the Mayor's Office which he believed had proven to be a beneficial decision with positive results, in terms of helping businesses grow and bringing jobs to the City.

Councilwoman Williams reminded members that, for varying reasons, the last two (2) full-time Mayors did not complete their terms of office and that the recent change to four (4) year terms for the Mayor and members of Council have markedly changed the Office of the Mayor. She also noted that Council currently has the ability to discharge the city manager; however, there is no method, beyond resignation, for recourse of action if Council is dissatisfied with the Mayor. She expressed her concern that the City does not have a provision for recall or impeachment, noting that it could present a problem when there is a full-time Mayor.

Mr. Slavin stated that he was a proponent of a full-time Mayor in 2004 and remained a proponent for several reasons. He expressed his belief that, beyond the Mayor's veto power, Council needs a checks and balance system with a full-time presence. He stated that Council should use this an opportunity to further delineate the two (2) branches of government, noting that the hybrid approach has blended them and led to confusion. Mr. Slavin emphasized that the City of Dover needs a full-time Mayor because it is a full-time city.

Referring to information compiled by the National League of Cities regarding forms of government, Mr. Lynn reviewed the characteristics of a Mayor-Council form of government and shared his opinion that the City of Dover's form of government has suited the City well throughout its history and that there is plenty of room to grow into this form of government, given that New York, Chicago, Philadelphia, and Los Angeles have a similar form of government. In regard to a full-time or part-time Mayor, he noted that the issue was discussed in incredible detail in both the 1990s and in 2004 and that, in both instances, City Council was of the decision that the position of Mayor should be full-time. Additionally, Mr. Lynn stated that a referendum was held which demonstrated that the citizens of the City were in favor of a full-time Mayor and, expressed his belief that, nothing had occurred to lead members to conclude anything to the contrary. With regard to the powers and duties of the Mayor, Mr. Lynn shared a sentiment expressed by Councilman Perza that "the guys with the guns ought to answer to an elected official." He noted his belief that it would be a dangerous precedent for the Dover Police Department to report to a bureaucrat or unelected official, like the City Manager. Referring to the powers and duties of the Mayor, Mr. Lynn stated his opinion that there is room to rein in the financial aspect of the Mayor's role with regard to the Police Department, explaining that the budgeting for the Police Department should be proactive instead of reactionary to allow Council the opportunity to have an actual role in forming some of the financial policies of the Police Department, and provide the Controller/Treasurer or another City staff member an opportunity to maintain the financial checks and balances within the Police Department.

Mr. Hutchison stated that the City Manager is the City's paid expert who works for the Mayor and Council. It was his belief that the Police Department runs itself for the most part but that placing the City Manager in charge of the daily operations would provide a chain of command with the Police Chief reporting to the City Manager, who reports directly to the Mayor and Council. It was Mr. Hutchison's opinion that this type of organizational structure would allow the Mayor to remain as the "point person" for the City while bringing the total City together beginning with the Mayor, City Manager, and Council.

Mr. Lynn cautioned members that decisions in contravention of the City's Charter should not be made based upon the exigencies of the moment, in a rush to judgement. He stated that the formation of the City's government was made with long deliberation and should not be changed over the course of a week as the result of one (1) event. Mr. Lynn agreed that the current City Manager, Mr. Scott Koenig, was a professional; however, he reminded members that within the past three (3) years, there were discussions in which the judgement and ethics of the former City Manager were called into question. Noting that no single office in the City is immune from corruption or doubt or any other character flaws, Mr. Lynn expressed his opinion that the authority of the Police Department should be placed in the hands of an elected official who the electorate controls, rather than in the hands of a bureaucrat, whom it would take nine (9) members of Council to rein in.

Mr. Hare agreed that these issues could not be resolved in one (1) meeting. He expressed his preference that members discuss and decide upon the appropriate form of government for the City, prior to entertaining discussion regarding the full-time or part-time Mayor.

In regard to the issue of having a full-time Mayor, Mr. Anderson noted that more than 70% of the citizens previously voted in the referendum and that he had not heard a groundswell for change in this regard but the opposite. He expressed that he would like to see someone who is extraordinarily competent and capable in this position but that the budgetary matters for all departments should go through the City Manager's Office. In regard to the Police Department reporting the City Manager, Mr. Anderson cautioned members to remember that the City's Charter prohibited Council from engaging with employees under the direction of the City Manager without permission, noting that he would not want to be "out of the loop" when it comes to something as important as law enforcement.

Responding to Mr. Anderson, Mr. Hare stated that he would favor a change to a City Administrator who reports to the Mayor with Council's approval, instead of having a City Manager, if that were the decision of the Council.

Mayor Bonar reviewed the "Current Trends" in municipal forms of government compiled by the National League of Cities. He encouraged members to review the valuable information available on these issues. He stated that the members had brought up really good points and that the Committee would have to decide how to proceed. Mayor Bonar noted the possibility of creating a group to explore these issues in more detail, reminding members that there would be several months in which to consider these matters before the legislative session occurs in January. He suggested that an opportunity be provided for constituents to express how they feel.

Mr. Edward Christian, Jr., 9 Pennwood Dr., Dover, stated that he was accustomed to the City Manager-City Council form of government, in which the Mayor was chosen by City Council members to serve as the presiding officer of City Council and assigned a number of ceremonial duties. He noted that under this form of government, a City Manager was hired by and served under the direction of the City Council, and if he/she was not suitable for the job, then he/she was fired by City Council. In regard to the position of Mayor, Mr. Christian indicated his belief that the duties and responsibilities for the Mayor of the City of Dover were developed based upon the qualifications and areas of expertise of the individual who held the office when it became a full-time, salaried

position, and questioned whether the City would find anyone else with that level of expertise to manage the City. He stated that voters often make decisions based on their personal "comfort zones" but rely on the elected officials to lead and guide. Mr. Christian stated that elected officials have a tendency to make decisions based upon what will keep them in office; however, he encouraged members to make decisions based on what needs to be done for the benefit of the citizens of the City, while keeping in mind what other cities and localities are doing, as well as relevant history.

Mr. Lynn reminded members that this was not necessarily an item which the Committee would need to take action on; however, action could be entertained. As advised by the City Clerk, Traci McDowell, he noted that the Consent Decree may prohibit a strong Mayor.

Mr. Rushe stated his belief that the Committee needs to hear more public comment before taking any action.

Mr. Hutchison agreed that the City should allow for further public input and discussion.

Mayor Bonar agreed that further public input seemed warranted, noting that this evening's discussion revealed a strong consensus that these topics should at least be considered.

