COUNCIL COMMITTEE OF THE WHOLE
AGENDA

OCTOBER 25, 2016 - 6:00 P.M.

CITY HALL COUNCIL CHAMBERS
15 LOOCKERMAN PLAZA
DOVER, DELAWARE

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

SAFETY ADVISORY AND TRANSPORTATION COMMITTEE

AGENDA ADDITIONS/DELETIONS

1. **PRESENTATION - RIDESHARE DELAWARE PROGRAM (KATHLEEN GRIER)**

2. **REQUEST FOR FOUR-WAY STOP SIGN - NORTH NEW AND MARY STREETS**
   (STAFF RECOMMENDS THE INSTALLATION OF THE FOUR-WAY STOP CONDITION AT THE INTERSECTION OF NORTH NEW STREET AND MARY STREET; HOWEVER, FINAL ACTION SHOULD CONSIDER ANY PUBLIC TESTIMONY RECEIVED AT THE COMMITTEE MEETING.)

3. **INITIAL ASSESSMENT OF PUBLIC SAFETY ISSUES RELATED TO HOLDING PUBLIC MEETINGS IN THE CITY COUNCIL CHAMBERS**
   (COMMITTEE ACTION NOT REQUIRED)

4. **ADJOURNMENT OF SAFETY ADVISORY AND TRANSPORTATION COMMITTEE MEETING**

UTILITY COMMITTEE

AGENDA ADDITIONS/DELETIONS

1. **<u>DEDICATION OF PUBLIC INFRASTRUCTURE</u>**
   A. **CLEARVIEW MEADOW PUMP STATION**
      (STAFF RECOMMENDS ACCEPTANCE OF THE PUMP STATION AND ASSOCIATED FORCE MAIN AT THE CLEARVIEW MEADOW DEVELOPMENT. DEDICATION IS TO INCLUDE THE ENTIRE REFERENCED INFRASTRUCTURE.)
   B. **WATER INFRASTRUCTURE - NEW BURTON ROAD AND WEBBS LANE**
      (STAFF RECOMMENDS ACCEPTANCE OF WATER INFRASTRUCTURE WITHIN THE RIGHT-OF-WAY OF NEW BURTON ROAD AND WEBBS LANE. DEDICATION IS TO INCLUDE ALL OF THE REFERENCED WATER INFRASTRUCTURE.)

2. **ADJOURNMENT OF UTILITY COMMITTEE MEETING**

LEGISLATIVE, FINANCE, AND ADMINISTRATION COMMITTEE

(MEETING WILL CONVENE UPON ADJOURNMENT OF THE UTILITY COMMITTEE MEETING AND WILL ADJOURN BY 8:30 P.M. ANY ITEM NOT CONSIDERED DUE TO TIME CONSTRAINTS WILL BE CONSIDERED AT A SPECIAL COUNCIL COMMITTEE OF THE WHOLE/LEGISLATIVE, FINANCE, AND ADMINISTRATION COMMITTEE MEETING ON WEDNESDAY, OCTOBER 26, 2016 UPON ADJOURNMENT OF THE SAFETY ADVISORY AND TRANSPORTATION COMMITTEE MEETING)

AGENDA ADDITIONS/DELETIONS

1. **INCENTIVE PROGRAM FOR CITY EMPLOYEES OPTING NOT TO BE COVERED BY THE CITY'S HEALTH CARE PLAN** (DEFERRED BY THE COMMITTEE CHAIR DURING THE MEETING OF OCTOBER 11, 2016)
   (STAFF RECOMMENDS AUTHORIZATION TO BRING BACK A FINAL PROPOSAL BASED ON THE DISCUSSION OF AN OPT-OUT INCENTIVE FOR EMPLOYEES WITH RESPECT TO HEALTH CARE COVERAGE)

2. **FUND TO COMBAT VIOLENT CRIME - FY-2017 GRANT**
   (STAFF RECOMMENDS APPROVAL OF THE GRANT AND INTENDED PURCHASES)

3. **EQUAL EMPLOYMENT OPPORTUNITY (EEO) BRIEFING**

4. **STUDY OF CITY'S CURRENT RECRUITMENT/HIRING PROCESSES** (REQUEST OF COUNCILMAN LEWIS)

5. **PROPOSED ORDINANCES**
   A. **#2016-21 AMENDING CHAPTER 2 - ADMINISTRATION, CHAPTER 22 - BUILDINGS AND BUILDING REGULATIONS, AND CHAPTER 46 - FIRE PREVENTION AND PROTECTION BY REMOVING THE ANNUAL APPOINTMENT OF THE CITY CLERK, BUILDING INSPECTOR, AND FIRE MARSHAL (SPONSORS: HUTCHISON, NEIL, AND ANDERSON)** (DEFERRED BY THE COMMITTEE CHAIR DURING THE MEETING OF OCTOBER 11, 2016)
   B. **#2016-22 AMENDING CHAPTER 54 - HEALTH AND SANITATION, ARTICLE I - IN GENERAL, SECTION 54-4 - SMOKING REGULATIONS AND APPENDIX F - FEES AND FINES** (DEFERRED BY THE COMMITTEE CHAIR DURING THE MEETING OF OCTOBER 11, 2016)

6. **PROPOSED CHARTER AMENDMENTS - REMOVAL OF ANNUAL APPOINTMENT REQUIREMENT FOR THE CITY ASSESSOR, CONTROLLER/TREASURER, CITY SOLICITOR, AND DEPUTY CITY SOLICITOR; GENDER LANGUAGE AMENDMENTS; ADMINISTRATIVE AMENDMENTS; AND TYPOGRAPHICAL CORRECTIONS** (DEFERRED BY THE COMMITTEE CHAIR DURING THE MEETING OF OCTOBER 11, 2016)

7. **ADJOURNMENT OF LEGISLATIVE, FINANCE, AND ADMINISTRATION COMMITTEE MEETING BY 8:30 P.M.**

ADJOURNMENT OF COUNCIL COMMITTEE OF THE WHOLE MEETING

/TM
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THE AGENDA ITEMS AS LISTED MAY NOT BE CONSIDERED IN SEQUENCE. PURSUANT TO 29 DEL. C. §10004(E)(2), THIS AGENDA IS SUBJECT TO CHANGE TO INCLUDE THE ADDITION OR THE DELETION OF ITEMS, INCLUDING EXECUTIVE SESSIONS, WHICH ARISE AT THE TIME OF THE MEETING.

DART
Moving Forward



www.ridesharedelaware.org
1-888-RIDE-MATCH

About RideShare

A **free** service of DART First State for anyone working, living, or going to school in Delaware.

Encourage commuting across the state through, carpooling, vanpooling, transit, bike, or walking to work or school.

The goal of the program is to reduce congestion, improve air quality, and transportation options throughout the state.



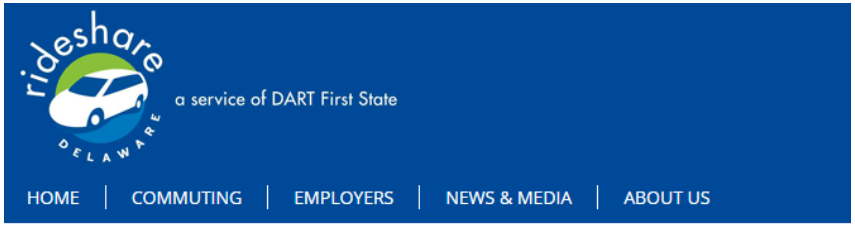
What RideShare Offers

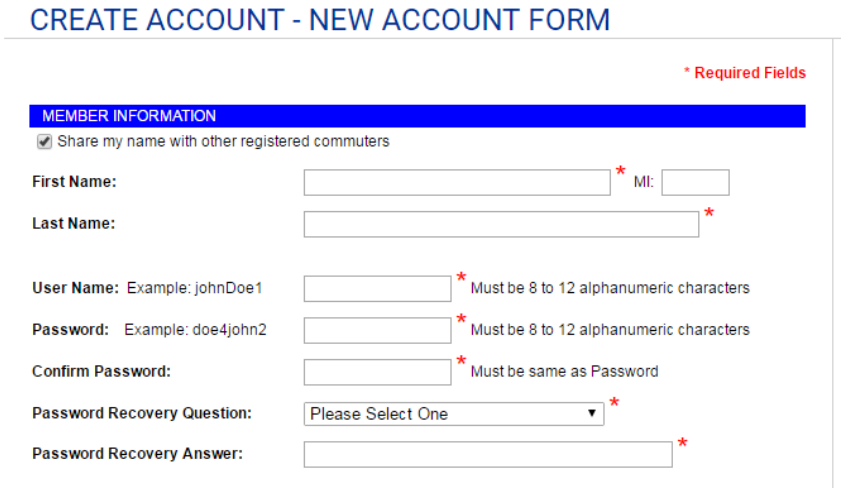
- Free online Ride Matching
- Guarantee Ride Home Benefit
- Fun Monthly Contest for active participants

Register your commute

Visit RideShareDelaware.org to get started

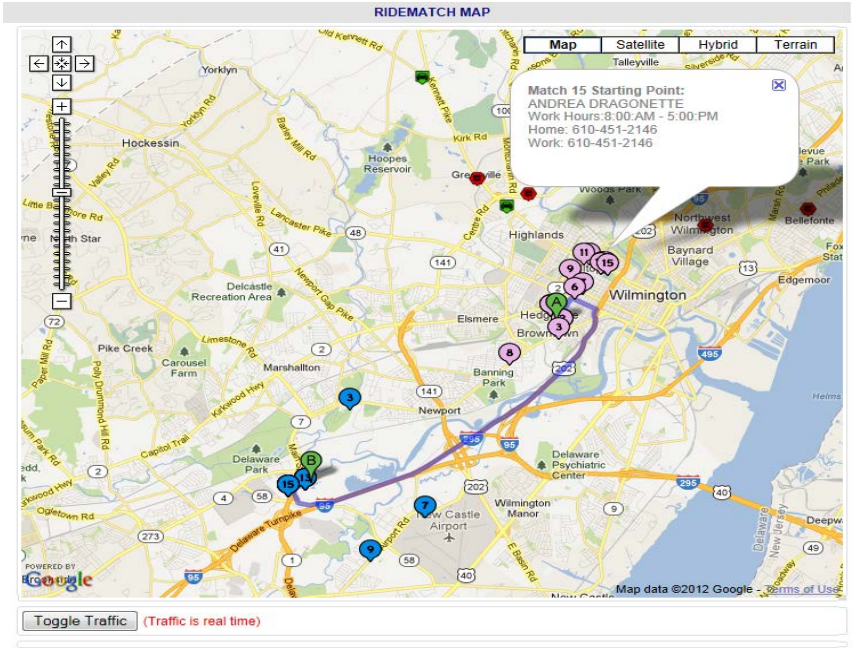
- INSTANT ride matching
- FREE Guaranteed Ride Home Registration
- Commute Calendar





Carpool Matching

- No obligation, instant match report
- Search based on home, park and ride or local landmarks
- Ability to instantly update work schedule and search for new partners



Guaranteed Ride Home

It’s FREE!

- Never be stranded in an emergency
- Reimbursement for trips up to 5 times a year for RSDE commuters



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Track how much money you're really saving by clean commuting!

DAILY COMMUTE LOGS CALENDAR

Click a date in the calendar below to log trips for that date, or edit your commute log profile.

<<			August 2016			>>
Sun	Mon	Tue	Wed	Thu	Fri	Sat
	1 Enter Log	2 Enter Log	3 Edit Log	4 Edit Log	5 Enter Log	6 Enter Log
7 Enter Log	8 Enter Log	9 Enter Log	10 Enter Log	11 Edit Log	12 Enter Log	13 Enter Log
14 Enter Log	15 Enter Log	16 Enter Log	17 Edit Log	18 Enter Log	19 Enter Log	20
21	22	23	24	25	26	27
28	29	30	31			

Ride. Record. Reward!

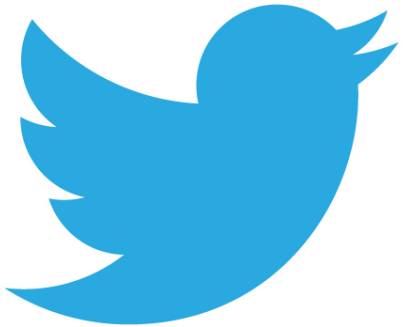
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ACTION FORM

PROCEEDING: Safety Advisory & Transportation Committee
DEPARTMENT OF ORIGIN: City Manager's Office **DATE SUBMITTED**: October 19, 2016
PREPARED BY: Scott D. Koenig, P.E., City Manager
SUBJECT: Request for 4-Way Stop Sign – N. New Street and Mary Street
REFERENCE: N/A
RELATED PROJECT: N/A
REVIEWED BY: Scott D. Koenig, P.E., City Manager
EXHIBITS: Exhibit #1 – Memorandum dated August 29, 2016; Exhibit #2 – Sight Distance Triangle
EXPENDITURE REQUIRED: $300.00 (EST.) **AMOUNT BUDGETED**: $16,000.00 (All Signs) **FUNDING SOURCE (Dept./Page in CIP & Budget)**: 110-1800-544 (Streets Division Operating Budget)
TIME TIMETABLE: Install within thirty (30) days of final approval
RECOMMENDED ACTION: Staff recommends the installation of the 4-way stop condition at the intersection of N. New Street and Mary Street; however, final action should consider any public testimony received at the committee meeting.

BACKGROUND AND ANALYSIS

Staff received a request from a citizen interested in the installation of a 4-way stop condition at the intersection of North New Street and Mary Street. The concerns relate to children playing in this residential area. The engineering staff in the Department of Public Works determined that a 4-way stop is justified at this location based on the current Manual on Uniform Traffic Control Devices (MUTCD). The primary reason for the justification is the lack of sight distance available on each approach at this intersection. This item has been placed on the committee agenda to receive public comment and final direction on the request.

MEMORANDUM

Department of Public Works
PO Box 475
Dover, Delaware 19903
Phone: (302) 674-7561
Fax: (302) 736-4217
E-mail: wwong@dover.de.us

TO: Jason A. Lyon, P.E., Water/Wastewater Manager

CC: Sharon Duca, P.E., Public Works Director / City Engineer

FROM: Winter Wong, E.I.T, Civil Engineer

DATE: August 29, 2016

SUBJECT: **Stop Sign Request N. New St at Mary St**

BACKGROUND DATA

A request was made on August 10, 2016 to install additional stop signs at the intersection of Mary St and New St. There are concerns about children playing in the residential areas. The citizen felt this intersection should be converted to a 4-way stop signs similar to the adjacent intersections.

SITE CONSIDERATIONS

The intersection of New Street and Mary Street currently has a two-way stop while Mary Street and N. Queen Street, Cecil Street and N. New St are both all-way stops.

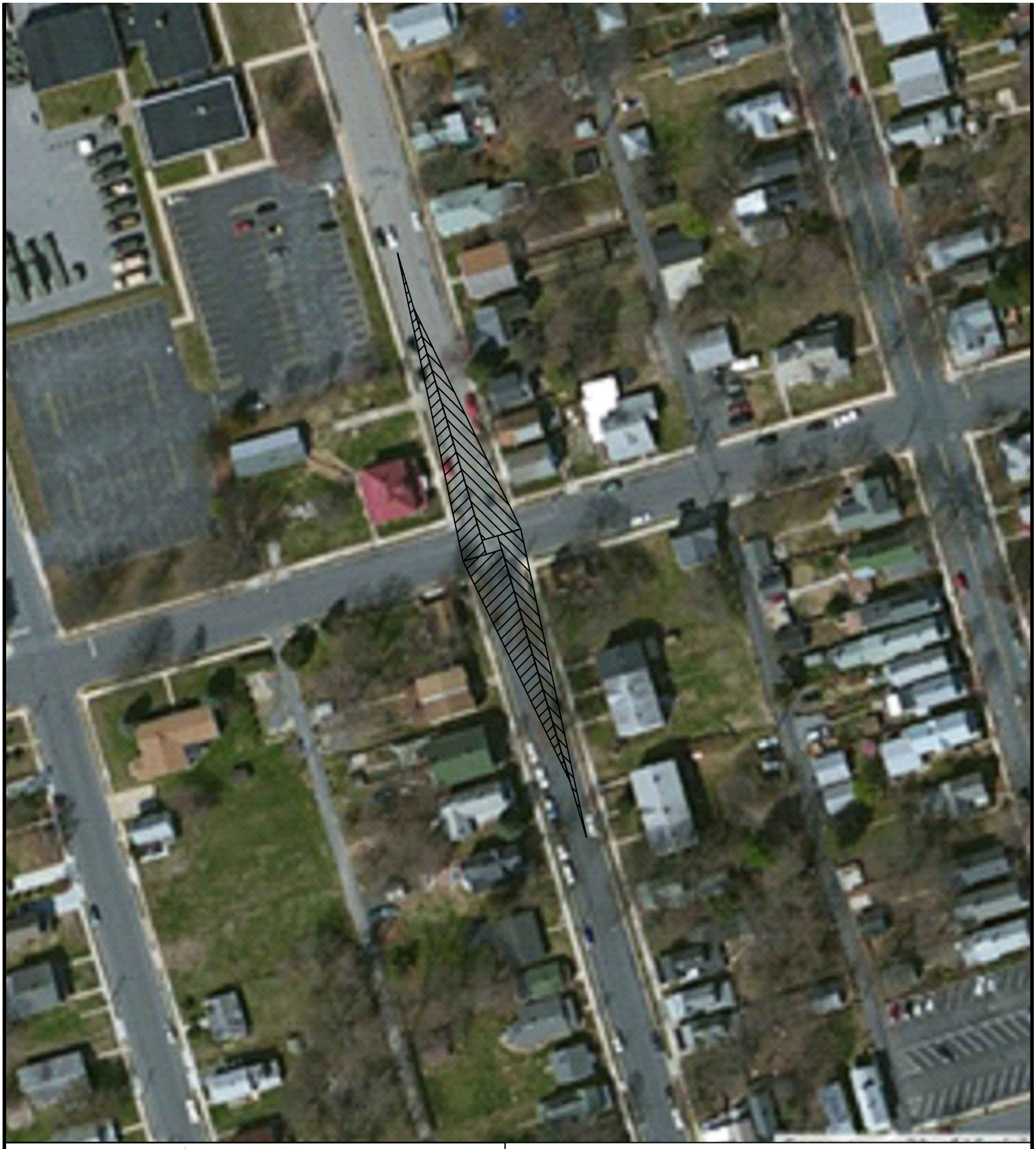
GUIDANCE

The Delaware Manual on Uniform Traffic Control Devices (MUTCD) Sections 2B.04 Right-of-Way at Intersections and 2B.07 Multi-Way Stop Applications gives guidance on multi-way stop applications. Paragraph 02 of of section 2B.04 gives the following factors in deciding appropriate traffic control: 1. Vehicular, bicycle, and pedestrian traffic volumes on all approaches, 2. Number and angle of approaches, 3. Approach speeds, 4. Sight distance available on each approach, 5. Reported crash experience. Paragrah 05 of section 2B.04 states “YIELD or STOP signs should not be used for speed control”. Paragraph 08 of section 2B.07 states “A YIELD or STOP sign should not be installed on the higher volume roadway unless justified by an engineering study”.

