LEGISLATIVE, FINANCE, AND ADMINISTRATION COMMITTEE
A G E N D A

JUNE 11, 2012 - 5:30 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. Proposed 15% Healthcare Premium Cost Sharing Arrangement - Non-Bargaining Only *(Referred Back to Staff by City Council on May 29, 2012 for Further Evaluation)*

2. Review and Recommendation - Filling Critical Positions - Library Clerk II - Dover Public Library

3. Proposed Ordinances
   A. Ordinance #2012-10 - Amending Chapter 1 - General Provisions, Section 1-13 - Denial of Permits or Approvals for Failure to Comply with Requirements for Payment, Actions, or Filings (Clean Hands) With CA-#1 through #4 *(Referred to Committee by City Council on May 14, 2012; Deferred by Council Committee of the Whole on May 29, 2012)*
   B. Ordinance #2012-17 - Amending Chapter 26 - Businesses, Article I - In General, Section 26-1 - Sale of Dangerous Substances

4. Reduced Rates for All-Electric Homes in December, January, and February *(Requested by Ted George During Open Forum at Council)*

5. Elimination of Pay For Performance *(Anderson/Hutchison)*

6. Adjournment by 7:00 P.M.

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

Memorandum

Office of the City Manager
PO Box 475
Dover, DE 19903
Phone: (302) 736-7005
FAX: (302) 736-7002
E-mail: skoenig@dover.de.us

To: **Members of Legislative, Finance & Administration Committee**

From: **Scott D. Koenig, P.E.**
City Manager

Date: **June 7, 2012**

Subject: **Health Insurance Premiums for Non-Bargaining Employees**

During the Council Committee of the Whole meeting on Tuesday, May 29, 2012, a motion was made to refer the issue of a 15% cost sharing contribution for all non-bargaining employees back to the City Manager for further consideration. Attached are eight (8) different cost sharing scenarios as described, as well as, the estimated annualized savings to the City if the scenario were to be implemented for non-bargaining employees:

1) HB81	$ 44,973
2) Premiums Based Upon First State Basic	$ 46,547
3) Stepped Percentage (10, 15, 18 & 20)	$ 58,057
4) Stepped Percentage (10, 15, 20 & 20)	$ 60,170
5) 15% Across the Board (City Manager's Preferred Option)	$ 66,559
6) Stepped Percentage (12, 15, 18 & 21)	$ 66,724
7) Stepped Percentage (10, 15, 20 & 25)	$ 66,835
8) Additional 15% to All Current Percentages	$ 114,554

I also held a meeting on Monday, June 4, 2012 with a group of approximately thirteen (13) non-bargaining employees to receive their ideas and feedback on the City Manager's original 15% Across the Board proposal. Several revenue generating proposals were put forth by staff that could be implemented to generate additional revenue for the city. The employees also expressed a number of concerns that I would like the opportunity to relay to the committee during a brief verbal update to the committee on Monday night. I am therefore requesting a few minutes at the podium to further express their concerns to the committee.

Attachments:
-8 Cost Sharing Scenarios
-Other Postemployment Benefit GASB 45 Actuarial Valuation (June 30, 2012)
-Committee Action Form with Non-Bargaining Health Insurance Analysis presented at the May 21, 2012 Legislative, Finance and Administration Committee meeting

Non-Bargaining Health Insurance Analysis
HB81

PPO	Number of Non-bargaining Members	Total FY12 Monthly Rate	Current Employee Contribution FY12	Monthly Contribution from All Employees	Current Contribution Percentage	Proposed %	Additional Percentage	Employee Contribution FY13	Monthly Contribution from All Employees	Add't Monthly Premium from Each Employee
Employee	42	619.53	0.00	0.00	0	13.25%	13.25%	82.09	3,447.68	82.09
Child	12	953.35	83.46	1,001.52	8.75%	13.25%	4.50%	126.32	1,515.83	42.86
Spouse	5	1,282.69	165.80	829.00	12.93%	13.25%	0.32%	169.96	849.78	4.16
Family	6	1,602.88	245.84	1,475.04	15.34%	13.25%	-2.09%	212.38	1,274.29	-33.46
Blue Care										
Employee	8	567.24	0.00	0.00	0	6.50%	6.50%	36.87	294.96	36.87
Child	2	866.45	74.80	149.60	8.63%	6.50%	-2.13%	56.32	112.64	-18.48
Spouse	1	1,195.73	157.12	157.12	13.14%	6.50%	-6.64%	77.72	77.72	-79.40
Family	1	1,491.20	231.00	231.00	15.49%	6.50%	-8.99%	96.93	96.93	-134.07
Aetna										
Employee	0	566.78	0.00	0.00	0.00%	6.50%	6.50%	36.84	0.00	36.84
Child	0	865.59	74.70	0.00	8.63%	6.50%	-2.13%	56.26	0.00	-18.44
Spouse	1	1,191.97	156.30	156.30	13.11%	6.50%	-6.61%	77.48	77.48	-78.82
Family	0	1,486.67	229.98	0.00	15.47%	6.50%	-8.97%	96.63	0.00	-133.35
	78			3,999.58					7,747.31	
						Monthly Difference			3,747.73	
						Yearly Difference			44,972.81	