Mr. Hare moved to bring this matter back to the Committee to allow for public input and further discussion in regard to the different forms of government.

Responding to Mr. Lynn, Mr. Hare stated that the intent of his motion was for the Committee to examine the form of government issue prior to any further discussion regarding the role of the Mayor.

After further clarification and discussion, Mr. Hare withdrew his motion.

Mr. Slavin moved for the Committee to continue discussion of the responsibilities and reporting structure for the Mayor and City Manager and continuation of full-time status for the position of Mayor, following the 2014 Special Mayoral Election, seconded by Mr. Hare.

Mr. Slavin clarified that his motion was to include future discussion of the matter as introduced on this evening's agenda.

Mr. Anderson noted his support for the motion.

On a call for the question, the motion for the Committee to continue discussion of the responsibilities and reporting structure for the Mayor and City Manager and continuation of full-time status for the position of Mayor, following the 2014 Special Mayoral Election, carried by a vote of four (4) yes (Hare, Rushe, Shevock, and Slavin), and one (1) no (Lynn).

Proposed Planning and Inspections Fee Increases

Mrs. Ann Marie Townshend, Director of Planning and Community Development, reviewed Planning and Inspections fee increases proposed for FY 2014/2015. She reminded members that the proposed fee increases were previously presented to members of City Council during the City Council Budget Workshop of March 31, 2014.

Mrs. Townshend stated that in reviewing the Planning and Inspections fees, she focused on 1) the fees that do not come close to cost recovery; and 2) the last time each fee was reviewed. Referring to the fees that do not come close to cost recovery, she expressed her opinion that it did not make very good business sense to place the burden on the taxpayers for a service that benefits one (1) person. For example, she stated when there is a Board of Adjustment application, the meeting costs approximately $600, including $75 per Board member in attendance, legal fees to have legal counsel available, and the costs associated with a newspaper ad and mailing notices. Mrs. Townshend explained that the current fee for a residential variance was $200 and the current fee for a commercial variance was $300; therefore, the fees for this service do not come close to recovering the City's costs. She stated that staff does advise interested applicants when they believe the applicant does not have a very strong case; however, the applicants often decide to proceed.

Mrs. Townshend explained that the proposed increases include several fees in the planning application and building permit category that had not been reviewed or updated since 2004, and that the City's rental permit fees had not been changed since 2000. She also stated that the City's public occupancy permit fees had not been adjusted since 1993 and informed members that these permits cost a great deal of staff time to administer because they require the fire marshals to conduct annual site inspections.

Mrs. Townshend stated that she also tried to keep the economic climate in mind while reviewing the fees to make sure that the proposals would not jeopardize economic recovery. She noted that the proposed fee increases are modest and do not significantly increase the cost of doing business but would allow the City to recover more of the costs associated with providing services.

In regard to the proposed increase for the sign permit fee, Mrs. Townshend explained that many of the City's sign permits are very near to the minimum fee and that the penalty for installing a sign without a permit is that the permit fee is doubled. She stated that staff had experienced people laughing at them when they inform them that their permit will increase to $30 or $50 as a result of the penalty.

Mrs. Townshend informed members that she also reviewed fees for other agencies throughout the State of Delaware and that, in all cases, the City of Dover's fees, including the proposed increases, were below many other localities and in line with others.

Mr. Slavin reminded members that fee increases are always a difficult issue and when the economy is good, the public asks why the City is trying to slow down the economy and when the economy is bad, why the City is trying to make it harder to do business. He shared his appreciation for the way that Mrs. Townshend presented the information and the inclusion of the last time each fee was adjusted. Mr. Slavin questioned if there was any thought to reintroducing the concept of putting fees

on an escalator that would allow for a minor adjustment every other year. He stated that he had talked to a number of people in the business community who said that they would rather see small adjustments to fees than a one time adjustment every so many years.

Responding, Mrs. Townshend stated that when staff proposed an escalator for the business license fee in 2010, the business community was opposed. She stated that whichever way staff approaches fee increases proves to be the opposite of the way that the business community would want it at that point in time. She stated that the key to the proposed fee increases was keeping the adjustments modest, explaining that, if the City really wanted to correct not having increased the fees for 10 to 20 years, staff would have proposed more significant increases. For example, Mrs. Townshend noted that most of the public occupancy permits, which require the fire marshals to conduct annual fire safety inspections, were currently $25 per year and were proposed to increase to $50 per year.

Mr. Slavin questioned whether the proposed increases had been vetted by the business community and whether staff had contacted the chamber of commerce. Responding, Mrs. Townshend stated that she had not spoken to the chamber of commerce but offered to do so. She stated that the difference between the current proposal and those considered in previous years was that the previous proposals included significantly larger increases. Mrs. Townshend reminded members that the rental permit fees were always controversial. She stated that, as proposed, the rental permit fee would increase from $90 to $100 for a house per year and expressed her opinion that rents have surely increased well over $10 within the past 14 years.

Mr. Slavin expressed his disagreement with a cost recovery model for fees, stating that, although it is not the case with the current proposal, aligning services with the costs to recover the services typically makes the City overly aggressive on fees. He indicated that many of the individuals who access these services have already paid for them through property taxes and other costs. Mr. Slavin cautioned that the City needed to be very careful to ensure that individuals are not denied their due process rights because they cannot afford the fees associated with services, such as Board of Adjustment applications.

Responding to Mr. Slavin, Mrs. Townshend stated that even with the proposed increase, the City would not come close to recovering the costs associated with conducting a Board of Adjustment meeting. She informed members that a review of the fees for municipalities in Sussex County revealed fees of more than $1,000 for the Board of Adjustment because it is a costly process. Mrs. Townshend indicated that while there is the belief that these services are paid for by the general tax base, the general tax base covers only a very small portion of the City's operations.

Mr. Lynn suggested that the Committee table this matter and send notice out to the chamber of commerce.

Mr. Hare expressed his opinion that the City should have a public hearing regarding this matter to provide the chamber of commerce as well as the public an opportunity to speak. He stated that he would like to see the inclusion of an escalator, so that the City will not have this to address this again in the future.

Mr. Hare moved to defer consideration of the proposed Planning and Inspections fee increases to allow staff to contact the chamber of commerce and schedule and public hearing, seconded by Mr. Slavin.

Mr. Slavin stated his belief that the Town of Smyrna, Delaware, has an escalator built into the Town's ordinances for all of these fees, and asked staff to investigate and provide members with the information.

Mrs. Townshend stated that staff was not opposed to an escalator but reminded members that the last time it was brought forward, the business community was opposed. Responding, Mr. Slavin indicated his belief that the business community was previously opposed to the idea because they did not hear about it prior to Council discussions.