RECOMENDATION

Staff recommends placing a four-way stop sign at this location. The primary reason is because the lack of sight distance available on each approach. The existing parking that is along N. New Street is required due to the housing makeup in the immediate vicinity, therefore, eliminating parking to increase the sight distance is not feasible.

Action:
Authorized By: _____ _____ Printed Name/Title Signature Date
Verification of Completion: _____ _____ Printed Name/Title Signature Date
Comments:



City of Dover

NEW STREET AND MARY ST
SIGHT DISTANCE TRIANGLE

DEPARTMENT OF PUBLIC WORKS

DRAWN:	WW	DATE:	---
CKD:	---	SCALE:	1":100'
APRVD:	---	DWG. NO:	

City of Dover

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: Mayor and City Council

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

Date: October 18, 2016

Subject: Initial Assessment of Public Safety Issues Related to Holding Public Meetings in the City Council Chambers

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During recent months, several members of City Council voiced concerns about the security of holding public meetings in the City Council Chambers. The City Manager requested a review of the City Hall facility by the Dover Police Department. Staff from the Dover Police Department and representatives from the State Police DIAC conducted a site visit on Wednesday, September 28, 2016 and met with Kay Sass, Emergency Management Coordinator on Monday, October 3, 2016. We are currently waiting for recommendations from these visits.

Security access cards have been installed on the Caucus Room door as well as the hallway door adjacent to the Council Chambers. These access cards secure this area after 5:00 p.m.

Additional information and recommendations will be forthcoming.

SDK/sdk

cc: Paul Bernat, Police Chief
Donna Mitchell, Controller
Kirby Hudson, Assistant City Manager

ACTION FORM

PROCEEDING: Utility Committee	**AGENDA ITEM**:
DEPARTMENT OF ORIGIN: Public Works	**DATE SUBMITTED**: 10/14/16
PREPARED BY: Sharon J. Duca, P.E., Public Works Director / City Engineer	
SUBJECT: Dedication of Clearview Meadow Pump Station	
REFERENCE: N/A	
RELATED PROJECT: N/A	
APPROVALS: City Manager	
EXHIBITS: Attachment A – List of Infrastructure to be accepted by the City of Dover Attachment B – Map	
EXPENDITURE REQUIRED: $ N/A	**AMOUNT BUDGETED**: $ N/A
FUNDING SOURCE (Dept./Page in CIP & Budget): N/A	
TIMETABLE: Pump Station and associated force main will become the responsibility of the City of Dover upon acceptance by City Council.	
RECOMMENDED ACTION: Acceptance of the pump station and associated force main at the Clearview Meadow Development. Dedication is to include the entire referenced infrastructure.	

BACKGROUND AND ANALYSIS

Knollwood Development Corporation, responsible party for completing the pump station associated with the construction of the Clearview Meadow Development, has requested that the pump station and associated force main be dedicated to the City of Dover for permanent ownership and maintenance. This acceptance is in accordance to the water main abandonment agreement that was executed with the developer on August 11, 2016. This agreement outlines an exchange that the developer would abandon a water main that is installed under a stormwater management pond and the City would accept ownership of the existing pump station. Attachment A outlines the entire infrastructure associated with this request. The total construction value of the infrastructure is $333,993. Attachment B shows the general location and configuration of the infrastructure. Knollwood Development Corporation has completed construction of the infrastructure in accordance with City standards and specifications. After construction was completed, City staff inspected the infrastructure and developed a list of repairs to be made to meet the City of Dover Standards and Specifications for Public Works Construction. As of this date, all work required by the Public Works Director has been completed. A one (1) year Maintenance Bond and a Release of Liabilities will be submitted as part of the dedication process. Required as-built drawings of the infrastructure have been provided to staff.

DEDICATION OF INFRASTRUCTURE
CLEARVIEW MEADOW PUMP STATION

ATTACHMENT A

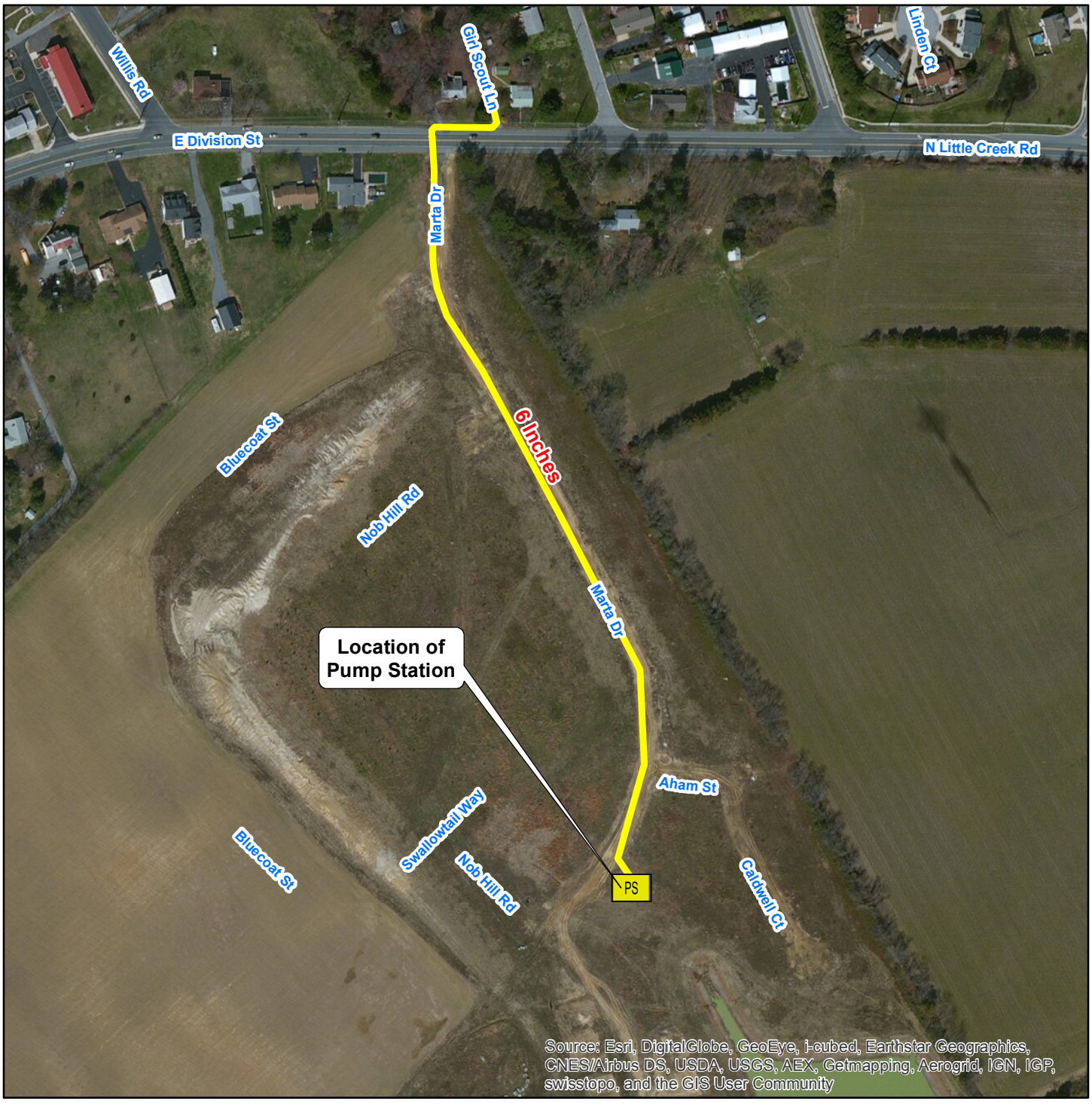
The following is a list of all infrastructure which are to be accepted by the City of Dover:

Sewer Utility Infrastructure (Construction Value = $333,993):

Smith and Loveless 4B2B Vacuum Primed Pump Station	-	1 ea.
6” DR 18 PVC Sanitary Force Main	-	1,740 l.f.
6” Gate Valves	-	2 ea.

Attachment B

Clearview Meadow Pump Station



0 100 200 400 Feet

N

Legend

PS Pump Station

Force Main

Date Printed: October 14, 2016
File: m:\gis_data\projects\tech_mxds
\jason_lyon_maps\caf_maps
\caf_clearview_meadowl_pump_station
Department: Public Works GIS
City of Dover, Delaware

ACTION FORM

PROCEEDING: Utility Committee	**AGENDA ITEM**:
DEPARTMENT OF ORIGIN: Public Works	**DATE SUBMITTED**: 10/14/16
PREPARED BY: Sharon J. Duca, P.E., Public Works Director / City Engineer	
SUBJECT: Dedication of Water Infrastructure – New Burton Road / Webbs Lane	
REFERENCE: N/A	
RELATED PROJECT: N/A	
APPROVALS: City Manager	
EXHIBITS: Attachment A – List of Water Infrastructure to be accepted by the City of Dover Attachment B – Map	
EXPENDITURE REQUIRED: $ N/A	**AMOUNT BUDGETED**: $ N/A
FUNDING SOURCE (Dept./Page in CIP & Budget): N/A	
TIMETABLE: All water infrastructure within the right-of-way of New Burton Road and Webbs Lane will become the responsibility of the City of Dover upon acceptance by City Council.	
RECOMMENDED ACTION: Acceptance of water infrastructure within the right-of-way of New Burton Road and Webbs Lane. Dedication is to include all of the referenced water infrastructure.	

BACKGROUND AND ANALYSIS

Kent County, responsible party for completing the water infrastructure extension from Webbs Lane due south within New Burton Road to the new Kent County Recreation Center, has requested that all water infrastructure within the right-of-way be dedicated to the City of Dover for permanent ownership and maintenance. Attachment A outlines the entire water infrastructure associated with this project. The total construction value of the infrastructure is $239,900. Attachment B shows the general location and configuration of infrastructure that is to be accepted. Kent County's prime contractor, A-Del Construction, Co., Inc. completed construction of the infrastructure in accordance with City standards and specifications. After construction was completed, City staff inspected the water infrastructure and developed a list of repairs to be made to meet the City of Dover Water / Wastewater Handbook. As of this date, all work required by the Public Works Director has been completed. A one (1) year Maintenance Agreement and a Release of Liabilities will be submitted as part of the dedication process. Required as-built drawings of the infrastructure have been provided to staff.

DEDICATION OF WATER INFRASTRUCTURE
NEW BURTON ROAD AND WEBBS LANE

ATTACHMENT A

The following is a list of all water infrastructure which are to be accepted by the City of Dover:

Water Utility Infrastructure (Construction Value = $239,900):

12” Ductile Iron (Class 52 Cement Lined) Water Main	-	2,500 l.f.
6” Ductile Iron (Class 52 Cement Lined) Water Main	-	90 l.f.
12” Gate Valve	-	4 ea.
6” Hydrant Valve	-	4 ea.
Fire Hydrants	-	4 ea.

Attachment B

New Burton/Webbs Lane
Water Infrastructure



0 100 200 Feet

N

Legend

- Project Area
- Dover Parcels
- Dead End
- Reducer

Fire Hydrants

- 1500 GPM
- 1000 - 1499 GPM
- 500 - 999 GPM
- Below 500 GPM
- Service Line

Valve

- Service Connection
- Meter Pit
- Hydrant Valve
- Division Valve

- Curb Stop/Meter Pit
- Curb Stop/House
- Curb Stop
- Blow Off

Main

- 1" 2" 3" 4" 6"
- 8" 10" 12" 14" 16" 20"

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Department: Public Works GIS
City of Dover, Delaware

ACTION FORM

PROCEEDING: Legislative, Finance and Administration Committee
DEPARTMENT OF ORIGIN: Human Resources **DATE SUBMITTED**: September 26, 2016
PREPARED BY: Kim Hawkins, SPHR, SHRM-CP, Human Resources Director
SUBJECT: Incentive Program for City Employees Opting Not To Be Covered By The City's Healthcare Plan
REFERENCE: Fiscal Year 2017 Budget Hearings
RELATED PROJECT: N/A
REVIEWED BY: Scott Koenig, P.E., ICMA-CM, City Manager; Donna Mitchell, Controller/Treasurer
EXHIBITS: N/A
EXPENDITURE REQUIRED: FY-2018 ($200 x 12 months x 9 employees) - $ 21,600 (estimated) **AMOUNT BUDGETED**: N/A for FY-2017; needs to be included in the FY-2018 base budget **FUNDING SOURCE (Dept./Page in CIP & Budget)**:
TIME TIMETABLE: Proposed to be implemented in July 2017.
RECOMMENDED ACTION: Authorize staff to bring back a final proposal based on the discussion of an opt-out incentive for employees with respect to Health Care Coverage.

BACKGROUND AND ANALYSIS

Attorneys from the law firm Young, Conaway, Stargatt and Taylor were consulted on an opt-out arrangement.

During the May 26, 2016 Annual Budget Review held by City Council, it was recommended that staff explore the option of offering a monetary incentive to employees for opting out of the City's health insurance plan.

Currently, there are nine (9) City of Dover employees who are eligible for the city's health insurance plan but have declined (opted out) to enroll in the City's plan. One (1) employee is represented by the FOP, two (2) employees are represented by AFSCME, three (3) employees are represented by DOE and three (3) are Non-bargaining employees. The reasons for opting out of coverage are as follows: 1.) the employee is under the age of 26 and continues to remain on their parent's plan. 2.) the employee is retired military and is enrolled in Tricare. 3.) the employee is retired from the State of Delaware. 4.) the employee did not provide a reason and the reason is therefore unknown.

Any incentive option must be a conditional opt-out system. In a conditional opt-out system, the employee must provide documented proof that they have the minimum essential health care coverage through another source other than coverage in the individual private market for themselves and the "expected tax family". If an incentive payment was to be issued on an unconditional opt-out system, the City would be exposed to violations of the Affordable Care Act (ACA). Specifically, the health insurance the city provides would be deemed unaffordable.

Indicated below in an overview of several other entities in regards to their offering of an incentive:

Organization	Amount				
		Annually	Monthly		
Delaware River and Bay Authority	Single	$1,300	$108.33		
	Subscriber + Child	2,080	173.33		
	Subscriber + Spouse	2,600	216.67		
	Family	3,120	260.00		
Kent County		$100 per month			
Middletown		1/3rd of Employee Premium			
New Castle County - FOP		$250 per month, deposited into a 457			
Wilmington		$180 per month			
Milford	Does not offer an opt-out incentive				
Newark	Does not offer an opt-out incentive				
Seaford	Does not offer an opt-out incentive				
Smyrna	Does not offer an opt-out incentive				

Kent County offers a monetary incentive to retirees as well. The New Castle County Fraternal Order of Police labor unit has the payment deposited into a 457 retirement plan. The City of Dover offers a 457 plan to all full-time employees. Any monies the City contributes to a 457 plan are FICA taxable.

The State of Delaware advised us that the State of Delaware Employment and Eligibility Rules do not preclude the City from offering the payment; however, they advised the City that the 5% risk adjustment fee that we are currently accessed is evaluated at least once every two (2) years to determine how the participating group population is impacting the State's overall experience. To clarify, if healthy individuals exit the plan and Dover's claims experience erodes, this option could have an impact on the overall experience of the participating group population which could result in the State increasing our risk fees.

The City of Dover is a participating group with the State of Delaware Health Insurance Plan. The eligibility rules preclude a City of Dover employee from declining coverage with the City and enrolling on their spouse's plan if the spouse is employed or retired from the State of Delaware.

The conditional opt-out system can immediately be implemented for non-bargaining employees. There is no monies budgeted for this incentive in Fiscal Year 2017. For employees represented by a labor unit, it can be implemented immediately; however, this incentive will need to be negotiated in the future as it is a mandatory subject of collective bargaining. Both AFSCME and IBEW labor agreements expire on June 30, 2017. The FOP and DOE agreements expire on June 30, 2018.