Non-Bargaining Health Insurance Analysis
Premiums Based Upon First State Basic

PPO	Number of Non-bargaining Members	Total FY12 Monthly Rate	Current Employee Contribution FY12	Monthly Contribution from All Employees	Current Contribution Percentage	Proposed %	Additional Percentage	Employee Contribution FY13	Monthly Contribution from All Employees	Add't Monthly Premium from Each Employee
Employee	42	619.53	0.00	0.00	0	12.35%	12.35%	76.54	3,214.68	76.54
Child	12	953.35	83.46	1,001.52	8.75%	10.76%	2.01%	102.59	1,231.08	19.13
Spouse	5	1,282.69	165.80	829.00	12.93%	14.42%	1.49%	184.93	924.65	19.13
Family	6	1,602.88	245.84	1,475.04	15.34%	16.53%	1.19%	264.97	1,589.82	19.13
Blue Care										
Employee	8	567.24	0.00	0.00	0	4.28%	4.28%	24.25	194.00	24.25
Child	2	866.45	74.80	149.60	8.63%	9.33%	0.70%	80.87	161.74	6.07
Spouse	1	1,195.73	157.12	157.12	13.14%	13.65%	0.51%	163.19	163.19	6.07
Family	1	1,491.20	231.00	231.00	15.49%	15.90%	0.41%	237.05	237.05	6.05
Aetna										
Employee	0	566.78	0.00	0.00	0.00%	4.20%	4.20%	23.79	0.00	23.79
Child	0	865.59	74.70	0.00	8.63%	9.32%	0.69%	80.65	0.00	5.95
Spouse	1	1,191.97	156.30	156.30	13.11%	13.61%	0.50%	162.25	162.25	5.95
Family	0	1,486.67	229.98	0.00	15.47%	15.87%	0.40%	235.92	0.00	5.94
	78			3,999.58					7,878.46	
						Monthly Difference			3,878.88	
						Yearly Difference			46,546.56	

Non-Bargaining Health Insurance Analysis

PPO	Number of Non-bargaining Members	Total FY12 Monthly Rate	Current Employee Contribution FY12	Monthly Contribution from All Employees	Current Contribution Percentage	Proposed %	Additional Percentage	Employee Contribution FY13	Monthly Contribution from All Employees	Add't Monthly Premium from Each Employee
Employee	42	619.53	0.00	0.00	0	10.00%	10.00%	61.95	2,602.03	61.95
Child	12	953.35	83.46	1,001.52	8.75%	15.00%	6.25%	143.00	1,716.03	59.54
Spouse	5	1,282.69	165.80	829.00	12.93%	18.00%	5.07%	230.88	1,154.42	65.08
Family	6	1,602.88	245.84	1,475.04	15.34%	20.00%	4.66%	320.58	1,923.46	74.74
Blue Care										
Employee	8	567.24	0.00	0.00	0	10.00%	10.00%	56.72	453.79	56.72
Child	2	866.45	74.80	149.60	8.63%	15.00%	6.37%	129.97	259.94	55.17
Spouse	1	1,195.73	157.12	157.12	13.14%	18.00%	4.86%	215.23	215.23	58.11
Family	1	1,491.20	231.00	231.00	15.49%	20.00%	4.51%	298.24	298.24	67.24
Aetna										
Employee	0	566.78	0.00	0.00	0.00%	10.00%	10.00%	56.68	0.00	56.68
Child	0	865.59	74.70	0.00	8.63%	15.00%	6.37%	129.84	0.00	55.14
Spouse	1	1,191.97	156.30	156.30	13.11%	18.00%	4.89%	214.55	214.55	58.25
Family	0	1,486.67	229.98	0.00	15.47%	20.00%	4.53%	297.33	0.00	67.35
	78			3,999.58					8,837.69	
						Monthly Difference			4,838.11	
						Yearly Difference			58,057.27	

Non-Bargaining Health Insurance Analysis

PPO	Number of Non-bargaining Members	Total FY12 Monthly Rate	Current Employee Contribution FY12	Monthly Contribution from All Employees	Current Contribution Percentage	Proposed %	Additional Percentage	Employee Contribution FY13	Monthly Contribution from All Employees	Add't Monthly Premium from Each Employee
Employee	42	619.53	0.00	0.00	0	10.00%	10.00%	61.95	2,602.03	61.95
Child	12	953.35	83.46	1,001.52	8.75%	15.00%	6.25%	143.00	1,716.03	59.54
Spouse	5	1,282.69	165.80	829.00	12.93%	20.00%	7.07%	256.54	1,282.69	90.74
Family	6	1,602.88	245.84	1,475.04	15.34%	20.00%	4.66%	320.58	1,923.46	74.74
Blue Care										
Employee	8	567.24	0.00	0.00	0	10.00%	10.00%	56.72	453.79	56.72
Child	2	866.45	74.80	149.60	8.63%	15.00%	6.37%	129.97	259.94	55.17
Spouse	1	1,195.73	157.12	157.12	13.14%	20.00%	6.86%	239.15	239.15	82.03
Family	1	1,491.20	231.00	231.00	15.49%	20.00%	4.51%	298.24	298.24	67.24
Aetna										
Employee	0	566.78	0.00	0.00	0.00%	10.00%	10.00%	56.68	0.00	56.68
Child	0	865.59	74.70	0.00	8.63%	15.00%	6.37%	129.84	0.00	55.14
Spouse	1	1,191.97	156.30	156.30	13.11%	20.00%	6.89%	238.39	238.39	82.09
Family	0	1,486.67	229.98	0.00	15.47%	20.00%	4.53%	297.33	0.00	67.35
	78			3,999.58					9,013.71	
						Monthly Difference			5,014.13	
						Yearly Difference			60,169.55	

Non-Bargaining Health Insurance Analysis

PPO	Number of Non-bargaining Members	Total FY12 Monthly Rate	Current Employee Contribution FY12	Monthly Contribution from All Employees	Current Contribution Percentage	Proposed %	Additional Percentage	Employee Contribution FY13	Monthly Contribution from All Employees	Add't Monthly Premium from Each Employee
Employee	42	619.53	0.00	0.00	0	15.00%	15.00%	92.93	3,903.04	92.93
Child	12	953.35	83.46	1,001.52	8.75%	15.00%	6.25%	143.00	1,716.03	59.54
Spouse	5	1,282.69	165.80	829.00	12.93%	15.00%	2.07%	192.40	962.02	26.60
Family	6	1,602.88	245.84	1,475.04	15.34%	15.00%	-0.34%	240.43	1,442.59	-5.41
Blue Care										
Employee	8	567.24	0.00	0.00	0	15.00%	15.00%	85.09	680.69	85.09
Child	2	866.45	74.80	149.60	8.63%	15.00%	6.37%	129.97	259.94	55.17
Spouse	1	1,195.73	157.12	157.12	13.14%	15.00%	1.86%	179.36	179.36	22.24
Family	1	1,491.20	231.00	231.00	15.49%	15.00%	-0.49%	223.68	223.68	-7.32
Aetna										
Employee	0	566.78	0.00	0.00	0.00%	15.00%	15.00%	85.02	0.00	85.02
Child	0	865.59	74.70	0.00	8.63%	15.00%	6.37%	129.84	0.00	55.14
Spouse	1	1,191.97	156.30	156.30	13.11%	15.00%	1.89%	178.80	178.80	22.50
Family	0	1,486.67	229.98	0.00	15.47%	15.00%	-0.47%	223.00	0.00	-6.98
	78			3,999.58					9,546.14	
						Monthly Difference			5,546.56	
						Yearly Difference			66,558.68	