Mr. Hare requested that staff also provide a fee comparison.

On a call for the question, the motion to defer consideration of the proposed Planning and Inspections fee increases to allow staff to contact the chamber of commerce and schedule a public hearing was unanimously carried.

Authorization for New Position - Assistant City Manager

Mr. Scott Koenig, City Manager, informed members that during the City Manager's evaluation last fall, City Council indicated that the City Manager's office needed additional staff to improve response times to various inquires and concerns. As a result of these comments, the City Manager was directed to evaluate additional administrative capacity to improve the overall function of the office. He stated that two (2) position descriptions were reviewed, an Executive Assistant for the City Manager and an Assistant City Manager.

Mr. Koenig stated that the Assistant City Manager position currently existed in the City's hierarchy, although it had not been filled for more than 20 years. He explained that an Assistant City Manager, rather than an Executive Assistant for the City Manager, would provide greater assistance with respect to the needs of the City Manager's Office as well as the citizens of the City, especially with the complexity of the issues that the City Manager's Office has begun to handle on a daily basis, including contract negotiations, land purchases, and the general operation of a growing city. The Assistant City Manager position would also provide more value in the area of succession planning for the upper level of the organization. Mr. Koenig stated that the Assistant City Manager position was valued as a Grade 136 with a market salary range of $105,189 - $122,032.

Based on the long-term needs of the City, staff recommended authorizing the City Manager to include one (1) Assistant City Manager position in the FY 2015 budget request for the City Manager's Office.

Mayor Bonar commended Mr. Koenig for bringing this matter forward for consideration, noting that it was not an easy topic, given the current fiscal constraints but it is something that needs to be done. Mayor Bonar stated that the City is not as easy to run as it once was and he his aware of the

inordinate amount of time that the City Manager has to spend on the telephone and in negotiating sessions.

Mr. Slavin moved to defer the item for consideration during the upcoming Special Council Meeting - Budget Review, seconded by Mr. Shevock. By a vote of two (2) yes (Shevock and Slavin), and three (3) no (Hare, Lynn, and Rushe) the motion failed.

Mr. Hare moved to authorize the City Manager to include one (1) Assistant City Manager position in the FY 2015 budget request for the City Manager's Office but that the position not be filled until the budget has been adopted, seconded by Mr. Rushe. By a vote of two (2) yes (Hare and Rushe), and three (3) no (Lynn, Shevock and Slavin) the motion failed.

Mr. Lynn moved to authorize the City Manager to include one (1) Assistant City Manager position in the FY 2015 budget request for the City Manager's Office. The motion failed due to the lack of a second.

Mr. Slavin moved to defer the item, seconded by Rushe and carried by a vote of four (4) yes (Hare, Rushe, Shevock, and Slavin) and one (1) no (Lynn).

2015 Property Revaluation and Reassessment

Ms. Cheryl Russell, Tax Assessor, informed members that, according to the City Code, the revaluation and reassessment of all real property may be conducted this year, since five (5) years have passed since the last reassessment. She stated that staff sent a Request for Proposals (RFP) out in April so that the City could budget for the reassessment for FY 2015. Ms. Russell indicated that May 1, 2014 was the deadline to turn in the sealed bids to the City of Dover, and one (1) bid for the 2015 reassessment was received in the amount of $125,300. She stated that staff would be able to reduce the figure to $108,000 if they complete the printing and mailing.

Ms. Russell reminded members that a reassessment is an effort to value all real property at its fair market value in an equitable and uniform manner and shifts the burden of tax among the tax payers. She stated that, after several years without a reassessment, some properties will be over-assessed, some under-assessed based on market and economic conditions.

Staff recommended approval to proceed with the 2015 Property Reassessment.

Responding to Mr. Hare, Ms. Russell confirmed that the complete reassessment would cost $108,000 and explained that the difference between the 2015 Property Reassessment and the reassessment which was conducted five (5) years ago was that staff has gone out and looked at all of the properties so it does not have to be a comprehensive reassessment. She stated that every property will receive a letter with a new assessed value but that the firm would not have to physically review each property like they previously did.

In response to Mr. Shevock, Ms. Russell confirmed that the 2015 Property Reassessment would be conducted by the same firm that conducted the previous reassessment.

Mr. Rushe questioned whether staff anticipated an overall increase or decrease in property taxes. Responding, Ms. Russell stated that, for a lot of the commercial properties, staff had noticed that transfers were higher than the current values but, for the most part, the residential property values had decreased slightly in some areas while others were staying about the same. She indicated that the values for new construction were currently very accurate. Ms. Russell reminded members that the reassessment is revenue neutral, so there will be no impact to the tax base for the revaluation.

As a point of clarification, Mr. Slavin stated that the reassessment is a revenue neutral exercise; therefore, while the assessed value may go up or down, the City is not allowed to use that as an excuse for increasing taxes. City Council would have to set the tax rate appropriately in order to increase or decrease revenue.

In response to Mr. Hare, Ms. Russell confirmed that the City would spend $108,000 on the reassessment and would not receive any additional revenue as a result.

Concurring with Mr. Slavin, Ms. Russell stated that it is easier to defend values when they are closer to what the market is indicating.

Ms. Slavin noted that if you sell a property that has not had an assessment in 15 years, you would pay the tax rate from 15 years ago rather than current market rate.

Councilman Anderson questioned whether the State law that makes reassessments revenue neutral also allowed for the recovery of the cost of the reassessment. Responding, Ms. Russell stated this question was raised in 2000 and, as she recalled, Delaware did not allow for the recovery. Mr. Anderson stated his belief that the law allowed up to 15% of the value of the assessment to be recovered and requested that staff look further into the matter.

Mr. Slavin moved to recommend approval to proceed with the 2015 Property Reassessment, as recommended by staff, seconded by Mr. Shevock and unanimously carried.

FY14 Edward Byrne Justice Assistance Grant Program - Police Vehicle Computer and Video Technology Upgrades

Police Chief Paul Bernat informed members that the Dover Police Department recently received its annual allocation from the Office of Justice Programs (OJP) for the 2014 Justice Assistance Grant (JAG). Similar to previous years, Dover Police Department was identified as a disparate funding agency along with Kent County because there is no law enforcement function at the county level, unlike Newcastle County in northern Delaware. This disparate condition requires the submission of a joint grant application for the two (2) agencies. Although no funds were designated for Kent County in the allocation document, a Memorandum of Understanding would be completed and signed by both agencies stating that Kent County will waive any claim to the funding on this grant.