Example of Individual Health Insurance Cost Sharing

		Cost Sharing			
Health Plan	Total Monthly Premium	Employee 15%	City 85%	Employee 20%	City 80%
HMO	$765.56	$114.82	$650.74	$153.10	$612.46
PPO	$836.26	$125.44	$710.82	$167.24	$669.02

Annually, an employee is responsible for $1,377 to $2,000 for individual coverage. The incentive would need to be significant enough to purchase alternative coverage. Each employee electing to opt-out would save the City approximately $7,800 to $8,500 per year at current costs. This estimate is based upon the individual health insurance coverage. In reviewing the health insurance premium, the employee cost difference between Employee and Employee/Spouse and Employee/Child(ren) and Family is $126 - $180 per month depending on plan and cost sharing percentages (15% or 20%).

Below is a chart that provides examples of different monthly allowance and the yearly equivalent amount.

Monthly Allowance	Yearly Allowance
$100	$1,200
$200	$2,400
$300	$3,600
$400	$4,800

Recommendation:

If members of Council decide to offer an opt-out incentive, the following guidelines should be considered.

Effective Date: July 1, 2017. This will allow for proper budgeting.

Monthly Incentive: $200. Payment will be issued the first pay period of each month for the current month.

Administrative Guidelines:

During open enrollment each year, documented proof of minimum essential health care coverage through another source (other than coverage in the individual market) for themselves and expected tax family must be submitted to the Human Resources Department. Shall an employee who receives the opt-out payment fail to submit the required proof by the end of the open enrollment period will automatically be enrolled in the health insurance plan with the lowest premium for single/individual that is offered by the City of Dover. The opt-out arrangement payment will discontinue. The City of Dover shall reserve the right to request proof throughout the plan year. During the plan year, the election to discontinue the opt-out arrangement payment shall only occur as a result of involuntary loss of other coverage. Employees have thirty (30) calendar days from the date of the involuntary loss of coverage to enroll in the City of Dover's health insurance plan. Failure to meet this timeline will result in the employee delaying his or her eligible to enroll in coverage until the next open enrollment period.

ACTION FORM (REVISED)

PROCEEDING: Legislative and Finance Committee	**AGENDA ITEM NO.:**
DEPARTMENT OF ORIGIN: Police	**DATE SUBMITTED:** 9/19/16
PREPARED BY: Captain Stump / Administrative Division Commander	
SUBJECT: Fund to Combat Violent Crime – FY17 Grant	
REFERENCE: State Grant Funding	
RELATED PROJECT: N/A	
APPROVALS: City Manager, Controller/Treasurer	
EXHIBITS: None	
EXPENDITURE REQUIRED: $97,320.00	**PROJECT BUDGET:** $97,320.00
FUNDING SOURCE (Dept./Page in CIP & Budget):	Recurring Grant program not fully included in FY17 Budget
TIMETABLE:	Upon receipt of council approval, the equipment will be bid according to the City's Purchasing Policy or purchased using State Contract vendors
RECOMMENDED ACTION: Approve the grant and intended purchases.	

BACKGROUND

The Fund to Combat Violent Crime Program is a recurring grant program managed by the Department of Safety and Homeland Security for use by local law enforcement agencies in connection with initiatives to combat violent felonies pursuant to Section 4201(c) of Title 11 of the Delaware Code. The first increment of funding was released during FY13. This year's $97,320 allocation of funds is much higher than FY16, which was funded at $64,050.39. As a result of this, there was not enough funds budgeted in FY17 grant budget for the total amount of the grant, so a budget adjustment will also be needed to cover the unbudgeted portion ($17,400 in 710-1700-545.20-26)

This Committee/Council action form is submitted to obtain approval for the Police Department to use its grant allocation from this program. Funds were requested to fund the third year cost (five year program) of the Taser weapons upgrade for all officers' Tasers ($26,320), purchase tactical rifles for patrol vehicles ($52,000), two Unmanned Aerial Vehicles (UAVs) and the parts and training needed for them ($12,000), wrestling mats for use during training for police officers in ground fighting skills ($5,000) and training/public information materials for victims of violent crimes ($2,000).

FUNDING

The programs identified above will be funded by the FY17 Violent Crimes Fund Grant V-10-17.

ACTION REQUESTED

The Legislative and Finance Committee approve the grant items above, the budget increase to the Police Grants Fund 710, and recommend approval by the Council.

GRANT APPLICATION ANALYIS FORM

For Use in Evaluating Grant Opportunities

General Information

Department: Police **Staff Contact:** Robin Adkins

Grant: State Fund to Combat Violent Crime Program **Grant #:**

Grant/Project Title: Police Equipment and Extra Duty Patrols

Description:

Funds were requested to fund the third year cost (five year program) of the Taser weapons upgrade for all officers' Tasers ($26,320), purchase tactical rifles for patrol vehicles ($52,000), two Unmanned Aerial Vehicles (UAVs) and the parts and training needed for them ($12,000), wrestling mats for use during training for police officers in ground fighting skills ($5,000) and training/public information materials for victims of violent crimes ($2,000).

Application Information

Due Date: 8/31/16 New ☐ Recurring ☑ **Related grants:** n/a

Anticipated Award Date: 9/13/16 Anticipated Notification Date: 9/13/16

Start Date 9/1/15 **End Date:** 8/31/17

Award Amount: $ 97,320.00 Cash ☑ Reimbursement ☐

Approx. reimbursement turnaround time

Council approval needed? Yes ☑ No ☐

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

Which apply? ~~match~~ / project amount ☑
project shortage ☐
other grant requirement ☐

Grant/Project Costs

Budget Category	Award Amount	Match Amount	Match Source
Contractual			
Equipment/Supplies	97,320.00	-	
Indirect Cost (ie, vehicle repairs, mileage, IT, telephone)			
Personnel			
Additional Personnel/Overtime (ie, support costs, administrative salaries)			
Travel/Training			
Capital (ie, land building, vehicles, etc.)			
Other (ie, informant/buy money)			
Total	**$ 97,320.00**	**$ -**	

GRANT TOTAL **$ 97,320.00** (Award + Match)

GRANT APPLICATION ANALYIS FORM

For Use in Evaluating Grant Opportunities

Other Information

1. Are any of this project's costs included in the city budget?

   Yes, this grant was included in the Police Department grant budget for FY17, however, the full amount of the grant was not budgeted because the actual amount awarded was more than anticipated. Only $80,000 was budgeted to be received, so an adjustment of $17,400 is needed. to Fund 710 Police grants budget in the Program Supplies account (20-26)

2. Are there any long term costs or commitments?

   N/A

3. How will this program/project be funded after the grant expires?

   N/A

4. What is the maximum amount of funds available from this funding source?

   The allocation of funds is specified by State legislation and is formula driven and based on police manpower assigned each year as of July 1st.

5. If the Department receives only a portion of the amount request, how will the project be funded?

   The amount allocated is the amount that is requested, so there will be no devations.

6. Are there any other departments in the city eligible for this funding?

   No.

7. Are any other department in the city willing to collaborate on this project?

   N/A

8. Will this project duplicate or compete with any other service or program provided by the city or other local agency?

   No.

GRANT APPLICATION ANALYIS FORM

For Use in Evaluating Grant Opportunities

DPD Form
created 5/28/08

MEMORANDUM

TO: Legislative, Finance and Administrative Committee Members

CC: Scott Koenig, City Manager, P.E., ICMA-CM

FROM: Kimberly Hawkins, SPHR, SHRM-CP

DATE: October 16, 2016

REFERENCE: Equal Employment Opportunity (EEO) Briefing

In recent weeks, the City Manager and I have been requested to present a briefing on the City's Equal Employment Opportunity (EEO) program, our work force composition, and any goals in regards to the future composition of the workforce. Written inquiries from two (2) Councilmembers were used as the basis for this briefing. This briefing contains a variety of statistical information. If there is additional information you would like presented, please advise the City Manager. Every effort will be made to provide a response in a timely manner.

In preparing the background information for this briefing it became apparent that improvements are necessary in several areas. These areas range from record keeping to the city's recruitment process. Our Human Resources staff will be focusing its efforts in the next sixty (60) days to address several deficiencies by conducting a full audit of each employee's Equal Employment Opportunity (EEO) job category and race. These deficiencies prevented the providing of the requested information regarding under-represented classes. At the conclusion of the internal audit by staff, it is anticipated that answers to these questions will become available as the updated data can be compared and analyzed against data available through the State of Delaware's Department of Labor.

Staff was asked if the City has an Affirmative Action Plan. To our knowledge, the City does not have an Affirmative Action Plan. All the data mining and analysis for this briefing will assist in developing an Affirmative Action Plan, if a formal written plan is requested by City Council. Please note, a Minority Recruiting Committee was formed in 2011 to make recommendations to improve the city's recruiting efforts of minorities. Recommendations from this committee included improving employee morale, upward mobility/career ladder, enhanced technology for City image and recruitment and an internship program for high school and college students.

The data identified in this briefing will also be useful in developing a more comprehensive recruitment source/notification network. This is another area of deficiency detected while preparing this briefing. Please note, the recruitment of all police officers is managed by the Police Department. Questions regarding recruitment of police officers should be directed to the

Police Department.

The following briefing provides data on our policies and procedures, EEO filings, recruitment and new hires, supervisor make up, part-time and full time employees and the entire work force.

Thank you for your time and attention with respect to this topic.

Indicated below is the Equal Employment Opportunity and Affirmative Action article of the Personnel Policy. This policy was approved by City Council in 2004.

ARTICLE IV

EQUAL EMPLOYMENT OPPORTUNITY AND AFFIRMATIVE ACTION

The City of Dover is committed to providing equal employment opportunities to all citizens and maintaining a high quality workforce that draws upon the talents of our diverse citizenry to effectively operate our City government. Through sound recruitment, promotion, and retention practices Dover will continue to strive for a workforce that reflects the diversity of the City's population.

SECTION 1. *EQUAL EMPLOYMENT OPPORTUNITY AND AFFIRMATIVE ACTION POLICY*

It is the policy of the City to promote and foster equal employment opportunities, nondiscrimination, and a work atmosphere that fosters mutual respect and understanding among persons of different races, sexes, and faiths. The City of Dover shall provide equal opportunity to all qualified individuals in recruitment, hiring and promotion practices and shall assure that no one shall suffer discrimination or harassment by a City employee on the grounds of race, color, religion, sex, sexual orientation, physical handicap, age or national origin. Applicants with physical handicaps shall be given equal consideration with other applicants for positions when the City is able to make reasonable accommodations to help them perform the essential functions of their duties.

SECTION 2. *GENERAL IMPLEMENTATION*

All personnel responsible for recruitment and employment shall periodically review the implementation of this policy and relevant practices to assure that equal employment opportunity based on reasonable performance related job requirements are being actively observed. This will ensure that no employee or applicant for employment shall suffer discrimination based on age, sex, race, color, religion, national origin, sexual orientation or physical handicap. Notices with regard to equal employment matters shall be posted in conspicuous places on City Government premises where notices are ordinarily posted.

SECTION 3. *COMMUNICATION*

A. *Internal*

This policy shall be thoroughly disseminated and discussed at new employee orientation and management training programs.

This shall be the City's policy, and efforts to achieve the City's objectives in this area shall be published in an informational brochure and given to employees annually.

The intent of this policy and program and the individual responsibility for effective implementation of same shall be explained to staff, management and supervisory personnel.

Equal employment opportunity and affirmative action posters shall be prominently displayed in places readily accessible to both employees and applicants.

All employment advertising shall display the tag lines: "An Equal Opportunity Employer" or its equivalent.

B. *External*

All sources of applicants for employment shall be notified annually in writing of the City's policy. These sources shall be requested to actively recruit and refer minority, female and handicapped applicants for positions listed.

The City of Dover shall notify minority, female and handicapped organizations, community agencies, community leaders, secondary schools and colleges of the City's policies of non-discrimination and equal employment opportunity, and the Affirmative Action policy.

Section 4. *RESPONSIBILITIES FOR IMPLEMENTATION*

A. *Human Resources Director*

1) *The Human Resources Director of the City of Dover shall serve as the Equal Employment Opportunity Officer and be responsible for implementation of this plan. The department head of each City department shall be responsible for their department and shall be accountable for implementing the City's policy.*

2) *The Human Resources Director shall be responsible for auditing and continually reviewing the City's hiring practices and employee behavior with respect to the Policy. The City Manager shall be notified of any complaints initiated against the City and any requests from private organizations and people wishing to discuss our employment practices.*

3) *The Human Resources Director shall have a complaint procedure to permit and encourage employees to discuss with the Human Resources Director any problem resulting from alleged bias, discrimination, lack of employment opportunity or any similar matter.*

B. Human Relations Commission

The City of Dover has a Human Relations Commission whose purpose is to make recommendations to the City Council on ordinances which would support inclusiveness and civility, and to engage in education and advocacy for bettering human relations. The Human Relations Commission should be consulted from time to time on progress of this policy, and shall be given opportunities to educate the work force on bettering human relations.

SECTION 5. *INDENTIFICATION OF PROBLEM AREAS*

A continuing analysis will be made by City Council and the City Manager to determine the composition of the work force, the applicants for employment, and the results of employment activities. The selection process including position descriptions, application forms, interviews, test procedures (if applicable), test validity, referral procedures, final selection process, as well as transfer and promotion practices shall be constantly monitored to assure equal opportunity.

SECTION 6. *RECRUITMENT*

The City of Dover will continue to make special efforts to convince minority, female and handicapped individuals in the community that the City offers equal opportunity and a congenial employment environment. In this connection, effective communication will be maintained with the State Human Relations Commission and the State Employment Office to encourage minority individuals to seek employment with the City of Dover.

The City maintains continual personal contact with those having the most access to minority groups and handicapped individuals. These sources include school principals, community leaders, college career advancement offices, religious leaders and heads of minority groups. Referral to the City of Dover for employment is encouraged.

Moreover, to broaden the recruitment base with respect to placing minority, female and handicapped employees in professional categories, the City of Dover will communicate its needs to public and private employment offices emphasizing opportunities that are available. The City will continue to maintain relationships with all organizations which have as an objective the improvement of the employment opportunities for minority, female and handicapped persons.

In all employment advertising, the City of Dover will identify itself as an Equal Opportunity Employer, abiding by all the provisions of Title VII, Civil Rights Act.

A system of quotas shall not be utilized in the recruitment and selection of employees.

Minority, female and handicapped applicants for management and supervisory positions shall be energetically recruited in keeping with all the provisions and intent of this policy.

SECTION 7. *ADVANCEMENT*

Minority, female or handicapped employees who have previous experience or who have demonstrated abilities and qualifications comparable to other applicants shall be considered for promotional opportunities--particularly where training or educational refund is to be afforded. They shall be encouraged to undertake training opportunities. The City has no formal training programs other than "on the job" training.

SECTION 8. *INVOLOVEMENT IN COMMUNITY ACTIVITIES*

The City shall be actively involved in community activities that are minority, female and handicapped oriented. Both elected and non-elected City Officials will donate their free time to minority organizations by giving talks/greetings or attending affairs sponsored by such groups.

Equal Employment Opportunity Reporting

The Equal Employment Opportunity Commission requires government organization to file an EEO-4 report in odd numbered years. Our next reporting is due by June 30, 2017.

The EEO-4 requires employees be assigned into one (1) of eight (8) job categories. The categories are indicated in Exhibit A. In addition to job category, each employee is placed within a salary range with gender and race indicated.

The City's 2011 and 2015 EEO-4 report have been reviewed. There are concerns with the accuracy of the data. The report for 2013 was unavailable for review. These concerns are the driving force for the full audit. The updated data will be entered into ADP, the City's payroll computer system, for future use and reference.

Recruitments and Hires

City recruitments are announced on the City's website and Facebook page as well as our Human Resources' Facebook page. Seven (7) colleges, two (2) religious affiliated organization and three (3) community organizations are mailed each job announcement. When appropriate, recruitments are publicized on professional websites such as American Public Works Association, American Public Power Association, American Library Association, and American Planning Association. We are currently researching opportunities in order to expand the organization list.

Calendar year 2014, 2015 and calendar year to date 2016, reflects an increase in application received from females by almost 12%. The number of applications received from minorities have decreased by approximately 4%. During the same time frame, applications with a Dover

address has decreased from 50% to 36.2% while applications with a non-Dover address has increased from 50% to 63.8%.

A complete summary is indicated below. Recruitments for police officers and cadets are not included in the data below.

Applicants by Gender

Year	Number of Recruitments	Total Applicants	Female	Male	Did Not Self Disclose
2014	31	1,047	48.0%	46.8%	5.2%
2015	30	444	41.9%	53.4%	4.7%
2016	29	558	59.9%	31.0%	9.1%

Applicants by Race

Year	White	Black	Hispanic	Asian/Pacific Islander	American Indian/Alaskan Native	Did not Self Disclose	Total Minority
2014	55.9%	30.9%	3.2%	1.9%	1.2%	6.7%	37.2%
2015	53.8%	28.2%	2.7%	0.9%	3.8%	10.6%	35.6%
2016	60.2%	22.7%	3.6%	1.1%	1.3%	11.3%	28.7%

Applicants by Address

Year	Number of Recruitments	Total Applicants	Dover Address	Non-Dover Address
2014	31	1,047	50.0%	50.0%
2015	30	444	43.9%	56.1%
2016	29	558	36.2%	63.8%

Information regarding gender and race is obtained from the last page of our employment application. Please reference Exhibit B. Applicants may voluntarily self-disclose their gender and race. This information is recorded in our Human Resources Information System and is removed from the employment application. This information is unknown to the reviewers of the applications.

