SPECIAL COUNCIL MEETING
AGENDA

SEPTEMBER 16, 2015 - 6:00 P.M.

CITY HALL COUNCIL CHAMBERS
15 LOOCKERMAN PLAZA
DOVER, DELAWARE

INVOCATION BY COUNCILMAN ROY SUDLER, JR.

PLEDGE OF ALLEGIANCE LED BY COUNCIL PRESIDENT SLAVIN

AGENDA ADDITIONS/DELETIONS

1. **PUBLIC HEARING - FORM OF GOVERNMENT AND REPORTING STRUCTURE**

2. **COUNCIL MEMBERS' ANNOUNCEMENTS**

3. **ADJOURNMENT**

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

Forms of Local Government

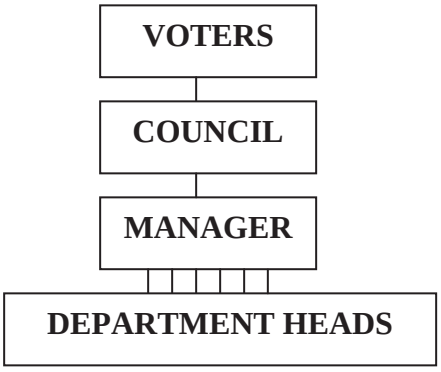
Council-Manager

In the council-manager form of government, the council is the governing body of the city, elected by the public, and the manager is hired by the council to carry out the policies it establishes. The council usually consists of five to nine members including a mayor (or council president) who is either selected by the council or elected by the people as defined in the city charter. The size of the council is generally smaller than that of a mayor-council municipality and council elections are usually nonpartisan.

The council provides legislative direction while the manager is responsible for day-to-day administrative operations of the city based on the council's recommendations. The mayor and council, as a collegial body, are responsible for setting policy, approving the budget, and determining the tax rate. The manager serves as the council's chief advisor. Managers also serve at the pleasure of the council and are responsible for preparing the budget, directing day-to-day operations, and hiring and firing personnel.

Typically, the mayor is recognized as the political head of the municipality but is a member of the legislative body and does not have the power to veto legislative actions.

Council-Manager Organizational Structure



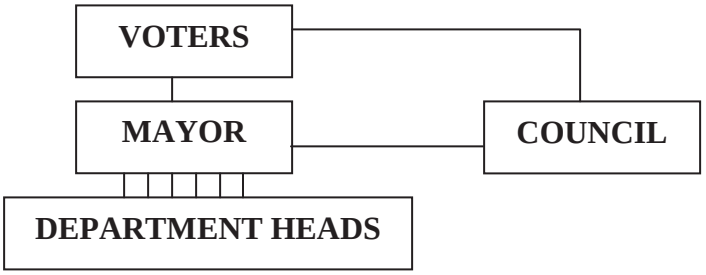
Mayor-Council

The mayor-council (council-elected executive counties) form of government is the form that most closely parallels the American federal government with an elected legislature and a separately elected executive.

The mayor or elected executive is designated as the head of the city or county government. The extent of his or her authority can range from purely ceremonial functions to full scale responsibility for day-to-day operations. But the mayor's or elected executive's duties and powers generally include the following: hiring and firing department heads, preparation and administration of the budget, and veto power (which may be overridden) over acts of legislature. The legislature has the following responsibilities: adoption of the budget, passage of resolutions with legislation, auditing the performance of the government, and adoption of general policy positions.

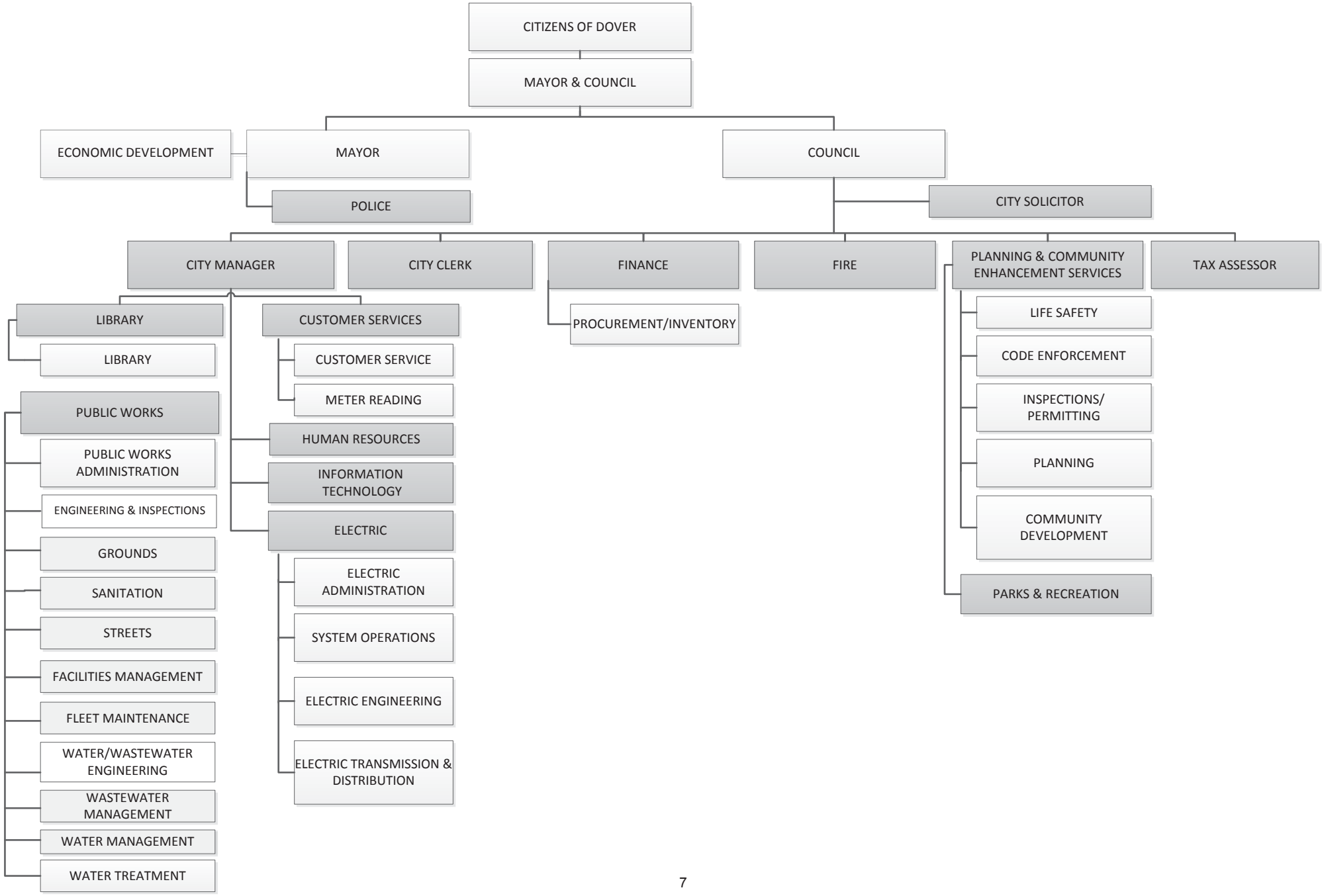
In some communities, the mayor or executive may assume a larger policy-making role, and responsibility for day-to-day operations is delegated to an administrator appointed by and responsible to the chief executive.

Mayor-Council Organizational Structure



CITY OF DOVER

FISCAL YEAR 2016 ORGANIZATION CHART



SYNOPSIS OF ACTION - DISCUSSION OF RESPONSIBILITIES AND REPORTING STRUCTURE FOR THE MAYOR AND CITY MANAGER AND CONTINUATION OF FULL-TIME STATUS FOR THE POSITION OF MAYOR

MAY 12, 2014 LF&A (FIRST INTRODUCED)

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

MAY 12, 2014 LF&A COMMITTEE ACTION - Committee to continue discussion of the responsibilities and reporting structure for the Mayor and City Manager and continuation of full-time status for the position of Mayor, following the 2014 Special Mayoral Election
(Four (4) yes (Hare, Rushe, Shevock, and Slavin), and one (1) no (Lynn)).

MAY 12, 2014 LF&A MINUTES - Councilman Hutchison stated that it was very important for members to keep in mind that the City of Dover has a City Manager form of government, and that the largest department within the City is the Police Department, with a total of 130.5 people, a budget of $13.5M per year, with $500,000 per year in overtime costs and 700,000 per a year in extra duty work, and that the Police Department also oversees a number of grants ranging from $200,000 to $400,000 annually. He reminded members to also keep in mind that the Police Department has a very complex payroll system, and that the City has strict guidelines and policies regarding promotions and discipline.
(City Clerk's Office Note: The City of Dover has operated under a modified Council-City Manager form of government since 1929.)

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

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

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

Mr. Hare expressed his opinion that the City of Dover needs to decide whether to have a strong Mayor or City Manager type of government, noting that the City has had a hybrid type of government for as long as he could remember. Mr. Hare stated that, in 1997, when the Mayor's position became full-time, he thought that the City was going to switch to a strong Mayor type of government but it remained the same. It was his recollection that when the Mayor first became a full-time position, a job description was created; however,

over the years, it had been eliminated. Mr. Hare stated that he did not disagree with the hiring policy and, whether or not the Mayor or City Manager is in charge of the Police Department, he indicated that the selection of the Chief by a Committee of three (3) would probably be good.

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

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

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

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

Councilman Anderson stated that Mr. Hutchison had raised valid points, and noted that having input from the City Manager, or City's Manager representative, and the Council President, or the Council President's representative, would be a very sensible approach for hiring of a replacement Police Chief. Mr. Anderson

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

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

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

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

Mr. Hutchison stated that the City Manager is the City's paid expert who works for the Mayor and Council. It was his belief that the Police Department runs itself for the most part but that placing the City Manager in charge of the daily operations would provide a chain of command with the Police Chief reporting to the

City Manager, who reports directly to the Mayor and Council. It was Mr. Hutchison's opinion that this type of organizational structure would allow the Mayor to remain as the "point person" for the City while bringing the total City together beginning with the Mayor, City Manager, and Council.

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

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

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

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

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

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

personal "comfort zones" but rely on the elected officials to lead and guide. Mr. Christian stated that elected officials have a tendency to make decisions based upon what will keep them in office; however, he encouraged members to make decisions based on what needs to be done for the benefit of the citizens of the City, while keeping in mind what other cities and localities are doing, as well as relevant history.

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

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

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

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

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

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

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

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

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

Mr. Anderson noted his support for the motion.

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

MAY 27, 2014 COUNCIL

MAY 27, 2014 COUNCIL ACTION - By consent agenda, Mr. Hare moved for approval of the Committee's MAY 12, 2014 recommendation, seconded by Mr. Dixon and carried by a unanimous roll call vote (Williams absent).

AUGUST 25, 2014 LF&A

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

(On May 12, 2014, the Committee deferred discussion of this item until after the 2014 Special Mayoral Election)

AUGUST 25, 2014 LF&A COMMITTEE ACTION - The motion to defer further discussion of this item until the Committee meeting of September 8, 2014 carried by a vote of three (3) yes (Slavin, Shevock, and Sudler), and one (1) no (Anderson).

AUGUST 25, 2014 LF&A MINUTES - During the Legislative, Finance, and Administration Committee meeting of May 12, 2014, members deferred further discussion of this item until after the 2014 Special Mayoral Election.

Mr. Hutchison reminded members that he served 25 years with the City of Dover Police Department, with five (5) years (1988 to 1992) as Chief of Police, and also served as the City's Mayor from 1994 to 2004. He stated that when he joined the Police Department in 1967, the population of the City of Dover was approximately 12,000 and the Police Department had a total of 24 officers; when he retired in 1992 there were 80 officers, and today there are 93 officers. He stated his observation that the things that had changed the most since he left the Police Department were: 1) the budget, 2) salaries and benefits, and 3) costs. Mr. Hutchison noted that the cost to maintain the Police Department is more than $13M annually and that the total taxes collected by the City of Dover do not cover the total cost of the Police Department. He stated that he believes labor negotiations, contracts, and the complexity of operations have changed the most. Mr. Hutchison expressed his opinion that the City of Dover has the finest Police Department in the State of Delaware, and he was very proud of the Department's operations.

Mr. Hutchison stated that the complexity of the City and the demands placed on the overall operation are increasing, which makes it difficult to maintain and control the City's total operations and costs. He reminded members that the City has a Council-City Manager form of government; however, based on the changes to and the complexity of the current City government, he strongly recommended that members consider changing to a strong City Manager form of government. Mr. Hutchison stated that the city manager proposes the budget and works with the controller/treasurer, mayor, and Council to get the budget approved; however, he noted that the Police Department has the biggest departmental operating budget in City and, currently, the city manager has absolutely no control over the Police Department. Likewise, there are a couple of other departments that the city manager has no control over; yet, the city manager is held totally responsible for the budget. Mr. Hutchison expressed his opinion that there is a need to change the organizational structure to provide the city manager with more control, so that the City can move forward with better controls in place and better accountability when it comes to financial matters.

Referring to the recent concern regarding the hiring of a new assistant city manager, Mr. Sudler questioned if overseeing the Police Department would overwhelm the City Manager's Office. Responding, Mr. Hutchison stated that it absolutely would not.

Mr. Anderson reminded members that when this matter was previously discussed in 1995, he was representing a public organization and recommended that this issue be placed on the City ballot for a non-binding referendum. He stated that the referendum results at that time indicated that the residents wanted a full-time mayor, and expressed his belief that the recent Special Mayoral Election reaffirmed the desire of the residents. Mr. Anderson stated that the City could definitely make some budgetary adjustments and improvements but that there is a value to having certain issues dealt with by an elected official, especially those issues that affect people most directly, such as the police.

Mayor Christiansen stated that there was no one in the Council Chamber that he had greater respect for than his friend, Mr. Hutchison, who had performed many services for the City of Dover; however, he respectfully disagreed with Mr. Hutchison's comments. Mayor Christiansen reminded members that the City of Dover has a full-time mayor as part of a consent decree with the National Association for the Advancement of

Colored People (NAACP). Noting that he served as Council President at the time that the consent decree was developed, he stated that Council was remiss in not assigning the mayor any specific responsibilities in the Code or Charter, other than control of the Police Department because Mayor Hutchison was well aware of the responsibilities of the office.

Mayor Christiansen stated that he was not "ballyhooing" for a job for himself, noting his interest in serving as mayor whether the position was full-time or part-time, but stressed that it was important and incumbent upon Council to continue the full-time position since Dover is a full-time City. Concurring with Mr. Anderson, Mayor Christiansen stated that during the most recent Special Mayoral Election, the citizens of the City reaffirmed this in that all five (5) candidates felt that the City of Dover needs a full-time mayor.

Mayor Christiansen stated that, as outlined in the Charter, the mayor is the conservator of the peace, and it is important that he/she remain responsible for the public safety and well-being of the citizens of Dover, particularly during times of natural and civil emergencies. He expressed the importance of this responsibility being in the hands of an elected official.

Mayor Christiansen stated that the current city manager does an outstanding job. He explained that he had worked with Mr. Scott Koenig, City Manager, for the past two (2) month, consulting on a daily basis regarding issues that are affecting the City, citizens, and employees, and suggested that one (1) of the formal responsibilities of the mayor should be to continue that interaction on a regular basis. Mayor Christiansen expressed his opinion that a reduction of the mayor's position and diminishing his/her responsibilities would be a step back into the past. He stated that Dover is a growing City and needs a mayor who will have the opportunity to lead the City in its growth and the field of economic development on a full-time basis.

Mayor Christiansen stated his opinion that the mayor should have fiscal responsibility by helping to prepare the Police Department's budget and the overall City budget, as well as accountability when the budget is presented to Council.

Mr. Hutchison stated that he did not think the City should do away with a full-time mayor because the full-time mayor has a tremendous amount of duties and responsibilities to the citizens of Dover. He explained that his recommendation would be to redefine the organizational structure to give the city manager more responsibility over the day-to-day operations of the City.

Referring to the consent decree mentioned by Mayor Christiansen, Mr. Hutchison noted that the City of Dover is a completely different place today, and expressed his opinion that it may be the appropriate time to revisit the consent decree to determine if there is a consensus for change. He stated that he preferred when the mayor presided over Council, noting that it may serve the citizens of Dover to bring the mayor and Council back together, instead of continuing with the current separation.

Mayor Christiansen reminded members that when the mayor presided over Council there were different personalities in office and, at the time, it worked; however, it was now the mayor's responsibility to be chief executive of the City and not part of the legislative process. Mayor Christiansen expressed his opinion that it would be detrimental to allow the mayor to return to the Council Chamber to participate as part of the legislative body, because it would place the mayor's veto in danger, which is one (1) of the safeguards provided to protect the public against actions that may not be in the best interest of the City. Mayor Christiansen stated that it was the responsibility of the legislative body to legislate and appropriate, and it should be the responsibility of the mayor, as chief executive of the City, to assist the city manager and City staff in the daily operations of the City.