Chief Bernat stated that the Dover Police Department intends to upgrade/replace eight (8) vehicle computer/video systems. He explained that a portion of the upgrades would be purchased for new vehicles that would be coming on line during FY 2015. Chief Bernat informed members that on April 8, 2014, Windows XP became obsolete and the State of Delaware Division of Communications

discontinued support for it and, as a result, the remainder of the grant funds would be used to retrofit older vehicle computer/video systems to bring those units back online and in compliance with Windows 7, the current operating system. He stated that the department was currently short-handed on working computers in vehicles, and was hoping to get approval to submit this application early, so the funding could be released earlier by the United States Department of Justice (USDOJ).

Chief Bernat indicated that the department also planned to purchase COBAN systems, a sole vendor purchase, which had been in use by the Delaware State Police and other agencies throughout the state and received good reviews from both the user and maintenance perspectives. As result, the department would purchase the new systems in two (2) or more increments to retrofit older the model vehicles first, as scheduling permits, and retrofit the new vehicles during the FY 2015 budgeted vehicle replacement cycle.

Chief Bernat stated that the City of Dover had been allotted a grant totaling $51,549 and that total project budget was $81,549.

Staff recommended approval of the grant project, as requested.

Mr. Hare moved to recommend approval of the grant project, as recommended by staff, seconded by Mr. Rushe and unanimously carried.

Proposed Revenue Policy - Police Extra Duty/Voluntary Overtime

Mrs. Donna Mitchell, Controller/Treasurer, reviewed the Proposed Revenue Policy for Police Extra Duty/Voluntary Overtime **(Attachment #1)**. She explained that she had a question in regard to section I. Policy, which she and Police Chief Paul Bernat were unable to discuss, and she recommended that the text indicated in red font be included in the policy, as presented. Referring to section IV. Requests for Extra Duty Officers, Mrs. Mitchell stated that Chief Bernat requested the insertion of the first paragraph of subsection F and she subsequently recommended the inclusion of the second paragraph. In reference to section V. Payment Methods, Mrs. Mitchell noted her recommendation for the addition of a second paragraph under subsection B. City Sponsored Events, as indicated in red font. She stated that this policy had been fully vetted with Dover Downs and Chief Bernat and that they had "signed off" on the policy with the indicated changes. Mrs. Mitchell noted that former Police Chief James Hosfelt had been instrumental in assisting her with drafting the policy.

Staff recommended adoption of the policy.

Responding to Mr. Hare, Mrs. Mitchell stated that the City would earn money from extra duty under the proposed policy and that she had calculated the revenue for the budget.

In response to Councilman Hutchison, Mrs. Mitchell confirmed that she was happy with the policy as presented.

Mr. Hare moved to recommend adoption of the Revenue Policy - Police Extra Duty/Voluntary Overtime, as recommended by staff, seconded by Mr. Rushe and unanimously carried.

Proposed Ordinance #2014-09 Amending Chapter 50 - Floods

Mrs. Ann Marie Townshend, Director of Planning and Community Development, reviewed Proposed Ordinance #2014-09 amending Chapter 50 - Floods; Chapter 22 - Buildings and Building Regulations, Article III - Building Code, Section 22-61; and Appendix F - Fees and Fines, noting that it is a time sensitive matter. Mrs. Townshend explained that the proposed ordinance would remove the language currently found in Chapter 50 of Dover Code and replace it with the current standards and regulations which are compliant with the Federal Emergency Management Agency (FEMA). She stated that the City is a participating community in the National Flood Insurance Program (NFIP) and, as long as the City complies with certain FEMA required practices, property owners within the City are able to have flood insurance. Mrs. Townshend stated that in order to continue participation in the NFIP, the City is required to implement standards for construction activities within the 100-year floodplain and, when FEMA updates the Flood Insurance Rate Maps (FIRM), the City is required to update the City's regulatory requirements to comply with the most current FEMA standards. Mrs. Townshend explained that FEMA is in the process of updating the FIRM for Kent County, with the new maps to take effect on July 7, 2014, and all NFIP communities must have updated regulatory requirements in place by July 7, 2014, when the new maps take effect.

Mrs. Townshend stated that the Department of Natural Resources and Environmental Control (DNREC) hired a consultant to develop model ordinances, approved by FEMA, for Delaware's communities to adopt. She explained that many of the provisions contained in the 2009 and 2012 International Code Council (ICC) series of building codes already comply with the FEMA standards, and the City has adopted the 2009 ICC codes. The model ordinance that staff used in updating the City's regulation is a code coordinated model that recognizes the standards in the building code and does not duplicate or reiterate these standards. Use of this ordinance minimizes the likelihood for conflict and confusion among chapters of the Dover Code. Mrs. Townshend noted that the regulations that apply directly to buildings are within in the building code and that non building related flood regulations were proposed for inclusion in Chapter 50.

Staff recommended adoption of Proposed Ordinance #2014-09.

Mr. Hare moved to recommend adoption of Proposed Ordinance #2014-09, as recommended by staff, seconded by Mr. Slavin and unanimously carried.

Proposed Ordinance #2014-10 - FY 2014 Budget Amendment

In regard to the Committee's discussion of the Proposed Planning and Inspections Fee Increases, earlier during the meeting, Mrs. Donna Mitchell, Controller/Treasurer, informed members that she would be contacting the chamber of commerce prior to the Special Council Meeting - Budget Review to discuss any changes proposed for the next fiscal year budget and that she could incorporate the proposed Planning and Inspections fees.

Mrs. Mitchell reviewed Proposed Ordinance #2014-10 - FY 2014 Budget Amendment, noting that it was the second set of budget amendments for Fiscal Year 2013/2014. She reminded members that the first budget amendment for Fiscal Year 2013/2014 (Ordinance #2013-08) was approved by Council on January 27, 2014. She explained that the proposed budget amendment adjusts the revenues to reflect the current forecast; reflects the pension accounting changes, shifting the fund

expenses back to the Divisions and interfund service line items in the General Fund, Water/Wastewater Fund and Electric Revenue Fund; incorporates internal budget adjustments completed in accordance with the budget amendment authority of the City Manager; transfers $77,000 of savings in temporary help for the Library to the Inspections demolition account to fund the Council action approved for increased demolition cost; and reflects operating expense reductions based on annual budget reviews with the City Manager.