During calendar year 2016 thirty-five (35) employees have been hired; twelve (12) part-time employees and twenty-three (23) full-time employees. The chart below provides an overview of these hires along with the average hourly rate of pay and age.

2016 New Hires

	Male	Female	Minority	White	Average Hourly Rate	Average Age
Part-time	5	7	3	9	$13.57	28.58
Full-time	18	5	6	17	$16.91	32.91
Total	23	12	9	26	$15.76	31.43

Details in reference to new hires from January 1, 2012 through October 16, 2016 are presented in Exhibit C and D. Exhibit C represents part-time employees while Exhibit D represents full-time employees.

The procedure followed for recruitment is presented in Exhibit E. The interview panel consists of representation from the Human Resources department, typically either the Human Resources Coordinator or the Director and a representative from the department. The representation from the department is at the direction of the Department Head. The Department Head may elect to participate in the interviews, assign to another staff member to participate or participate along with other staff members. Human Resources prides itself in being fluid with the interview panel and recruitment process. Each department head has a uniqueness to their process.

The city currently does not have a pool of minority employees volunteering to participate in interviews. We have informally implemented this program. Formal implementation will require cooperation from all City Departments and Staff. Based on the size of our workforce, having non-typical employees performing these duties can cause a disruption in service levels as these employees will be unavailable for their normal duties. Employees volunteering on the interview panel will also need guidance and training in the interview process along with confidential awareness.

Supervisors

Dover has twenty-two (22) female supervisors and twenty-five (25) male supervisors. Seven (7) of the twenty-two (22) female supervisors are department heads (City Clerk, Finance, Human Resources, Library, Planning and Recreation, Public Works and Tax). Two (2) of the twenty-two (22) female supervisors are minorities. Three (3) males are department heads (City Manager, Electric Director and Police Chief). Our twenty-five (25) male supervisors are comprised of three (3) minority and twenty-two (22) non-minority.

Below are charts that depict the age and salary breakdown of the female supervisors.

Age Bracket (Female)				
30-39	40-49	50-59	60+	Average Age
3	10	7	2	48

Salary Range (Female)							
$38,000 - $49,000	$50,000 - $59,000	$60,000 - $69,000	$70,000 - $79,000	$80,000 - $89,000	$90,000 - $99,000	$100,000+	Average Salary
6	4	2	4	1	2	3	$70,403

Below are charts that depict the age and salary breakdown of the male supervisors.

Age Bracket (Male)				
30-39	40-49	50-59	60+	Average Age
2	12	10	1	48

Salary Range (Male)							
$38,000 - $49,000	$50,000 - $59,000	$60,000 - $69,000	$70,000 - $79,000	$80,000 - $89,000	$90,000 - $99,000	$100,000+	Average Salary
1	3	3	4	3	4	7	$85,716

Part-Time Employees

The City currently employs twenty-eight (28) part-time employees. Indicated below is their composition. Please note, the Human Resources Department's monthly report does not reflect Relief Fire Dispatchers, temporary employees or part-time employees working for the purpose of producing the City Council meetings. They are not included in the chart below.

Part-Time Employees by Gender, Race and Department

	Gender		Race			
Department	Female	Male	White	Black/African American	American Indian or Alaskan Native	2 or more races
Central Services		1	1			
Customer Service	1			1		
Library	12	1	10	2		1
Police Civilian	2	7	6	1	1	1
Recreation	3	1		4		
Total	18	10	17	8	1	2

All Employees

A summary of the City of Dover workforce has been compiled and is reflected in Exhibit F. Comparable data with the State of Delaware, Kent County and Dover demographics is included for comparison purpose.

Exhibit A

Description of Job Categories for EEO-4 Filing

(Source: EEOC website; www.eeoc.gov)

Officials and Administrators: Occupations in which employees set broad policies, exercise overall responsibility for execution of these policies, or direct individual departments or special phases of the agency's operations, or provide specialized consultation on a regional, district or area basis. Includes: department heads, bureau chiefs, division chiefs, directors, deputy directors, controllers, wardens, superintendents, sheriffs, police and fire chiefs and inspectors, examiners (bank, hearing, motor vehicle, warehouse), inspectors (construction, building, safety, rent-and- housing, fire, A.B.C. Board, license, dairy, livestock, transportation), assessors, tax appraisers and investigators, coroners, farm managers, and kindred workers.

Professionals: Occupations which require specialized and theoretical knowledge which is usually acquired through college training or through work experience and other training which provides comparable knowledge. Includes: personnel and labor relations workers, social workers, doctors, psychologists, registered nurses, economists, dietitians, lawyers, systems analysts, accountants, engineers, employment and vocational rehabilitation counselors, teachers or instructors, police and fire captains and lieutenants, librarians, management analysts, airplane pilots and navigators, surveyors and mapping scientists, and kindred workers.

Technicians: Occupations which require a combination of basic scientific or technical knowledge and manual skill which can be obtained through specialized post-secondary school education or through equivalent on-the-job training. Includes: computer programmers, drafters, survey and mapping technicians, licensed practical nurses, photographers, radio operators, technical illustrators, highway technicians, technicians (medical, dental, electronic, physical sciences), police and fire sergeants, inspectors (production or processing inspectors, testers and weighers), and kindred workers.

Protective Service Workers: Occupations in which workers are entrusted with public safety , security and protection from destructive forces. Includes: police patrol officers firefighters, guards, deputy sheriffs, bailiffs, correctional officers, detectives, marshals, harbor patrol officers, game and fish wardens, park rangers (except maintenance), and kindred workers.

Paraprofessionals: Occupations in which workers perform some of the duties of a professional or technician in a supportive role, which usually require less formal training and/or experience normally required for professional or technical status. Such positions may fall within an identified pattern of staff development and promotion under a "New Careers" concept. Included: research assistants, medical aides, child support workers, policy auxiliary welfare service aides, recreation assistants, homemakers aides, home health aides, library assistants and clerks, ambulance drivers and attendants, and kindred workers.

Administrative Support(Including Clerical and Sales): Occupations in which workers are responsible for internal and external communication, recording and retrieval of data and/or

information and other paperwork required in an office. Includes: bookkeepers, messengers, clerk-typist, stenographers, court transcribers, hearing reporters, statistical clerks, dispatchers, license distributors, payroll clerks, office machine and computer operators, telephone operators, legal assistants, sales workers, cashiers, toll collectors, and kindred workers.

Skilled Craft Workers: Occupations in which workers perform jobs which require special manual skill and a thorough and comprehensive knowledge of the process involved in the work which is acquired through on-the-job training and experience or through apprenticeship or other formal training programs. Includes: mechanics and repairers electricians, heavy equipment operators, stationary engineers, skilled machining occupations, carpenters, compositors and typesetters, power plant operators, water and sewage treatment plant operators, and kindred workers.

Service-Maintenance: Occupations in which workers perform duties which result in or contribute to the comfort, convenience, hygiene or safety of the general public or which contribute to the upkeep and care of buildings, facilities or grounds of public property. Workers in this group may operate machinery. Includes: chauffeurs, laundry and dry cleaning operatives, truck drivers, bus drivers, garage laborers, custodial employees, gardeners and groundkeepers, refuse collectors, construction laborers, park rangers (maintenance), farm workers (except managers), craft apprentices/trainees/helpers, and kindred workers.

Exhibit B
City of Dover Employment Application

RECRUITMENT SOURCES

In an attempt to enhance our recruiting efforts, please advice us of the location in which you learned of our position. (Please check all that apply.)

Walk-In ☐ **If so, which location** _____
Community Agency ☐ **If so, which** _____
City Employee ☐ **If so, whom** _____
Newspaper ☐ **If so, which** _____
Internet ☐ **If so, what website** _____
Other ☐ **If so, please explain** _____

AFFIRMATIVE ACTION SURVEY

The Affirmative Action Survey will be detached from the application and kept separately. It will not be used as a basis for making employment decisions.

To help the City of Dover meet its affirmative action objectives and to comply with various government requirements, please mark the appropriate identification categories below. Below the survey describes identification categories in detail. Providing this information is voluntary, and your application will not be adversely affected if you respond or decline to respond. This information will be used only in accordance with federal laws and regulations. Information concerning any handicap or disability will be kept confidential except as necessary for purpose of job assignment, accommodation, first aid and safety.

RACE	*SEX*	*HANDICAPPED/VETERAN*
_____ **White** _____ **Black** _____ **Hispanic** _____ **American Indian/Alaskan Native** _____ **Asian/Pacific Islander**	_____ Male _____ Female	_____ Handicapped _____ Vietnam Era Veteran _____ Disabled Veteran

Race

- **Black**: Of Black racial group origin
- **Hispanic**: Mexican, Puerto Rican, Cuban, Central-South American origin or any other Spanish culture regardless of race.
- **White**: European, North African, or Middle Eastern origin.
- **American Indian/Alaskan Native**: North American, but cultural identification maintained through tribal affiliation or community recognition.

Asian/Pacific Islander: Far East, south East Asia, Pacific Island origin.

Handicapped

- Physical or mental impairment which substantially limits one or more major life activities.
- A record of such an impairment, or society perceives such a impairment.

Vietnam Era Veteran

- Active military duty of more than 180 days, any part of which occurred between August 6, 1964 and May 7, 1975, and discharged or released from duty with an other than dishonorable discharged.

Disabled Veteran

- Disability rated by Veterans Administration at 30 percent or more, or,
- Released or discharged from active duty for a disability incurred or aggravated in the line of duty.

Exhibit C

City of Dover - October 2016
Part-Time New Hires
1/2/2012 – 10/16/2016

Department	Female	Male	White	Black/African American	Hispanic or Latino	Asian	Alaska Indian/Native American	2 or More Races	Total Part-time New Hire
Central Services		1	1						1
City Clerk									
City Manager's Office									
Code Enforcement									
Council									
Customer Services	1		1						1
Electric - Administration									
Electric - Engineering									
Electric - Meter Reading									
Electric - System Operations									
Electric - Transmission & Distribution									
Finance									
Fire Department									
Human Resources									
Information Technology									
Library	11	1	9	2				1	12
Life Safety/Fire Marshal									
Mayor									
Permitting/Inspections									
Planning									
Police Civilians	2	7	6	1				2	9
Police Law Enforcement									
Public Works - Admin									
Public Works - Engineering									
Public Works - Facilties Management									
Public Works - Grounds									
Public Works - Sanitation									
Public Works - Streets									
Public Works - Vehicle Maintenance									
Public Works - Wastewater Engineering									
Public Works - Wastewater Management									
Public Works - Water Management									
Public Works - Water Treatment Plant									
Recreation		1		1					1
Tax Assessor									
Total	14	10	17	4	0	0	0	3	24
	58.33%	41.67%	70.83%	16.67%	0.00%	0.00%	0.00%	12.50%	
City of Dover	53.60%	46.40%	48.25%	42.20%	6.55%	2.72%	0.50%	4.10%	
Kent County	51.92%	48.08%	67.77%	23.97%	5.75%	2.03%	0.64%	3.50%	
State of Delaware	51.56%	48.43%	68.78%	21.36%	8.15%	2.80%	0.47%	2.65%	

Exhibit D

City of Dover - October 2016
Full-Time New Hires
1/2/2012 – 10/16/2016

Department	Female	Male	White	Black/African American	Hispanic or Latino	Asian	Alaska Indian/Native American	2 or More Races	Total Full-time New Hires
Central Services									
City Clerk									
City Manager's Office		1		1					1
Code Enforcement	1	1	2						2
Council									0
Customer Services	2	1	1	2					3
Electric - Administration		2	2						2
Electric - Engineering	1	2	3						3
Electric - Meter Reading									0
Electric - System Operations									0
Electric - Transmission & Distribution		2	2						2
Finance	4		3			1			4
Fire Department		1	1						1
Human Resources									0
Information Technology		1	1						1
Library	3	1	4						4
Life Safety/Fire Marshal									0
Mayor		1						1	1
Permitting/Inspections	3	1	4						4
Planning		3	2					1	3
Police Civilians	4	9	10	1			1	1	13
Police Law Enforcement	2	28	23	4	2		1		30
Public Works - Admin									0
Public Works - Engineering	1	2	2			1			3
Public Works - Facilities Management		2	2						2
Public Works - Grounds	1	4	3				1	1	5
Public Works - Sanitation		3	2	1					3
Public Works - Streets		2	1	1					2
Public Works - Vehicle Maintenance		3	3						3
Public Works - Wastewater Engineering		1	1						1
Public Works - Wastewater Management		5	3	1				1	5
Public Works - Water Management		1	1						1
Public Works - Water Treatment Plant	1	3	4						4
Recreation									0
Tax Assessor									0
Total	23	80	80	11	2	2	3	5	103
	22.33%	77.67%	77.67%	10.68%	1.94%	1.94%	2.91%	4.85%	
City of Dover	53.60%	46.40%	48.25%	42.20%	6.55%	2.72%	0.50%	4.10%	
Kent County	51.92%	48.08%	67.77%	23.97%	5.75%	2.03%	0.64%	3.50%	
State of Delaware	51.56%	48.43%	68.78%	21.36%	8.15%	2.80%	0.47%	2.65%	

Exhibit E

Employment Recruitment Procedures

1. The hiring department must complete the Permission to Recruit form and the Hiring Justification questionnaire for each vacant or new position they wish to recruit. If the position was a new position approved through the budget process, only the Permission to Recruit form is required. Both forms are located on Public Docs, Human Resources folder and Recruitment. Once the form(s) are completed, please forward to the City Manager for initial approval. If approved, the City Manager's department will forward the forms to the Controller/Treasure for budget review approval. Human Resources will be advised that the forms have been forwarded to Finance. Finance will forward the documents to Human Resources.

2. Human Resources will write the job advertisement and return it to the Department for review. All job descriptions will be reviewed by both the Human Resources Department and the Department to ensure they are current and up to date prior to posting the recruitment. The Human Resources Department will work with the Department on creating a job description for new positions. Bargaining unit jobs will be posted as outlined in the appropriate Labor Agreement. All jobs (unless In-House only) at a minimum will be posted on the City's website.

3. Human Resources will post/run the ad in the appropriate publications and log in and collect the applications and resumes.

4. Once the job closes and all applications/resumes are received, Human Resources will review the applications/resumes narrow the selection down to the fifteen (15) most qualified candidates. Those candidates will then be forwarded to the Department for review. The Department can always request to review all the applications/resumes received for the posting if they so choose. If an in-house applicant is ***NOT*** to be interviewed, then the department doing the hiring along with Human Resources must speak with the employee to determine why the employee feels they are qualified for the position. The discussion should include why the candidate has not been selected for an interview.

5. When the position closes all candidates will receive a letter indicating receipt of their applications/resumes. The letter acknowledges receipt of their application/resume and indicates that those candidates chosen for an interview will be contacted. Final candidates interviewed, but not selected, will be contacted via Human Resources once the recruitment is considered filled.

6. Human Resources will contact the Department to schedule interviews at a time convenient to the Department, HR and the persons to be interviewed. The department will submit prescreening questions, and once approved, will conduct a telephone screening on initial candidates to ensure their viability. The department will also provide Human Resources with a draft of the interview questions for the HR department's review and finalization. HR will then schedule the interviews and provide interview packets to the interview team.

7. At the conclusion of each of the interviews, if possible, the interview team should discuss and determine the viability of each candidate. Following the interviews, the Department will submit a Hiring Summary. The Hiring Summary must include their preference of candidates and recommendation for hire to HR for review and final approval along with all interview notes. The

Hiring Summary must include the reasons for their choice of candidate and list all candidates interviewed with a brief outline of the justification for their choice along with the reasons they did not chose the other candidates to fill the open position. Approval cannot be granted until all interview notes from the entire interview team are received by the Human Resources Department. The recruitment file is not complete without this vital information.

8. Once the Hiring Summary is received and approved, the HR Department will contact the candidate and provide them with a conditional offer letter of employment. The candidate will be instructed that the conditional offer letter is contingent on several factors to include: successful completion of a background investigation, satisfactory driving record (not applicable to all positions), successful completion of a pre-employment drug screening along with receipt of education verification. Additional requirements may be necessary depending on the position. Once all necessary documentation has been received and reviewed, HR will then contact the Department and the candidate to determine their first day of employment. HR will then notify the Finance Department and Information Technology of the candidate's name, position and first day of employment.

9. HR will send a calendar appointment to IT and the Department. The appointment will be established one week in advance of the employee's first day of employment. The calendar event is to remind the department and IT to establish computer, telephone, etc. needs. Included in the calendar appointment will be a link to IT's Self Service, New User Request.