Council President Bonar reminded members that he served as a member of City Council in 1982 when it was decided to take the vote away from mayor because of strong personalities. He stated that the City has changed dramatically since that time and, after serving as mayor for a very brief time, he has a better understanding of the day-to-day operations of the City. He explained that the mayor's responsibilities do not only include attending ribbon cuttings and community meetings, but also attending appropriations' discussions at the Delaware Emergency Management Agency (DEMA), fighting and lobbying on behalf of the City to get funds from the General Assembly and various other fund giving organizations, etc. Mr. Bonar stated that although the city manager and various department heads oversee the City on a daily basis, he expressed his opinion that Council needs to develop a job description for the mayor and include it in the City's Code, so everyone understands what the responsibilities entail.

Mr. Bonar stated that it is imperative for the mayor to attend committee and community meetings in order to listen to the input provided as well as provide input. He explained that one (1) of the reasons he appointed the Ad Hoc Financial and Operational Advisory Committee was to study the structure of the City, in order to determine whether or not the City needs to reorganize and make recommendations for consideration by the Legislative, Finance, and Administration Committee.

Mr. Bonar expressed his opinion that an assistant city manager is necessary because the city manager is overwhelmed. He also stated his belief that the responsibilities of the mayor's position would not permit the City to ever reduce the position to part-time.

Mr. Anderson stated that Mr. Hutchison brought up valuable points of discussion. He noted that members previously discussed possible reforms regarding the appointment and confirmation of the chief of police and suggested that the Committee discuss that matter as well. Mr. Anderson stated that there would be value in looking at legislative descriptions and indicated that the Committee should solicit ideas from the current and former mayors and other people in the City.

Mr. Dixon concurred with Council President Bonar's comments, and expressed his opinion that the City should not get rid of the mayor, noting that it was the mayor's responsibility to ensure the safety and peace of the public, and that the mayor is the first person that citizens want to talk to.

Mr. Sudler thanked the City Clerk's Office for providing members with a complete history on this topic. Noting that former City Manager Anthony DePrima had indicated during a previous Council meeting that there was a job description for the mayor, Mr. Sudler inquired, if a job description for the mayor existed or was developed, how the mayor's work would be appraised.

Responding to Mr. Sudler, Mayor Christiansen reiterated that the former Council was remiss in not developing a job description for the mayor because Mayor Hutchison knew what was expected of the position; however, he stated that the City does need to develop specific responsibilities and benchmarks for the mayor to perform to, including bringing jobs to the City through economic development and acting as the conservator of the peace, ambassador and lobbyist. He stated that the public would judge whether the specific duties are fulfilled.

Mr. Wayne Holden, 333 Pennsylvania Avenue, reminded members that he was appointed to serve on the Ad Hoc Financial and Operational Advisory Committee during the Regular Council meeting of November 12, 2013 and was subsequently nominated to serve as Chairman of the Ad Hoc Committee. He stated that the Committee was created to advise City Council as a whole on operations, financial issues, and the organizational structure within the City of Dover. He stated that the Committee was still working and that it may take the balance of this year to look at all of the various aspects.

Mr. Holden advised members that during the first and second Ad Hoc Committee meetings, members discussed the organizational structure of the City and the fact that the City has a strong mayor type of organization. Mr. Holden stated that the organizational structure of the City of Dover reminded him of the Tammany Hall scandal in New York City and related New York Times caricatures which serve as a classic historical point for the importance of ensuring control and accountability within municipal government. He stated that this type of problem could be prevented if every division of government was accountable to a specific individual who has the knowledge, background, and tenacity to work with the employees and departments to hold them responsible in regard to financial matters as well as the quality of work. Mr. Holden expressed his opinion that the city manager should serve in this capacity for the City of Dover, and noted that members of the Ad Hoc Committee had commended City Manager Koenig for the quality of his work.

Mr. Holden indicated that over time, City Council had gradually taken responsibility from the city manager and placed the accountability elsewhere. For example, Mr. Holden expressed concern that the Finance Department was asked to respond directly to City Council, as opposed to the city manager. He stated that a council is supposed to be a body that sets policy, determines direction, and chooses focus, but does not become involved in the execution of the process to make those things happen because that is the job of the city manager.

Mr. Holden reminded members that responsibility for the Police Department was shifted to the mayor during Crawford Carroll's tenure, when there were less than 30 officers. With more than 90 officers today, he expressed his opinion that the Police Department should be accountable and respond to the city manager. He stated that this was made apparent by the recent experience when the City had to pay more than $300,000 to resolve an error created by former Mayor Carleton Carey, who was not a professional negotiator or used to working with the unions or employees on a regular basis, but was in charge of the Police Department. Mr. Holden stated it is not possible to have overlapping areas of responsibility and expect to have an efficient organization.

Mr. Slavin observed that there appeared to be more that unites than separates members on this issue. He expressed concern regarding how to proceed in order to get to an actionable proposal that City Council could consider. Mr. Slavin suggested that this item be deferred until the Committee's meeting of September 8, 2014.

Mr. Sudler moved to defer further discussion of this item until the Committee meeting of September 8, 2014, seconded by Mr. Shevock.

Mr. Anderson stated that he would not be voting in favor of this motion because he did not believe anything would change between this meeting and the next. He expressed his preference to wait for the recommendations of the Ad Hoc Financial and Operational Advisory Committee.

The motion to defer further discussion of this item until the Committee meeting of September 8, 2014 carried by a vote of three (3) yes (Slavin, Shevock, and Sudler), and one (1) no (Anderson).

SEPTEMBER 8, 2014 LF&A

Discussion - Responsibilities and Reporting Structure for the Mayor and City Manager and Continuation of Full-Time Status for the Position of Mayor *(On August 25, 2014, the Committee deferred this item until September 8, 2014 due to time constraints)*

SEPTEMBER 8, 2014 LF&A COMMITTEE ACTION - The motion to recommend for future consideration Option A, as follows: a full-time mayor's position, with consideration of changing the City's current form of government to a Mayor/Council form of government, where the city manager and chief of police would be appointed by the mayor and confirmed by City Council, and that any positions which currently report to council that are moved to report to the mayor would only be removed for cause and with council approval, was unanimously carried.

Mr. Shevock moved to recommend that the Council President open a dialogue with the parties to the 1988 Consent Decree, seconded by Mr. Hare and unanimously carried.

SEPTEMBER 8, 2014 LF&A MINUTES - During the Legislative, Finance, and Administration Committee meeting of August 25, 2014, members deferred this item for further discussion.

Councilman Hutchison stated that he felt it was important to keep in mind that the City currently had a Council/City Manager form of government. He explained that the City previously had a Mayor/Council/City Manager form of government, but the 1988 Consent Decree between the Central Delaware Branch of the National Association for the Advancement of Colored People (NAACP) and the City of Dover changed this and removed the mayor from presiding over council.

Mayor Christiansen explained that, during the mid-1980s, the NAACP and others found that the City government and the election process in the City were not fair and equitable to all citizens. The 1988 Consent Decree established the current form of government, did away with dual voter registration and the election of council members by an at-large voting pool and added a ninth council member. This was agreed upon by the parties involved and evolved to the point where the Mayor was to become the full-time chief executive of the City, with council as a purely legislative body presided over by a council president. Mayor Christiansen stated that this began the march toward a truly full-time mayor in 1997. He stated that the provisions of the Consent Decree were deemed fair and equitable by all parties involved and led to the structure of the City's government today.

Noting the change in the City's population and its diversity today, Mr. Hutchison questioned if it would be in the City's best interest to go back to the parties involved to examine the Consent Decree and determine if it could be removed.

Mr. Sudler read the following statement into the record:

> *After listening to Mr. Holden's concerns [during the Committee meeting of August 25, 2014] regarding accountability and clear organizational structure for the City's modified Council-City Manager form of government. In addition to reviewing the minutes and dialogue on the history of a full-time or part-time mayor for the City of Dover, it is my recommendation that the committee should support a full-time mayor's position and consider changing our current form of government to a Mayor/Council form of government where the city manager and chief of police would be appointed by the mayor and confirmed by City Council.*
>
> *I believe that a Mayor/Council form of government will provide City Council with the mayor's job description criteria consisting of strategic goals, objectives, and programs to be orchestrated by the chief executive officer - approved and appraised by City Council.*
>
> *In closing, a Mayor/Council form of government will allow City Council the opportunity to focus more on legislative rules and regulations that navigate our community's climate, but*

also, will enhance the Mayor's understanding of department's Strengths, Weaknesses, Opportunities and Threats [SWOT] that impact the social, demographic and economic development of our great City of Dover.

Mr. Hare stated that he had no problem with a full-time mayor; however, he felt that Council must decide what the City's form of government would be: a strong Mayor/Council form of government or a city manager form of government, noting that the City was a hybrid right now. He reminded members that a full-time mayor was established through a vote in 1997 and expressed his belief that voters were under the impression that there would be a strong mayor; however, the mayor's duties were economic development, lobbying the legislature, and public relations. Mr. Hare stated that the City now had three (3) economic development people, which he felt was perhaps more than Kent County or all cities combined within the County, and also a public relations person, but was unsure if the City lobbied the legislature anymore. Mr. Hare felt that there should be a job description for the mayor that was aligned with other positions, rather than continuing to add positions that might not be needed. He felt that an assistant city manager would not be needed with a full-time mayor and suggested that perhaps the mayor should be paid more. It was Mr. Hare's belief that a full-time mayor should do more than "breakfast, lunch, and dinners," and he concurred with Mr. Sudler's recommendation as long as these changes were made.

Mr. Hutchison stated his opinion that the City was where it needed to be at this point. He strongly supported a Mayor/Council/City Manager form of government and indicated that he would like to see the Committee focus in that direction. He felt that the main issue was to review the Consent Decree and that the timing was right.

Expressing his reluctance to appear self-serving, Mayor Christiansen stated his interest in serving the City of Dover and doing the job that needed to be done. He indicated that he had great respect for former Mayor Hutchison and felt that the City needed to continue to move into the future with a full-time mayor. He stated that he believed in a strong mayor who would be in charge of the Police Department as conservator of the peace and expressed his belief that the mayor should be chief executive of the City. Mayor Christiansen indicated that a professional manager was needed, as most cities have, who may be termed as managing director or administrative assistant, and that professional departments of the City should report to that manager, who should report on a daily basis to and work in consort with the mayor. He believed that council, presided over by the council president, should be the legislative body of the City and in charge of City Clerk's Office and an independent Finance Director's Office for checks and balances. Mayor Christiansen felt it very important that the mayor, as chief executive officer, maintain a veto and not participate in the legislative process, in order to protect the City. He felt that the City had "dallied" since 1997 and not given the mayor responsibilities to be judged and held accountable by the public. He stated that the City was very fortunate in its history to have had two (2) full-time mayors such as former Mayors Crawford Carroll and James Hutchison. Mayor Christiansen felt that Council had been remiss in not assigning the mayor's responsibilities and had an opportunity now to do so for the betterment of the City's future.

Mr. Anderson stated that this was a worthy idea; however, cautioned members that radical changes in government should not be made lightly. He stated he would like to see this matter studied, although he felt that previous studies supported Mr. Sudler's proposal. He indicated that he would like to start by seeking a legal opinion, as he was not convinced that a reorganization would necessarily abolish the Consent Decree. He expressed a desire to know how far the City could go with these changes and felt that Mr. Hutchison had raised a very important point. If it were decided to go this route, Mr. Anderson stated that it would be necessary to make sure that certain protections would be in place in regard to the professional staff that the City had taken decades to hire to make sure that council would be involved in the process of appointing a

city administrator or managing director and that the current people could not be removed except by cause with council consent. This would be an important check and balance in the system and, if included, he would be open to the idea.

Mr. Dixon stated that he did not agree with Councilman Anderson and Mayor Christiansen. He stated that when Mayor Hutchison was in office, things were taken care of. He felt that it should be strongly recommended to do what needed to be done to make the City strong and more progressive.

Mr. Hare stated that he did not have a problem with what Mayor Christiansen said; however, if there was to be a strong mayor form of government, a strong mayor would be needed and the mayor should preside over council. The mayor could still have veto power and the power to break a tie. He felt that the at-large position would then be the mayor's position and the people would elect a strong mayor. In reference to Mr. Anderson's comments, Mr. Hare felt that nothing would change in terms of personnel; those who report to council would continue to do so. He concurred with Mr. Sudler that the police chief and city manager would be approved through council. The departments that report to the city manager or administrator would still report to him and if he found cause for termination, this would not have to come before council. Staff members that were council appointees would continue to report to council.

Mr. Slavin stated that everyone had brought a lot of energy to the discussion and that the underlying driver for the City's existing form of government was the Consent Decree, which was the City's tacit acknowledgment that there had been ills in the City. There was consent to meet those measures, and as a City, seriousness and sincerity was brought to those efforts and the City committed to nearly 25 years of actions to support the Decree. Mr. Slavin felt that it would be in the City's best interest to open a polite dialogue about the Consent Decree. He stated that a recommendation had been heard from Mr. Sudler that was clear and concise and asked that it be considered for adoption as Option A, noting that there may be additional options, so that a decision could ultimately be reached.

Mr. Hutchison stated that if the City should return to a Mayor/Council/City Manager form of government, whereby the mayor presides over council, his personal opinion was that the mayor should vote on every issue. He indicated that there had been a problem in terms of a clear separation of the mayor from issues. The mayor had only the power of veto, which might be exercised only one (1) to three (3) times per year, or perhaps not at all. Mr. Hutchison felt that the mayor should be actively involved in every discussion and part of the voting process, which would allow the mayor to become more actively involved in day-to-day operations of the City.

Mayor Christiansen voiced his respect for Mr. Hutchison and Mr. Hare. He explained, however, that the mayor sits on council in the Town of Smyrna and presides over council in the City of Milford, and these forms of government are suitable in these municipalities, but not for Dover, which has a population of 36,000 to 38,000. He pointed out that the growth of Dover was anticipated 25 years ago and the City continues to grow. Mr. Christiansen indicated that Mr. Sudler had made a great point and that it was necessary to move forward rather than stepping back into the past. He asked that members not put his face, as the current mayor, into the position but consider what was in the best interest for the future of the City of Dover.

Mr. Sudler concurred with Mr. Hutchison that a strong mayor form of government was needed and that this was the future of the City.

Mr. Anderson stated that when the people are voting, they are not voting on who has the best skills to chair a meeting but on a lot of other factors. He commented that he was aware of no large or medium-sized city

where the mayor presides over council and felt there should be a separation of powers and that the mayor should not vote, noting that someone with the ability to vote should not also have veto power. He felt that the current structure, whereby the mayor serves ex officio on committees and makes a number of appointments, gives the mayor an ability to engage early in the process which makes vetoes rare, and that it was important to maintain these provisions. He indicated that if Mr. Sudler were willing to accept a friendly amendment that any proposal would protect the current council-appointed employees with due process, he had no problem with moving this matter forward for further study and legal review, starting with the Consent Decree, to find out what the options were.

Mr. Slavin invited members of the public to comment.

Mr. Bernhard Greenfield, 901 Wilson Drive, stated that he came to Dover in approximately 1960 with the Air Force and retired from the Air Force. He advised members that he had seen what the City's mayors could do, including one (1) who said that things must be done his way and insulted people at meetings, and that a street near Sam's Club was named after this individual. Mr. Greenfield also explained that during a former mayor's service, trees on State Street uprooted the sidewalks, causing people to fall. Mr. Greenfield advised members that he spent 21 years in the Air Force, where there was one (1) command organization; no one on the base could do what was to be done without asking the commander. He felt that if there were a mayor and a city manager, there could be a problem whereby "one (1) hand doesn't know what the other hand is doing." Mr. Greenfield asserted that if there were too many people working in too many places, the work would be fragmented. He stated his opinion that Mayor Christiansen would not "go bullheaded," stating that he was "a fine man" who came down the street to help people when the snow was three (3) to four (4) feet deep, and that he would do the job.

Mr. Sudler moved that his proposal be recommended as Option A, with consideration of Mr. Anderson's amendment as part of the proposal, seconded by Mr. Hare.

For clarification, Mr. Slavin requested Mr. Anderson to summarize the amendment. Responding, Mr. Anderson stated that his recommended amendment was that any positions which currently report to council that are moved to report to the mayor would only be removed for cause and with council approval.

Mr. Slavin stated that this would be considered as Option A which would be considered along with any other options presented.

Mr. Shevock questioned if a review or consensus regarding the Consent Decree between the City and the other parties would be required before moving forward. Responding, Mr. Slavin stated that he was prepared to entertain a second motion to open a dialogue in this regard.