Mrs. Mitchell stated that the proposed budget amendment also included additional items, some of which had previously been discussed with City Council, including the Salt Barn, Street Division CIP budget of $50,000 which was inadvertently dropped off in the project carry forwards in the January ordinance; an additional $15,000 for Kent Conservation District storm water; demolition of the White Oak Park recreation building with a current estimate of $70,500 in the Recreation Division CIP; Old Library clean up with a current estimate of $35,000 in the Library Division CIP; $12,000 for contractual services in the Finance Division for an agreed upon procedure engagement with current auditors to review internal control procedures, revenue procedures and cash handling procedures at Recreation, Library and Police Divisions; and a Water Utility, U.S. 13 Water Main, VWQ0907, lawsuit settlement with Eastern States Construction in the amount of $141,600. Mrs. Mitchell noted that all of these items were being funded through salary savings within the budget and transfers to the Capital Project Fund from the General Fund.

Staff recommended adoption of Proposed Ordinance #2014-10.

Mr. Lynn stated that he would not be supporting the budget amendment because he could not support the demolition of the White Oak Park recreation building. He explained that he could not imagine the City spending $70,500 to demolish a building which the City allowed to become derelict, and essentially demolished by neglect. He expressed his opinion that it is money wasted and that the building could have been used to the benefit of the public and it's demolition deprives an entire portion of the City of recreational facilities.

Mr. Slavin noted that he had recently discussed his concerns regarding the fungibility of the City's funds, specifically that salary savings are spread across other operational categories, with Mr. Wayne Holden, Ad Hoc Financial and Operational Advisory Committee Chair. Mr. Slavin stated that he deals with the discipline of leaving salary savings in the salary line and operational savings in the operational lines everyday, in his job with the State of Delaware, and that he was encouraging Mr. Holden to incorporate that into some of the Committee's recommendations. In response to Mr. Slavin, Mrs. Mitchell stated that with the accounting change for the pensions, the City's Annual Required Contribution (ARC), as determined by the actuary, is based on budgeted salaries. She explained that if the City has attrition, the City might not meet that ARC because the City would not have the salary base there with that percentage. She stated that she and Mr. Koenig had discussed the possibility of recommending a policy change that would require any salary savings to go toward those liabilities to ensure that the City meets the ARC. Mr. Slavin stated that he would support such a policy change.

Mr. Hare moved to recommend adoption of Proposed Ordinance #2014-10, as recommended by staff, seconded by Mr. Rushe and carried by a vote of three (3) yes (Hare, Rushe, and Shevock) and two (2) no (Lynn and Slavin).

Proposed Ordinance #2014-14 Amending Appendix D - Downtown Dover Business Improvement District (DDBID), Article III - Establishment of DDBID, Section 3 - Geographic Boundaries, and Section 5 - Management Company

Mrs. Ann Marie Townshend, Director of Planning and Community Development, reviewed Proposed Ordinance #2014-14, explaining that it was brought to her attention by Mrs. Donna Mitchell, Controller/Treasurer, that there was a discrepancy between the City's Dover Downtown Business Improvement District (DDBID) ordinance and the composition of the Downtown Dover Partnership Board of Directors, which is the City's management company under the DDBID statute.

Mrs. Townshend informed members that in drafting Proposed Ordinance #2014-14, she and the City Clerk had examined the State statute regarding the Business Improvement District, the City's ordinance regarding the DDBID and the composition of the DDP Board of Directors. Mrs. Townshend stated that the proposed amendment specifically designates the Downtown Dover Partnership as the "management company" for the Business Improvement District and removes the requirement that a majority of the management company's Board of Directors be owners or owners' designees of commercial properties within the Business Improvement District. Referring to lines 33, 35, and 36 of the proposed ordinance, she explained that the proposed amendments would require the management company to be comprised of at least five (5) members who either own a commercial property within the DDBID or are the designee of such owner, and remove the language that requires that commercial property owners constitute a majority of the Board of Directors. Mrs. Townshend stated that the State statute requires the five (5) commercial property owner representatives, but does not require that a majority of the Board be commercial property owners. She noted that, with the composition of the DDP Board, it would be almost impossible to have such a majority.

Mrs. Townshend stated that the proposed ordinance would help fix the discrepancy, and the she was also working with Mr. Greg Moore, DDP President and Mr. Gerry Street, DDP member, to address a change to the DDP By-laws.

Staff recommended adoption of Proposed Ordinance #2014-14.

Mr. Slavin moved to recommend adoption of Proposed Ordinance #2014-14, as recommended by staff, seconded by Mr. Shevock and unanimously carried.

Proposed Reinstatement of the Fee Waiver Provision for Tax Exempt Properties

Mr. Slavin reminded members that during their meeting of January 13, 2014, the Committee recommended adoption of Proposed Ordinance #2014-01 amending Chapter 102 - Taxation, Article IV - Abatement of Real Estate Taxes; Appendix C - Downtown Redevelopment, Article II - Definitions and Article III - Eligibility; and Appendix E - Commercial and Industrial Building Redevelopment, Article II - Eligibility, to require compliance with Section 1-13 - Clean Hands; provide for revocation of the incentives for beneficiaries who are delinquent on obligations to the

City; and make tax exempt properties ineligible for the incentives, which was adopted by City Council on February 10, 2014.

Mr. Slavin expressed his belief that ordinance #2014-01 was intended to be a Clean Hands ordinance which would ensure that those who were receiving the incentives had "clean hands" and did not have any other issues with the City, and that he did not realize at the time the ordinance was considered that it would also strip away the incentive program for non-profit organizations. He stated that the adoption of the ordinance has had an effect on two (2) large not-for-profit organizations that have been significant to the downtown Dover revitalization.

Referring to Line 119 of Proposed Ordinance #2014-01, Mr. Slavin proposed that the Committee recommend reinstatement of the incentive program for the subject properties that are exempt from City of Dover real estate taxes.

Councilman Anderson stated that this is a very important provision because much of the development includes not-for-profits, including some community projects which are a very important part of the revitalization of downtown.

Responding to Councilman Hutchison, Mr. Slavin stated that he had not discussed this proposal with either the City Manager or Controller/Treasurer to determine the potential budgetary impact.

Mrs. Donna Mitchell, Controller/Treasurer, stated that she had not quantified the financial impact of this proposal and questioned whether the issue with the proposal was the financial impact or the general concept.

Mr. Lynn stated his belief that the staff would be aware of any financial impact, since this language had been previously removed from the ordinance.

Mrs. Ann Marie Townshend, Director of Planning and Community Development, clarified that non-profits can qualify for the incentives as long as the property is not tax exempt. As an example, she stated that, earlier in the day, staff had approved the incentives for the Inner City Cultural League, Inc., a non-profit which qualified for the incentives because the subject property was not tax exempt.