Non-Bargaining Health Insurance Analysis

PPO	Number of Non-bargaining Members	Total FY12 Monthly Rate	Current Employee Contribution FY12	Monthly Contribution from All Employees	Current Contribution Percentage	Proposed %	Additional Percentage	Employee Contribution FY13	Monthly Contribution from All Employees	Add't Monthly Premium from Each Employee
Employee	42	619.53	0.00	0.00	0	12.00%	12.00%	74.34	3,122.43	74.34
Child	12	953.35	83.46	1,001.52	8.75%	15.00%	6.25%	143.00	1,716.03	59.54
Spouse	5	1,282.69	165.80	829.00	12.93%	18.00%	5.07%	230.88	1,154.42	65.08
Family	6	1,602.88	245.84	1,475.04	15.34%	21.00%	5.66%	336.60	2,019.63	90.76
Blue Care										
Employee	8	567.24	0.00	0.00	0	12.00%	12.00%	68.07	544.55	68.07
Child	2	866.45	74.80	149.60	8.63%	15.00%	6.37%	129.97	259.94	55.17
Spouse	1	1,195.73	157.12	157.12	13.14%	18.00%	4.86%	215.23	215.23	58.11
Family	1	1,491.20	231.00	231.00	15.49%	21.00%	5.51%	313.15	313.15	82.15
Aetna										
Employee	0	566.78	0.00	0.00	0.00%	12.00%	12.00%	68.01	0.00	68.01
Child	0	865.59	74.70	0.00	8.63%	15.00%	6.37%	129.84	0.00	55.14
Spouse	1	1,191.97	156.30	156.30	13.11%	18.00%	4.89%	214.55	214.55	58.25
Family	0	1,486.67	229.98	0.00	15.47%	21.00%	5.53%	312.20	0.00	82.22
	78			3,999.58					9,559.93	
						Monthly Difference			5,560.35	
						Yearly Difference			66,724.25	

Non-Bargaining Health Insurance Analysis

PPO	Number of Non-bargaining Members	Total FY12 Monthly Rate	Current Employee Contribution FY12	Monthly Contribution from All Employees	Current Contribution Percentage	Proposed %	Additional Percentage	Employee Contribution FY13	Monthly Contribution from All Employees	Add't Monthly Premium from Each Employee
Employee	42	619.53	0.00	0.00	0	10.00%	10.00%	61.95	2,602.03	61.95
Child	12	953.35	83.46	1,001.52	8.75%	15.00%	6.25%	143.00	1,716.03	59.54
Spouse	5	1,282.69	165.80	829.00	12.93%	20.00%	7.07%	256.54	1,282.69	90.74
Family	6	1,602.88	245.84	1,475.04	15.34%	25.00%	9.66%	400.72	2,404.32	154.88
Blue Care										
Employee	8	567.24	0.00	0.00	0	10.00%	10.00%	56.72	453.79	56.72
Child	2	866.45	74.80	149.60	8.63%	15.00%	6.37%	129.97	259.94	55.17
Spouse	1	1,195.73	157.12	157.12	13.14%	20.00%	6.86%	239.15	239.15	82.03
Family	1	1,491.20	231.00	231.00	15.49%	25.00%	9.51%	372.80	372.80	141.80
Aetna										
Employee	0	566.78	0.00	0.00	0.00%	10.00%	10.00%	56.68	0.00	56.68
Child	0	865.59	74.70	0.00	8.63%	15.00%	6.37%	129.84	0.00	55.14
Spouse	1	1,191.97	156.30	156.30	13.11%	20.00%	6.89%	238.39	238.39	82.09
Family	0	1,486.67	229.98	0.00	15.47%	25.00%	9.53%	371.67	0.00	141.69
	78			3,999.58					9,569.13	
						Monthly Difference			5,569.55	
						Yearly Difference			66,834.64	

Non-Bargaining Health Insurance Analysis

PPO	Number of Non-bargaining Members	Total FY12 Monthly Rate	Current Employee Contribution FY12	Monthly Contribution from All Employees	Current Contribution Percentage		Proposed %	Employee Contribution FY13	Monthly Contribution from All Employees	Add't Monthly Premium from Each Employee
Employee	42	619.53	0.00	0.00	0	15	15.00%	92.93	3,903.04	92.93
Child	12	953.35	83.46	1,001.52	8.75%	15.00%	23.75%	226.46	2,717.55	143.00
Spouse	5	1,282.69	165.80	829.00	12.93%	15.00%	27.93%	358.20	1,791.02	192.40
Family	6	1,602.88	245.84	1,475.04	15.34%	15.00%	30.34%	486.27	2,917.63	240.43
Blue Care										
Employee	8	567.24	0.00	0.00	0	15	15.00%	85.09	680.69	85.09
Child	2	866.45	74.80	149.60	8.63%	15.00%	23.63%	204.77	409.54	129.97
Spouse	1	1,195.73	157.12	157.12	13.14%	15.00%	28.14%	336.48	336.48	179.36
Family	1	1,491.20	231.00	231.00	15.49%	15.00%	30.49%	454.68	454.68	223.68
Aetna										
Employee	0	566.78	0.00	0.00	0.00%	15.00%	15.00%	85.02	0.00	85.02
Child	0	865.59	74.70	0.00	8.63%	15.00%	23.63%	204.54	0.00	129.84
Spouse	1	1,191.97	156.30	156.30	13.11%	15.00%	28.11%	335.10	335.10	178.80
Family	0	1,486.67	229.98	0.00	15.47%	15.00%	30.47%	452.98	0.00	223.00
	78			3,999.58					13,545.72	
							Monthly Difference		9,546.14	
							Yearly Difference		114,553.64	