Mr. Hutchison felt that Option A should be examined to see if there were other things that could be added before returning with a final version.

The motion to recommend for future consideration Option A, as follows: a full-time mayor's position, with consideration of changing the City's current form of government to a Mayor/Council form of government, where the city manager and chief of police would be appointed by the mayor and confirmed by City Council, and that any positions which currently report to council that are moved to report to the mayor would only be removed for cause and with council approval, was unanimously carried.

Mr. Shevock moved to recommend that the Council President open a dialogue with the parties to the 1988 Consent Decree, seconded by Mr. Hare and unanimously carried.

Mr. Anderson expressed his opinion that discussion was needed regarding the organization of the City. He indicated that perhaps some functions should be placed under the city manager, reminding members that the City previously had a senior city administrator who dealt primarily with budgets. He suggested the possibility that the individual in this "deputy" position might deal with budgets, Parks and Recreation, or other functions that had been consolidated, which would free finance and other staff to perform their responsibilities. He stated his desire for the Committee to propose that Council hold an Executive Session some time in the future where staff, as those who deal with City issues on a daily basis, could provide their opinions freely and off the record regarding what should be done.

Mayor Christiansen cautioned members that Mr. Anderson's suggestion may not be acceptable under the Freedom of Information Act (FOIA).

Mr. Anderson expressed his opinion that personnel issues and reviews would be exempt; however, indicated that it would be necessary to obtain a legal opinion from the City Solicitor on this matter.

Mr. Sudler concurred with Mr. Anderson that input from administrative staff would be valuable in this regard.

Councilman Dixon cautioned members to be very careful in regard to FOIA.

SEPTEMBER 22, 2014 COUNCIL

SEPTEMBER 22, 2014 COUNCIL ACTION - By consent agenda, Mr. Hare moved for approval of the Committee's SEPTEMBER 8, 2014 recommendation, seconded by Mr. Dixon and carried by a unanimous roll call vote (Lynn absent).

OCTOBER 27, 2014 LF&A

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

OCTOBER 27, 2014 LF&A COMMITTEE ACTION - NONE

OCTOBER 27, 2014 LF&A MINUTES - During the Regular City Council Meeting of September 22, 2014, members approved the Committee's recommendation for future consideration of Option A, as follows: a full-time mayor's position, with consideration of changing the City's current form of government to a mayor/council form of government, where the city manager and chief of police would be appointed by the mayor and confirmed by City Council, and that any positions which currently report to council that are moved to report to the mayor would only be removed for cause and with council approval. Members of City Council also approved the Committee's recommendation that the Council President open a dialogue with the parties to the 1988 Consent Decree.

In the absence of Mr. Hutchison, who had been the lead on this issue, Mr. Slavin stated that based on previous action, members were reviewing possible alternatives related to the responsibilities and reporting structure for the mayor and city manager. He noted that a recommendation was made for consideration and indicated his hope that there would be more recommendations for discussion. The general timeframe was to accept ideas through the end of the calendar year, and in 2015 Council would decide which ideas would be brought forward for final action. In addition, Mr. Slavin reiterated that City Council requested the

Council President, along with Mr. Hutchison, to meet with the NAACP to discuss the 1988 Consent Decree between the City and the NAACP and what effect it may or may not have on the City's form of government.

Mr. Slavin stated that he had requested the City Clerk's Office to create an organizational chart for Option A, as well as any future recommendations.

Mr. Hare expressed his opinion that prior to making any determination regarding a full-time or part-time mayor, members must determine the form of government. If a council-manager form of government were decided upon, he felt there was no need for a full-time mayor. If a strong mayor form of government were chosen, he stated that the City should continue with a full-time mayor who would serve as the president of Council and preside at the Council meetings, explaining his feeling that both a mayor and Council president were not necessary. Should the City continue with a council-manager form of government, he felt that the mayor should serve on a part-time basis.

Mayor Christiansen stated that he did not want to be seen as "self-serving" and, although he agreed with some of the comments made by Mr. Hare, he stated that Dover is a full-time City that needs a full-time mayor. He felt that placing the mayor back in the Council Chambers would create an issue in regard to the 1988 Consent Decree. In addition, he relayed concerns with the mayor being made a part of Council's deliberations, explaining his feeling that City Council should serve as the legislative body and the mayor should be chief executive officer of the City and work in concert with the city manager and City staff. He indicated that this working relationship had proven to be beneficial to him, as the mayor. Mayor Christiansen stressed the importance for the mayor to remain out of the legislative process and maintain the power of veto in order to protect the general public and afford them a stopgap against a "runaway" Council. He also requested the opportunity to present a proposal for members of Council to consider. He assured members that he was not looking for a job but rather to do the job of the mayor. Mayor Christiansen expressed his opinion that regardless of who was elected to serve as mayor, the City of Dover needed a full-time mayor with full-time responsibilities.

Mr. Thomas Leary (former member of City Council), 27 Shinnecock Road, questioned the genesis of the discussion, why this matter was being considered, and if something was "broke." Responding, Mr. Slavin stated that this matter had been a continuing agenda item in the hopes that members would be given options to consider and present to City Council.

Elaborating, Mr. Hare recalled that Mr. Leary was serving as a member of City Council at the time the mayor's position was changed from part-time to full-time. At that time, he explained, the mayor was given specific duties, such as being in charge of economic development, public relations, lobbying the legislators, etc., all of which had since been removed from his responsibilities. Since the mayor no longer had these responsibilities, it had been suggested that there was no longer a need for the mayor to serve full-time.

Mr. Leary suggested that members should decide whether the council-manager form of government, which had been the most effective for municipalities for a long time, still applied for the City. He questioned if members were reacting to recent personalities of those who had served as mayor.

Mr. Hare stated no objections to the City maintaining a council-manager form of government. After conducting research through the National League of Cities, he stated that the only municipalities with a full-time mayor had populations in excess of 40,000. Mr. Hare expressed his opinion that if the City of Dover would be the exception and maintain a full-time mayor, then the position should have full-time job responsibilities.

Mr. Leary reiterated his feeling that the City's current form of government was sound, although there may be a need to review salary and job responsibilities for possible adjustments as deemed necessary. However, he encouraged members not to make any changes that would require the mayor to preside over Council meetings. In addition, it was his feeling that the NAACP would have no desire to discuss any change to the Consent Decree.

Mr. Anderson expressed misgivings in regard to having a mayor preside over Council meetings, particularly since the mayor is not elected based on such abilities. He also questioned how this would affect the inner workings of the legislative committees in relation to appointments, chairmanships, etc. Responding, Mr. Leary stated his objections to this arrangement based on past experience, since it would provide one (1) individual with a lot of power. He indicated that prior to his service on Council, there was a time when the mayor presided over Council meetings and had a lot of power over City Council, which proved not to be beneficial for the City.

Mr. Hare stated that if the City wished to maintain a full-time mayor, then City Council should develop job responsibilities for the mayor. Responding, Mr. Leary reminded members that it was City Council who gradually eliminated certain duties and job responsibilities from the mayor's position. He suggested that Council simply reinstitute those responsibilities and/or create additional duties for a full-time Mayor.

Mayor Christiansen indicated his familiarity with the previous "strong" mayor and, as such, Mayor Christiansen had assumed some job responsibilities that may be outside the realm of the mayor's authority, such as economic development, working with State legislators, etc. It was his feeling that there are jobs that are required of the Mayor, since Dover is a full-time City, and that the system would work if the mayor were given specific job responsibilities that are established through ordinance or Charter. It was his recollection that the Mayor's responsibilities were never codified, although it had been intended to do so.

Mr. Leary suggested that City Council tweak the current system and not undertake a complete, radical, reorganization of the City.

Mr. Anderson stated his willingness to submit a recommendation. In addition, he advised members that he was aware of a college student, with experience in organizational management, who desired to volunteer as an intern with the Committee and assist in developing a recommendation. At the request of Chairman Slavin, Mr. Anderson agreed to forward the individual's resume for consideration.

DECEMBER 8, 2014 LF&A

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

DECEMBER 8, 2014 LF&A COMMITTEE ACTION - During their meeting of December 8, 2014, the Legislative, Finance, and Administration Committee referred this matter to City Council without a recommendation, with the stipulation that they be provided all information regarding Options A, B, and C (Mr. Anderson's amendment to Option A).

DECEMBER 8, 2014 LF&A MINUTES - Mr. Slavin stated that the responsibilities and reporting structure for the Mayor and City Manager and continuation of full-time status for the position of Mayor had been discussed by the Committee during the past several meetings. He reminded members that during their Regular Meeting of September 22, 2014, City Council approved the Committee's recommendation for future consideration of Option A, as follows: a full-time mayor's position, with consideration of changing the

City's current form of government to a mayor/council form of government, where the city manager and chief of police would be appointed by the mayor and confirmed by City Council, and that any positions which currently report to council that are moved to report to the mayor would only be removed for cause and with council approval. Members of City Council also approved the Committee's recommendation that the Council President open a dialogue with the parties to the 1988 Consent Decree *(item discussed during the Overview of 1988 Consent Decree, earlier in this meeting).*

As requested during the Committee meeting of October 27, 2014, Mr. Slavin noted that members had been provided an organizational chart for Option A as well as the current organizational chart for the City. In addition to considering maintaining the current responsibilities and reporting structure, as well as Option A, a strong mayor form of government, Mr. Slavin stated that Mr. Anderson may have an additional option for the Committee's consideration. It was his hope that at the conclusion of the meeting, the Committee would forward this matter to City Council with or without recommendations, explaining that the Committee's role was to allow for the discussion, to include the public, and then to provide City Council with this information to allow a full debate.

Mr. Sudler reminded members that, during the Legislative, Finance, and Administration Committee meeting held on September 8, 2014, he had relayed his support for a full-time Mayor with strong administrative powers, which was presented as Option A. Mr. Sudler noted that members had indicated they welcomed any suggestions relative to Option A and, as a result, he developed ideas for a job description and a job appraisal report for the Mayor, which he submitted and briefly reviewed ***(Attachment #3 - Option A)***.

Noting that Option A referred to a strong mayor form of government, Mr. Slavin suggested, for clarification, that any reference to the City's current form of government be considered as "Option B."

Referring to the job description provided by Mr. Sudler, Mr. Anderson suggested replacing Item #4 - bachelor degree, under the minimum requirements, with the requirement for the Mayor to have been a City resident for two (2) years, which would mirror the City Charter. Referring to the proposed organizational chart, he felt that the City Clerk's Office should remain under City Council since it serves as Council staff and that the Finance Office should also remain under City Council to provide "checks and balances."

Concurring with Mr. Anderson, Mr. Hare also felt that the Mayor should not appoint the Deputy Chief of Police, suggesting that the Police Chief should have that authority. Although he had no preference regarding the City having a full-time or part-time Mayor, if the City elected a full-time Mayor, Mr. Hare felt that the City should have a strong mayor form of government.

Mayor Christiansen stated his feeling that the City Manager should be hired and maintained by City Council, although he noted that in the past a Board was created to hire other officials for the City. He agreed with most of the recommendations submitted by Mr. Sudler; however, he felt that the job appraisal would be the responsibility of the public rather than City Council.

Responding, Mr. Hare noted that as an elected official, the public would be indicating their opinion regarding the Mayor's performance every four (4) years through the election.

Mr. Sudler felt that if the City chose to have a strong mayor form of government, the Mayor would be required to submit reports to City Council and, although he understood that the public would ultimately either re-elect the Mayor or vote him/her out of office, since that would occur only every four (4) years, he felt that the Mayor's performance on yearly goals and objectives should be appraised annually by City Council.

It was Mr. Hutchison's opinion that a major change that should occur would be to give the responsibilities and leadership of the City Manager more authority in the City, which would include the operations and budgetary issues of the Police Department. He stated that the City Manager should report to the Mayor and City Council. This would tie everybody into the total operations, noting that there are problems with the current system. As an example, Mr. Hutchison reminded members that earlier in the meeting, the Police Chief had submitted a request regarding the Cadet Program. Rather than submitting the request to the Mayor, Mr. Hutchison felt that it should have been submitted to the City Manager due to possible budget implications, since the City Manager is responsible for the City's budget. After the City Manager's review, the request should have then been presented to the Mayor and Council President to bring forward for consideration by the Committee. Mr. Hutchison reiterated the need for the City Manager to be in charge of the City's operations. He reminded members that, according to the City Charter, anyone 18 years of age or older can be elected as Mayor. Considering the complexity of the City, the budget, and the responsibilities of the Mayor's Office, he stated that although he supports a full-time Mayor, the day-to-day operations and financial responsibilities should belong to the City Manager since that individual is selected based on education, knowledge, and work experience necessary to oversee and run a City, and the City Manager would ultimately report to the elected officials.

For informational purposes, Mayor Christiansen advised members that the request for the Cadet Program was presented to the City Manager for his review prior to its submission to the Committee. Mayor Christiansen expressed his feeling that it is imperative, due to the Charter requirements for the Mayor to be responsible for the safety and security of the City, that the Mayor remain in charge of the Police Department. However, he conceded that the City Manager should work closely with the Mayor and Police Chief on the budget for the Police Department.

Responding to Mr. Hare, Mayor Christiansen indicated concurrence with the proposal submitted by Mr. Sudler, feeling that the City of Dover needs a strong mayor with a professional City Manager. Mr. Hare explained his concern with the City Manager being held accountable for those departments that are not his responsibility, such as the Police Department, as it relates to the City's Budget. He reiterated his opinion that the City should have a strong mayor form of government.

Mr. Dixon stated his agreement with the City having a strong mayor form of government. Noting that changes would be required, he urged members to remember that the positions are held by human beings and that people should be treated in a fair manner.

Mr. Slavin reminded members that the results of the 2004 referendum regarding the City having a full-time or part-time Mayor reflected that 3,185 voters favored a full-time Mayor and 1,285 voters favored a part-time Mayor. It was his observation, having experience working with governments, that simple reorganizations inside governments can be difficult. He stated that an overhaul of the entire form of government would require an order of magnitude well over difficult. Although he could support many of the proposed changes, Mr. Slavin stated that they would be time consuming and expensive to complete and a strong mayor form of government would be more costly than the current form of government. He suggested that this matter be presented to City Council for a final decision.

Council President Bonar indicated his support for a full-time Mayor; however, he also supported the City Manager serving as the chief business operations manager for the City. As previously mentioned, the City Manager is responsible for submitting a draft budget for the entire City and as such, Mr. Bonar felt that all departments should be placed under the City Manager. He explained the dangers of a Mayor having full control of the City and supported the Police Department reporting to the City Manager. He noted that having the City Manager in charge of the day-to-day operations of the City would allow for the Mayor to

concentrate efforts on ensuring the City is recognized by, and participates in, the various forms of government, Boards, Committees, and Commissions throughout the State to ensure that the City receives its "fair share" of emergency services and legislative funding.

Mr. Hare indicated that when the Mayor's position was changed to full-time, it was to provide the necessary time to lobby the legislators, promote economic development, public relations, etc. and not to spend time in City Hall.

Noting that the Committee had held several discussions regarding this matter, Council President Bonar felt that it should now be presented to City Council for resolution.

Regarding the costs associated with a strong mayor, Mr. Sudler felt that an increase in that Mayor's salary would be less than that of an Assistant City Manager and that the Mayor could then assist the City Manager.

Mr. Slavin noted the receipt of an e-mail, dated December 8, 2014, from the City Clerk's Office regarding comments submitted by Ms. Rose Bryan of 43 Pine Street, as follows:

> *"Ms. Bryan stated that she has lived in Dover for 48 years and is very much in favor of a full-time mayor, based on the size of the City of Dover. Ms. Bryan will not be attending the [meeting] tonight and does not have access to email. She asked the Clerk's Office to convey her message to Committee members."*

Ms. Sara Herbert, 223 N. Bradford Street, stated that she was requested to submit correspondence from Ms. Yvonne Hall, Realtor with Keller Williams Realty Central DE ***(Attachment #4)***. Ms. Herbert also advised members of her own support for a full-time Mayor, noting that Dover is a growing City and serves as the capital of the State of Delaware. She indicated that free parking is not available in the downtown areas in many cities in Delaware, and although it is beneficial in Dover, she felt this was an indication that there are not be as many visitors to the area as may be desired. Ms. Herbert felt that the Mayor's job is to be the "face of the City" and bring benefits that would make the City stronger and better. She stated that, in addition to herself and Ms. Hall, her husband also felt that a full-time Mayor would be beneficial to the City of Dover.