Mrs. Townshend stated that staff had reviewed the history of incentives for tax exempt properties since 1998 and could not find any record of a tax exempt property applying for the incentives since, except Bayhealth, which applied in 2008. She stated that Wesley College and the State of Delaware, which are two (2) other major tax exempt organizations within the City, have not applied for or utilized the incentives and have paid all of the applicable fees.

Noting her belief that this proposal was based on Bayhealth, Mrs. Townshend stated that prior to 2008, there were no requests from Bayhealth to utilize the incentives. In 2008, the incentives were utilized by Bayhealth for the addition of the parking garage and new podium building. Mrs. Townshend stated that since 1998, the City had issued 141 building permits to Bayhealth, and that they utilized the waiver on eight (8) of those permits, for which the City waived a total of

$572,248 in building permit fees and, based on that amount, $7,224.80 (10%) was paid to the Downtown Dover Partnership. Mrs. Townshend noted that since 1998, the City had received $260,498.50 for building permit fees from Bayhealth.

Additionally, Mrs. Townshend stated that staff also examined the staff time, since 2009, associated with permits and inspections for Bayhealth, the State of Delaware and Wesley College, the larger non-profits that do not pay any City of Dover property taxes. She stated that staff estimated that they had spent 18 hours per year on inspections related to permits; 8 hours per year on annual life safety inspections; and, in terms of specific building permits, the City had spent 356 staff hours conducting onsite inspections related to building construction.

Mrs. Townshend explained that the idea behind making tax exempt properties ineligible for the incentives was that the property owners are receiving a service but they are not paying property taxes, whereas, other property owners who receive the incentives do pay property taxes. She clarified that it was not an unintended consequence and that the information was included in the Committee action form considered by the Legislative, Finance, and Administration Committee during their meeting of January 13, 2014.

Responding to Mr. Slavin, Mrs. Townshend stated that the value of the construction for Bayhealth had not been totaled but, in reviewing the data gathered by staff, she stated that the permits ranged from $6.7M, $2M, $1.6M, and $9M. In response, Mr. Slavin suggested that members consider not only the amount the City is losing in revenue but also how much the City is generating in development.

Mr. Scott Koenig, City Manager, expressed his opinion that this matter was a policy issue and stated that his preference, as indicated in the Committee action form considered by the Legislative, Finance, and Administration Committee during their meeting of January 13, 2014, was that tax exempt property not be eligible for incentives that relate to the General Fund. He noted that there are some instances in which Bayhealth owns property that is revenue generating and still on the tax rolls.

Mr. Koenig explained that although Bayhealth has invested a substantial amount of capital in the City, Bayhealth probably would have invested that capital regardless of whether the incentives were offered because the City provides services, including utilities, police and fire, which are all components of building a large industrial facility; in this case, a facility serving as a community hospital. He expressed his desire that tax exempt properties not receive an additional incentive package because of their tax exempt status, since the City does provide services. Mr. Koenig stated his belief that these organizations can plan their projects out and afford to include the components related to these incentives in their business plan.

Mr. Koenig reiterated his request that, from a policy standpoint, tax exempt properties not qualify for incentives related to the General Fund.

Mr. Slavin moved to recommend that staff be requested to prepare an ordinance to reinstate the incentives for tax exempt properties, seconded by Mr. Shevock and unanimously carried.

Mr. Lynn informed members that this was his last meeting as Chairman of the Legislative, Finance, and Administration Committee, noting that he circulated his letter of resignation as Chairman of the Committee to the City Clerk and members of the Committee early in the evening. He thanked the members for their time and service, and stated that it was a pleasure working with all of the members. Mr. Lynn indicated that did not wish to be reappointed as Committee Chair going forward, given that his responsibilities in his campaign for the General Assembly were simply overwhelming, such that he could not continue on in the leadership role that he served in for the past two (2) years. He thanked former Council President Thomas Leary for appointing him to his position as Committee Chairman, noting that it had been fun and an honor to serve, and that he looked forward to working with members of the Committee in the future.

By unanimous consent, the meeting adjourned at 6:53 p.m.

Sean M. Lynn
Chairman

SML/TM/dd
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Attachment
Attachment #1 - Proposed Revenue Policy - Police Extra Duty/Voluntary Overtime

CITY OF DOVER
REVENUE POLICY
POLICE EXTRA DUTY / VOLUNTARY OVERTIME

I. POLICY

The City of Dover Police Department recognizes the need for individuals and businesses to have the services of police officers for special events or other functions that would not be part of routine patrol. The Department will ensure that these needs are met by permitting officers to work for these employers in their capacity as Dover Police Officers. Additionally, the Department shall seek to secure grant funding to compensate officers for voluntary patrols in and around specific areas of the city, supplementing the normal activities of the Department.

Question: Why can't grant work be done during routine schedules as long as we are not going below minimum staffing levels for public safety?

II. PURPOSE

It is the purpose of this document to outline the extra duty billing rates and procedures to our customers and granting agencies.

III. RESPONSIBILITIES

The Special Enforcement Unit Commander will be the Extra Duty Coordinator and will assign clerical support as well.

The Extra Duty Coordinator shall be responsible for ensuring that all requests conform to this Procedural Notice, City ordinances, and to oversee compliance with departmental regulations.

The Chief of Police will determine if an extra duty request is a "must fill" position, due to safety concerns to the public or to police. When this occurs, and no one has volunteered to work the position, the Extra Duty Coordinator will be responsible for assigning this extra duty job to an officer.

The Extra Duty Coordinator will be responsible for determining the adequate number of officers to staff an event.

In cases where the staffing was underestimated the on-site supervisor or working shift commander, at an event may, at his discretion, notify the employer and the extra duty coordinator that additional officers are needed. Regardless of whether or not the employer was able to be notified, the on-site supervisor may call in additional officers and the employer will be billed accordingly.

Examples of "Special Events" requiring extra duty assignments include, but are not limited to, events:

1. That require a City of Dover permit
2. Involve temporary road closures
3. Require right of way closures
4. Bicycle or foot races or walks

5. Active traffic control- where an officer is actively/physically engaged in directing vehicular or pedestrian traffic
6. Other special events

IV. REQUESTS FOR EXTRA DUTY OFFICERS

Any individual or private firm may request extra duty officers for work within the city limits of Dover. Requests must be received between the hours of 8:00 am and 4:00 pm Monday through Friday and can be mailed, emailed, faxed or brought in person to the Dover Police Department. Applications must be received seven (7) days before the event. Any requests made less than seven (7) days in advance are only processed with the understanding that the assignment may not be filled. These requests will be directed to the Extra Duty Coordinator, who will ensure that the requesting party understands the payment and cancellation procedures.