CITY OF DOVER, DELAWARE

Other Postemployment Benefit GASB 45 Actuarial Valuation

Annual Required Contribution For Fiscal Year Ending June 30, 2012

	(110) General Fund	(412) Water Fund	(480) Electric Fund	Total
Actuarial Accrued Liability	$60,502,000	$5,389,000	$17,550,000	$83,441,000
Market Value of Assets	3,384,884	619,826	3,043,277	7,047,987
Unfunded Liability	57,117,116	4,769,174	14,506,723	76,393,013
Normal Cost	$2,093,000	$151,000	$199,000	$2,443,000
Amortization Payment	3,612,819	301,664	917,591	4,832,074
Interest at 5.20%	296,703	23,539	58,063	378,305
Annual Required Contribution	6,002,522	476,203	1,174,654	7,653,379

Annual OPEB Cost For Fiscal Year Ending June 30, 2012

Net OPEB Obligation BOY	$7,825,389	$575,388	$179,654	$8,580,431
Annual Required Contribution	6,002,522	476,203	1,174,654	7,653,379
Interest on Net OPEB Obligatior	406,920	29,920	9,342	446,182
Adjustment to ARC	(520,717)	(38,287)	(11,955)	(570,959)
Annual OPEB Cost	5,888,725	467,836	1,172,041	7,528,602

The ARC is based on a discount rae of 5.2% and a 30-year amortization (open) of the unfunded liability.

ACTION FORM

PROCEEDING: Legislative, Finance and Administration Committee
DEPARTMENT OF ORIGIN: City Manager **DATE SUBMITTED**: 05/18/2012
PREPARED BY: Scott Koenig, P.E., City Manager
SUBJECT: Health Insurance Premiums for Non-bargaining Employees
RELATED PROJECT: Health Benefit Committee and Budget
REVIEWED BY: Donna Mitchell, Controller
TIME TIMETABLE: Effective July 1, 2012 (Proposed)
RECOMMENDED ACTION: Accept the City Manager's recommendation to implement a 15% cost sharing contribution for all non-bargaining employees across all plans and tiers of health care coverage effective July 1, 2012. The 15% cost sharing contribution would follow the employee into retirement once implemented.

BACKGROUND AND ANALYSIS

The Fiscal Year 2012-2013 budget expense for health care coverage for all active city employees is $3,195,200. In an attempt to offset and manage the rising cost of health care coverage, the City Manager's proposed Fiscal Year 2012-2013 Operating Budget includes a 15% across-the-board cost sharing proposal for all employees. The budget proposal states that beginning July 1, 2012; all employees would contribute 15% of the health care premium for the specific plan and tier which they select. The employees who are covered by collective bargaining agreements would fall under the terms of those negotiated contracts once the negotiations are concluded. The City Council has direct responsibility for the non-bargaining employees; therefore, the City Manager's has put forth this proposal through this Committee Action Form for Council's consideration. Under the City Manager's proposal, all non-bargaining employees would be required to contribute 15% of the total monthly health insurance coverage premium for the plan and tier they select, beginning July 1, 2012. Currently, individual coverage is provided at no cost to employees and dependent coverage is 25% paid by employee and 75% by the City. Based upon the health coverage rates for Fiscal Year 2012-2013 and the health care enrollment schedule as of January 2012, the projected annual savings resulting from the implementation of a 15% across-the-board cost sharing arrangement for all non-bargaining employees is estimated at approximately $66,500.

Once implemented, the 15% cost sharing contribution would follow the non-bargaining employee into retirement. To clarify, a non-bargaining employee begins contributing 15% of the total monthly health insurance coverage premium on July 1, 2012. On December 1, 2012 the employee elects to retire. The employee would continue to pay 15% of the total monthly health insurance premium throughout their retirement. This recommendation would not affect anyone who is considered a non-bargaining retiree as of June 30, 2012.

The following table identifies the financial impact of this proposal based on the type of coverage the employee may select. The maximum impact is $92.93 per month for employees who select the employee only tier of the PPO plan. Employees who have selected the family tier of any of the plan will see a slight decrease in the monthly premiums.

Non-Bargaining Health Insurance Analysis

PPO	Number of Non-bargaining Members	Total FY12 Monthly Rate	Current Employee Contribution FY12	Monthly Contribution from All Employees	Current Contribution Percentage	Proposed %	Employee Contribution FY13	Monthly Contribution from All Employees	Add't Monthly Premium from Each Employee
Employee	42	619.53	0.00	0.00	0	15.00%	92.93	3,903.04	92.93
Child	12	953.35	83.46	1,001.52	8.75%	15.00%	143.00	1,716.03	59.54
Spouse	5	1,282.69	165.80	829.00	12.93%	15.00%	192.40	962.02	26.60
Family	6	1,602.88	245.84	1,475.04	15.34%	15.00%	240.43	1,442.59	-5.41
Blue Care									
Employee	8	567.24	0.00	0.00	0	15.00%	85.09	680.69	85.09
Child	2	866.45	74.80	149.60	8.63%	15.00%	129.97	259.94	55.17
Spouse	1	1,195.73	157.12	157.12	13.14%	15.00%	179.36	179.36	22.24
Family	1	1,491.20	231.00	231.00	15.49%	15.00%	223.68	223.68	-7.32
Aetna									
Employee	0	566.78	0.00	0.00	0.00%	15.00%	85.02	0.00	85.02
Child	0	865.59	74.70	0.00	8.63%	15.00%	129.84	0.00	55.14
Spouse	1	1,191.97	156.30	156.30	13.11%	15.00%	178.80	178.80	22.50
Family	0	1,486.67	229.98	0.00	15.47%	15.00%	223.00	0.00	-6.98
	78			3,999.58				9,546.14	
						Monthly Difference		5,546.56	
						Yearly Difference		66,558.68	