Mr. Reuben Salters (former member of City Council), 109 Bertrand Drive, relayed his support for a full-time Mayor. He reminded members of a situation that occurred years ago in the City of Dover, when there was a very strong voice in the community supporting a full-time Mayor. Mr. Salters felt that when the Mayor's position became full-time, it benefitted the City. Although members of City Council, as well as City staff, represent the City, Mr. Salters noted that the Mayor represents all the people and aspects of the City and has a unique function in this regard. He indicated the importance of the separation of power among the branches of government in the City and felt confident that, with the urging of the citizens and influence of City Council, the Mayor will remain focused on his duties, serving full-time for the best interest of the City.

Police Chief Bernat expressed his feeling that an elected official should oversee the Police Department and that individual should be the Mayor. It was his opinion that if the City Manager were placed in charge of the Police Department, there would be more of a financial interest versus public safety.

Mr. Edward Thomas Christian, Jr., 9 Pennwood Drive, indicated his recollection that when Mr. Hutchison was elected to serve as Mayor and a full-time salary was provided, since there was no "clear" job description for the position, City Council developed a job description, listing duties and responsibilities that would compensate for the salary offered for serving as the Mayor. At that time, he stated, Mayor Hutchison was

given the responsibility of overseeing the Police Department since he had previously served as Police Chief and this responsibility had continued since that time. It was Mr. Christian's opinion that there was a conflict between the Mayor and the City Manager as to who would be responsible for the various departments of the City of Dover. He noted that often people get "stuck" with customs, habits, and traditions and find it difficult to make hard decisions, explaining that one's comfort zone dictates his decisions. Mr. Christian stated that the general public does not have the knowledge or sophistication, which he defined as "unconscious ignorance," to decide what is best for the City, explaining that it is the responsibility of City Council and the City Manager to determine what is best for the City of Dover. Referring to the comparison of municipalities, he stated that what may work for eight (8) million people may not work for the City of Dover.

In response to Mr. Christian's comments regarding the Mayor becoming responsible for the Police Department, Mayor Christiansen advised members that in 1929, when the City of Dover revised its Charter from the Town of Dover to the City of Dover, the Chief of Police was assigned to the Mayor. He noted that the Charter also requires the Mayor to be responsible for the Police Department, as conservator of the peace, and for the public safety of the citizens.

Mr. Hutchison stated his strong opinion that the Mayor should continue to serve as the Chief Executive Officer (CEO) for the City of Dover, explaining that the City Manager is the Chief Operating Officer who reports to the Mayor and Council.

Mr. Anderson noted that this issue involves personnel matters and questioned if an executive session could be held to allow for further discussion. Responding, Deputy City Solicitor Pepper stated his opinion that the discussion would not qualify for an executive session.

Responding to Mr. Anderson, Mr. Koenig stated that three (3) years ago, the Parks and Recreation Director had retired and, rather than filling that position, the Parks and Recreation Department was assigned to the Planning Department to provide managerial oversight. Mr. Koenig stated that there are approximately 15-17 positions, including temporary employees, in that Department. In addition, he stated that the Central Services Manager, who was in charge of purchasing, warehouse, and fleet maintenance, had retired. Rather than filling that position, fleet maintenance was transferred to the Public Works Department and purchasing and warehouse maintenance were transferred to the Finance Department.

In response to Mr. Anderson regarding an Assistant City Manager, Mr. Koenig stated that there had been no discussion regarding the possibility of removing responsibilities from Department Heads. He stated that the main issues facing the City Manager were budget and strategic plan development, the development of a facilities plan to enhance current facilities, and labor negotiations. In addition, Mr. Koenig stated that the Controller/Treasurer did not wish to be the point of contact for budget development; therefore, this responsibility would be re-assumed by the City Manager's Office.

Mayor Christiansen stated his recollection, as a member of City Council at the time, that the Planning Director and Finance Director were transferred from the City Manager to City Council in the 1980s due to a conflict between the then Planning Director and Fire Marshal, who was being given alternative orders. As a result, Council deemed it necessary to move the Fire Marshal and Planning Director to report directly to City Council. Likewise, the Finance Director/Treasurer position was moved from under the City Manager for misreporting numbers and due to coercion to report false information to City Council.

Mr. Hare moved to recommend that this matter be referred to City Council without a recommendation, with the stipulation that they be provided all information regarding Options A, B, and C (Mr. Anderson's amendment to Option A). The motion was seconded by Mr. Shevock.

Mr. Anderson requested that Option C also include the removal of the Deputy Police Chief from appointment by the Mayor, feeling that the Police Chief should make that selection. Mr. Slavin suggested that Mr. Anderson work with the City Clerk in the development of Option C to be presented to City Council for their review and consideration.

The motion to recommend referring this matter to City Council without a recommendation, with the stipulation that they be provided all information regarding Options A, B, and C (*Attachment #3 - Options A, B, and C*) was unanimously carried.

JANUARY 12, 2015 COUNCIL

JANUARY 12, 2015 COUNCIL ACTION - Mrs. Williams moved to defer consideration of this item pending the outcome of discussions with Mr. Cecil Wilson and other parties to the 1988 Consent Decree. The motion was seconded by Mr. Hare and carried by a roll call vote of six (6) yes (Dixon, Slavin, Williams, Hare, Hutchison, and Bonar) and two (2) no (Anderson and Perza).

JANUARY 12, 2015 COUNCIL MINUTES - Mr. Slavin stated that the responsibilities and reporting structure for the Mayor and City Manager and continuation of full-time status for the position of Mayor had been discussed by the Committee during the past several meetings. He reminded members that during their Regular Meeting of September 22, 2014, City Council approved the Committee's recommendation for future consideration of Option A, as follows: a full-time mayor's position, with consideration of changing the City's current form of government to a mayor/council form of government, where the city manager and chief of police would be appointed by the mayor and confirmed by City Council, and that any positions which currently report to council that are moved to report to the mayor would only be removed for cause and with council approval. Members of City Council also approved the Committee's recommendation that the Council President open a dialogue with the parties to the 1988 Consent Decree *(item discussed during the Overview of 1988 Consent Decree, earlier in this meeting).*

As requested during the Committee meeting of October 27, 2014, Mr. Slavin noted that members had been provided an organizational chart for Option A as well as the current organizational chart for the City. In addition to considering maintaining the current responsibilities and reporting structure, as well as Option A, a strong mayor form of government, Mr. Slavin stated that Mr. Anderson may have an additional option for the Committee's consideration. It was his hope that at the conclusion of the meeting, the Committee would forward this matter to City Council with or without recommendations, explaining that the Committee's role was to allow for the discussion, to include the public, and then to provide City Council with this information to allow a full debate.

Mr. Sudler reminded members that, during the Legislative, Finance, and Administration Committee meeting held on September 8, 2014, he had relayed his support for a full-time Mayor with strong administrative powers, which was presented as Option A. Mr. Sudler noted that members had indicated they welcomed any suggestions relative to Option A and, as a result, he developed ideas for a job description and a job appraisal report for the Mayor, which he submitted and briefly reviewed.

Noting that Option A referred to a strong mayor form of government, Mr. Slavin suggested, for clarification, that any reference to the City's current form of government be considered as "Option B."

Referring to the job description provided by Mr. Sudler, Mr. Anderson suggested replacing Item #4 - bachelor degree, under the minimum requirements, with the requirement for the Mayor to have been a City resident for two (2) years, which would mirror the City Charter. Referring to the proposed organizational chart, he felt that the City Clerk's Office should remain under City Council since it serves as Council staff and that the Finance Office should also remain under City Council to provide "checks and balances."

Concurring with Mr. Anderson, Mr. Hare also felt that the Mayor should not appoint the Deputy Chief of Police, suggesting that the Police Chief should have that authority. Although he had no preference regarding the City having a full-time or part-time Mayor, if the City elected a full-time Mayor, Mr. Hare felt that the City should have a strong mayor form of government.

Mayor Christiansen stated his feeling that the City Manager should be hired and maintained by City Council, although he noted that in the past a Board was created to hire other officials for the City. He agreed with most of the recommendations submitted by Mr. Sudler; however, he felt that the job appraisal would be the responsibility of the public rather than City Council.

Responding, Mr. Hare noted that as an elected official, the public would be indicating their opinion regarding the Mayor's performance every four (4) years through the election.

Mr. Sudler felt that if the City chose to have a strong mayor form of government, the Mayor would be required to submit reports to City Council and, although he understood that the public would ultimately either re-elect the Mayor or vote him/her out of office, since that would occur only every four (4) years, he felt that the Mayor's performance on yearly goals and objectives should be appraised annually by City Council.

It was Mr. Hutchison's opinion that a major change that should occur would be to give the responsibilities and leadership of the City Manager more authority in the City, which would include the operations and budgetary issues of the Police Department. He stated that the City Manager should report to the Mayor and City Council. This would tie everybody into the total operations, noting that there are problems with the current system. As an example, Mr. Hutchison reminded members that earlier in the meeting, the Police Chief had submitted a request regarding the Cadet Program. Rather than submitting the request to the Mayor, Mr. Hutchison felt that it should have been submitted to the City Manager due to possible budget implications, since the City Manager is responsible for the City's budget. After the City Manager's review, the request should have then been presented to the Mayor and Council President to bring forward for consideration by the Committee. Mr. Hutchison reiterated the need for the City Manager to be in charge of the City's operations. He reminded members that, according to the City Charter, anyone 18 years of age or older can be elected as Mayor. Considering the complexity of the City, the budget, and the responsibilities of the Mayor's Office, he stated that although he supports a full-time Mayor, the day-to-day operations and financial responsibilities should belong to the City Manager since that individual is selected based on education, knowledge, and work experience necessary to oversee and run a City, and the City Manager would ultimately report to the elected officials.

For informational purposes, Mayor Christiansen advised members that the request for the Cadet Program was presented to the City Manager for his review prior to its submission to the Committee. Mayor Christiansen expressed his feeling that it is imperative, due to the Charter requirements for the Mayor to be responsible for the safety and security of the City, that the Mayor remain in charge of the Police Department. However, he conceded that the City Manager should work closely with the Mayor and Police Chief on the budget for the Police Department.

Responding to Mr. Hare, Mayor Christiansen indicated concurrence with the proposal submitted by Mr. Sudler, feeling that the City of Dover needs a strong mayor with a professional City Manager. Mr. Hare explained his concern with the City Manager being held accountable for those departments that are not his responsibility, such as the Police Department, as it relates to the City's Budget. He reiterated his opinion that the City should have a strong mayor form of government.

Mr. Dixon stated his agreement with the City having a strong mayor form of government. Noting that changes would be required, he urged members to remember that the positions are held by human beings and that people should be treated in a fair manner.

Mr. Slavin reminded members that the results of the 2004 referendum regarding the City having a full-time or part-time Mayor reflected that 3,185 voters favored a full-time Mayor and 1,285 voters favored a part-time Mayor. It was his observation, having experience working with governments, that simple reorganizations inside governments can be difficult. He stated that an overhaul of the entire form of government would require an order of magnitude well over difficult. Although he could support many of the proposed changes, Mr. Slavin stated that they would be time consuming and expensive to complete and a strong mayor form of government would be more costly than the current form of government. He suggested that this matter be presented to City Council for a final decision.

Council President Bonar indicated his support for a full-time Mayor; however, he also supported the City Manager serving as the chief business operations manager for the City. As previously mentioned, the City Manager is responsible for submitting a draft budget for the entire City and as such, Mr. Bonar felt that all departments should be placed under the City Manager. He explained the dangers of a Mayor having full control of the City and supported the Police Department reporting to the City Manager. He noted that having the City Manager in charge of the day-to-day operations of the City would allow for the Mayor to concentrate efforts on ensuring the City is recognized by, and participates in, the various forms of government, Boards, Committees, and Commissions throughout the State to ensure that the City receives its "fair share" of emergency services and legislative funding.

Mr. Hare indicated that when the Mayor's position was changed to full-time, it was to provide the necessary time to lobby the legislators, promote economic development, public relations, etc. and not to spend time in City Hall.

Noting that the Committee had held several discussions regarding this matter, Council President Bonar felt that it should now be presented to City Council for resolution.

Regarding the costs associated with a strong mayor, Mr. Sudler felt that an increase in that Mayor's salary would be less than that of an Assistant City Manager and that the Mayor could then assist the City Manager.

Mr. Slavin noted the receipt of an e-mail, dated December 8, 2014, from the City Clerk's Office regarding comments submitted by Ms. Rose Bryan of 43 Pine Street, as follows:

> *"Ms. Bryan stated that she has lived in Dover for 48 years and is very much in favor of a full-time mayor, based on the size of the City of Dover. Ms. Bryan will not be attending the [meeting] tonight and does not have access to email. She asked the Clerk's Office to convey her message to Committee members."*

Ms. Sara Herbert, 223 N. Bradford Street, stated that she was requested to submit correspondence from Ms. Yvonne Hall, Realtor with Keller Williams Realty Central DE. Ms. Herbert also advised members of

her own support for a full-time Mayor, noting that Dover is a growing City and serves as the capital of the State of Delaware. She indicated that free parking is not available in the downtown areas in many cities in Delaware, and although it is beneficial in Dover, she felt this was an indication that there are not be as many visitors to the area as may be desired. Ms. Herbert felt that the Mayor's job is to be the "face of the City" and bring benefits that would make the City stronger and better. She stated that, in addition to herself and Ms. Hall, her husband also felt that a full-time Mayor would be beneficial to the City of Dover.

Mr. Reuben Salters (former member of City Council), 109 Bertrand Drive, relayed his support for a full-time Mayor. He reminded members of a situation that occurred years ago in the City of Dover, when there was a very strong voice in the community supporting a full-time Mayor. Mr. Salters felt that when the Mayor's position became full-time, it benefitted the City. Although members of City Council, as well as City staff, represent the City, Mr. Salters noted that the Mayor represents all the people and aspects of the City and has a unique function in this regard. He indicated the importance of the separation of power among the branches of government in the City and felt confident that, with the urging of the citizens and influence of City Council, the Mayor will remain focused on his duties, serving full-time for the best interest of the City.

Police Chief Bernat expressed his feeling that an elected official should oversee the Police Department and that individual should be the Mayor. It was his opinion that if the City Manager were placed in charge of the Police Department, there would be more of a financial interest versus public safety.

Mr. Edward Thomas Christian, Jr., 9 Pennwood Drive, indicated his recollection that when Mr. Hutchison was elected to serve as Mayor and a full-time salary was provided, since there was no "clear" job description for the position, City Council developed a job description, listing duties and responsibilities that would compensate for the salary offered for serving as the Mayor. At that time, he stated, Mayor Hutchison was given the responsibility of overseeing the Police Department since he had previously served as Police Chief and this responsibility had continued since that time. It was Mr. Christian's opinion that there was a conflict between the Mayor and the City Manager as to who would be responsible for the various departments of the City of Dover. He noted that often people get "stuck" with customs, habits, and traditions and find it difficult to make hard decisions, explaining that one's comfort zone dictates his decisions. Mr. Christian stated that the general public does not have the knowledge or sophistication, which he defined as "unconscious ignorance," to decide what is best for the City, explaining that it is the responsibility of City Council and the City Manager to determine what is best for the City of Dover. Referring to the comparison of municipalities, he stated that what may work for eight (8) million people may not work for the City of Dover.

In response to Mr. Christian's comments regarding the Mayor becoming responsible for the Police Department, Mayor Christiansen advised members that in 1929, when the City of Dover revised its Charter from the Town of Dover to the City of Dover, the Chief of Police was assigned to the Mayor. He noted that the Charter also requires the Mayor to be responsible for the Police Department, as conservator of the peace, and for the public safety of the citizens.

Mr. Hutchison stated his strong opinion that the Mayor should continue to serve as the Chief Executive Officer (CEO) for the City of Dover, explaining that the City Manager is the Chief Operating Officer who reports to the Mayor and Council.

Mr. Anderson noted that this issue involves personnel matters and questioned if an executive session could be held to allow for further discussion. Responding, Deputy City Solicitor Pepper stated his opinion that the discussion would not qualify for an executive session.

Responding to Mr. Anderson, Mr. Koenig stated that three (3) years ago, the Parks and Recreation Director had retired and, rather than filling that position, the Parks and Recreation Department was assigned to the Planning Department to provide managerial oversight. Mr. Koenig stated that there are approximately 15-17 positions, including temporary employees, in that Department. In addition, he stated that the Central Services Manager, who was in charge of purchasing, warehouse, and fleet maintenance, had retired. Rather than filling that position, fleet maintenance was transferred to the Public Works Department and purchasing and warehouse maintenance were transferred to the Finance Department.

In response to Mr. Anderson regarding an Assistant City Manager, Mr. Koenig stated that there had been no discussion regarding the possibility of removing responsibilities from Department Heads. He stated that the main issues facing the City Manager were budget and strategic plan development, the development of a facilities plan to enhance current facilities, and labor negotiations. In addition, Mr. Koenig stated that the Controller/Treasurer did not wish to be the point of contact for budget development; therefore, this responsibility would be re-assumed by the City Manager's Office.