Exhibit F

City of Dover – October 2016

Gender & Race by Department for All Full-time and Part-time Employees

Department	Female	Male	White	Black/African American	Hispanic or Latino	Asian	Alaska Indian/Native American	2 or More Races	Total Department Staffing Levels
Central Services		4	4						4
City Clerk	4		4						4
City Manager's Office	4	5	5	4					9
Code Enforcement	1	3	4						4
Council		9	7	2					9
Customer Services	10	2	8	4					12
Electric - Administration	2	2	4						4
Electric - Engineering	2	6	6	2					8
Electric - Meter Reading	1	2	3						3
Electric - System Operations		5	2	2			1		5
Electric - Transmission & Distribution		23	20	3					23
Finance	7	1	6			1		1	8
Fire Department		10	9	1					10
Human Resources	3		2	1					3
Information Technology		3	3						3
Library	25	2	22	3		1		1	27
Life Safety/Fire Marshal		2	2						2
Mayor		1						1	1
Permitting/Inspections	3	3	6						6
Planning	4	2	3	2				1	6
Police Civilians	14	27	35	2			2	2	41
Police Law Enforcement	4	97	86	11	2	1	1		101
Public Works - Admin	3	2	5						5
Public Works - Engineering		3	3						3
Public Works - Facilties Management	1	4	5						5
Public Works - Grounds	1	8	7				1	1	9
Public Works - Sanitation		9	5	2			2		9
Public Works - Streets		8	5	2			1		8
Public Works - Vehicle Maintenance		6	6						6
Public Works - Wastewater Engineering	1	4	4			1			5
Public Works - Wastewater Management		9	6	1			1	1	9
Public Works - Water Management		5	3				2		5
Public Works - Water Treatment Plant	1	12	13						13
Recreation	6	3	4	5					9
Tax Assessor	2		2						2
Total	99	282	309	47	2	4	11	8	381
	25.98%	74.02%	81.10%	12.34%	0.52%	1.05%	2.89%	2.10%	
City of Dover	53.60%	46.40%	48.25%	42.20%	6.55%	2.72%	0.50%	4.10%	
Kent County	51.92%	48.08%	67.77%	23.97%	5.75%	2.03%	0.64%	3.50%	
State of Delaware	51.56%	48.43%	68.78%	21.36%	8.15%	2.80%	0.47%	2.65%	

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ACTION FORM

MEETING DATE: 10/25/16
PROCEEDING: Council Committee of the Whole/Legislative, Finance, and Administration Committee
DEPARTMENT OF ORIGIN: City Council
PREPARED BY: Traci A. McDowell, City Clerk, on Behalf of Councilman Hutchison

DATE SUBMITTED: 09/21/2016
SUBJECT: Proposed Ordinance Amendments - Removal of Annual Appointment Requirements for the City Clerk, Building Inspector, and Fire Marshal
RELATED PROJECT: Proposed Charter Amendments to Eliminate the Annual Appointment Requirement for the City Assessor, Controller/Treasurer, City Solicitor, and Deputy City Solicitor
APPROVALS: City Council
EXHIBITS: Proposed Ordinance #2016-21 amending Chapter 2 - Administration, Article IV - Officers and Employees, Division 5 - City Clerk, Section 2-281 - Appointment; Chapter 22 - Buildings and Building Regulations, Article II - Building Inspector, Section 22-31 - Office Created; Appointment; and Chapter 46 - Fire Prevention and Protection, Article III - Fire Codes, Section 46-124 - Fire Marshal
EXPENDITURE REQUIRED: $ N/A **AMOUNT BUDGETED**: $ N/A **FUNDING SOURCE (Dept./Page in CIP & Budget)**: N/A
TIMETABLE: First Reading at Council on November 14, 2016 and Final Reading at Council on November 28, 2016.
RECOMMENDED ACTION: Approval of the proposed amendments to the City of Dover Code of Ordinances.

BACKGROUND AND ANALYSIS

At the request of Councilman Hutchison, staff prepared Proposed Ordinance #2016-21 amending Chapter 2 - Administration, Article IV - Officers and Employees, Division 5 - City Clerk, Section 2-281 - Appointment; Chapter 22 - Buildings and Building Regulations, Article II - Building Inspector, Section 22-31 - Office Created; Appointment; and Chapter 46 - Fire Prevention and Protection, Article III - Fire Codes, Section 46-124 - Fire Marshal. These amendments will remove the annual appointment requirement for the City Clerk, Building Inspector, and Fire Marshal.

Additionally, proposed Charter amendments are being considered to eliminate the annual appointment requirement for the City Assessor, Controller/Treasurer, City Solicitor, and Deputy City Solicitor.

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

That Chapter 2 - Administration, Article IV - Officers and Employees, Division 5 - City Clerk, Section 2-281 - Appointment of the Dover Code be amended by deleting the text indicated in red strikeout, as follows:

Sec. 2-281. - Appointment.

There shall be a city clerk selected by the city council ~~at its annual meeting,~~ and such person shall serve as the clerk of the city council.

(Code 1981, § 2-116; Ord. of 3-12-2001)

BE IT FURTHER ORDAINED:

That Chapter 22 - Buildings and Building Regulations, Article II - Building Inspector, Section 22-31 - Office Created; Appointment of the Dover Code be amended by deleting the text indicated in red strikeout, as follows:

Sec. 22-31. - Office created; appointment.

There is hereby created the office of building inspector. The building inspector shall be selected by the city council ~~during its annual meeting~~.

(Code 1968, § 2-75; Code 1981, § 5-1)

BE IT FURTHER ORDAINED:

That Chapter 46 - Fire Prevention and Protection, Article III - Fire Codes, Section 46-124 - Fire Marshal of the Dover Code be amended by deleting the text indicated in red strikeout, as follows:

Sec. 46-124. - Fire marshal.

(a) *Selection*. There shall be a fire marshal, who shall be selected by the city council ~~at its annual meeting~~.

(b) *Fire prevention*. The fire marshal or his/her authorized agent shall enforce this article and any other fire prevention provisions of this Code and any other fire prevention regulations applicable to the city.

(c) *Investigation of fires*. The fire marshal or his/her deputies shall be responsible for the investigation of the origins and causes of fires and explosions within the corporate limits of the city, which involve the loss of life or injury or cause destruction or damage to property. Such investigation shall be initiated immediately upon the occurrence of such fire or explosion. Upon request of the fire marshal, the city police shall be authorized to assist the fire marshal in the performance of his/her duties. When any fire or explosion is found to be suspicious or criminal in nature or causes serious injury or death, the fire marshal or his/her deputies shall contact the city police and, per the agreement of the fire marshal and chief of police, conduct a joint investigation into the origin and

cause of the fire or explosion.

(d) *Hazardous conditions*. When, in the opinion of the fire marshal or code official, a fire or life safety hazard is of imminent danger to occupants of a building, structure or outdoor event, the fire marshal or code official may order the unsafe condition removed, said building or structure evacuated or outdoor event terminated.

(e) *Right of entry*. The fire marshal or his/her designee is authorized at all reasonable times to enter and examine any building, marine vessel, vehicle, or premises for the purposes of making fire safety inspections. Before entering a private building or dwelling, the fire marshal or his/her designee shall obtain the consent of the occupant thereof or obtain a search warrant authorizing his/her entry for the purpose of inspection, except in those instances where an emergency exists. As used in this section, "emergency" means circumstances which the fire marshal or his/her designee knows or has reason to believe exist, and which reasonably may constitute immediate and grave danger to life or property.

(f) *Implied consent*. Application for, or acceptance of, any license or permit requested or issued pursuant to City Code constitutes agreement and consent by the person making the application or accepting the license or permit to allow the fire marshal or his/her designee to enter the premises at any reasonable time to conduct such inspections as required by this code or deemed necessary by the fire marshal or his/her designee to determine compliance with the requirements for such license or permit.

(g) ~~[~~*Placard-Health hazard and unsafe to enter*.~~]~~ The fire marshal or code official may placard any building damaged by fire or explosion as being a health hazard and unsafe to enter. No one shall enter any building having been placarded by the fire marshal or code official as being a health hazard and unsafe without first contacting the fire marshal.

(h) ~~[~~*Unlawful to enter*.~~]~~ It shall be unlawful to enter any premise, structure, building, or vehicle which has been damaged by fire or explosion for the purpose of removing, altering or tampering with any part of the structure, appliance, or object identified and tagged by the fire marshal as being a possible ignition source or cause of the fire or explosion, without approval of the fire marshal, until the conclusion of the investigation.

(Code 1968, § 2-49; Code 1981, § 7-59; Ord. of 2-9-1998; Ord. No. 2012-05, 9-24-2012)

ADOPTED: *

S:\ORDINANCES\2016\DRAFT\ORDINANCE #2016-21 ANNUAL APPOINTMENT - CITY CLERK, BUILDING INSPECTOR, AND FIRE MARSHAL\Ordinance #2016-21 Annual Appointment - City Clerk, Building Inspector, and Fire Marshal.wpd

SYNOPSIS

The proposed amendments remove the annual appointment requirement for the city clerk, building inspector, and fire marshal.

(SPONSORS: HUTCHISON, NEIL, AND ANDERSON)

Actions History

10/25/2016 - Scheduled for Introduction - Council Committee of the Whole/Legislative, Finance, and Administration Committee

10/11/2016 - Deferred by Council Committee of the Whole/Legislative, Finance, and Administration Committee

Draft

CITY OF DOVER PROPOSED ORDINANCE #2016-22

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

That Chapter 54 - Health and Sanitation, Article I - In General, Section 54-4 - Smoking Regulations of the Dover Code be amended by deleting the text indicated in red strikeout and inserting the bold, blue text, as follows:

Sec. 54-4. - Smoking regulations.

(a) *Generally*. The Surgeon General of the United States, the National Academy of Sciences, and other health organizations have linked passive exposure to tobacco smoke (secondhand smoke) to a variety of negative health conditions in nonsmokers, which has prompted the council to enact smoking regulations for the health, welfare and safety of residents of the city and to strike a reasonable balance between the rights of smokers and nonsmokers by regulating smoking in certain public places and places of employment.

(b) *Definitions*. The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Bar or cocktail lounge area means that part of any restaurant or other establishment, to a depth of 20 feet from such bar, primarily engaged in the business of selling or dispensing alcoholic beverages or other beverages and duly licensed by the state for the same, but secondary to the restaurant or other primary use of the establishment.

Employee means any person who renders or has rendered any service to another for a consideration or its equivalent, under an expressed or implied contract, and who is or was under the control and direction of the latter when rendering the services, including temporary, provisional, casual or part-time employment.

Employer means an individual, partnership, association, corporation, governmental body or agency, or any other entity, for whom or for which one or more persons renders or have rendered any service on a salary, commission or other compensation basis.

Health care facility means any office or institution providing individual care or treatment of diseases, whether physical, mental or emotional, or other medical, physiological or psychological conditions.

Place of employment means any enclosed area under the control of a public or private employer, which employees normally frequent during the course of employment. A private residence is not considered to be a place of employment for the purpose of this section, nor is a motor vehicle of the employer used by employees in the course of employment.

Public conveyance means any taxicab, mass transit vehicle or school bus, or any vehicle offered to passengers for a fee.

Public meeting includes any meeting or assembly held in any room, auditorium or chamber wherein public, civic or governmental business is conducted and which is open to the public either as

participants or spectators.

Public place includes any enclosed area to which the public is invited or in which the public is permitted, including, but not limited to, banks; educational facilities; health care facilities; day care centers, retirement homes, rest or nursing centers; property owned, occupied or operated by the city or any agency thereof; public transportation facilities; lobbies and reception areas, but not including the offices or work areas not entered by the public in the normal course of business or use of the premises. A private residence is not a public place, but the lobby or common area of a multifamily dwelling is a public place.

Restaurant means any establishment which is regularly used and kept open principally for the purpose of serving complete meals to persons for a consideration and which has seating at tables for 35 or more persons, and suitable kitchen facilities connected therewith for cooking an assortment of foods under the charge of a chef or cook. The service of only such food and victuals as sandwiches or salads shall not be deemed to be the service of meals. Any such establishment shall be duly licensed as a restaurant by the city and state.

Retail store means any establishment, the primary purpose of which is to sell or offer for sale to consumers, not for resale, any goods, wares, merchandise, articles or food for consumption off the premises.

Secondhand smoke means the smoke to which a person may be involuntarily exposed, either through a smoker exhaling the smoke of or from a tobacco product, or through the lighting or burning of any tobacco product.

Smoking includes the lighting, burning, holding or carrying of, or emitting, or inhaling, or exhaling the smoke of, a pipe, cigar or cigarette of any kind or any form of lighted object or device which contains tobacco.

Sports arena means any indoor facility primarily used for sports, cultural or similar events.

Taproom means any establishment which is regulated and licensed as such by the state pursuant to the Delaware Alcoholic Beverage Control Act (4 Del. C. § 101 et seq.), and which is provided with special space and accommodations and operated primarily for the sale by the glass for consumption on the premises of alcoholic beverages with the sale of food as a secondary object, as distinguished from a restaurant where the sale of food is the primary object.

Tavern means any business selling spirits, wine or beer by the glass at retail for consumption on the premises, and which is duly licensed and regulated as such pursuant to the Delaware Alcoholic Beverage Control Act, and in which the sale of food is a secondary object, as distinguished from a restaurant where the sale of food is the primary object.

Theater means any indoor facility primarily used for the exhibition of any motion picture, stage drama, musical recital, dance, lecture or other similar performance.

(c) *Prohibitions*. Smoking is unlawful **on all city-owned property and** in "public places" as such term is defined in subsection (b) of this section, and in the following public places during the hours in

which they are open to the public:

(1) Art galleries, libraries, museums and similar cultural facilities;
(2) Classrooms and lecture halls;
(3) Restaurants;
(4) Elevators;
(5) Health care facilities;
(6) Public conveyances;
(7) Public meetings;
(8) Retail stores, other than retail tobacco stores, the primary activity of which is the sale or promotion of tobacco and tobacco products and accessories; provided, however, that smoking may be permitted in those areas of enclosed shopping centers or malls that are external to the retail stores and are used by customers as a route of travel from one store to another and consist primarily of walkways and seating arrangements; and further provided that where smoking is permitted, the proprietor shall post a sign to that effect;
(9) Theaters and indoor sports arenas;
(10) Restrooms located in "public places" as such term is defined in subsection (b) of this section, and in the facilities listed in subsections (c)(1), (c)(2), (c)(5), (c)(6), (c)(8), and (c)(9) of this section; and
(11) Places of employment not exempted in 16 Del. C. § 2904.

(d) Violations; penalties; appeals.

(1) Violations. The following acts constitute violations of this section:

a. Smoking **on city-owned property or** in a posted nonsmoking area;
b. Failure to post a "No Smoking" sign as required by this section;
c. Failure to inform any person who violates this section, when such duty to inform arises as set forth in subsection (f) of this section;
d. Willful destruction or defacement of a sign posted as required by this section;
e. Failure to adopt a smoking policy as set forth in subsection (f) of this section.

(2) Penalties. Anyone who violates any provision of this section shall be liable for a fine as provided for in Appendix F-Fees and Fines. Each day such violation continues, shall constitute a separate offense. Fines not paid within 14 days of the day the fine was issued, including the day the fine was issued, shall be automatically doubled in amount.

(3) Appeals. In the event that the enforcement of this section causes undue and extraordinary financial hardship peculiar to any person, then that person shall have the right to appeal this hardship to the council by written request directed to the city clerk. In considering the appeal, the council shall have the power to alter the terms and conditions of this section to meet any peculiar and extraordinary hardship proven by the person as long as such alteration or relief does not detract from the purpose and intent of this section.

(e) Signs. The owner or other person having the authority to manage and control any area designated as a no-smoking area pursuant to this section shall post, or cause to be posted, and prominently display, and shall maintain, no-smoking signs in conspicuous locations within such areas. Such signs shall clearly and conspicuously recite the phrase "No Smoking" and/or use the international

no-smoking symbol and shall cite "Section 54-4 of the city Code." Signs shall be of sufficient number and prominent location to convey the message clearly and legibly to a person of reasonable sensibilities. Signs shall be at least one square foot in size, shall be affixed to the structure of the building and/or shall be so distributed that from any point in the no-smoking area at least one such sign is visible. A combination of fixed or pedestal type signs may be used.

(f) Places of employment.

(1) Written smoking policy. Every employer of 25 or more employees at any one location in the city, if exempted in 16 Del. C. § 2904, shall adopt, implement and maintain a written smoking policy which shall contain, at a minimum, the following provisions:

a. Accommodate preferences. A statement providing that the employer shall attempt to reach a reasonable accommodation, insofar as possible, between the preferences of smoking and nonsmoking employees; provided, however, that the employers are not required to incur any expense to make structural or physical modifications to accommodate individual preferences; however, if a satisfactory accommodation cannot be reached, the preferences of nonsmoking employees shall prevail;

b. Offices. Smoking may be permitted in private, enclosed offices, even though such offices may be visited in the normal course of business by nonsmoking employees;

c. Common use. Prohibition of smoking in auditoriums, classrooms, elevators, medical facilities, conference rooms and rooms containing photocopying or other office equipment used in common by employees;

d. Cafeterias, lunchrooms, and lounges. Designation of some portion of the seating capacity of cafeterias, lunchrooms and employee lounges as no-smoking areas; provided, however, that if there are two or more lounges available for employee use, one entire lounge may be designated as a smoking area;

e. Disputes. A procedure to resolve employee disputes and objections arising under the smoking policy; and

f. Retaliation. A statement providing that the employer will not retaliate or take any adverse personnel action against any employee exercising his rights granted under the smoking policy.

(2) Copies of policy to be provided to employees. Employers shall supply a written copy of the smoking policy to all current employees within 30 days of the date of adoption of such policy and shall supply copies of it to all future employees at the time of their entry into employment.

(3) Posting of policy. Employers shall post the smoking policy conspicuously in the place of employment.

(g) Enforcement.

Draft

(1) Authority to restrict in employment and public areas. The owner, proprietor, manager, or other person having the authority to manage and control any public place or place of employment, or a designated agent of such owner or manager, shall inform persons smoking in restricted areas of such places in order to warn them that they are in violation of the law. Any person may file a complaint with the licensing division of the department of planning and inspections or with the police department, alleging a violation of any provision of this section.