Permission to Recruit

To: City Manager Date: 06/04/12

From: Margie Cyr, Library Director

Permission to recruit: 1 (number)

Type of Position: XX PF PP TF TP (circle one)

Title of Position: Library Clerk II

Start employment on: 08/01/12

Opening is due to:

Termination, Transfer, Promotion, Other Retirement
(circle one) (explain)

Diane Faircloth
(Name of previous employee)

Type of recruitment desired:

All out-of-house job postings will be advertised/announced in the Delaware State News, Dover Post, News Journal and the Air Lifter, Dover website, DoverTV, and other general recruitment sites.

Please indicate additional websites or professional organizations:

_____

_____

_____

_____

Department Head

☑ APPROVED ☐ DENIED

Scott D. Koenig
City Manager

P: Human Resources/Recruitment/Permission to Recruit

Hiring Justification Outline: Library Clerk II

1. Explain the principal function of this job.

   The principal function of this job is to provide customer service to library visitors; to perform tasks that ensure library customers have access to library materials; and assisting librarians in the planning and implementation of enrichment/learning programs for children and teens. For example: assisting customers with locating materials that support homework, formal educational programs and recreational reading; and creating programs such as storytimes for children and book discussions for teens.

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

   This position has been vacant since the retirement of the incumbent more than a year ago. Since that time, the children's services desk has been unstaffed 20 hours each week. When possible, staff from the Technical Services Dept have been assigned to work this desk. Existing children's services staff have reduced the amount of enrichment programming for children because their hours have been stretched thinner attempting to cover the hours left vacant on this public services desk.

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

   Library services to children and teens will remain at a reduced level. The public services desk will remain unstaffed and there will be no assistance for customers seeking help. When the TS staff is working on the Children's desk, the work of processing incoming new materials cannot be done. The Library will not be able to fulfill its mission.

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

   Existing children's, teen and TS services staff cannot continue to attempt to complete their own work assignments and fill in for other staff at the same time. Customer services desks must be staffed.

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

   No.

6. Can one or more existing employees absorb the duties of this position?

   No

7. Could a temporary person be hired to fill this position for 60 days?

   60 days is needed for training on specialized software, library policies and customer service expectations.

8. Grade/Salary Information

   Grade 13, Step A / $13.18 per hour / $27,435 annual salary / full-time position

City of Dover

Wage and Benefit Information for Employee Hiring and Transfers

Department/Division Originating Request Parks, Recreation & Library

Date 22-May-12

(Form has been developed to handle multiple departments/multiple funds to cover allocated departments and funding sources)

Current Positions	Current Grade/Step	Separation Date *	Wages Budgeted	Benefits Budgeted	Annual Wages & Benefits	% Year Wages Paid	# Mos. Benefits Paid	To Date Wages Paid	To Date Benefits Paid	Lump Sum Wages & Benefits Paid	Paid To Date (I, J, K)	Current Fiscal Year Balance	Remarks
Position(s)													
Totals					**$0.00**						-	**$0.00**	

Replacement/ Transfer Position	Proposed Grade/Step	Projected Hire Date	Estimated Wages	Estimated Benefits	Estimated Total Compensation	% Year Wages Needed	# Mos. Benefits Needed	Wages	Benefits			Estimated Amount Needed	Remarks
Position(s)													
Library Clerk II	13/A	8/1/12	27,435.00	12,810.00	40,245.00	100.0%	11	27,435.00	11,742.50			39,177.50	
Totals					**$40,245.00**							**$39,177.50**	
Balance					**($40,245.00)**							**($39,177.50)**	

Department Summary	Increase/ (Decrease)
Library	$39,177.50
Total	$39,177.50

Funding Source: (See below Fund Budget)	
General Fund	$39,177.50
Water/Wastewater Fund	0.00
Electric Fund	0.00
Grant Fund	0.00
Total	$39,177.50

Description of funding source
N/A
N/A
Describe
N/A

General Ledger Account
N/A
N/A
Account
N/A

Fund Budget - Increase/(Decrease)

Fund	Increase/ (Decrease)
General Fund	$39,177.50
Water/Wastewater Fund	0.00
Electric Fund	0.00
Grant Fund	0.00
Total	$39,177.50

Department/Division P,R & L		Department/Division		Department/Division	
Allocation %	Increase/ (Decrease)	Allocation %	Increase/ (Decrease)	Allocation %	Increase/ (Decrease)
100.0%	$39,177.50		-		-
0.0%	$0.00		-		-
0.0%	$0.00		-		-
0.0%	$0.00		-		-
Total	$39,177.50	Total	$0.00	Total	$0.00

Allocated Department percentages can be found in Budget Document, obtained from Finance or the City Manager's Office

CITY OF DOVER
COUNCIL AMENDMENT #1
TO ORDINANCE #2012-10

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

That Ordinance 2012-10 be amended by striking all references to 45 days and replacing them with 180 days:

ADOPTED: *

SYNOPSIS

The proposed language would change the application of the Ordinance to apply to outstanding Code violations unresolved for 6 months instead of 45 days.

Councilman Anderson's (author) Narrative:

I believe it is important to keep an important balance in the system. I supported a stronger and more consistent application of the Clean Hands Ordinance, but I want it to be the next to last tool in the box not the first. The law is intended to shake up those who have chronic delinquencies not cause widespread disruption.

45 days does not allow time for payment arrangements to work out. 45 days does not allow time to trace money paid in an escrow account that is not released or misapplied. 45 days does not allow time for someone hospitalized with a serious illness to get back on their feet or get disability. 45 days does not allow the average working person in most of this city to gather together money for a surprise sidewalk or sewer assessment which may run into thousands of dollars.