Mayor Christiansen stated his recollection, as a member of City Council at the time, that the Planning Director and Finance Director were transferred from the City Manager to City Council in the 1980s due to a conflict between the then Planning Director and Fire Marshal, who was being given alternative orders. As a result, Council deemed it necessary to move the Fire Marshal and Planning Director to report directly to City Council. Likewise, the Finance Director/Treasurer position was moved from under the City Manager for misreporting numbers and due to coercion to report false information to City Council.

Mr. Hare moved to recommend that this matter be referred to City Council without a recommendation, with the stipulation that they be provided all information regarding Options A, B, and C (Mr. Anderson's amendment to Option A). The motion was seconded by Mr. Shevock.

Mr. Anderson requested that Option C also include the removal of the Deputy Police Chief from appointment by the Mayor, feeling that the Police Chief should make that selection. Mr. Slavin suggested that Mr. Anderson work with the City Clerk in the development of Option C to be presented to City Council for their review and consideration.

The Committee referred this matter to City Council without a recommendation, with the stipulation that they be provided all information regarding Options A, B, and C.

Mrs. Williams moved to table this item to allow for more deliberate consideration, seconded by Mr. Hare.

In response to Mr. Perza, Mr. Hare explained that the request to defer this matter was due to the expectation that the matter could necessitate a lengthy discussion.

At the suggestion of Council President Bonar, Mrs. Williams agreed to amend the wording of her motion.

Mrs. Williams moved to defer consideration of this item pending the outcome of discussions with Mr. Cecil Wilson and other parties to the 1988 Consent Decree. The motion was seconded by Mr. Hare and carried by a roll call vote of six (6) yes (Dixon, Slavin, Williams, Hare, Hutchison, and Bonar) and two (2) no (Anderson and Perza).

FEBRUARY 9, 2015 COUNCIL

FEBRUARY 9, 2015 COUNCIL ACTION - Mr. Slavin moved to table this matter, seconded by Mr. Dixon and unanimously carried.

FEBRUARY 9, 2015 COUNCIL MINUTES - Mr. Slavin stated that the responsibilities and reporting structure for the Mayor and City Manager and continuation of full-time status for the position of Mayor had been discussed by the Committee during the past several meetings. He reminded members that during their Regular Meeting of September 22, 2014, City Council approved the Committee's recommendation for future consideration of Option A, as follows: a full-time mayor's position, with consideration of changing the City's current form of government to a mayor/council form of government, where the city manager and chief of police would be appointed by the mayor and confirmed by City Council, and that any positions which currently report to council that are moved to report to the mayor would only be removed for cause and with council approval. Members of City Council also approved the Committee's recommendation that the Council President open a dialogue with the parties to the 1988 Consent Decree.

As requested during the Committee meeting of October 27, 2014, Mr. Slavin noted that members had been provided an organizational chart for Option A as well as the current organizational chart for the City. In addition to considering maintaining the current responsibilities and reporting structure, as well as Option A, a strong mayor form of government, Mr. Slavin stated that Mr. Anderson may have an additional option for the Committee's consideration. It was his hope that at the conclusion of the meeting, the Committee would forward this matter to City Council with or without recommendations, explaining that the Committee's role was to allow for the discussion, to include the public, and then to provide City Council with this information to allow a full debate.

Mr. Sudler reminded members that, during the Legislative, Finance, and Administration Committee meeting held on September 8, 2014, he had relayed his support for a full-time Mayor with strong administrative powers, which was presented as Option A. Mr. Sudler noted that members had indicated they welcomed any suggestions relative to Option A and, as a result, he developed ideas for a job description and a job appraisal report for the Mayor, which he submitted and briefly reviewed.

Noting that Option A referred to a strong mayor form of government, Mr. Slavin suggested, for clarification, that any reference to the City's current form of government be considered as "Option B."

Referring to the job description provided by Mr. Sudler, Mr. Anderson suggested replacing Item #4 - bachelor degree, under the minimum requirements, with the requirement for the Mayor to have been a City resident for two (2) years, which would mirror the City Charter. Referring to the proposed organizational chart, he felt that the City Clerk's Office should remain under City Council since it serves as Council staff and that the Finance Office should also remain under City Council to provide "checks and balances."

Concurring with Mr. Anderson, Mr. Hare also felt that the Mayor should not appoint the Deputy Chief of Police, suggesting that the Police Chief should have that authority. Although he had no preference regarding the City having a full-time or part-time Mayor, if the City elected a full-time Mayor, Mr. Hare felt that the City should have a strong mayor form of government.

Mayor Christiansen stated his feeling that the City Manager should be hired and maintained by City Council, although he noted that in the past a Board was created to hire other officials for the City. He agreed with most of the recommendations submitted by Mr. Sudler; however, he felt that the job appraisal would be the responsibility of the public rather than City Council.

Responding, Mr. Hare noted that as an elected official, the public would be indicating their opinion regarding the Mayor's performance every four (4) years through the election.

Mr. Sudler felt that if the City chose to have a strong mayor form of government, the Mayor would be required to submit reports to City Council and, although he understood that the public would ultimately either re-elect the Mayor or vote him/her out of office, since that would occur only every four (4) years, he felt that the Mayor's performance on yearly goals and objectives should be appraised annually by City Council.

It was Mr. Hutchison's opinion that a major change that should occur would be to give the responsibilities and leadership of the City Manager more authority in the City, which would include the operations and budgetary issues of the Police Department. He stated that the City Manager should report to the Mayor and City Council. This would tie everybody into the total operations, noting that there are problems with the current system. As an example, Mr. Hutchison reminded members that earlier in the meeting, the Police Chief had submitted a request regarding the Cadet Program. Rather than submitting the request to the Mayor, Mr. Hutchison felt that it should have been submitted to the City Manager due to possible budget implications, since the City Manager is responsible for the City's budget. After the City Manager's review, the request should have then been presented to the Mayor and Council President to bring forward for consideration by the Committee. Mr. Hutchison reiterated the need for the City Manager to be in charge of the City's operations. He reminded members that, according to the City Charter, anyone 18 years of age or older can be elected as Mayor. Considering the complexity of the City, the budget, and the responsibilities of the Mayor's Office, he stated that although he supports a full-time Mayor, the day-to-day operations and financial responsibilities should belong to the City Manager since that individual is selected based on education, knowledge, and work experience necessary to oversee and run a City, and the City Manager would ultimately report to the elected officials.

For informational purposes, Mayor Christiansen advised members that the request for the Cadet Program was presented to the City Manager for his review prior to its submission to the Committee. Mayor Christiansen expressed his feeling that it is imperative, due to the Charter requirements for the Mayor to be responsible for the safety and security of the City, that the Mayor remain in charge of the Police Department. However, he conceded that the City Manager should work closely with the Mayor and Police Chief on the budget for the Police Department.

Responding to Mr. Hare, Mayor Christiansen indicated concurrence with the proposal submitted by Mr. Sudler, feeling that the City of Dover needs a strong mayor with a professional City Manager. Mr. Hare explained his concern with the City Manager being held accountable for those departments that are not his responsibility, such as the Police Department, as it relates to the City's Budget. He reiterated his opinion that the City should have a strong mayor form of government.

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Noting that the Committee had held several discussions regarding this matter, Council President Bonar felt that it should now be presented to City Council for resolution.

Regarding the costs associated with a strong mayor, Mr. Sudler felt that an increase in that Mayor's salary would be less than that of an Assistant City Manager and that the Mayor could then assist the City Manager.

Mr. Slavin noted the receipt of an e-mail, dated December 8, 2014, from the City Clerk's Office regarding comments submitted by Ms. Rose Bryan of 43 Pine Street, as follows:

"Ms. Bryan stated that she has lived in Dover for 48 years and is very much in favor of a full-time mayor, based on the size of the City of Dover. Ms. Bryan will not be attending the [meeting] tonight and does not have access to email. She asked the Clerk's Office to convey her message to Committee members."

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represent the City, Mr. Salters noted that the Mayor represents all the people and aspects of the City and has a unique function in this regard. He indicated the importance of the separation of power among the branches of government in the City and felt confident that, with the urging of the citizens and influence of City Council, the Mayor will remain focused on his duties, serving full-time for the best interest of the City.

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Mr. Hutchison stated his strong opinion that the Mayor should continue to serve as the Chief Executive Officer (CEO) for the City of Dover, explaining that the City Manager is the Chief Operating Officer who reports to the Mayor and Council.
Mr. Anderson noted that this issue involves personnel matters and questioned if an executive session could be held to allow for further discussion. Responding, Deputy City Solicitor Pepper stated his opinion that the discussion would not qualify for an executive session.

Responding to Mr. Anderson, Mr. Koenig stated that three (3) years ago, the Parks and Recreation Director had retired and, rather than filling that position, the Parks and Recreation Department was assigned to the Planning Department to provide managerial oversight. Mr. Koenig stated that there are approximately 15-17 positions, including temporary employees, in that Department. In addition, he stated that the Central Services Manager, who was in charge of purchasing, warehouse, and fleet maintenance, had retired. Rather than filling that position, fleet maintenance was transferred to the Public Works Department and purchasing and warehouse maintenance were transferred to the Finance Department.

In response to Mr. Anderson regarding an Assistant City Manager, Mr. Koenig stated that there had been no discussion regarding the possibility of removing responsibilities from Department Heads. He stated that the main issues facing the City Manager were budget and strategic plan development, the development of a facilities plan to enhance current facilities, and labor negotiations. In addition, Mr. Koenig stated that the

Controller/Treasurer did not wish to be the point of contact for budget development; therefore, this responsibility would be re-assumed by the City Manager's Office.

Mayor Christiansen stated his recollection, as a member of City Council at the time, that the Planning Director and Finance Director were transferred from the City Manager to City Council in the 1980s due to a conflict between the then Planning Director and Fire Marshal, who was being given alternative orders. As a result, Council deemed it necessary to move the Fire Marshal and Planning Director to report directly to City Council. Likewise, the Finance Director/Treasurer position was moved from under the City Manager for misreporting numbers and due to coercion to report false information to City Council.

Mr. Hare moved to recommend that this matter be referred to City Council without a recommendation, with the stipulation that they be provided all information regarding Options A, B, and C (Mr. Anderson's amendment to Option A). The motion was seconded by Mr. Shevock.

Mr. Anderson requested that Option C also include the removal of the Deputy Police Chief from appointment by the Mayor, feeling that the Police Chief should make that selection. Mr. Slavin suggested that Mr. Anderson work with the City Clerk in the development of Option C to be presented to City Council for their review and consideration.

The Committee referred this matter to City Council without a recommendation, with the stipulation that they be provided all information regarding Options A, B, and C.

During their Regular meeting of January 12, 2015, Council deferred action on this item.

During the Regular Meeting of City Council on February 9, 2015, Mr. Slavin stated that this item had been discussed by the Legislative, Finance, and Administration Committee numerous times over the past six (6) months. He felt that nothing could be done with the City's form of government without first looking at the 1988 Consent Decree, which governs how the City's government is structured. Mr. Slavin indicated that discussions had been held with members of the State branch of the NAACP and the Central Delaware NAACP. It was his belief that the last action taken indicated that the Council President was to initiate meetings to open a dialog to see if it was time to review the Consent Decree as Council prepared to possibly change the form of government. Mr. Slavin felt it was clear that no action could be taken unilaterally as a Council without first addressing the Consent Decree.

Mr. Bonar stated that a meeting had been requested to discuss this matter, and it had been discussed with Mr. William Pepper, Deputy City Solicitor. He indicated that a formal meeting with the Central Delaware branch of the NAACP would be happening.

Mr. Anderson expressed disagreement, noting that a legal opinion from Mr. Pepper, as well as the reading of the Consent Decree, indicated that Options A, B, and C were all allowed within the Consent Decree. The Consent Decree only applied if it were to be attempted to put the Mayor "back running Council," change the number of Council people, or get rid of the Council President position. Mr. Anderson felt that the Decree did not apply to "who reports to whom." It was his belief that Council still had wide latitude, and Options A, B, and C were all vetted and passed legal muster. Mr. Anderson did not feel that reopening the Consent Decree was necessary and stated that this was confirmed by legal counsel in the minutes of the Regular City Council meeting held on December 8, 2014.

Mr. Hare felt that this matter needed to be discussed; however, he did not believe that this was the night to discuss it since it would be longer than a five (5) or 10-minute conversation. He recommended that this

discussion occur in the future, perhaps in a workshop, in a setting where there are not time constraints due to other items.

Referring to Mr. Anderson's comments, Mr. Slavin stated that, while he might not agree with the specifics of Mr. Anderson's interpretation, Options A, B, and C were only three (3) options that were brought forward and there may be more. He stated that although Council may not be required to have a conversation about the Consent Decree with the parties to the Decree, he felt it would be in the best interest of the City to begin there. Mr. Slavin felt this was the diplomatic and respectful thing to do and encouraged Council to take that forward.

Mr. Hutchison expressed his opinion that this matter should be discussed and "the sooner the better." He suggested a series of discussions regarding the desired form of government.

Mr. Hare stated that a discussion of the Consent Decree could occur at the same time as the discussion regarding the form of government and that the City's legal counsel should be present. He felt this should be accomplished in one (1) big meeting, rather than spreading it out, as suggested by Mr. Hutchison.

Mr. Slavin moved to table this matter, seconded by Mr. Dixon and unanimously carried.

FEBRUARY 19, 2015 SPECIAL COUNCIL

FEBRUARY 19, 2015 COUNCIL ACTION - The motion to lift Discussion - Responsibilities and Reporting Structure for the Mayor and City Manager and Continuation of Full-Time Status for the Position of Mayor from the table was unanimously carried (Perza absent).

Mr. Hare moved to hold a Public Hearing at the March 9, 2015 Regular Council meeting regarding Options A, B, C, and D *(Exhibit #1 - Options A, B, C, and D)*. The motion was seconded by Mr. Hutchison and carried by a roll call vote of five (5) yes (Slavin, Williams, Hare, Hutchison, and Bonar) and two (2) no (Anderson, Dixon)(Perza absent).

FEBRUARY 19, 2015 SPECIAL COUNCIL MINUTES

CITY REORGANIZATION

Council President Bonar reviewed a synopsis of previous action regarding Discussion - Responsibilities and Reporting Structure for the Mayor and City Manager and Continuation of Full-Time Status for the Position of Mayor, noting that during the Regular Council Meeting of February 9, 2015, members tabled this matter. Council President Bonar stated that the matter had been discussed at length and it was time to make a decision.

Mr. Hutchison moved to lift Discussion - Responsibilities and Reporting Structure for the Mayor and City Manager and Continuation of Full-Time Status for the Position of Mayor from the table, seconded by Mr. Dixon.

Responding to Mr. Slavin, Council President Bonar explained that the previous meeting was rescheduled due to inclement weather and this matter was being discussed during a special meeting in order to "get it moving."

The motion to lift Discussion - Responsibilities and Reporting Structure for the Mayor and City Manager and Continuation of Full-Time Status for the Position of Mayor from the table was unanimously carried.

Mr. Hutchison felt that this matter was one (1) of the most important things this Council and the Mayor have to consider for the future of the City. He stated that the complexity of the operation of the City had changed over the past 10 years and, since council chose a city manager to run the City, the city manager should run the entire City. Mr. Hutchison reminded members that the office of mayor was changed to a full-time position for the purpose of being the economic development person; however, there are now several positions within the Economic Development Department that report to the mayor, and the chief of police also reports to the mayor. It was Mr. Hutchison's feeling that the city manager should be the chief operating officer of the City and report to council. Referring to a proposed organization chart, he stated that only the Finance Department and City Clerk should continue to report to Council, and all other departments within the City should report to the city manager.

Agreeing with Mr. Hutchison, Mr. Hare stated that in order to hold a city manager accountable, he needs to be given responsibility. He noted that a city manager may not know how to run the Police Department or know every job; however, they can manage all departments because they have individuals with know-how who report to them. He expressed his opinion that the Council should choose to have a city manager form of government in order to hold one (1) person responsible.

Responding to Mr. Slavin, Council President Bonar stated that the format for this evening's meeting would be open discussion about the following options: 1) a strong mayor, in which the mayor is CEO of the City and has responsibility over most of the management of the City; 2) to maintain the current city council/city manager form of government; and 3) a strong city manager form of government, with the Controller and City Clerk reporting to Council, and all other department heads reporting to the city manager.

Council President Bonar thanked the members of the Legislative, Finance, and Administration Committee for the long discussions regarding this matter. He expressed his opinion that it was time to make a decision and both Mr. Hare and Mr. Hutchison had explained the need for a strong city manager form of government. Council President Bonar noted that just because the City has operated the same way for the past 40-45 years, it did not mean that it was the right way, and that it was Council's responsibility to make a decision regarding the form of government.