The Extra Duty Coordinator will try to accommodate any schedule requests made by the employer if made within one hour prior to the time of the event.

It shall be the responsibility of the Extra Duty Coordinator to review all requests and the work required. The extra duty request will be denied if:

A. The employment is prohibited by State Law, City Ordinance, or Dover Police Department Rules & Regulations.

B. The employment presents a potential risk of injury due to the lack of officers being requested for the assignment.

C. The request requires the officer to act in any capacity other than a law enforcement official.

D. The final determination of whether a permit is approved rests with the Extra Duty Coordinator. While efforts will be made to comply with the assignment duties as defined by the business representatives, the Dover Police Department maintains exclusive rights in determining the number of officers required in order to maintain a safe environment for all and dictate placement and duties.

E. On occasion, specific staffing levels and officer placement are influenced by City of Dover Ordinances and unique circumstances identified by the City of Dover Council regarding zoning approval for individual establishments and land parcels.

F. (Chief Bernat requested this addition) Major re-occurring special events within the City of Dover may involve more defined and detailed staffing and planning processes that may be outlined in a memorandum of understanding at the discretion of the Chief of Police or his designee.
Recommendation of Controller/Treasurer – Any separate agreements must adhere to the requirements of the Extra Duty Revenue/Voluntary Overtime Policy and all other City of Dover personnel and financial policies and procedures as promulgated by the City Council, City Manager, or Controller Treasurer.

V. PAYMENT METHODS

Billing and processing for all extra duty accounts will be handled in accordance with current City of Dover finance policies.

A. Non-Recurring permits

Employers who are using the extra duty services one time, or are determined by the Extra Duty Coordinator as a high risk customer, must pay for services before the assignment commences.

Officers can work additional hours with permission granted by the shift commander or extra duty coordinator. If this should occur, the extra duty employer must pay the additional charges on the next business day to the Extra Duty Coordinator. To prevent this, the employer may pay for extra hours and if unused, will be reimbursed.

No officer is allowed to accept monies from an extra duty employer.

B. ~~Extra Duty for~~ City Sponsored Events

The cost of police personnel to maintain safety for the actual event, those officers assigned to traffic and/or crowd control, will be absorbed by the City of Dover.

Controller Recommendation – City sponsored events will be staffed by officers scheduled during the hours of the event. For events that required additional staffing levels, regular overtime will be schedule and paid to those officers that actually work overtime.

C. Extra Duty for Non City Sponsored Events

The Extra Duty Coordinator will schedule officers to work non-city sponsored events. The expense associated with this extra duty will be the responsibility of the event organizers. The Coordinator may also arrange for additional requests for police services, such as money escorts or overnight security.

VI. REPORTING PROCEDURES

The officer may elect to go directly to the job site and report to the point of contact identified on the assignment worksheet. That contact (or his/her designee) will be responsible for completing the time-on-duty and time-off-duty sections, along with the Extra Duty Employer section of the assignment worksheet. If the officer elects to do this, he/she must contact the on-duty Shift Supervisor by telephone to be input into the CAD system.

VII. FAILURE TO APPEAR FOR EXTRA DUTY

An employer, upon realizing that the officer failed to appear, should notify the extra duty coordinator at (302)- 736-7145 immediately and also call the on duty shift commander at (302)736-7111.

VIII. CANCELLATIONS OF EXTRA DUTY

A. Extra duty assignments will not be canceled less than one hour prior to the scheduled start time, except as authorized by a Unit or Division Commander, during regular duty hours, or after regular duty hours, the On-Call Lieutenant.

B. In the case of a departmental need or community emergency, the Chief of Police or designee may cancel any extra duties assignments. The extra duty officers would then be immediately available for service to the department.

IX. PROCEDURE FOR CANCELLATIONS OF EXTRA DUTY ASSIGNMENTS NOTIFICATIONS

A. Cancellations by the extra duty employer should be made at least one hour before the time the assignment is scheduled to begin. If cancellation is made in less than an hour (with the exception of a natural disaster) the customer will be charged and the assigned officers will be paid a minimum of 3 hours as per the FOP Union contract. When an extra duty assignment is canceled by an extra duty employer the following procedure will be followed:

1. The person who receives the cancellation notice will document in the extra duty book, the date and time the cancellation call was received, and they will initial next to this entry.

2. The person will then notify the officer who had signed up for the extra duty assignment.

    a. This notification will be by leaving the officer a voice mail message stating the particular extra duty assignment was canceled.

    b. If the cancellation notice was received after normal working hours and the assignment is for the next business day the person receiving the notification will comply with the above steps but they will also attempt to contact the officer at the officer's residence.

3. The person's initials next to the entry will signify that his person did in fact notify the officer.

B. When an extra duty assignment is canceled for inclement weather the following procedure will be followed:

1. The officer who has signed up for the extra duty assignment will be responsible for contacting the On Duty Supervisor at least one (1) hour prior to the start of the extra duty assignment. The On Duty Supervisor will make the determination if an extra duty assignment will be canceled due to inclement weather at this time.

2. If extra duty assignments are going to be canceled due to inclement weather in advance of the assignment, the officer making the decision to cancel the assignment will ensure that the officers are notified in advance if possible. (ie: leaving the officer a message at his residence if possible, if not then a voice mail message)

3. Officers are required to check their voicemail one (1) hour prior to the scheduled start time of all assignments unless notified previously.

C. A phone message will be left for the Extra Duty Coordinator advising of the cancellation and that the officer(s) were in fact notified.

D. Some extra duty assignments will be canceled regularly due to inclement weather where others such as grant-related extra duty assignments are generally not canceled for inclement weather, unless such weather is severe. Officers are expected to be prepared to adapt to existing weather conditions.

X. DISCONTINUATION OF SERVICE

If the Chief of Police or his designee or the Extra Duty Coordinator, determines that it is in the best interest of the department to discontinue an extra duty service, the customer employer will be immediately notified.

XI. BILLING POLICY

A. Billing rates for Fiscal Year 2015 are as indicated in Attachment 4.

B. Officers pay rates for extra duty assignments, regardless of type, are governed by the Collective Bargaining Agreement.

C. The City of Dover will pay the officers wages as well as pay for worker's compensation and general liability insurance, administrative resource costs, automobile fuel, maintenance and insurance. An overhead rate is added to the contractual Extra Duty rate to cover these cost.

D. Officers working an extra-duty assignment will be paid a 3-hour minimum. If the assignment is not canceled according to policy, or if the officer is released from the assignment less than 3 hours from the start time, he/she will receive three (3) hours pay at the extra duty rate.