If we were all successful business people or highly paid public sector workers making 90, 100 thousand or more, a $2000 assessment would be a manageable hassle. For many of the people that I represent, a sudden $100 car repair is a real problem. A 2k to 4k sewer assessment payable in just a couple of months would be a crisis. That would be just unattainable unless they get a title loan or wait until their tax refund. They are not scofflaws. They are hardworking people who need the cooperation of government not to be ground under its boot.

I believe the time should be one 1 year before the ban kicks in, but I am willing to meet more than half way. 6 months would be adequate in most instances to achieve the balance we seek. I humbly and respectfully request your support ladies and gentlemen of Council for amendment 1.

CITY OF DOVER
COUNCIL AMENDMENT #2
TO ORDINANCE #2012-10

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

That Ordinance 2012-10 be amended by striking lines 23-31 in their entirety and inserting in lieu thereof the following:

Eligibility to receive city utilities or services. **No person, artificial entity, or owner of a one-half or greater interest in that artificial entity shall be eligible to receive any city services, utilities, permits, licenses, or approvals if that person, artificial entity, or owner of a one-half or greater interest in that artificial entity owes outstanding payments to the city; or if that person, artificial entity, or the owner of a one-half or greater interest in that artificial entity is responsible for documented violations of the Dover Code of Ordinances that have remained unresolved for more than 45 days. If the party, artificial entity, or owner of a one-half or greater interest in that artificial entity requesting city approval is current on some but not all obligations owed to the city, the request shall be denied until such time as the person, artificial entity, or owner of a one-half or greater interest in that artificial entity is current and in compliance with all city obligations.**

BE IT FURTHER ORDAINED:

That Ordinance 2012-10 be amended by removing the words "corporation of which they are principal" on line 53 and replacing them with "artificial entity of which they own one-half or more interest."

ADOPTED: *

SYNOPSIS

The proposed language would ensure that the inclusion of owners and/or members of corporations would apply to owners of a one-half or greater interest in the said corporation. It would ensure that members of non-profit boards and other minority owners in corporations would not be denied services or permits due to the delinquencies of that corporation.

Councilman Anderson's (author) Narrative:

Amendment 2 is important for several reasons. The synopsis says its intention well. The proposal as written would make anyone who serves on a non-profit board or is an officer or minority stockholder of a corporation liable for its debt to the city even though that person has no legal authority to compel the payment or may not have even known about the delinquency. It violates the sacred nature of a corporation or LLC that separates personal affairs and liabilities for the entities affairs and liabilities. Even worse by my reading of the original, an individual's liability could affect the non-profit or corporation when the rest of the members have no responsibility or even knowledge of the issue. It is exactly the wrong way to go. This amendment addresses these issues.

I will give two real world examples. One was the Schwartz Center. It fell behind on its electric bills to the tone 16K 6 years ago. Imagine how hard it would be to hire a new executive director or get capable people to stay on the board if their personal permits or business services would be in jeopardy. In that case the city forgave the bill and new leadership turned it around. Another was the Academy of Dover. The former management firm left it in tough straits. The state audit was deplorable. The state was slow on its payments and the electric was unpaid for a two or three months. When the new board took over 5 years ago, we discovered the problem and took care of it. The school is now a superior school with great financials. If the new leadership had to look over its shoulder and wonder if their businesses or homes would be affected, the school would not exist and hundreds of children would not have benefitted from a superior education and a couple of dozen well paying jobs would be gone.

Please support Amendment 2. It is vital for the social and economic well being of the city. Thank you.

Draft

CITY OF DOVER
COUNCIL AMENDMENT #3
TO ORDINANCE #2012-10

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

That Ordinance 2012-10 be amended by striking lines 51-57 in their entirety and replacing them with the following:

Appointment to committee, commission, or board. **Prior to any person being appointed to a city committee, commission, or board, the city clerk will determine if there are outstanding payments due to the city in their name or the name of any artificial entity in which they own one-half or more interest; or if they are responsible for outstanding, documented violations of the Dover Code of Ordinances that have been unresolved for more than 45 days. If it is determined that such delinquency or violation exists, this shall be reported to the council president and an executive session shall be scheduled to discuss the nature of the delinquency prior to appointment. If an appointed member of a city committee, commission, or board is determined to have such a delinquency or outstanding violation during their appointment, the city clerk shall report such delinquency or violation to the council president and an executive session shall be scheduled to discuss the violation or delinquency. City council may reject an appointment or remove an appointee from a city committee, commission, or board due to such delinquency or violation.**

ADOPTED: *

SYNOPSIS

The proposed language would allow for persons to serve on city committees, commissions, or boards, even if they are responsible for delinquencies or code violations; however, it requires that the city clerk inform the city council president of such delinquencies or violations and that an executive session of council be held to discuss such delinquencies or violations.

Councilman Anderson's (author) Narrative:

I call this the let's not be hypocrites amendment. I believe there is a minor problem with a couple of committee members who are sitting on committees and judging others who themselves are chronic offenders of delinquent tax liabilities. Council should have the right to discuss the situation with them and evaluate whether it or not it affects their performance in private as we would an employee. Currently, we are not even informed. Amendment 3 addresses this problem without giving away the prerogatives of Council or the Mayor to find qualified people for slots they cannot fill. The change as originally proposed gives an inflexible sledgehammer which could deprive us of volunteers who we sincerely need.

If a person gets an assessment for a sidewalk, and does not happen to have $1500 sitting around just waiting to give to the city, does that mean they should be kicked off of a city committee like some kind of felon? I say no. Would a city employee in that situation be fired? Would a Council person be impeached and removed? Would the Mayor be tossed out of office? No, so why should we single out committee persons? I do not like laws which apply to some people and not others. I believe we should have more information when we bring people on and if a problem arises, we should have the tools to open a dialog and reassess our relationship if necessary. We do not need to make a blind, inflexible standard where we humiliate people who volunteered to help us.