Mr. Slavin reminded members that during the Regular Council Meeting of January 12, 2015, consideration of this item was deferred pending the outcome of discussions with Mr. Cecil Wilson and other parties to the 1988 Consent Decree, and questioned whether those discussions had occurred. Responding, Council President Bonar stated that he was not aware of those discussions taking place and reminded members that it was the opinion of the City Solicitor that the Consent Decree did not have an impact on the form of government.

Mr. Dixon questioned if this change would make the City better. In response, Council President Bonar explained that each member of Council would have to make that determination. Mr. Hare expressed his opinion that having the ability to hold one (1) person accountable would make things better.

Mr. Hutchison explained that under the proposed organizational structure for a city manager form of government all department managers would maintain responsibility for their departments and they would report to the city manager, as the chief operating officer.

Responding to Mr. Slavin, Council President Bonar stated that the City Solicitor had indicated that the proposed change would not require a Charter amendment.

In response to Mr. Slavin, Mr. Scott Koenig, City Manager, stated that he currently supervised approximately 200 employees, and under the proposed organizational structure for a city manager form of government, he would supervise approximately 347 employees, including the Police Department, Economic Development Office, and Planning and Inspections Department.

Mr. Slavin questioned if a pay increase would be expected for the city manager to supervise an additional 147 employees. Responding, Mr. Koenig stated that any pay increase would be Council's decision; however, he acknowledged that there would be the potential for a pay increase. Mr. Koenig explained that, currently, he was indirectly responsible for those 347 employees, through collective bargaining, budgeting, and capital improvements.

Mr. Slavin agreed with the statements that this is one (1) of the most important issues that Council must consider and that just because the City has operated the same way for the past 40-45 years, did not mean that it was the right way; however, he noted that it did not mean it was the wrong way either. He stressed the importance in understanding the entire issue and determining what it would cost the City. Mr. Slavin stated he had attempted to maintain objectivity when this matter was considered by the Legislative, Finance, and Administration Committee, and urged members of Council to remain objective as well. He noted that the current hybrid form of government was frustrating at times and was the result of organizing the City based on personalities rather than functions, which he hoped members would avoid during current considerations.

Mr. Slavin expressed concern regarding the consideration process, explaining that the Legislative, Finance, and Administration Committee discussed this matter for at least six (6) months and suddenly a special meeting was scheduled to make a final decision, without television cameras or live public accessibility. He stated that the meeting was not even held in the Council Chambers and the meeting packets were made available six (6) hours prior to the meeting.

Responding, Mrs. Traci McDowell, City Clerk, clarified that the meeting agenda was provided in advance and the packet information was posted to the website this morning; however, the information was provided in several previous packets.

Mr. Slavin noted that this discussion had been a distraction and he hoped that a decision would be made soon, so members could concentrate on more serious matters. He suggested that members of the community be invited to comment on this matter at future meetings, and proposed that consideration be given to having a dispassionate third party, such as the League of Women Voters, host a forum. Mr. Slavin stated his expectation that members would be provided with a full fiscal analysis of the proposed change.

Mrs. Williams questioned what type of expenses Mr. Slavin anticipated. Responding, Mr. Slavin stated that the proposed change would add an additional layer of management by shifting responsibilities to an existing position.

In response to Mr. Hare, Mr. Slavin questioned whether the proposal would eliminate the mayor's position and the expenses associated with that office to offset the increased responsibilities of the city manager and assistant city manager positions. He stated that these positions would change significantly and a re-grading based on actual responsibilities would result in higher salaries.

Mr. Hare stated that, currently, if there is a budgetary issue with economic development or the Police Department members rely on the city manager for information. It was his opinion that if there was no change to the organizational structure, the city manager's pay could be decreased and the mayor would be responsible and accountable for all aspects of the budget related to the Economic Development Office and Police Department.

Mr. Hare stated that Council members were elected to make decisions and if they could not make decisions, they should not be on Council. He noted that members should not have to ask the League of Women Voters, or others, what they think should be done. Responding, Mr. Slavin disagreed, noting that a democracy is asking the people who use, live, and pay taxes in your City what their thoughts are.

Mr. Hare stated that he had asked the opinions of people in the second district and that each member should ask their constituents' opinions in order to represent them. He expressed concern regarding the fact that there was not one (1) person accountable for the City's expenses and no accountability for the mayor since he/she is elected to a four (4) year term. Mr. Hare emphasized his desire to have one (1) person responsible for the entire operation of the City, whether it is a full-time mayor or the city manager.

Mr. Hutchison stated that the proposed change to a strong city manager/chief operating officer would make the city manager, who is selected based on education, knowledge, skill sets and professional training, responsible for the entire operation of the City, and the duties and responsibilities of the mayor would also change.

Mr. Slavin requested clarification regarding the four (4) options related to the organizational structure. In response, Mrs. McDowell explained that Mr. Hutchison requested the preparation of the fourth option ***(Exhibit #1 - Option D)***, which proposed moving all departments, except for the Finance Department and City Clerk's Office, under the city manager.

Mr. Slavin expressed concern regarding the process and questioned why members wanted to make this decision prior to the election in April. Responding, Mr. Hutchison stated that the mayor is chosen based on popularity, not education, training, knowledge, or skill sets. He explained that, in comparing the skill sets of a mayor and city manager, it becomes very clear which position should be chief operating officer.

Referring to the recent settlement of the Dover Police Department grievances, Mr. Hare stated that if the city manager was the chief operating officer and cost the City $321,000, he would be held accountable and would be out of a job. He did not think that a decision needed to made tonight; however, he did not want to continue this discussion indefinitely and did not think the League of Women Voters needed to be involved.

Clarifying, Mr. Slavin explained that he was not suggesting the solicitation of the opinion of the League of Women Voters; rather, he was proposing to invite a third party to host a forum, like the debates prior to an election.

Mr. Koenig advised members that the Charter specifically states that the City has a council/manager form of government; however, through action, has gravitated toward a hybrid form of government. He stated his understanding that the hybrid government was the result of changes made based on previous personality issues. Mr. Koenig recollected that, in 2006, the planning director and tax assessor reported to the city manager for a period of time, and there were no Charter changes, there was simply an action of Council.

Mr. Koenig stated that, at one time, the Economic Development Office reported to the planning director, then the public services manager, and was then assigned to him when he became interim city manager;

however, it was moved under the mayor by a vote of Council without any Charter or ordinance changes. Additionally, Mr. Koenig explained that other hybrids in the current structure were the result of attempts to contract the government. When the director of parks, recreation, and the library retired, the library director became an independent position and the responsibility of parks and recreation was assigned to the planning director through an administrative assignment between him and Mrs. Ann Marie Townshend, Director of Planning and Community Development. Likewise, when the director of central services retired, the position was not filled and there was an administrative assignment of those functions related to the warehouse procurement to the Controller/Treasurer. Mr. Koenig stated that, although there have been a number of "moving of the tiles" in the last 25 years, the Charter has maintained the council/manager form of government.

Mr. Koenig explained that, in the last 25 years, there was no hybrid connection with the Police or Fire Departments. The Police Department reports to the mayor and the Charter provides specific authorization for the mayor to appoint the officers. In accordance with the Charter, the fire chief reports directly to the council president; however, the employees of the Fire Department are covered under two (2) specific collective bargaining agreements, so they fall under the City's personnel guidelines which the city manager is responsible for. Mr. Koenig stated that, as chief administrative officer of the City, he has indirect responsibility and obligations for all of these functions; however, the design of the government provides each of these functions the ability to go around the city manager; the Police Department can go directly to the mayor, the fire chief can go directly to the council president, and council appointees can appeal directly to council. He indicated that this structure creates operational challenges for the city manager because there has to be "buy in" on everything in order to make a change. For example, Mr. Koenig stated that he previously brought forward a proposal regarding changes to the Economic Development Office; however, Council did not accept the proposal and made different adjustments instead. Additionally, Mr. Koenig reminded members that discussions related to emergency dispatch were halted because the organizational structure does not provide the city manager with the ability to make such a change administratively. He stated that the current structure places him in an odd position because he is responsible for controlling costs but there are opportunities to avoid or work around his recommendations which, from an effectiveness standpoint, makes it difficult to manage the City.

Mr. Slavin questioned whether Mr. Hutchison would have rather reported to the mayor or city manager when he served as the police chief. Responding, Mr. Hutchison stated that the City was not as complex at that time. He felt that there had been a loss of control in operations of the City because there is not one (1) single person in charge.

Noting that, not that long ago, Mr. Hutchison served as mayor, Mr. Slavin questioned how the reporting structure was different at that time. In response, Mr. Hutchison explained that, at that time, there was a much closer working relationship between the Mayor's Office and the City Manager's Office. He stated that he worked with the city manager everyday and was involved in issues dealing with the complexity of operations; however, there is now a separation due to the different styles of leadership in the Mayor's Office. Mr. Hutchison reminded members that he knew the operation of the Police Department because he worked there for 25 years, while more recent mayors are directly responsible for a "semi-military operation" without training or education regarding the operations of a police department.

Responding to Mr. Slavin, Mr. Hutchison stated that a city manager would have the skill set to manage a police department.

Mrs. Williams advised members that she served as mayor for four (4) months and, during that time, there was an advise and consent only relationship between the police and mayor. She felt that this relationship was based on the office, not personality or skill set.

Mr. Hare expressed his opinion that there would not be a popularity contest with the city manager. Although a city manager may not be an expert in the functions of each department, the experts will continue to run the departments and will be accountable to the city manager.

Mr. Slavin informed members that constituents had questioned why the City would not make the CEO an elected official, accountable directly to the voters, if the CEO is not a subject matter expert in any one (1) department but is the manager of managers. Responding, Mr. Hare stated that there would be no way to remove a mayor/CEO if they messed everything up.

Mr. Slavin stated that, during his first term on council, he felt that council should be isolated as the legislative branch of city government, to appropriate money, watch how it is appropriated, and have a governance function to monitor accountability. He explained that in a typical democracy, the executive branch, the top person, is elected by the voters, which he thought should be the mayor, and the city manager would be the chief operating officer, who would be appointed by the mayor with the advice and consent of council.

Mrs. Williams agreed with Mr. Hare, noting that the City of Dover did not have "deep enough pockets" to run the risk of not having any recourse for four (4) years, should it go wrong.

In response to Council President Bonar, Mr. Koenig stated that his annual salary was $121,500.

Council President Bonar advised members that the stated salary in the budget for the cabinet secretary for the State of Delaware was $127,000. He felt that the City needed to have a chief operating officer with oversight over every department, so the department heads know who they answer to and follow the same procedures for personnel management, accounting, etc. Council President Bonar stated that it was perplexing that the city manager was not able to make decisions regarding the City's emergency dispatch center since it is a cost issue. He felt that this change would not cost the City; however, it would make the City more efficient.

Mr. Hare noted that no one had justified the need for a full-time mayor. Responding, Mr. Slavin stated that would be the next part of the discussion because there would need to be a reaction regarding the role of the mayor based on the initial action.

Mr. Hare advised members that when the mayor became a full-time position in 1997, the position was supposed to be the economic development director, public relations person, and lobby the legislature; however, the previous city manager took these responsibilities away from the mayor. He stated that anybody in the room could be mayor and questioned what they would know about running a police department or the City's budget. Mr. Hare felt that if the City was going to have a strong city manager, then the mayor's responsibilities would need to be addressed. He informed members that every capital city in this country did not have a full-time mayor; however, if the City of Dover were going to maintain a full-time mayor, responsibilities would need to be assigned to the position.

Mr. Slavin reminded members that support for a full-time mayor was confirmed by the voters in 2004, when it went to referendum. He noted that although the mayor was given the responsibility for economic

development, it was never indicated that the mayor would be the only individual to work on economic development in the City and, over time, it has grown to a job for more than one (1) person.

Mr. Hare stated that the City currently has four (4) economic development positions, which he believed was more than any other three (3) cities in the entire State.

Responding to Mr. Hare, Mr. Slavin stated that the most effective economic development strategy in the current economy is to not lose the jobs that you have.

Mrs. Williams stated that the mayor also served as the legislative liaison from the City of Dover to the General Assembly and other city governments, and no concerns had been expressed regarding that responsibility. Responding, Mr. Slavin stated that he had previously expressed concerns because, at that time, the person in the position of mayor was over-advocating for things that council did not know about, did not support, and had not voted on.

Mr. Hutchison stated that he would always support a full-time mayor. The mayor's responsibilities for public relations include meeting with Dover Air Force Base officials, the General Assembly, Governor's Office, state and county economic development offices, and working with local business leaders. He felt that, if this change were approved to allow the city manager to look at the organization, the city manager would bring forward recommendations for change in "a short period of time." Mr. Hutchison stated that one (1) of the duties and responsibilities of the Mayor's Office should be economic development, noting that it is directly related to the public relations function. He felt that the mayor would still need the ability to work with the city manager, finance department, and other management within the City.

Responding to Mr. Slavin, Mr. Hutchison stated that he did not think economic development should be under the mayor. He explained that his focus was on making the city manager the chief operating officer of the City in order to regain control. Any additional changes that would need to occur could be addressed by the city manager in due time.

Mr. Hare felt that the city manager did not have to make proposals to council, explaining that if the city manager wanted to get rid of the electric director, he would not need Council's permission. It was Mr. Hare's opinion that Council had strayed from its role as the legislative body and had begun running the City. He stated that Council needed to get back to being the legislative body and let the city manager run the City.

Mr. Koenig informed members that the mayor performs a lot of ceremonial duties and meets with many local groups as well as overseas contingents. Additionally, many people who are interested in an economic development project want to meet with the mayor first. However, once the first contact is made, the project gets turned over administratively to the people who can actually deliver various components of an economic development project. He explained that the mayor and economic development director do not have the authority to bind the City; the city manager can bind the City but has to bring most issues before council first. Mr. Koenig advised members that economic development becomes a team approach for all of the department directors involved. For example, with the Playtex expansion, the Mayor's Office got the first call, but from that call the City Manager's Office, and planning, electric, public works and economic development staff have all played a role in the delivery of the project. While the Economic Development Office should be out making those contacts to businesses, once that fish comes to the City, it gets distributed out to everyone else to deliver the project. Mr. Koenig stated that, if there were no mayor, all of the ceremonial duties would have to be distributed to Council members and that is not really the function of council. He stated that, surprisingly, the mayor of a city of 37,000 has a lot of ceremonial duties. Mr. Koenig thought it was probably more than 10 to 20 hours per week, depending on the week. He noted

that the contact with Dover Air Force Base alone, if it's managed to the fullest extent, represents a large number of those hours.

Mrs. Williams stated that she did not feel it should include trips to Japan and Germany that have no economic impact in the City. She noted that it was carried way too far and one (1) of the reasons why there was so much controversy about this office was because of the use of the money within the confines of the office.

Mr. Anderson stated that Mr. Hutchison's Option D proposal made a lot of sense and, if passed, he thought they would be alright. He did, however, prefer Option C ***(Exhibit #1 - Option C)***, which gives more reporting responsibility to the city manager, as well. Mr. Anderson stated that the advantage with Option C is that it doesn't require any Charter changes. Council President Bonar stated that the City Solicitor's opinion was that Option D would not require a Charter amendment because it already specifically states that the City has a council-manager form of government.

Referring to the Charter, Mr. Anderson noted that it specifically states that the mayor is the conservator of the peace and appoints the police chief. Responding, Mrs. McDowell stated that a Charter amendment was being proposed by Mayor Christiansen which would establish a committee to make recommendations to the mayor on the selection of a police chief. The mayor's recommendation would then be confirmed by council. Responding to Mr. Hare, Mrs. McDowell advised that the Charter currently states that the mayor selects all of the police officers and council sets the number of officers and assigns the salaries. Mr. Anderson stated that Option C would transfer the budget authority to the city manager without changing any of the appointment strategies. He felt it would address the issues without a Charter amendment.

Responding to Mr. Hare, Mr. Anderson stated that if the city manager did not like what the Police Department was doing, it would be a joint situation in which the mayor had appointing authority and the city manager would hold the purse strings. Mr. Koenig stated that he was in this exact situation last month when he said that he did not have a budget plan for 10 additional officers and, yet, it went directly to council who authorized it without a budget plan. Mr. Koenig reminded members that the Charter says that the city manager is responsible for presenting the budget. He did not know if that legally implies that he is responsible for executing the budget. Mr. Koenig reiterated that there is potential for end-runs around the budget for anybody who does not report directly to the city manager. He noted that the Electric Director does not have the opportunity to come to council and ask for 10 linemen because it is not allowed under the Charter.

Mr. Slavin noted that there were a number of members of the public in attendance and requested they be given the opportunity to speak.

Mrs. Williams moved to waive the rules to allow public comment, seconded by Mr. Hare and unanimously carried.