(2) Procedures. Upon complaint to the licensing division of the department of planning and inspections or the police department, each department shall have concurrent jurisdiction to enforce the provisions of this section by any of the following actions:

a. Notice. Serving notice requiring the prompt correction by the owner, proprietor, manager or other person having the authority to manage and control any public place or place of employment of any violation of this section;

b. Legal action. Advising the city solicitor of violations of this section in order to maintain an action at law or in equity to enforce the provisions of this section, recover the fines and costs of prosecution, or prevent, enjoin, abate or remove or otherwise cause the correction of any such violation of the provisions of this section;

c. Summons. Issue to any person a citation or summons to appear in the justices of the peace court to answer to a charge of any violation of this section.

(h) Miscellaneous provisions.

(1) Other prohibitions. Nothing in this section shall be construed to permit smoking where it is otherwise prohibited by law or regulation.

(2) Authority of owner. Nothing in this section shall be construed to preclude any owner or other person having the authority to manage and control any public place or place of employment from prohibiting smoking to a greater extent than is provided by this section.

(3) Fire safety. Nothing in this section shall be construed to permit or authorize, or be permitted to result in a fire safety hazard or violation, as may be determined by the fire marshal, by anyone in attempting to comply with the provisions of this section.

(Code 1981, § 14-15; Ord. of 4-8-1991; Ord. of 4-12-1993; Ord. of 9-22-2003; Ord. No. 2009-09, 6-22-2009)

State Law reference- Clean Indoor Air Act, 16 Del. C. § 2901 et seq.

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BE IT FURTHER ORDAINED:

That Appendix F - Fees and Fines, Chapter 54 - Health and Sanitation, Article I - In General, Section 54-4 - Smoking Regulations, Subsection (d) - Violations; Penalties; Appeals, Subsection (2) - Penalties of the Dover Code be amended by deleting the text indicated in red strikeout and inserting the bold, blue text, as follows:

Chapter 54. - Health and Sanitation

Chapter 54. Health and Sanitation	**Fees and Fines**
Article I. In General	
Fines not paid within 14 days of the day the fine was issued, including the day the fine was issued, shall be automatically doubled in amount.	
Sec. 54-4. Smoking regulations	
Subsec. (d) Violations; penalties; appeals	
Subsec. (2) Penalties	Not to exceed $25.00; each day such violation continues shall constitute a separate offense
Article II. Food and Food Handlers	
Sec. 54-52. Fee	
Subsec. (a) Type of establishment	
Mobile food units	$50.00
Push carts	$25.00
For-profit temporary eating places	$25.00
Membership clubs	$50.00
Institutions	$100.00
Subsec. (b) Services provided	
Breakfast service	$15.00
Lunch service	$18.00
Dinner service	$18.00
Salad bar service	$15.00
Hot and cold buffet, including salad bar service	$40.00
Drive through service	$75.00
Delivery service	$20.00
Catering service	$15.00
Takeout service	$20.00
Seating service:	

100—150	$50.00
151—200	$75.00
201 or more	$100.00
Article V. Rat Control	
Unless specifically provided otherwise, or the context thereof so dictates, each day any violation of any provision of this Code or any ordinance shall continue shall constitute a separate offense. Fines not paid within 14 days of the day the fine was issued, including the day the fine was issued, shall be automatically doubled in amount.	
Sec. 54-155. Compliance with notice to ratproof	Unless the work and improvements have been completed by the owner in the time specified in the written notice, which in no event shall be more than 15 days, or within the time to which a written extension may have been granted by the health inspector, then the owner shall be punished by a fine of not less than $25.00, nor more than $1,000.00
Sec. 54-156. Compliance with notice to eradicate rats	Unless eradication measures are undertaken within five days after receipt of the notice, the owner or occupant shall be punished by a fine of not less than $25.00, nor more than $1,000.00

ADOPTED: *

S:\ORDINANCES\2016\DRAFT\ORDINANCE #2016-22 CH 54 - HEALTH & SANITATION, ART I - IN GEN, SEC 54-4 - SMOKING REGULATIONS\ORDINANCE #2016-22 CH 54 - HEALTH & SANITATION, ART I - IN GEN, SEC. 54-4 - SMOKING REGULATIONS.wpd

SYNOPSIS

The proposed ordinance would implement a smoke-free policy on all City-owned property.

Actions History

10/25/2016 - Scheduled for Introduction - Council Committee of the Whole/Legislative, Finance, and Administration Committee
10/11/2016 - Deferred by Council Committee of the Whole/Legislative, Finance, and Administration Committee

Draft

TITLE 16

Health and Safety

Regulatory Provisions Concerning Public Health

CHAPTER 29. CLEAN INDOOR AIR ACT

§ 2901 Legislative intent.

The General Assembly finds that it is in the best interest of the people of this State to protect nonsmokers from involuntary exposure to environmental tobacco smoke and emissions produced by electronic smoking devices in most indoor areas open to the public, public meetings, foods service establishments and places of employment.

The General Assembly recognizes that a balance should be struck between the health concerns of nonconsumers of tobacco products and the need to minimize unwarranted governmental intrusion into and regulation of private spheres of conduct and choice with respect to the use or nonuse of tobacco products in certain designated public areas and in private places. Therefore, the General Assembly declares that the purpose of this act is to preserve and improve the health, comfort and environment of the people of this State by limiting exposure to tobacco smoke and emissions produced by electronic smoking devices.

69 Del. Laws, c. 287, § 1; 80 Del. Laws, c. 81, § 1.;

§ 2902 Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meaning ascribed to them in this section, except where the context clearly indicates a different meaning:

(1) "Auditorium" means the part of a public building where an audience sits and any corridors, hallways or lobbies adjacent thereto.

(2) "Bar" means any indoor area open to the public operated primarily for the sale and service of alcoholic beverages for on-premises consumption and where the service of food is secondary to the consumption of such beverages. An establishment which has been licensed by the Delaware Alcoholic Beverage Control Commission as a "taproom or tavern" as that term is defined in Title 4 shall be considered a "bar" for purposes of the application of the provisions of this chapter.

(3) "Electronic smoking device" means any product containing or delivering nicotine or any other similar substance intended for human consumption that can be used by a person to simulate smoking through inhalation of vapor or aerosol from the product. The term includes any such device, whether manufactured, distributed, marketed, or sold as an e-cigarette, e-cigar, e-pipe, e-hookah, or vape pen, or under any other product name or descriptor.

(4) "Employer" means any person, partnership, association, corporation or nonprofit entity that employs 1 or more persons, including the legislative, executive and judicial branches of state government; any county, city, town, village or any other political subdivision of the State, public improvement or special district, public authority, commission, agency or public benefit corporation; or any other separate corporate instrumentality or unit of state or local government.

(5) "Environmental tobacco smoke" (ETS) or "secondhand smoke" is the complex mixture formed from the escaping smoke of a burning tobacco product (termed as "sidestream smoke") and smoke exhaled by the smoker. Exposure to ETS is also frequently referred to as "passive smoking" or "involuntary smoking."

(6) "Food service establishment" means any indoor area open to the public or portion thereof in which the principal business is the sale of food for on-premises consumption including, but not limited to, restaurants, cafeterias, coffee shops, diners, sandwich shops or short order cafes. A food service establishment shall not include the bar area of such establishment. An establishment which has been licensed by the Delaware Alcoholic Beverage Control Commission as a "restaurant" as that term is defined in Title 4 shall be considered a "food service establishment" for purposes of the application of the provisions of this chapter.

(7) "Indoor area open to the public" means any indoor area or portion thereof generally accessible to the public.

(8) "Place of employment" means any indoor area or portion thereof under the control of an employer in which employees of the employer perform services but that is not generally accessible to the public.

(9) "Public building" means any building owned or operated by the State, including the legislative, executive and judicial branches of state government; any county, city, town, village or any other political subdivision of the State, public improvement or special district, public authority, commission, agency or public benefit corporation; or any other separate corporate instrumentality or unit of state or local government.

(10) "Public meeting" means all meetings open to the public pursuant to the laws of Delaware and its political subdivisions.

(11) "Smoke-free work area" means an indoor area in a place of employment where no smoking occurs.

(12) "Smoking" means:

a. The burning of a lighted cigarette, cigar, pipe or any other matter or substance that contains tobacco; or

b. The use of an electronic smoking device which creates an aerosol or vapor, in any manner or in any form.

(13) "Tobacco business" means a sole proprietorship, corporation, partnership or other enterprise engaged primarily in the sale, manufacture or promotion of tobacco, tobacco products and accessories either at wholesale or retail, and in which the sale, manufacture or promotion of other products is merely incidental.

(14) "Vapor establishment" means a business that:

a. Generates at least 80% of its revenue from the sale of electronic smoking devices and substances for use within electronic smoking devices; and

b. Does not share indoor common space with other businesses unless there are doors from the vapor establishment to the indoor common space that remain closed other than for ingress and egress.

(15) "Work area" means an area in a place of employment where 1 or more employees are routinely assigned and perform services for their employer.

69 Del. Laws, c. 287, § 1; 73 Del. Laws, c. 275, §§ 1, 2, 3, 4, 5, 6; 80 Del. Laws, c. 81, § 2.;

§ 2903 Smoking restrictions.

Except as is provided in § 2904 of this title, and in order to reduce the levels of exposure to environmental tobacco smoke and emissions produced by electronic smoking devices, smoking shall not be permitted and no person shall smoke in any indoor enclosed area to which the general public is invited or in which the general public is permitted, including, but not limited to:

(1) Public meetings;

(2) Elevators;

(3) Government owned and/or operated means of mass transportation including buses, vans, trains, taxicabs and limousines;

(4) Grocery stores;

(5) Gymnasiums;

(6) Jury waiting and deliberation rooms;

(7) Courtrooms;

(8) Child day care facilities;

(9) Health-care facilities including hospitals, health care clinics, doctor's offices or other health-care-related facilities;

(10) Any workplace not exempted;

(11) Restrooms, lobbies, reception areas, hallways and other common-use areas;

(12) Restaurants as licensed by the Division of Public Health or defined by Title 4;

(13) Gaming facilities that are open to the public;

(14) Any indoor sports arena;

(15) Lobbies, hallways and other common areas in apartment buildings, condominiums and other multiple-unit residential facilities;

(16) Lobbies, hallways and other common areas in hotels and motels, and in no less than 75% of the sleeping quarters within a hotel or motel that are rented to guests;

(17) Bowling alleys;

(18) Billiard or pool halls;

(19) Retirement facilities and nursing homes not including any private residence;

(20) Public buildings;

(21) Auditoria;

(22) Theaters;

(23) Museums;

(24) Libraries;

(25) Public and nonpublic schools;

(26) Other educational and vocational institutions.

(27) Establishments defined as a motorsports speedway, tavern or taproom by Title 4.

69 Del. Laws, c. 287, § 1; 70 Del. Laws, c. 186, § 1; 71 Del. Laws, c. 316, § 1; 73 Del. Laws, c. 275, § 7; 80 Del. Laws, c. 81, § 3.;

§ 2904 Smoking restrictions inapplicable.

This chapter shall not apply to:

(1) Private homes, private residences and private automobiles; provided, however, it shall only apply when such homes, residences or vehicles are being used for child care or day care or when the private vehicle is being used for the public transportation of children or as part of health care or day care transportation;

(2) Any indoor area where private social functions are being held when seating arrangements are under the control of the sponsor of the function and not the owner, operator, manager or person in charge of such indoor area;

(3) Limousines under private hire;

(4) A hotel or motel room rented to 1 or more guests; provided that the total percentage of such hotel or motel rooms does not exceed 25%;

(5) Any fund raising activity or function sponsored by a volunteer fire company, auxiliary of a fire company, or a volunteer ambulance or volunteer rescue company; provided, however, that the fund raising activity or function takes place upon property owned or leased by the volunteer fire, rescue or ambulance company; and

(6) Any fund raising activity or function sponsored by a fraternal benefit society as defined by § 6201 of Title 18; provided, however, that the fund raising activity or function takes place upon property owned or leased by said organization.

69 Del. Laws, c. 287, § 1; 73 Del. Laws, c. 275, § 8.;

§ 2905 Posting of signs.

"Warning: Smoking Permitted" signs shall be prominently posted and properly maintained where smoking is permitted pursuant to § 2904(2) and (4) of this title. Such signs shall be posted and maintained by the owner, operator, manager or other person having control of such area. The letters on such signs shall be at least 1 inch in height.

69 Del. Laws, c. 287, § 1; 73 Del. Laws, c. 275, § 9.;

§ 2906 Implementation; rules and regulations.

(a) The Department of Labor shall adopt rules and regulations as are necessary and reasonable to implement the provisions of this chapter as they apply to employers, employees, places of employment and the work place.

(b) The Department of Health and Social Services shall adopt rules and regulations as are necessary and reasonable to implement remaining provisions of this chapter not affecting employers, employees and the work place.

(c) The Department of Health and Social Services and the Department of Labor may upon request waive the provisions of this chapter if they determine there are compelling reasons to do so, and such waiver will not significantly affect the health and comfort of nonconsumers of tobacco products.

(d) The Department of Health and Social Services and the Department of Labor shall file annual reports by January 15 to the General Assembly outlining their enforcement efforts for the prior year and the results of those efforts. The first report shall be due 1 year after the effective date of the legislation.

69 Del. Laws, c. 287, § 1; 73 Del. Laws, c. 275, § 10.;

§ 2907 Administrative penalties.

(a) Any person who violates any provision of this chapter or any rule or regulation promulgated pursuant thereto shall be subject to an administrative penalty of $100 for a first violation and not less than $250 for each subsequent violation.

(b) Any employer who discharges or in any manner discriminates against an employee because that employee has made a complaint or has given information to the Department of Labor pursuant to this chapter, or because the employee has caused to be instituted or is about to cause to be instituted any proceedings under this chapter, or testified or is about to testify in any such proceedings, shall be deemed in violation of this chapter and shall be subject to a civil penalty of not less than $2,000 nor more than $10,000 for each violation.

69 Del. Laws, c. 287, § 1; 70 Del. Laws, c. 186, § 1; 70 Del. Laws, c. 460, § 4; 73 Del. Laws, c. 275, §§ 11, 12.;

§ 2908 Vapor establishments.

(a) Vapor establishments are permitted to have emissions produced by electronic smoking devices within their places of business.

(b) Any vapor establishment permitted to have emissions produced by electronic smoking devices in such vapor establishment pursuant to this section, and which permits such emissions, shall prohibit anyone under the age of 18 from entering and shall display a sign at all entrances stating that no one under the age of 18 is allowed in such vapor establishment.

80 Del. Laws, c. 81, § 5.;

CITY OF DOVER

SMOKING POLICY

I. Purpose

In response to the growing medical and scientific evidence of the detrimental effects of smoking on personal health and work performance, in recognition of the strong desire of City employees to work in a smoke-free environment and in response to public law, specifically Section 14-15 of the City Code relating to smoking regulations, the City of Dover, in a positive effort to provide a healthy and safe work environment for all of its employees, establishes this smoking policy.

II. Policy

Effective June 1, 1991, smoking will be prohibited in all city-owned or operated facilities or in any portion of any facility leased or occupied by the City except in designated smoking areas established pursuant to this policy.

III. Non-Smoking Employee Rights

This policy is an attempt to reach reasonable accommodations, as far as possible, between the preferences of smoking and non-smoking employees. However, if a satisfactory accommodation cannot be reached, the preferences of non-smoking employees shall prevail.

IV. Conflict Resolution

Employee disputes and objections arising out of the smoking policy shall be resolved by means of the City of Dover grievance procedure as outlined in the Employee Handbook.

V. Protection

The City of Dover will not retaliate or take any adverse personnel action against any employee exercising his or her rights granted under this smoking policy.

VI. Procedure

A. No smoking will be permitted in any city-owned or occupied building or facility except in the designated areas. The following have been designated as smoking areas for City of Dover employees. These designated areas will be reviewed in six months.

1. Electric Administration Building--No smoking is allowed in the Electric Administration Building except in the Dispatch Center on weekdays between 5:00 p.m. - 7:00 a.m. and on weekends from 5:00 p.m. Friday - 7:00 a.m. Monday provided, however, that should a non-smoking employee be assigned to the Dispatch Center during the allowable smoking hours, then no smoking shall be allowed in the Dispatch Center. Such assignment includes employees called in to work during times of emergencies.

4. Electric Power Plant--A designated smoking area painted on the second floor in the open Plant area adjacent to the windows enclosing the Control Room.

5. Any building not listed above does not have a designated smoking area.

B. Smoking will not be permitted in any city vehicle when there is a non-smoker present.

C. The sale of cigarettes will be prohibited on city property whether or not enclosed.

D. Employees cannot authorize exceptions to A-C.

VII. Enforcement

All employees are expected to obey the policy as outlined herein. Employees who violate the policy shall be appropriately counseled. Repeated violations shall be cause for disciplinary action in accordance with the City of Dover Personnel Policy.

VIII. Education

In a positive effort to assist employees in complying with this policy, the City of Dover will offer smoking cessation classes.

A. Smoking cessation classes will be made available to all employees & spouses upon the implementation of this policy, and annually thereafter.

IX. Incentives

A. Incentive awards will be given to any employee who provides proof that he/she has quit smoking:

1. cold turkey for 90 days;
2. for a consecutive 6 month period;
3. for a consecutive one year period.

State of Delaware
Tobacco-Free Workplace Policy

The State of Delaware is dedicated to providing a healthy and productive work environment for employees, clients, visitors, and contractors. The goal of the Tobacco-Free Workplace Policy is to improve the health of employees and Delaware citizens by promoting tobacco use cessation. Tobacco use remains the number one underlying cause of premature death and disability in Delaware and the nation. In Delaware, about 1,200 deaths each year result from cigarette smoking with more than 440,000 deaths from smoking-related illnesses in the United States, according to the U.S. Centers for Disease Control and Prevention. Smoking can cause several types of cancer, heart disease, stroke and lung diseases. These diseases are the leading killers in the United States. Use of smokeless tobacco, cigars, pipes and other tobacco products also lead to disease and death. On average, direct medical expenses and lost productivity resulting from tobacco related diseases and death total a staggering $722.8 million a year in Delaware.