Please support amendment 3.

CITY OF DOVER
COUNCIL AMENDMENT #4
TO ORDINANCE #2012-10

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

That Ordinance 2012-10 be amended by striking lines 76-82 in their entirety and replacing them with the following:

(f) ***Appeal of denial of utilities, services or approvals.***

(1) ***Appeal to city manager.*** **Any applicant, person, corporation, or other entity or any owner or member of that corporation or other entity requesting such city services, utilities, permits, licenses, or approvals who receives the aforesaid written denial may appeal that denial to the city manager within 20 calendar days of such denial. The city manager, or his/her designee, shall thereafter hold a hearing at which said applicant shall be permitted to give evidence that such payment has been made or that a required action has been carried out, or otherwise show that such denial is based on incorrect information or is not lawful as to that applicant.**

(2) ***Appeal to city council.*** **An applicant aggrieved by the decision of the city manager regarding his/her appeal may appeal such decision to city council within 20 calendar days of such decision. City council shall schedule a hearing at which said applicant shall be permitted to give evidence that such payment has been made or that a required action has been carried out, or otherwise show that such denial is based on incorrect information or is not lawful as to that applicant.**

ADOPTED: *

SYNOPSIS

The proposed language would add an appeal to city council for applicants aggrieved by the decision of the city manager.

Councilman Anderson's (author) Narrative:

I wanted more flexibility for the staff to address issues and supported an appeal to the city manager. I believe this will relieve council of the burden of taking every case deemed unfair by a constituent. Many incidents can be resolved at the staff level. I think my desire was misinterpreted to want to exclude council from the process. I absolutely oppose that. I apologize to our City Planner who has done a marvelous job for my previous lapse in communication. We have settled on this amendment drafted by Mr. Pepper. I think it is sound and recognizes that the People have a right to appeal to their City Council as the court of last resort when they feel they are being wronged. No elected body should shirk its responsibilities to the public or give away its prerogatives to those who do not have that awesome responsibility of being selected by the people to do their business.

I zealously guard the prerogatives of City Council because I honestly believe that a representative republic cannot be run solely by a bureaucracy. We were elected to be that policy branch and to exercise oversight not just generally, but in individual cases where we believe the law is wrongfully applied through the appeals process. Amendment 4 is the most important of the 4 that I am presenting tonight. It goes to our form of government. I respectfully request the support of each of my fellow councilpersons.

CITY OF DOVER PROPOSED ORDINANCE #2012-10

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

That Chapter 1 - General Provisions, Section 1-13 - Denial of permits or approvals for failure to comply with requirements for payment, actions, or filings be amended by inserting the text indicated in bold, blue, underlined font and deleting the text indicated in bold, red, strikeout as follows:

Sec. 1-13. - ~~**Denial of permits or approvals for failure to comply with requirements for payment, actions, or filings.**~~ **Clean hands.**

(a) ~~**Noncomplying actions or filings. Prior to any administrative agency or official of the city charged with evaluation and approval of any permit required so that a legal or equitable owner of real property located in the city may utilize city services or otherwise involve the city officers, agents, or employees to permit any use of such real property, approving or issuing any permit or other indication of approval, that administrative agency or official shall make reasonable effort to determine that no payments, actions, or filings related to obligations due to or requirements by the city for the use of that parcel or any other parcel of real property remain incomplete or in violation of the city requirements. If any such noncomplying or incomplete payments, actions, or filings are determined to exist, then the administrative agency or official shall, in writing, deny the permit or other form of approval until such existing requirement for payment, action, or filing has been fully complied with or completed as to that parcel, identifying in that written denial the payment, action, or filing to be completed or complied with. Failure by the appropriate administrative agency or official to issue such written denial within five working days from receipt of application shall enable the applicant to have the application reviewed without consideration of the requirements of this section.**~~ ***Eligibility to receive city utilities or services*****. No person, corporation, or other entity shall be eligible to receive any city services, utilities, permits, licenses, or approvals if that person, corporation, or other entity, or any owner or member of that corporation or other entity, owes outstanding payments to the city; or if that person, corporation, or other entity, or any owner or member of that corporation or entity, is responsible for uncorrected, documented violations of the Dover Code of Ordinances that have been unresolved for more than 45 days. If the party requesting city approval is current on some but not all obligations owed to the city, the request shall be denied until such time as all city obligations are current and fully complied with.**

(b) ***Obligations which must be current*****. Applicants for city services, utilities, permits, licenses, or approvals shall be current on all of the following obligations to the city, including interest, penalties, court costs, and/or attorney's fees if applicable, prior to receiving such approvals:**

(1) Property taxes.
(2) Applicable Delaware realty transfer taxes.
(3) Water, sewer, and electric connection/disconnection, front footage and/or usage charges.
(4) Trash fees.
(5) Application fees.
(6) Permit fees, including building permits, building code and inspection/reinspection fees.
(7) Vacant building fees.

(8) Inspection fees.
(9) Charges for the costs of razing or demolition of buildings done through public expenditure.
(10) Charges for duly authorized improvements or maintenance to the exteriors of buildings or property done through public expenditure.
(11) Assessments for the installation of sewer lines, water mains, sidewalks, and curbing.
(12) Charges for the costs of removing weeds, grasses, refuse, rubbish, trash, or other waste material done through public expenditure.
(13) Miscellaneous charges.

(c) *Appointment to committee, commission, or board.* No person shall be appointed to any city committee, commission, or board if there are outstanding payments due to the city in their name or the name of any corporation of which they are principal; or if they are responsible for outstanding documented violations of the Dover Code of Ordinances that have been unresolved for more than 45 days. Any sitting committee, commission, or board member not in compliance with this ordinance shall be current and fully compliant with all city obligations within 30 days or shall be required to relinquish their appointment.

(d) *Responsibility of city personnel.*

(1) The administrative agency to which a request has been submitted shall have the responsibility to make a reasonable effort to determine whether there are outstanding payments or outstanding documented violations of the Dover Code of Ordinances.