Mr. George Gaudioso, 167 Maple Glen Drive, stated that Option B ***(Exhibit #1 - Option B)***, which is the present structure, is ripe for dysfunction because there is really no one (1) person who is responsible in the end. He believed that the ideal structure was the council-manager form of government. Mr. Gaudioso stated that Dover has an approximate population of 35,000-37,000. He noted that as of 2014 there were 889 municipalities nationally with a population of 25,000-49,999 and 552, or 62%, of those municipalities had a council-manager form of government. Mr. Gaudioso stated that 299, or 34%, had a mayor-council form of government.

Mr. Gaudioso stated that the current structure is a budgetary nightmare because there is one (1) department of government creating its own budget which then has to be rectified with the overall City budget. He felt that there needed to be centralized control and responsibility so that there is someone to "call on the carpet" when something goes wrong.

Mr. Gaudioso stated that he contacted other Delaware municipalities that have city managers, including Newark and Seaford. He agreed that there is a need for a mayor to act as a point person and fulfill the ceremonial responsibilities. Mr. Gaudioso suggested that Council members amongst themselves could elect someone to serve in the role of council member/mayor. He stated that his preferred choice would be to have the At-Large council member serve in the role of council member/mayor.

Mr. Gaudioso noted that the mayor's salary is $45,000, in addition to a $5,000 expense account, so the City is spending $50,000 plus administrative and support expenses per year for the office of the mayor. With all of the City's financial constraints, he asked if the money could be put to better use. Mr. Gaudioso stated that he is opposed to a strong mayor, especially with a four (4) year term and no recall vote. He noted that if the city manager screws up, as long as you meet the terms of his employment agreement and you follow due process, you can get rid of him and you are not stuck with him for four (4) years.

Referring to the issue of increased costs in the City Manager's Office if he is given additional responsibility, Mr. Gaudioso asked what the cost would be. He stated that city manager's are like any other managerial position, they do not necessarily have to know every single thing about every single branch or department under their responsibility. What they do have to do is to supervise them and be aware of what's taking place in those departments and if something's wrong, then it should be addressed.

Mr. Slavin stated that the issue of Council electing the mayor or the At-Large council person serving as mayor had been discussed; however, the Consent Decree governs the exact form. He thought that it was worth pursuing a discussion with the parties to the lawsuit.

Mr. James Hosfelt, former Police Chief, stated that he had an issue with trying to change the form of government or city structure before the election, which is two (2) months away. Because it has waited this long, he felt that it could wait until after the election when the office of the mayor could change.

Mr. Hutchison stated if the Consent Decree, which totally removed the mayor from operations, were modified, it could move the mayor back with council.

Mr. Anderson stated that there have been some improvements made to the government; however, he felt that they needed to study it in a larger context and look at a whole performance audit of the City government. He noted that he has been discussing LEAN government with Mrs. Mitchell, Controller/Treasurer, and if there is going to be reorganization, it should be based on efficiency.

Mr. Hare moved to hold a Public Hearing at the March 9, 2015 Regular Council meeting regarding Options A, B, C, and D *(Exhibit #1 - Options A, B, C, and D)*. The motion was seconded by Mr. Hutchison and carried by a roll call vote of five (5) yes (Slavin, Williams, Hare, Hutchison, and Bonar) and two (2) no (Anderson, Dixon)(Perza absent).

MARCH 9, 2015 COUNCIL

MARCH 9, 2015 COUNCIL ACTION - The motion to maintain a full-time Mayor who will be the Chief Executive of the City and that all departments, excluding the City Clerk's Office and the

Finance Department, will report to the City Manager who is appointed by City Council and will report to the Mayor was carried by a roll call vote of five (5) yes (Anderson, Dixon, Hare, Hutchison, and Williams), two (2) not voting (Perza and Slavin), and one (1) absent (Bonar).

MARCH 9, 2015 COUNCIL MINUTES

SPECIAL COUNCIL MEETING REPORT - FEBRUARY 19, 2015 - PUBLIC HEARING - CITY REORGANIZATION

Councilman Slavin, Chair of the Legislative, Finance, and Administration Committee, stated that this issue had been discussed since at least May of last year with separate actions and motions passed about how they want to approach this - four (4) separate times by Council and six (6) separate times by the Legislative, Finance, and Administration Committee. Mr. Slavin advised that the Legislative, Finance, and Administration Committee had forwarded this issue to Council with no recommendation. He noted that, if the question is whether they want to change the form of government, the two (2) critical pieces to it are: 1) to what form of government and 2) what is the process by which they do that. Mr. Slavin stated that there will be a lot of back-work that will have to be done, noting that there are at least 15 references in the Charter to the duties of the Mayor and at least 15 ordinances that will have to be amended, each of which will require time to get through.

Mr. Hutchison stated that the City Manager is chosen based on education, knowledge, and training to oversee and manage the City. The City Manager is responsible for the budget and it is critical for the City to have a boss - one (1) person to manage and oversee. The City Manager works at the pleasure of City Council based on performance. If an elected official makes a mistake, you cannot fire them. Looking at the future of the City, it is getting harder and harder to manage. Unfortunately, when we make mistakes, it costs us money. Mr. Hutchison thought that Council had an opportunity and responsibility to address this issue. He suggested that the Finance Department and the City Clerk's Office would continue to work directly for Council and all others would report to the City Manager who would report to the Mayor or City Council. He felt strongly that members needed to stop talking about it and move forward.

Council President Williams declared the public hearing open.

Mr. George Gaudioso, 167 Maple Glen Drive, stated that he was in support of Option D. He noted that it would be operationally efficient with most of the City's departments, with the exception of the City Controller and the City Clerk, reporting directly to a professionally trained City Operating Officer. In today's operating environment, he thought it was necessary to have someone in charge who knows how to deal with the challenges to and intricacies of today's municipal government. Mr. Gaudioso stated that Option D would be cost effective because the development of various department's budget requests would be formulated and overseen by the City Manager and he would ultimately be responsible for seeing that expenditures fall within their eventual allotted amounts. He noted that it is a lot easier to evaluate, meet, and control the staffing needs, equipment, and ancillary needs of the various departments in the municipal government with one (1) person in charge. Mr. Gaudioso stated that there is direct accountability with Option D. If the citizens and/or the City Council feel that the City Manager is negligent in performing his duties, the City Council may remove him without having to wait for the next election, as long as due process is followed. Mr. Gaudioso stated that a City Manager is accessible and, speaking from personal experience, his homeowner's association has had numerous contacts with the City Manager, who has helped them to solve several problems within their community. Mr. Gaudioso advised that Option D gives each City Council member greater influence over how the city operates. Since the City Manager answers directly to City Council, each City Council member, through the power of his or her vote, can ensure that his or her district is receiving the service it duly deserves.

Mr. Eugene Ruane, 122 Shadow Court, stated that he had opening remarks about the importance of maintaining the Council-Manager form of government; however, because of the previous discussion regarding the appointment of the City Manager, Mr. Ruane read his prepared comments related to the appointment of the City Manager and requested that his prepared comments be submitted for the record, as follows:

> Comments of Eugene Ruane, 122 Shadow Court at Public Hearing on Government Reorganization before the Dover City Council on March 9, 2015
> Thank you for the opportunity to offer some comments on the Dover City Council's recent discussions about its form of government.
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> As these discussions continue, I think it is important to remember some of the compelling reasons why Dover should continue to be governed under the Council-Manager form of government.
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> Consider the following aspects of Dover's Council-Manager form of government:
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> Each member of the nine person City Council has an equal voice in policy development, administrative oversight; and, the future of the city rather than a single individual. And because Dover elects Council members on a district basis, neighborhoods, diverse groups and individual citizens have a greater opportunity to engage in decision making and to influence policy. This ensures a more balanced approach to community decision making.
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> Political power is concentrated in the entire governing body. It's much more difficult for special interests to influence decisions when a majority of the Council's support is needed rather than having to influence only a single elected official, such as, a Mayor, in the Mayor-Council form of government that some are suggesting.
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> And while policy making resides with the entire governing body, oversight of the day-to-day operations of the city's administration resides with an appointed professional manager. He or she is the "chief executive officer of the city "who carries out the Council's policies with an emphasis on effective, efficient, and equitable service delivery. Whereas, in the Mayor-Council form of government, the day-to-day management shifts to the Mayor, who often lacks the appropriate training, education, and experience in municipal administration and finance.
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> Using merit and professional qualifications as criteria for hiring and personnel decisions, the City Manager ensures the effective provision of services, whereas under the Mayor-Council form, there is a strong temptation to make decisions regarding hiring and firing based on the applicant's political support rather than his or her professional qualifications.
>
> Moreover, Section 36 of Dover's Charter explicitly prohibits the Council or any of its committees or members from directing or requesting the appointments or removals of; or giving orders to employees in the city's administrative service who are under the charge of the City Manager. Violations are classified as misdemeanors, conviction of which shall immediately forfeit the office of the member so convicted.

And, this provision was made applicable to the Dover Mayor when the Mayor's duties and responsibilities were delineated in Section 2-221 of Article IV, Division 2 of the City's Code of Ordinances. Whereas, in the Mayor-Council form of government the Mayor's position is not likely to have such a prohibition; and, again the temptation is strong for the Mayor to give directions to any and all employees.

Appointment of the City Manager

Now, I understand that one of the changes you are considering relates to the appointment of the City Manager.

The appointing authority for the City Manager's position in the Dover charter rests with the nine person council rather than with a single individual, such as, the Mayor. This is standard practice in Council-Manager cities and for good reason.

First of all, it is important to preserve the principle that the manager's office is a nonpolitical one which does not change with a new Mayor. If the Mayor selected the City Manager a political expectation would be created that a new Mayor should pick his or her own manager. The reputation of the city as a good place for managers to work would also be tarnished, and the best candidates may avoid Dover in the future.

Moreover, the chances of having a more objective evaluation of a candidate for the City Manager position and for evaluating the effectiveness of a manager once hired is greater than if only a single individual has the sole power of judgment.

There are also other negative consequences that would be produced in Dover's government if the City Manager were made subordinate to the Mayor.

Greater separation of powers between the Mayor and Council would develop, together with greater conflict and increased resistance to a Mayor's personal agenda from the council, as they may very well not agree with his or her policy directions. And, there would be significant ambiguity in the lines of authority between each set of elected officials and the manager.

The advantages of cooperative relationships between elected and professional leadership would be jeopardized, while the professional independence of the manager would be compromised, as he or she may be expected to act as the Mayor's agent rather than serving the entire council.

A Mayor who has such authority over a City Manager may ignore the team building aspects of his or her position and become someone who uses the position of the City Manager to push a personal agenda, ignoring the council.

Giving the Mayor such authority over the City Manager could also have the effect of diminishing the influence of Dover's more representative, district based council that was created to ensure representation from all our neighborhoods and especially, minority-groups.

Misunderstanding in Dover's Charter about Chief Executive Officer

In section 14 of Dover's Charter the position of the Mayor is referred to as "the chief executive and chief elected official of the city"; and, in section 33, the City Manager is referred to as the "chief administrative officer of the city". Such designations are not consistent with the council-manager form of government as noted in Article III, section 3.04 of the Model City Charter published by the Municipal League. By using the "executive" designation for the Mayor's position the Dover Charter gives the impression that the Mayor and not the manager is responsible for the day to day management of the city.

As noted in the commentary on the Model Charter, on page 11, "the Mayor of a Council-Manager city is not an executive as in the Mayor-Council form". He or she is the "ceremonial head of the city"; and, its "most conspicuous official of the city". And, because the Mayor in a Council-Manager city is free from "executive responsibilities for the day-to-day municipal operations" he/she can "focus attention on major policy issues and important facilitative activities".

The Mayor in Dover's government does not monitor the annual budget and Council policies related thereto. The City Manager does, with additional oversight from the City Treasurer/Comptroller.

The role of Dover's City Manager should be more accurately defined in Dover's charter by designating the City Manager's position as "the chief executive officer of the city", as recommended in Article III, section 3.04 of the Model Charter.

The role of Dover's Mayor would be more accurately defined in Dover's charter with language similar to the language recommended in the Model Charter, namely, that the Mayor is "the head of the city government for all ceremonial purposes"; or, simply use the phrase: "chief elected official of the city".

Ms. Sara Herbert, 223 North Bradford Street, on behalf of herself and six (6) other State Street residents, read the following statement:

Based on the March 4th newspaper article, we support the following:

1) A full time Mayor because the city is growing and the Mayor should be the face of the city. Thriving cities have involved, full time Mayors.

2) The Mayor being in charge of the police department's day to day activities. An elected official can be more directly held accountable by the citizens for the handling of our concerns. It's easier to have a continuing conversation when it's necessary, and we are more likely to have follow-up in a reasonable time if we have an elected official. We are really uncomfortable with our concerns floating through the city government bureaucracy.

3) A special committee to select the police chief, and the idea of the Mayor only being able to fire the chief with the support of at least 2/3 of the council.

4) Expanding the search for a police chief outside the department will provide a wider choice of eligible candidates, but it should not deny an in-house choice when appropriate.

5) Clarifying the timing of city elections and special elections when a council person vacancy needs to be acted upon.

Mr. Phillip McDonald, Sr., 907 Townshend Boulevard, stated that he recently wrote a piece in the paper and his primary interest is to keep things pretty much as they are. He noted that he is appreciative of the Mayor being the face of the City and the authority of the City, working with City Council. Mr. McDonald stated that he thought there was a power grab going on and that they are washing cash. He also stated that he wants the Mayor to be in charge of the police so that he has an elected official to call and to be accountable if the police do not respond in a timely manner.

Mr. Roy Sudler, Jr., 353 Rita-Wilma Road, stated that he believes they will continue to have a full-time Mayor with a title of Chief Executive Officer and that a strong Mayor-Council form of government is needed. He believes that the City Manager and the Mayor could have a closer relationship, which would enable the Mayor to better inform his or her constituents as to the strengths, weaknesses, opportunities, and threats of the City when he advocates city businesses or other agencies coming to the City of Dover. Mr. Sudler stated that he thought there needed to more cohesion between the City Council and the Mayor so there won't be a power struggle. He felt that constituents would feel better about getting things done within the City if they had one (1) person that they could talk to. Mr. Sudler thought that the City Manager did a great job; however, he felt that the Mayor should be the focal point of City activity and compliance and that the Mayor deserves to have more duties, powers, and responsibilities, especially if he/she is going to be viewed as the person that is going to be held accountable.

Mr. Anderson noted that Trenton, Harrisburg, Annapolis, and Saulsbury, all cities similar in size to Dover, have a strong Mayor form of government, and noted that Harrisburg was found to be one (1) of the top 10 cities to live in.

Ms. Janice Gaddis, 448 North State Street, stated that she could not understand the timing of considering this issue, noting that they could not vote on it that evening and there was an election coming up. She did not feel that it should be dealt with before the election. Ms. Gaddis stated that she was in favor of a strong Mayor because the Mayor is elected by all of the residents, unlike City Council members.

Mr. Hutchison stated that no matter what happens, the changes would have to be approved by the General Assembly. Noting that he has served the City as both the police chief and a part-time and a full-time Mayor, he believes the City needs a full-time Mayor. Mr. Hutchison stated that the duties and responsibilities of the Mayor are different now than they used to be. Recalling a time when the Mayor presided over the Council meetings, made all of the council appointments, had a vote, there were only eight (8) members of Council instead of nine (9), and the Mayor served as the Chief Executive Officer and had authority, Mr. Hutchison advised that that has all changed and the most powerful elected person in City government today is the Council President. He also stated that he is a huge supporter of the Mayor.

Mayor Robin Christiansen stated that he asked the question "what does Dover want to be when we grow up" when he first ran for Council in 1983. He stated that he wants Dover to be a thriving city with job opportunities and a place for everyone to live and he believes that the Mayor should be the Chief Executive Officer of the City, with the safeguard of a professional City Manager chosen by the members of City Council. Mayor Christiansen thought it was important for the Mayor to continue to be involved in the day-

to-day operations of the Police Department, not setting policy but making sure that the public is served in the way that they have come to expect, and that public safety is the Mayor's first responsibility.

Mayor Christiansen stated that he believed there was room for the City Manager and the Mayor to work together formulating the budgets and that it was the Mayor's responsibility to look out for the public in the budget process. He stated that he did not believe that the Mayor should be involved in the legislative process because of the Consent Decree and in order to maintain the validity of the veto, which safeguards the public. Mayor Christiansen stated that he respects and understands the concerns of members of council related to issues that occurred before he became the Mayor and the dollars and cents that it cost the taxpayers. He felt that it was a past issue that should be addressed at a later date. Mayor Christiansen stated that, if members choose to change the form of government, it should not be a knee jerk reaction and they should use the variables x, y, and z, not the names of individuals who have in the past or will in the future serve the City in those positions.