Tobacco- Free Policy

The use of tobacco products is prohibited within the boundaries of all state workplaces including all buildings, facilities, indoor and outdoor spaces and the surrounding grounds owned by the State. This policy applies to parking lots, walkways, State vehicles and private vehicles parked or operated on State workplace property. This policy does not include public roads or sidewalks.

For the purposes of this policy, tobacco is defined as any type of tobacco product including, but not limited to: cigarettes, cigars, cigarillos, electronic cigarettes, pipes, bidis, hookahs, smokeless, spit tobacco or snuff.

The success of this policy will depend on the courtesy and cooperation of both tobacco users and nonusers. Everyone is responsible for respectfully following and helping to enforce the policy.

Violations of this policy may be subject to discipline, up to and including dismissal, based on the standards set forth in the Merit Rules, collective bargaining agreements, or other applicable laws or policies.

Effective Date

The policy requires State of Delaware workplaces to be tobacco free by January 1, 2013.

Tobacco Use Cessation Programs

The State of Delaware is committed to providing support to all employees who wish to stop using tobacco products and ensuring to the extent possible that employees have access to a variety of resources and assistance, including group counseling and for employees enrolled in a State of Delaware Group Health Plan, no charge tobacco cessation prescription medications, health coaching, and more through the Dela*WELL* Health Management Program at https://delawell.alerehealth.com or 1-866-674-9103.

Clients, visitors, and contractors are encouraged to contact the Delaware Quitline for tobacco cessation information at 1-866-409-1858

Delaware tobacco use statistics available at Center for Disease Control.
Available: http://www.cdc.gov/tobacco/data_statistics/index.htm
(May 10, 2012)

This policy is not intended to create any individual right or cause of action not already existing and recognized under state or federal law.

December 6, 2012

ACTION FORM

MEETING DATE: 10/25/16
PROCEEDING: Council Committee of the Whole/Legislative, Finance, and Administration Committee
DEPARTMENT OF ORIGIN: City Council
PREPARED BY: Traci A. McDowell, City Clerk, on Behalf of Councilman Hutchison

DATE SUBMITTED: 09/21/2016
SUBJECT: Proposed Charter Amendments - Removal of Annual Appointment Requirement for the City Assessor, Controller/Treasurer, City Solicitor, and Deputy City Solicitor; Gender Language Amendments; Administrative Amendments; and Typographical Corrections
RELATED PROJECT: Proposed Ordinance #2016-21 removing the annual appointment requirement for the City Clerk, Building Inspector, and Fire Marshal. Subsequent proposed ordinance amending Chapter 2 - Administration, Article IV - Officers and Employees, Division 4 - Controller/Treasurer, Section 2-261 - Appointment.
APPROVALS: City Council/General Assembly
EXHIBITS: City of Dover - Proposed Charter Amendments in Full Context (10/25/2016)
EXPENDITURE REQUIRED: $ N/A **AMOUNT BUDGETED**: $ N/A **FUNDING SOURCE (Dept./Page in CIP & Budget)**: N/A
TIMETABLE: Charter Amendments will require adoption of a Resolution requesting the General Assembly to approve the amendments. The Resolution will be presented to City Council on 11/14/16 and, upon adoption, the amendments will be forwarded to local legislators for submission.
RECOMMENDED ACTION: Approval of the proposed amendments to the City of Dover Charter and adoption by City Council of the subsequent Resolution requesting the General Assembly to amend the Charter.

BACKGROUND AND ANALYSIS

At the request of Councilman Hutchison, staff prepared proposed Charter amendments to remove the annual appointment requirement for the City Assessor, Controller/Treasurer, City Solicitor, and Deputy City Solicitor. Additional corrections were made to section headings, gender language, and typographical errors and transitional language is being proposed for deletion.

Additionally, proposed ordinance amendments are being considered to remove the annual appointment requirement for the City Clerk, Building Inspector, and Fire Marshal.

CITY OF DOVER - PROPOSED CHARTER AMENDMENTS IN FULL CONTEXT

INTRODUCED AT 10/25/2016 CCW/LF&A MEETING

PREAMBLE

We the people of the City of Dover, under the constitution and laws of the state of Delaware, in order to secure the benefits of local self government and to provide for an honest and accountable council manager government do hereby adopt this charter and confer upon the city the following powers, subject to the following restrictions, and prescribed by the following procedures and governmental structure. By this action, we secure the benefits of home rule and affirm the values of representative democracy, professional management, strong political leadership, citizen participation, and regional cooperation. 77 Del. Laws, c. 130, § 1

ARTICLE I. POWERS OF THE CITY

~~Section~~ Sec. 1.01. Powers of the City.

In addition to the powers specifically enumerated by statutes in Title 22 of the Delaware Code and elsewhere, the City of Dover shall assume and have all powers which under the Constitution of the State it would be competent for the General Assembly to grant by specific enumeration, and which are not denied by statute. 77 Del. Laws, c. 130, § 2

~~Section~~ Sec. 1.02. Construction.

The powers of the city under this charter shall be construed liberally in favor of the city, and the specific mention of particular powers in the charter shall not be construed as limiting in any way the general power granted in this article. 77 Del. Laws, c. 130, § 2

~~Section~~ Sec. 1.03. Intergovernmental Relations.

The city may participate by contract or otherwise with any governmental entity of this state or of the United States in the performance of any activity which one or more of such entities has the authority to undertake. 77 Del. Laws, c. 130, § 2

~~Section~~ Sec. 1.04. Municipal corporation continued; boundaries.

The municipal corporation of the State of Delaware, known as "the City of Dover" shall continue to be a body politic and corporate. The boundaries of the City of Dover are hereby established and declared as recorded on the official map of record in the Recorder of Deeds Office in and for Kent County and State of Delaware as presently existing and as hereinafter amended. 77 Del. Laws, c. 130, § 2

~~Section~~ Sec. 1.05. Procedure to extend boundaries.

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

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

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

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

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

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

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

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

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

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

of The City of Dover.

If a majority of the votes cast in an annexation election shall be against the inclusion of that property within the limits of The City of Dover, the proposed annexation of said property shall be declared to have failed. Nothing in this Charter shall prohibit the council from resubmitting a proposal for annexation to the eligible voters for said property, or any portion thereof, under the authority of this section and in accordance with the provisions thereof. 77 Del. Laws, c. 130, § 2; 79 Del. Laws, c. 106, § 1;

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

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

Whenever it shall be necessary for any municipal purpose to condemn any real property or personal property under this Charter, except as is herein otherwise specifically provided, the Council must follow applicable State Law. 77 Del. Laws, c. 130, § 3

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

The City of Dover is hereby authorized, empowered and permitted to establish a system of pensions or benefits through group insurance or otherwise as may be found proper and necessary, providing for life, accident, health, hospitalization and death benefits, or any or either of them, for the regular employees of the said "The City of Dover." The said "The City of Dover" is hereby authorized, empowered and permitted to enter into an agreement or agreements with one or more insurance companies to provide a group insurance plan or plans, as may be required or proper to carry out such system of pensions or benefits. The election to exercise such authority on the part of the city shall be evidenced by an ordinance or resolution duly adopted by the Council of The City of Dover as other ordinances or resolutions are adopted, and the same shall be recorded in the official minutes of the said council. Such ordinance or resolution shall provide for and establish a fund for the payment of the costs of such pension system or benefits by making appropriations out of the treasury of the said "The City of Dover," or by requiring contributions payable from time to time by the employees included in such plan or plans, or by a combination of both, or by any other method not prohibited by law. The participation in any plan adopted shall be deemed to be mandatory by the City of Dover and made a condition of employment and continuing employment.

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

~~**Notwithstanding any statute to the contrary, the City of Dover shall have the power by ordinance to impose and collect a tax, to be paid by the transferor or transferee as determined by council, upon the**~~

~~transfer of real property within the city not to exceed one and a half percent (1.5%) or as amended by State law of the value of the real property as represented by the document transferring the property. The provisions of Section 5401 and Section 5403 of Chapter 54, Title 30 of the Delaware Code shall apply with respect to any realty transfer tax imposed by the City of Dover pursuant to the authority granted herein. The Council of the City of Dover may adopt an ordinance or ordinances to provide for the effective administration and regulation of any tax adopted pursuant to the authority conferred herein. If the taxing power and authority granted herein shall be exercised by way of a stamp affixed to a document, the recorder of deeds in and for Kent County shall not receive for record documents subject to said tax unless stamps provided by the City of Dover are affixed thereto showing payment of the tax. 77 Del. Laws, c. 130, § 4~~

(Move to Section 49B - Realty Transfer Tax)

ARTICLE II. MAYOR AND COUNCIL

~~Section~~ Sec. 4. General Powers and Duties.

All powers of the city shall be vested in the city council, except as otherwise provided by law or this Charter, and the council shall provide for the exercise thereof and for the performance of all duties and obligations imposed on the city by law. 77 Del. Laws, c. 130, § 5

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

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

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

~~At the regular municipal election held in April of 2012, the mayor shall be elected at-large. The term of mayor elected at the April 2012 regular municipal election shall be for a period of three years, commencing on the second Monday in May following his/her election and continuing for a term of three years until the second Monday in May 2015, or until his/her successor has been duly elected and qualified.~~

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

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

~~At the Regular Municipal Election Held in April of 2013, Five Councilmen Shall Be Elected, Four by District Voting Being from the Districts and One At-large. The Term of the Councilmen Elected at the April 2013 Regular Municipal Election Shall Be for a Period of Four Years, Commencing on the Second Monday in May Following Their Election and Continuing for a Period of Four Years until the Second Monday in May, or until Their Successors Have Been Duly Elected and Qualified.~~

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

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

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

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

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

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

(5) Nominated therefore, as hereinafter provided.

Holding Other Office. Except where authorized by law, no council members shall hold any other elected public office, city office, or city employment during the term for which the member was elected to the council. No former council members shall hold any compensated appointive office or employment with the city until one year after the expiration of the term for which the member was elected to the council, unless granted a waiver by the Board of Ethics (Ethics Commission). 77 Del. Laws, c. 130, § 6; 78 Del. Laws, c. 2, § 1; 78 Del. Laws, c. 213, § 1; 79 Del. Laws, c. 105, § 1;

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

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

years, as provided in section 5 of this Charter. 77 Del. Laws, c. 130, § 7; 78 Del. Laws, c. 213, § 2;

Sec. 7. Nomination petitions for candidates for council and mayor.

The mode of nomination of candidates for the council and for mayor shall be by petition, signed by not less than ten (10) nor more than twenty-five (25) electors of the city, filed with the clerk of council on or before 4:30 p.m. on the second Friday of February ~~bienially~~ biennially for candidates for council and on or before 4:30 p.m. on the last working day in January ~~bienially~~ biennially for candidates for mayor in the years when a mayor is to be elected. Should the second Friday of February fall on a legal holiday, the filing date shall be 4:30 p.m. on the next working day thereafter which is not a legal holiday.

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

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

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

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

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

We, the undersigned, ~~electors~~ registered voters of The City of Dover, hereby nominate _____, who resides in the _____ City District of the said City of Dover, for the office of ~~Councilman~~ Council member (or for the office of Mayor as the case may be) to be voted for at the regular municipal election to be held in the said City, on the _____ day of _____ in the year _____; and we individually certify that we are qualified to vote for a candidate for the office named, and that we have not signed any other nominating petition for that office, and that our places of residences are truly stated after our signatures.

Name _____

Street ~~and Number~~ address _____

(Space for Signatures)

STATE OF DELAWARE

KENT COUNTY

SS.

_____ being duly sworn (or affirmed) deposes and says that they were the circulator of the foregoing petition paper containing _____ signatures, and that the signatures appended thereto were made in his/her presence, and are the signatures of the persons whose names they purport to be, and that they verily believes the residence of each signer thereof to be truly stated, and that all of said signers are entitled to vote at the regular municipal election referred to in said paper; and, in case the petition is nominating a candidate for ~~**councilman**~~ **council member** to be elected from a specific district by district voting, that each signer of said petition is a resident of the same city election district in which the nominee resides.

(Signed) _____

Subscribed and sworn to (or affirmed) before me this _____ day of _____

_____Justice of the Peace (or Notary Public)

77 Del. Laws, c. 130, § 8; 78 Del. Laws, c. 213, § 3;

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

There is hereby created the election board which shall be a non-elected body to oversee the municipal elections, as well as to serve as an advisory board to Council on such matters as voter registration, municipal elections, election rules and regulations, and polling locations for City elections. The board shall be composed of five (5) members, serving three (3) year~~s~~ terms, to be appointed by the Mayor and confirmed by council at the Annual Meeting, or as necessary to fill vacancies as they occur. One member shall be appointed from each district into which the city has been divided for election purposes, and one member shall be appointed on an at large basis. The City Clerk shall serve as a liaison member of the board. Upon expiration of the term of appointment, a member shall serve until his/her successor has been duly appointed. If a vacancy occurs during the term of any member of the election board, a person residing in the same numbered district shall be appointed to fill the remainder of said term. Members serve without salary, but shall be paid a per diem allowance as specified by City ordinances.

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

All elections shall be held by an election board. The City Clerk may designate such other persons as he/she shall deem necessary to assist the members of the election board in the conduct of the election and counting of the ballots. Should any or all of the members of the election board be absent from the place of election

at 7:00 a.m. on the day of the election or fail or neglect to act in the conduct of such election during the time the polls are open and until the ballots are counted and the results of the election certified, the voters of the city present at such time may choose from the qualified voters of the city such person or persons as shall be necessary to fill places made vacant by the absence or neglect aforesaid.

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

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

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

Any qualified voter, duly registered, who shall be unable to appear to cast their ballot at any election either because of being in the public service of the United States or of this state, or because they will be unavoidably absent from the city on the day of the election, or because of his/her sickness or physical disability may cast a ballot at such election by absentee ballot to be counted in the total of such election. The council may provide the rules and regulations for such absentee voting by ordinance for all elections. 77 Del. Laws, c. 130, § 9, 10

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

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

At the annual meeting held on the second Monday in May, the members of council shall elect one of their

members to serve as council president, such term to be in effect until the next regularly scheduled annual meeting or until a successor is elected. The council president shall serve as vice-mayor. **The** Council president shall preside over regular and special council meetings.

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

In the event of absence of the council president, then the senior member of council in terms of length of service as a ~~**councilman**~~ **council member** shall assume the duties of the council president and shall be designated council president acting. In the event that two (2) or more members of council have the same seniority in terms of length of service as a ~~**councilman**~~ **council member** , then the members of council shall vote and elect one of those as council president acting. Council president acting shall fulfill all of the duties and responsibilities of council president during his/her period of unavailability or absence.

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

Five (5) of the members elected to the council shall constitute a quorum to do business, but a less number may adjourn from time to time and may compel the attendance of absent members in such manner and under such penalties as may be prescribed by ordinance.

No ordinance, resolution, motion or order shall be valid unless it shall have (1) the affirmative vote of a majority of the members elected to the council, and (2) the written approval of the mayor, or the vice-mayor in those cases where the vice-mayor is authorized to act as mayor as provided in section 15 hereof, provided that in the absence of such approval by the mayor, or the vice-mayor as the case may be, the council may, after not less than seven (7) days nor more than thirty-five (35) days after the prior vote, pass or adopt the said ordinance, resolution, motion or order which did not receive the approval of the mayor, or the vice-mayor, by the affirmative vote of two-thirds of the members elected to council.

Whenever the council shall adopt an ordinance, resolution, motion or order, it shall be the duty of the mayor, or the vice-mayor, to signify his/her approval or disapproval thereof in writing to the clerk of the council within seven (7) days thereafter. The clerk of the council shall forthwith notify the members of the council of such approval or disapproval.

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

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

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

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

ordinances generally except that:

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

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

Copies of any adopted code of technical regulations shall be made available by the city clerk for distribution or for purchase at a reasonable price. 77 Del. Laws, c. 130, § 11

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

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

~~Section~~ Sec. **12. Compensation; Expenses-Mayor, council members, and other elected or appointed officials.**

The city council shall determine the annual salary and emoluments of the mayor, council members, and other elected or appointed officials by ordinance, but no ordinance increasing the salary of the mayor or city council members shall become effective until the date of commencement of the terms of the mayor or council members elected at the next regular election. The mayor and council members shall receive their actual and necessary expenses incurred in the performance of their duties of office. 77 Del. Laws, c. 130, § 12

~~Section~~ Sec. **13. Vacancies; Forfeiture of Office; Filling of Vacancies**

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

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

(1) Fails to meet the residency requirements,

(2) Violates any express prohibition of this charter,

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

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

In the case of any such vacancy or of any vacancy created by death, resignation or otherwise for which said vacancy shall be less than six months in duration, the office shall remain vacant. If such vacancy should be

in excess of six months in duration, a special election shall be held to fill such vacancy, this special election to be held no sooner than 30 days from the date of the vacancy, but said special election to be held no later than 60 days after the date of the vacancy. If council fails to call for a special Election, the special Election shall be called by the Election Board. 77 Del. Laws, c. 130, § 13

Sec. 14. Duties of mayor.

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

Sec. 15. Council President/Vice-mayor, duties of.