E. If an officer is late to the assignment for any reason, the officer will be paid only for actual hours worked.

F. Officers are held strictly accountable for their extra duty assignment worksheets, as this is the source document by which officers are paid. The customer or designee must sign the worksheet upon completion of the assignment. For large assignments, the customer must sign the master worksheet that covers all the officers on that assignment. Officers will be compensated for extra duty assignments during the pay period in which the worksheet is submitted to payroll.

G. If an officer must work additional hours on an extra duty assignment, the customer is responsible for payment of the additional costs, as long as the overage is due to the extra duty assignment and is necessary.

H. At the conclusion of the extra duty assignment, the officer should place the assignment worksheet in the payroll mailbox, but no later than the officer's next scheduled workday.

Loss of an extra duty assignment worksheet may result in a delay of payment to the officer, or may cause the officer to forfeit pay. Reproduction of assignment worksheets

may be done with the approval of the Extra Duty Coordinator. The officer will have sole responsibility for obtaining the proper signatures/dates/times. All employees working extra duty are required to submit accurate assignment worksheets. The accuracy of these assignment sheets is critical in ensuring appropriate employee compensation. The employee's signature must match the printed name of the employee assigned the duty. The editing of extra duty worksheets by the employee is permitted for the purpose of adding accurate information.

G. Any officer who falsifies any portion of the extra duty assignment worksheet will be subject to discipline under General Order 26, Code of Conduct.

XII. WORKERS' COMPENSATION/LIABILITY

The City of Dover is self- insured for general liability and statutory workers' compensation coverage. Police officers assigned to extra duty work are afforded workers compensation coverage.

XIII. EFFECTIVE DATE

This Procedure shall become effective upon adoption of City Council. Rates will be reviewed on an annual basis and revised upon Council approval during the adoption of the annual budget.

Attachment 1

NOTICE TO CUSTOMERS

The officers are at all times subject to the policies and procedures of the City of Dover and the rules and regulations governing employees of the Dover Police Department (DPD). A customer has no authority over police personnel and is restricted to providing only a general assignment of duties to be performed by the officer. Those duties never supersede DPD policy or procedures and employers of the extra duty officers should so be advised. Extra duty officers remain under the exclusive control of the department and accountable for strict adherence to departmental rules and regulations. Any conflicting rules of employers of extra duty officers will be disregarded. The officer shall refuse to perform any duties deemed to be in conflict with the guidelines established by the Dover Police Department. As determined by the Department, officers may be recalled from extra duty to on-duty status.

This permit is for Law Enforcement work only and does not exempt customers from obtaining other necessary permits for this event.

The City of Dover Police Department is NOT obligated to provide extra duty services. A permit will not be issued to any person, firm, or organization whose offices, members, business, or operations are questionable or for any event of a potentially compromising nature.

Dover Police Department officers are NOT permitted to receive cash from customers for any reason whatsoever.

The undersigned customer agrees, individually and on behalf of the named applicant, to promptly pay for extra duty services rendered. Further, the undersigned agrees, individually and on behalf of the named applicant to pay all costs, expenses and attorney's fees incurred in the collection of any sums due hereunder.

Paul M. Bernat.
Chief of Police

I have read and understand the "Extra Duty Conditions of Permit" and "Notice To Customers"

_____

Customer-Individually and as Authorized Representative Date

_____

Federal ID

Attachment 2

DOVER POLICE DEPARTMENT
BILLING INFORMATION FORM

TO: DEPARTMENT OF FINANCE

FROM: Dover Police Department **Date:** 5/8/14

THIS SECTION TO BE COMPLETED BY THE FINANCE DEPARTMENT	**PLEASE BILL AS FOLLOWS**		
	TYPE OF ACCOUNT	**CODE**	**ACCOUNT NUMBER**

THIS SECTION TO BE COMPLETED BY THE OPERATING DEPARTMENT

VENDOR:

WORK DONE ON:

LOCATION: As Requested

DESCRIPTION OF WORK DONE: Police services

 # HOURS:

DETAIL OF CHARGES

LABOR:

OVERHEAD:

VEHICLE:

TOTAL BILL:

MANUAL PAYMENT INTRUCTIONS: Take this invoice to the City of Dover Customer Services Department located at 5 East Reed Street, Dover DE 19901. *Only cash, money order or certified funds payments will be accepted*.

AUTHORIZED SIGNATURE

FINANCE DEPARTMENT

RECEIVED BY _____ **RECEIVED ON** _____

KEYED BY _____ **VERIFIED BY** _____

Attachment 3

Dover Police Department Extra Duty Request Form

Type of Event: _____

Number of people attending: _____

Location of event: _____

Dates & Times Requested: _____

Billing Information:

Name: _____

Address: _____

Phone #'s: Cell #_____ Work #_____

Contact person at the event: _____

Contact person cell #: _____

Person(s) requesting officer(s): _____

Signature of requesting person: _____

The responsible party will be charged a 3-hour minimum (per officer) if the assignment is not canceled one (1) hour before the assigned start time. If the officer(s) are released from the assignment less than three (3) hours from the start time, he/she will receive three (3) hours pay. To cancel an assignment, dial (302) 736-7111.

Official use only, do not write below

Number of officers assigned: _____

Times officers assigned: _____to_____

Approved: _____

Return this form or fax it to: Special Enforcement Unit Commander.
Fax # (302) 672-1842, any additional questions, dial (302) 736-7145

Attachment 4

City of Dover			
Officer Extra Duty Billing Rates for Grant Related Events			
	Officer		
	Billing		
Rank	Rate		
Patrolman	$42.00		
Patrolman 1st Class	$51.00		
Corporal	$55.00		
Master Corporal	$65.00		
Sergeant	$72.00		
Lieutenant	$78.00		
Captain	$85.00		
Officer Extra Duty Billing Rates for Office of Highway Safety Grants			
Federal Approved Rate			$50.00

City of Dover			
Officer Extra Duty Billing Rates for Special Events (Spectator's over 5,000)			
	Officer		Total
	Billing	Overhead	Hourly
Rank	Rate	Rate	Rate
Special Event Rate	$57.00	$2.00	$59.00

City of Dover			
Officer Extra Duty Billing Rates for Non-Special Events			
	Officer		Total
	Billing	Overhead	Hourly
Rank	Rate	Rate	Rate
Extra Duty Rate	$57.00	$6.00	$63.00
Vehicles Actively Used on Extra Duty Jobs - Hourly Rate			$ 16.25