(2) The appropriate administrative agency shall notify an applicant that the request cannot be processed because of an outstanding payment or an outstanding documented violation. Said notice shall be in writing and shall be sent within ten working days of receipt of the request.

(e) *Exception.* Notwithstanding the provisions of this section, the building inspector, with the concurrence of the city manager, may issue permits and approvals for work that is necessary to correct violations associated with Chapter 22 - Buildings and Building Regulations, Article XI - Dangerous Buildings.

~~(b) Appeal; hearing. Any applicant for a permit or other form of approval who receives the aforesaid written denial of a permit or other form of approval by an administrative agency or official of the city may appeal that denial to the city council within 20 calendar days of such denial. The city council or its designee shall thereafter hold a hearing wherein said applicant shall be permitted to give evidence that such payment, action or filing has been properly carried out, or otherwise show that such denial is not lawful as to that applicant.~~

(f) *Appeal; hearing.* Any applicant, person, corporation, or other entity or any owner or member of that corporation or other entity requesting such city services, utilities, permits, licenses, or approvals who receives the aforesaid written denial may appeal that denial to the city manager within 20 calendar days of such denial. The city manager, or his/her designee, shall thereafter hold a hearing at which said applicant shall be permitted to give evidence that such payment has been made or that a required action has been properly carried out, or otherwise show that such denial is based on incorrect information or is not lawful as to that applicant.

ADOPTED: *

SYNOPSIS

The proposed ordinance clarifies the denial of services, permits, and approvals for non-payment of charges due to the City or for documented and uncorrected code violations. It specifies the financial obligations that must be current to receive services, permits, or approvals. It authorizes the building inspector, with the concurrence of the city manager, to issue permits to remedy violations associated with dangerous buildings. The proposal prohibits the appointment of any person to a city committee, commission or board if that person has outstanding charges due to the city or outstanding, documented, code violations. The proposed ordinance would direct appeals of the denial of services, permits, or approvals to the city manager, rather than City Council, as is the case under the current ordinance.

(SPONSORS: STAFF)

Actions History

May 14, 2012 - Scheduled for Final Reading by City Council
April 23, 2012 - First Reading by City Council
April 9, 2012 - Considered by the Legislative, Finance, and Administration Committee

S:\ORDINANCES\2012\Draft\2012-10 - Chpt 1 - General Provisions, Sec 1-13 - Denial of Permits (Clean Hands) Final Rdg.wpd

Draft

ACTION FORM

PROCEEDING: Legislative, Finance, and Adminstration Committee
DEPARTMENT OF ORIGIN: Planning & Inspections **DATE SUBMITTED**: June 4, 2012
PREPARED BY: Ann Marie Townshend, AICP, Director of Planning and Community Development, on behalf of Councilman Lynn
SUBJECT: Revision to Dover Code, Chapter 26 – Businesses, Article I – In General, Section 26-1 – Sale of Dangerous Substances
REFERENCE: Dover Code, Chapter 26 – Businesses
RELATED PROJECT: N/A
APPROVALS: Proposed ordinance reviewed by Deputy City Solicitor
EXHIBITS: Proposed Ordinance #2012-17
EXPENDITURE REQUIRED: N/A **AMOUNT BUDGETED**: N/A **FUNDING SOURCE (Dept./Page in CIP & Budget)**: N/A
TIMETABLE: Schedule for First Reading on June 25, 2012, and Final Reading and action July 9, 2012.
RECOMMENDED ACTION: Staff recommends that the proposed ordinance be forwarded to City Council for action in accordance with the time frame above.

BACKGROUND AND ANALYSIS

The proposed ordinance would amend the City's ordinance regarding sale of Bath Salts to refer to Delaware Code, Title 16, Chapter 47, as it relates to Schedule 1 Controlled Substances, rather than listing the prohibited substances by name. It also amends the penalties to declare any businesses that sells such substances a public nuisance and refers to license revocation through summary action.

CITY OF DOVER PROPOSED ORDINANCE #2012-17

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

That Chapter 26 - Businesses, Article I - In General, Section 26-1 - Sale of Dangerous Substances be amended by deleting the text indicated bold, red, strikethrough and inserting the text indicated in bold, underline, as follows:

Sec. 26-1. - Sale of dangerous substances.

(a) It shall be unlawful to sell or offer to sell any material, compound, mixture, or preparation which contains any quantity of **any substance categorized as Schedule I in accordance with 16 Del.C. ch. 47.** ~~**the following substances, their salts, isomers, and salts of isomers, unless specifically excepted, whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation:**~~

~~**(1) Methylone;**~~

~~**(2) MDPV;**~~

~~**(3) Methylenedioxypyrovalerone;**~~

~~**(4) Methylmethcathinone;**~~

~~**(5) Mephedrone;**~~

~~**(6) Methoxymethcathinone;**~~

~~**(7) Fluromethcathinone;**~~

(b) *Penalties*. Violations of this section shall be subject to fines in accordance with Appendix F—Fees and Fines, section 1-17 and revocation of business license under the provisions of Chapter 26—Businesses, Article II—Licenses, section~~**s 26-59 and 26-63**~~ **26-64.**

(c) *Enforcement.* **Any business that sells or offers for sale any of the prohibited items shall be considered a public nuisance.** The provisions of this section may be enforced by any city inspector or officer of the police department~~.~~ **after any substance found for sale at a business tests positive for a Schedule 1 controlled substance in a field test performed by the Police Department.**

ADOPTED: *

S:\ORDINANCES\2012\Draft\2012-17 - Ch 26 - Businesses, Art I - In General, Sec 26-1 - Sale of Dangerous Substances.wpd

SYNOPSIS

The proposed ordinance would more closely align the City code with the State Uniform Controlled Substances Act as it relates to the sale of Schedule I controlled substances, including but not limited to bath salts.

(SPONSORS: LYNN, STAFF)

Actions History

06/11/2012 - Introduced at Legislative, Finance, and Administration Committee Meeting

Draft