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

~~Section~~ Sec. **16. City Clerk**

The city council shall appoint an officer of the city who shall have the title of city clerk. The city clerk shall give notice of council meetings to its members and the public, keep the journal of its proceedings and perform such other duties as are assigned by this charter or ordinance or by the council or by state law. 77 Del. Laws, c. 130, § 14

Sec. 17. Controller/treasurer

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

The Controller/treasurer shall be the custodian of all the city funds and shall deposit them in a banking institution designated by the council. 77 Del. Laws, c. 130, § 15

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

The council is hereby vested with the authority to adopt ordinances of every kind relating to any subject coming within the powers and functions of the city, or relating to the government of the city, its peace and order, its sanitation, appearance and beauty, the health, safety, convenience and comfort of its population, and the protection and preservation of property, and to fix and impose and enforce the payment of~~,~~ fines and

penalties for the violation of any such ordinance; as penalties will be provided by the Dover Code of Ordinances and no provision in this Charter as to ordinances on any particular subject shall be deemed or held to be restrictive of the power to adopt ordinances on any subject not specifically enumerated. 77 Del. Laws, c. 130, § 16

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

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

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

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

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

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

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

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

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

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

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

Members of any planning commission created by the city shall consist of two (2) members from each council district and one member serving at large.

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

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

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

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

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

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

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

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

The council shall have superintendence and supervision of the sewers and the sewer system of the city. They shall have power to install any or additional sewers in the city. The council may by condemnation proceedings take for sewer purposes, private land, or the right to use private land under the surface thereof, for the laying of sewer mains. The proceedings by condemnation under this section shall be the same as prescribed by Section 27 of this Charter with regard to the laying out of new streets, and the resolutions referred to in said section shall be modified to cover the case contemplated by this present section.

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

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

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

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

Draft

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

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

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

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

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

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

SIDEWALKS

A. The city council, at such time as it shall determine that the condition or conditions of a particular street or streets, or portion thereof, requires that sidewalks be laid, or that the sidewalks then existing, if there be sidewalks laid, should be improved, or upon the petition of a majority of persons owning property along any of the streets, or a portion of any of the streets of the said city, asking that the sidewalks abutting on said street or streets, be improved, or that sidewalks be laid where there are none at the time of the filing of the petition, may direct the property owner or owners to lay or replace sidewalks with such material or materials, as, in the judgment of the said Council of the City of Dover, may seem best under the circumstances.

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

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

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

STREETS

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

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

SPECIAL ASSESSMENTS

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

When the term "owner" or "owners" is used with respect to special assessments, it shall be deemed to mean the person or persons who owned the property in question at the time of the enactment of the assessment ordinance, and, any change in ownership thereafter shall not be deemed to affect any of the steps or proceedings described in this Charter with respect to special assessments.

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

Such ordinances shall prescribe:

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

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

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

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

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

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

MUNICIPAL LIEN DOCKET

D. A docket known as the "City of Dover Municipal Lien Docket" shall be prepared and maintained by the city manager. The docket shall be substantially the same in form as the judgment docket for Kent County and shall contain an index according to the name of the owner against whom such lien has been assessed. All taxes and all charges for water service, sewer service, garbage service, electric service, grass cutting services and debris removal, dangerous building ordinance costs and assessments, special assessments for municipal improvements of any nature, and all other charges or assessments made by the city against property owners may be recorded in the municipal lien docket and shall be and constitute a lien upon all of the real estate of the taxable against or upon whom such taxes and/or charges are laid or imposed, of which such taxable was seized at any time after such taxes and/or charges have been levied and imposed, situate in the City of Dover. All liens so recorded shall continue in full force and effect until the same plus accrued costs have been paid in full. Upon payment in full of the lien and all costs, it shall be the duty of the city manager to enter forthwith upon the docket the date of final payment and the words "satisfied in full." Failure to record liens in the municipal lien docket shall not affect liens otherwise provided for in 25 Del.C. section 2901, et seq.

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

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

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

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

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

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

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

The salaries or emoluments of all city appointees and city employees shall be determined by the council through the pay system and Collective Bargaining Agreements as amended.

ARTICLE III. CITY MANAGER

Sec. 33. The city manager generally.

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

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

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

~~Section~~ Sec. 35. Appointments and Removals.

Neither the city council nor any of its members shall in any manner control or demand the appointment or removal of any city administrative officer or employee whom the city manager or any subordinate of the city manager is empowered to appoint, but the council may express its views and fully and freely discuss with the city manager anything pertaining to appointment and removal of such officers and employees. The city administrative officers and employees can be assured of due process in accordance with Title 19 of the Delaware Code. 77 Del. Laws, c. 130, § 17

~~Section~~ Sec. 36. Interference with Administration.

Except for the purpose of inquiries, and investigations by council under Section 39, the council or its members shall deal with city officers and employees who are subject to the direction and supervision of the city manager solely through the city manager, and neither the council nor its members shall give orders to any such officer or employee, either publicly or privately. 77 Del. Laws, c. 130, § 18

Sec. 37. Duties of the manager.

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

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

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

~~Section~~ Sec. 39. Investigations

The city council may make investigations into the affairs of the city and the conduct of any city department, office, officer, employee, or agency and for this purpose may subpoena witnesses, administer oaths, take testimony, and require the production of evidence. Failure or refusal to obey a lawful order issued in the exercise of these powers by the council shall be a Class A misdemeanor punishable by existing State Law. 77 Del. Laws, c. 130, § 19

Sec. 40. Other functions of city manager.

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

The City Manager shall keep a full and strict account of all moneys received and all transfers made by him/her to the Controller/treasurer and such accounts shall be at all times open to inspection by the council. The City Manager shall make such reports and at such times as the council shall direct. 77 Del. Laws, c. 130, § 20

Sec 41. This Section has been intentionally left blank.

ARTICLE IV. FINANCIAL AFFAIRS

Sec. 42. Signing of warrants.

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

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

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

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

The Controller/treasurer shall be required to give bond in such amount and in such form and with such surety as the council shall determine or approve. 77 Del. Laws, c. 130, § 20

Sec. 43. Fiscal year.

Draft

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

Sec. 44. Annual budget.

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

The budget shall include the following information:

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

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

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

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

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

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

7. Such other information as the city manager may think desirable or as may be required by the council.

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

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

No claim against the city shall be paid except on an order on the Controller/treasurer, signed by the city manager, and approved and countersigned by the mayor. The city manager shall examine all payrolls, bills and other claims and demands against the city and shall issue no warrant for payment, unless he/she finds that the claim is proper and in proper form and correctly computed. 77 Del. Laws, c. 130, § 20

Sec. 46. Annual audit.

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

Draft

As soon as practicable after such audit has been completed, the council shall cause to be made and published a report of the city's finances for the preceding fiscal year. 77 Del. Laws, c. 130, § 20

~~Section~~ Sec. 47. General assessment; levy on utility property.

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

Whenever Council shall direct, as set forth in Chapter 102 - taxation, article I - in general, Section 102-1 - valuation and assessment, of the Dover Code of Ordinances, all real property in the City of Dover shall be reassessed by an outside mass appraisal company or a consortium of appraisers chosen by Council. The mass appraisal company or consortium of appraisers shall be licensed to conduct business in the State of Delaware and the City of Dover and shall employ appraisers who are licensed by the Delaware Division of Professional Regulation. This assessment shall be in lieu of the valuation and assessment made by the assessor or assessors appointed by Council as described herein above and in lieu of the assessor's duties described herein above.

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

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

The general assessment shall be set down by the assessor or assessors in two (2) or more copies, as the Council shall direct, and shall be delivered to the Council as soon as made. The Council shall, on the first day of April of each year, cause a copy of the general assessment to be posted in two (2) public places in the city for ten (10) days. The assessor shall notify the public of an appeal deadline of thirty (30) days from the date of general assessment posting.

The Council may direct that appeals from any assessment be heard by a committee, known as the Board of Assessment Appeals, of not less than three (3) members appointed by the Council. The Board of Assessment Appeals shall sit at a stated place and time to hear the appeals of all taxpayers dissatisfied with the assessment of their properties, shall collect such information as they consider proper and necessary, and shall report their findings.

Notice of the place and time that the Board of Assessment Appeals will sit to hear appeals shall be posted with the general assessment in two (2) public places for a period of ten (10) days. Notice of the posting of the copies of the general assessment and of the place and time of the meetings of the Board of Assessment Appeals shall be published in at least one issue of a newspaper published in the city.

The assessment as revised and adjusted by the Board of Assessment Appeals or Superior Court shall be the basis for the levy and collection of taxes for the city.

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

Nothing contained in this section shall be deemed or held to invalidate or otherwise effect any assessment made prior to the approval of this section or any tax levied thereunder. 77 Del. Laws, c. 130, § 21; 78 Del. Laws, c. 217, § 1;

Sec. 48. Maximum budget.

The council shall in the month of June of each year determine the amount of money to be raised for the city for general purposes for the next fiscal year not exceeding two (2) percent of the total taxable assessment for a general tax, and shall also determine the amount of money required to be raised in such year by the city for interest, sinking fund and redemption of the bonds of the city. A reasonable sum for delinquencies, discounts and costs of collection may be added by the council to the amounts aforesaid. The amounts determined as aforesaid together with any additional sum or sums authorized to be levied and collected, as in this section hereinafter provided, shall be levied and collected by the council on the property and persons assessed as aforesaid and in accordance with such assessment and according to a rate established by the council.

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

All taxes shall be paid to the collector of taxes. For all taxes not paid on or before July 31st in the calendar year that they are assessed, there shall be added and collected a one and one-half percent (1.5% (18% per annum) for every month or fraction of a month after the 31st day of July that said taxes remain unpaid.

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

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

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

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

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

The aforementioned assessment shall be during the months of January, April, July, and October of each year. Any new construction with an added value of $25,000 or less shall not be realized until the next annual assessment roll. The property owner may appeal any assessment for new construction in accordance with Section 47 of this Charter.

The aforementioned assessment shall be deemed a general assessment for all property with new construction.

The council may direct appeals from any general assessment for new construction in accordance with Section 47 of this Charter.

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

All taxes shall be paid to the collector of taxes. Said taxes shall be paid within thirty (30) days of billing and those taxes not paid shall accrue a penalty in the amount of one and one-half (1½) percent per month. For every tax that is not paid as prescribed herein, the tax collector shall have all the powers conferred upon or vested in the Receiver of Taxes and County Treasurer for Kent County.

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

The provisions of 9 Del. C. § 8705 and 25 Del. C. §§ 2901 through 2905, as they may from time to time be amended, shall be deemed and held to apply to all taxes laid and imposed upon the provisions of this Charter. 77 Del. Laws, c. 130, § 22

Sec. 49B. Realty Transfer Tax

Notwithstanding any statute to the contrary, the City of Dover shall have the power by ordinance to impose and collect a tax, to be paid by the transferor or transferee as determined by council, upon the transfer of real property within the city not to exceed one and a half percent (1.5%) or as amended by State law of the value of the real property as represented by the document transferring the property. The provisions of ~~Section 5401 and Section 5403 of Chapter 54, Title 30 of the Delaware Code~~ [30 Del.C. §5401 and §5403] shall apply with respect to any realty transfer tax imposed by the City of Dover pursuant to the authority granted herein. The Council of the City of Dover may adopt an ordinance or ordinances to provide for the effective administration and regulation of any tax adopted pursuant to the authority conferred herein. If the taxing power and authority granted herein shall be exercised by way of a stamp affixed to a document, the recorder of deeds in and for Kent County shall not receive for record documents subject to said tax unless stamps provided by the City of Dover are affixed thereto showing payment of the tax. 77 Del. Laws, c. 130, § 4
(Moved from Sec. 3. - Employee pension, benefit and retirement systems authorized.)

Sec. 50. Debt limit.

(a) Whenever the needs of the city shall require more money than is at the time in the city treasury from current receipts, the council shall be authorized and empowered to anticipate current revenue by borrowing such sums as shall be needed not in excess of one (1) percent of the total taxable assessment for a general tax. The amount so borrowed shall be paid back out of current revenue received thereafter.

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

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

The aggregate of the amounts so borrowed together with all other bonded indebtedness for which the full faith and credit of the City of Dover has been pledged shall not at any time exceed a sum equal to 5 percent of the total assessed value of real property situate within the bounds of the City of Dover as such boundaries shall from time to time appear.

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

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

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

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

The mayor and council of The City of Dover are hereby authorized and required to levy and raise by taxation in each and every year such sums of money as may be required to pay the interest accrued on said bonds while all or any of said bonds remain unpaid, and the said mayor and the city council are further authorized and required to levy and raise by taxation, from time to time such sum or sums of money as shall be needed to establish such sinking funds as the said mayor and the city council may at their discretion authorize for the redemption of said bonds, or any of them, at or before their maturity and such sum or sums of money as shall be required to otherwise redeem any or all of said bonds at or before their maturity. Taxes for interest and for redemption of said bonds shall be levied and raised as taxes for general municipal purposes in the said city are levied and raised and shall be in addition to those levied and raised for any and all other municipal purposes.

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

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

(i) To finance capital projects, including, but not limited to, public storm sewers, water mains, sewer mains, streets and public buildings provided that no more than 1/4 of one percent (.25%) of taxable assessed value of real property of aggregate principal amount of general obligation bonds may be issued at any one time pursuant to this clause and any new bonds issued pursuant to this clause may not cause the total aggregate principal amount of general obligation bonds outstanding at any one time to exceed one percent of the total taxable assessment for a general tax at the time such new bonds are issued; and

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

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

Notice of the holding of such referendum election shall be authorized by resolution of the mayor and council, published once a week, for at least three (3) consecutive weeks in at least one newspaper circulated in The City of Dover, Delaware. Such notice shall be set out in summary form the amount and purposes of such bond issue, the date and place of holding the referendum election and the hours the polls will be open.

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

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

the election shall refrain from voting, but the election clerks may vote.

The total votes cast for and the total votes cast against the bond issue shall be certified as correct by at least two (2) of the election officers and delivered to the mayor, or to the clerk of council immediately after the total vote count has been certified.

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

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

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

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

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

77 Del. Laws, c. 130, § 23; 78 Del. Laws, c. 225, § 1;

ARTICLE V. MISCELLANEOUS PROVISIONS

Sec. 51. Trees.

Trees being among the chief beauties of the city, and their preservation requiring that they be treated with

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

Sec. 52. This section intentionally left blank.

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

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

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

Sec. 54. City solicitor.

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

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

The city solicitor shall be an attorney at law who shall have practiced in the State of Delaware for at least five (5) years. The City solicitor shall be the chief legal adviser of and attorney for the city. It shall be his/her duty, either personally or by such assistants as they may designate, to attend meetings of the council; to give advice in writing, when so requested, to the council or the city manager; to prosecute or defend, as the case may be, all suits or cases to which the city may be a party; to prosecute for all offenses against the ordinances of the city and for such offenses against the laws of the state as may be required of him/her by law; to prepare all contracts, bonds and other instruments in writing in which the city is concerned, and to endorse on each his/her approval of the form and correctness thereof; and to perform such other duties of a legal nature as the council may by ordinance require. In addition to the duties imposed upon the solicitor by this Charter or required of him/her by ordinance or resolution of the council he/she shall perform any duties imposed upon the chief legal officers of municipalities by law.

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

Sec. 55. Printed copies of ordinances and resolutions to be proper evidence.

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

Sec. 56. Repeal of prior acts.

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

Sec. 57. Severability.

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

Approved March 23, 1931.

36 Del. Laws, c. 158; 37 Del. Laws, c. 150; 37 Del. Laws, c. 151; 37 Del. Laws, c. 152; 38 Del. Laws, c. 99; 40 Del. Laws, c. 159; 46 Del. Laws, c. 1; 46 Del. Laws, c. 275; 46 Del. Laws, c. 283; 47 Del. Laws, c. 219; 47 Del. Laws, c. 313; 47 Del. Laws, c. 314; 47 Del. Laws, c. 330; 48 Del. Laws, c. 323; 48 Del. Laws, c. 334; 48 Del. Laws, c. 336; 49 Del. Laws, c. 314; 49 Del. Laws, c. 318; 51 Del. Laws, c. 92; 51 Del. Laws, c. 93; 52 Del. Laws, c. 112; 52 Del. Laws, c. 136; 54 Del. Laws, c. 96; 54 Del. Laws, c. 165; 56 Del. Laws, c. 49; 59 Del. Laws, c. 98; 59 Del. Laws, c. 165; 60 Del. Laws, c. 301; 60 Del. Laws, c. 311; 60 Del. Laws, c. 456; 61 Del. Laws, c. 147; 62 Del. Laws, c. 100; 64 Del. Laws, c. 5; 64 Del. Laws, c. 143; 65 Del. Laws, c. 28; 65 Del. Laws, c. 479; 66 Del. Laws, c. 63; 66 Del. Laws, c. 180; 66 Del. Laws, c. 361; 66 Del. Laws, c. 365; 67 Del. Laws, c. 7; 68 Del. Laws, c. 16; 68 Del. Laws, c. 18; 68 Del. Laws, c. 20; 68 Del. Laws, c. 339; 69 Del. Laws, c. 9; 69 Del. Laws, c. 31; 71 Del. Laws, c. 64; 72 Del. Laws, c. 277; 73 Del. Laws, c. 114; 73 Del. Laws, c. 284; 75 Del. Laws, c. 175; 76 Del. Laws, c. 119; 77 Del. Laws, c. 130; 78 Del. Laws, c. 213; 78 Del. Laws, c. 217; 78 Del. Laws, c. 225, § 1; 79 Del. Laws, c. 105, § 1; 79 Del. Laws, c. 106, § 1;

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