There being no one else wishing to speak, the public hearing was closed.

Mr. Hare stated that he felt that the Mayor's position should be full-time. He noted that when they made the decision to make the Mayor's position full-time in 1997, the Mayor's responsibilities were to be the face of the City, to be the economic development arm of the City working with the City Manager, and now the Assistant City Manager, working with the Legislature for things that would happen for the City, and even being the City's public relations person. Mr. Hare stated that, regardless of who the Police Department answers to, the Mayor will always be there for concerns. He asked why the City should have a professional City Manager, hired and fired by Council, if the City Manager cannot be responsible for the budget and the expenditures of the whole City. Mr. Hare stated that there are two (2) very qualified people that are only really responsible for just over half of the City and everyone says they can do the budget; however, if the other half of the City doesn't like the budget that has been proposed, they can go around them to their boss, which is the Mayor, as has happened in the past. He thought that the City, with the exception of the Finance Director and the City Clerk, should report to the City Manager. Mr. Hare stated that, if members decide they want a strong mayor, then the City Manager could report to the Mayor, just like in Wilmington where nobody except the City Manager goes directly to the Mayor. He felt that the City Manager needed to have control over the whole City and he should report to the Mayor to avoid having finances going in different directions and holding one (1) man responsible for them when he is not responsible for the budget.

Mr. Hare moved to continue with a full-time Mayor, who is the Chief Executive, and that all the departments in the City, with the exception of the Finance Office, the Assessor's Office, and the City Clerk's Office report to the City Manager, who is the Chief Operating Officer. The City Manager will then report to the Mayor. The Mayor has no per-se responsibility over any individual office. If he has an issue, he and the City Manager will deal with it and then, together, it will be done. Everything is the responsibility of the City Manager.

Responding to Mr. Slavin, Mr. Hare clarified that his intent was for the City Manager to be responsible for the running of the City and he reports to the Mayor and everyone else reports to the City Manager and the Mayor remains full-time.

At the request of Council President Williams, Mrs. Traci McDowell, City Clerk, stated that she heard the following: The Mayor will continue to be full-time and will be the Chief Executive of the City, all departments, with the exception of the City Clerk's Office and the Finance Department, will report to the City Manager and the City Manager will report to the Mayor.

Responding to Mr. Slavin, Mr. Hare clarified that the City Manager would be the Mayor's assistant, more or less, but responsible for the City.

The motion was seconded by Mr. Anderson.

Mr. Hutchison stated that, according to the Charter, the Mayor has total control over the Police Department and all other departments come under the City Manager. Responding, Mrs. Williams clarified that the current motion would put the Police Department under the City Manager. Mr. Hare stated that there would be a lot of changes and they would not happen to, it would just be a recommendation and they would have to go in and change a lot of things.

Mr. Perza stated that he heard comments and a lot of ideas from George, Gene, Sara, Phil, Roy, Janice, the Mayor, and members of Council. He thought there was a lot of synthesis in the ideas because a lot of the comments were similar. We are looking for ways of safeguarding the public's interest, ways of making the City more efficient, and protecting mistakes that we have made in the past. Mr. Perza stated that he liked public hearings when there are big issues like this that affect the City for, potentially, the next generation. He felt that it was important to get this right. Mr. Perza stated that he was hesitant to make any kind of motion or vote tonight on anything until they have had a chance to sit down and think about all the comments that were made by the public and read all of the written comments submitted. He noted that he had a lot of respect for Mr. Ruane, who had been a member of this body since Mr. Perza was a kid, and he was interested in reading what he had to say in his comments because he only addressed one (1) area, which is the difficulty and challenge in providing only three (3) minutes. He indicated the same for Mr. Gaudioso's comments. Mr. Perza reiterated that public hearings are good because they crystalize and clarify the different arguments, noting that there appeared to be two (2) sides of this debate and he did not want to force a vote without synthesizing and piecing together the comments. He thought it would take a reasonable period of time, not one (1) or two (2) years, but it is helpful to hear how it will impact the people that live in the community. Mr. Perza stated that he thought they needed some time to think and consider and turn the comments into something that can be articulated to the people of Dover. Whether that falls into the upcoming election or not, if it can be synthesized into Option A and Option B in time for the April election so they can get feedback from people based on who's running and what option everybody supports, it would be useful for that process. Mr. Perza again expressed his hesitance to vote on anything locking them into something that they had not fully vetted yet. He thought they were on the right track but that they were getting ahead of themselves.

Mr. Slavin stated that the process they have gone through appears to have been an inside process primarily consisting of Committee hearings stuck in right before the Council meetings, items appearing on the Council agendas, and a Special Council meeting held in a conference room on a Wednesday night. He thought there could be a more public vetting process and he stated that he was in favor of hearing more public comments. Mr. Slavin stated that he thought members needed to respect the balance of power that exists in all forms of government in this country and make sure that is ensured. He noted that members had complained about the current hybrid form of government, and it appeared to him that the answer to that was going to be the creation of another hybrid form of government. Mr. Slavin stated that a business would provide some kind of fiscal analysis to tell them what the full cost would be, noting that he was sure that it would cost something. He reminded members that the City Manager has said that he currently supervises 250 people and if the Police Department reports to him, that number will more than double. Mr. Slavin thought it stood to reason that those things will have cost drivers. He noted that he agreed with Mr. Perza that they were on the right track, although not anywhere near making a decision. Mr. Slavin stated that he thought they were unanimous in the confusion that they have created for voters. He stated that, at the end of the day, it is about what their constituents want in a city government, noting that what the people he has listened to want are

safe neighborhoods, safe streets, their trash picked up, their snow plowed, roads that work, libraries and parks that are accessible, the flowers planted, and the street lights to work. Mr. Slavin thought that how they get there may not be the number one issue for the constituents but Council has let it become the number one issue for them and he thought they might be missing some bigger things while they talk about it.

Mr. Hare thought that the only issues they had were if they wanted a full-time Mayor and if they wanted everyone reporting to the City Manager, who would then report to the Mayor. He stated that if everyone did not report to the City Manager, they should not call him a City Manager. Mr. Hare thought that if everyone reported to the City Manager, then the City Manager should report to the Mayor. If the responsibilities remain split, he thought the City Manager should report to City Council and if the Police Department remained under the Mayor, the City Manager should no longer be responsible for the Police Department's budget.

MARCH 23, 2015 COUNCIL

MARCH 23, 2015 COUNCIL ACTION - The motion for approval of the proposed amendment that would read as follows: To maintain a full time mayor and that all departments, excluding the City Clerk's Office and the Finance Department, will report to the City Manager who is appointed by and will report to City Council was carried by a roll call vote of five (5) yes (Perza, Williams, Hare, Hutchison, and Bonar) and three (3) no (Anderson, Dixon, and Slavin).

MARCH 23, 2015 COUNCIL MINUTES

AMENDING OR RESCINDING THE ACTION TAKEN ON MARCH 9, 2015 REGARDING CITY REORGANIZATION

During the Regular Council Meeting of March 9, 2015 the following motion was approved by members of City Council: *To maintain a full-time Mayor who will be the Chief Executive of the City and that all departments, excluding the City Clerk's Office and the Finance Department, will report to the City Manager who is appointed by City Council and will report to the Mayor*.

Council President Bonar advised members that he requested that this motion be brought back for consideration of either amending or rescinding it. The proposed amendment would read as follows: *To maintain a full time mayor and that all departments, excluding the City Clerk's Office and the Finance Department, will report to the City Manager who is appointed by and will report to City Council*. Mr. Bonar noted that the amendment strikes the words "who will be the Chief Executive of the City" and replaces "Mayor" with "City Council" regarding who the City Manager will report to.

Mrs. Williams moved for approval of the amendment, seconded by Mr. Hutchison.

Mr. Slavin stated that their actions two (2) weeks ago caused a lot of confusion on the part of voters and they were now two (2) weeks closer to the election. He thought that they had caused a certain degree of embarrassment to the City by their actions and now they wanted to undo it and change the course 180 degrees. Noting that there would be at least two (2) new Council Members in May, Mr. Slavin thought that the right thing to do would be to let the incoming Council determine what they want to do regarding City reorganization.

Mr. Anderson stated that he had not heard anything that would make him change his mind; however, he did have an issue with doing something completely different than what was voted on two (2) weeks prior. Mr. Anderson stated that he had heard support for the previous action.

Mr. Hutchison stated that he thought it was important for Council to remember that at one time the Mayor presided over Council, had a vote in the event of a tie, made all Council appointments, and served as a Chief Executive. He noted that is no longer the case and now the Mayor has veto power but no vote. Mr. Hutchison stated that the most powerful elected official in the City of Dover government is the Council President and to continue to have the Mayor be the Chief Executive with no power did not make good sense. With a council-manager form of government, the position of mayor is totally off by itself. Mr. Hutchison stated that he had the privilege and honor of serving this City as Mayor, and he thought the Mayor should preside over the meetings and have a vote; however, that is not how the City is currently structured.

Council President Bonar stated that he brought this issue back for amendment because the action taken on March 9th removed any authority that City Council had over the City Manager, or anyone else with a few limited exceptions, and placed it in the hands of one (1) individual, which is the Mayor. Mr. Bonar felt that the action took away Council's power to do what needs to be done to operate the City. He also felt that the department heads should be answering to the City Manager.

Mr. Hare clarified that the proposed amendment reflects the motion that he intended to make on March 9th. He stated that members should decide what form of government they want and proceed accordingly.

Mr. Slavin moved to table discussion of this issue, seconded by Mr. Anderson.

Mr. Perza requested clarification on tabling this item. Responding, Mrs. Traci McDowell, City Clerk, stated that, according to Robert's Rules, to table is to set aside for a brief period of time during this meeting to address something else that has come up. She suggested that a motion to defer to a certain time or to defer indefinitely may be more appropriate. Mr. Anderson stated that a motion to table could be made at any time and brought back when they decided to lift it from the table.

The motion to table failed by a roll call vote of three (3) yes (Anderson, Dixon, and Slavin) and five no (Perza, Williams, Hare, Hutchison, and Bonar).

Mr. Perza stated that he did not like the action taken by Council on March 9th, noting that if no action were taken tonight it would leave the previous action in place and he did not want that to happen.

JULY 13, 2015 LEGISLATIVE, FINANCE, AND ADMINISTRATION COMMITTEE

JULY 13, 2015 COMMITTEE ACTION - The motion to defer this matter, as well as Item #5 - Proposed Amendments to the City of Dover Charter, and schedule a special meeting, without a time limit, to allow for further discussion was unanimously carried.

JULY 13, 2015 LEGISLATIVE, FINANCE, AND ADMINISTRATION COMMITTEE MINUTES

Proposed Amendments to the City of Dover Code of Ordinances - Chapter 2 - Administration, Article IV - Officers and Employees, Division 4 - Controller/Treasurer and Division 5 - City Clerk; Chapter 54 - Health and Sanitation, Article I - In General, Section 54-1 - Health inspector Generally; Chapter 82 - Planning, Section 82-2 - City Planner; and Chapter 102 - Taxation, Article I - In General, Section 102-3 - Administrative reporting

Mrs. Traci McDowell, City Clerk, informed members that during the Regular Council meeting of March 23, 2015, City Council adopted a motion "to maintain a full time mayor and that all departments, excluding the City Clerk's Office and the Finance Department, will report to the City Manager who is appointed by and

will report to City Council."

Mrs. McDowell reviewed proposed ordinance amendments which would change the selection and/or reporting of the City Planner and the City Assessor to the City Manager. She advised that the Economic Development Office is not referenced in either the City of Dover Charter or the Dover Code of Ordinances, and City Council's motion of March 23, 2015 effectively moved the Economic Development Office from the Mayor to the City Manager. Mrs. McDowell stated that Charter amendments would be necessary to complete the transfer of the City Assessor and the Police Department to the City Manager. She informed members that the proposed amendments also remove the requirement for the annual reappointment of these positions.

Staff recommended directing the City Clerk to prepare the necessary ordinance amendments for presentation to City Council/First Reading.

Mr. Hare questioned whether members would want to leave the City Assessor as a Council appointee. Responding, Mrs. McDowell stated that would be a discussion for the next agenda item, noting that the proposed Charter amendments were suggestions based on Council's previous motion and comments.

Mayor Christiansen informed members that on March 9, 2015, City Council made a decision regarding the direction of the City, which gave the Mayor some responsibility; however, 14 days later, Council changed their mind. He questioned if any members knew or had researched why the City Clerk, Assessor, Planner, or Controller/Treasurer were put under the direction of City Council. Mayor Christiansen expressed his opinion that is was imperative that these departments remain under the control of City Council. While he stated that he did not want to appear self-serving, Mayor Christiansen expressed concern that the public had repeatedly told Council, in different ways and by different actions, that they want a strong mayor who works in consort with the Chief Operating Officer of the City, and for public safety to remain under the control of the Mayor. He stated that, through various elections, the public had reaffirmed that they want a strong Mayor who has the responsibilities of at least public safety and economic development. Mayor Christiansen reminded members that during the last municipal election, the two (2) top mayoral candidates debated the fact that the City needed a strong Mayor and a number of council members who did not believe in that are gone. He expressed his opinion that members should take a second look at the actions of March 23, 2015, give the Mayor some responsibility and allow him/her to work in consort with the City Manager on a daily basis, since the Mayor is the elected official who is present on a daily basis.

Mayor Christiansen informed members that the City Clerk, Assessor, Planner, and Controller/Treasurer were put under the direction of City Council because, at the time, the City Manager told members of Council that unless they came back with four (4) other Council members, he did not have to talk to them. Mayor Christiansen cautioned members not to give away their responsibility, noting that they could take his away, but to take away Council's responsibility would be a disservice to the public who had reaffirmed the direction they wished the City to take. He stated that his comments were no reflection on the current City Manager, explaining that the current City Manager and Assistant City Manager did a terrific job. Mayor Christiansen suggested that members take a long, hard look at the proposed ordinances and changes, rather than having one (1) committee meeting to discuss this matter.

Responding to Mr. Hutchison, Mayor Christiansen stated that he would not have a problem with the City Manager being the Chief Operating Officer of the City who reports to the Mayor and Council.

Mr. Hutchison stated that was the intent of this change. He explained that the City Manager is chosen based

on education, knowledge, and skill sets that enable him/her to run a city and have responsibility for the budget, along with the City's Controller/Treasurer. Mr. Hutchison reminded members that he had served the City of Dover as the Police Chief, Mayor, and a member of Council and expressed great concerns regarding the day-to-day operations and loss of control compared to what the City used to have. He stated that giving the City Manager the authority to be the Chief Operating Officer does not mean that he would run the Police Department; rather, the City Manager would be responsible for the operations and the finances, and would report to the Mayor or Council. Mr. Hutchison noted that the City Manager has the expertise, while elected officials are here to listen and be guided by the information provided. He stated that the proposal could be fine-tuned, and noted the Mayor would still be the point person and serve on top with the Council. Mr. Hutchison explained that the City was very complex, including the overall operation, various departments, personnel issues, labor contract negotiations, etc. He reminded members that, most importantly, under the current structure, the Police Department does not report to the City Manager and has nothing to do with the City Manager from a financial point of view. As an example, he reminded members that the Police Department requested ten (10) additional police officers in the middle of FY15, noting that you cannot run a city that way and no business plan would justify that type of change.

Responding to Mr. Hutchison, Mayor Christiansen stated that the matter with the Police Department was something that should not have happened; however, he stated that the City knew that the need was there when Councilman Hosfelt was Chief of Police but the problem was deferred.

Mayor Christiansen expressed his opinion that no one, including himself, who could get elected to serve as Mayor would ever want to interfere with the daily operations of the City; however, the Chief Executive Officer should either work in consort with or report to the Mayor. He reiterated that it was imperative to maintain checks and balances through Council retaining responsibility over the City Clerk, Assessor, Planner, and Controller/Treasurer; otherwise, the Mayor and Council would become non-entities in the government, and the citizens did not elect the Mayor and Council to be non-entities. Mayor Christiansen informed members that the City's Charter was adopted in 1929 when people did not trust politicians; however, he stated that the Mayor and members of Council were not politicians but public servants, and the City's hybrid form of government allows the public to get the most out of their money.

Mr. Hutchison noted that it was important for the citizens of Dover to understand that the City Manager works at the pleasure of the Mayor and Council. He stated that the City Manager and other department heads do not have contracts; they perform their jobs on a daily basis and it is Council's job to ensure that the City provides the best service for its citizens. Mr. Hutchison explained that the City needed to make some modifications within the structure in order to make the City Manager a chief operating person with a greater authority to bring together all of the departments within the City, including the Police Department, to present and deal with issues and accomplish the job that is asked by Council and the City's citizens. He requested that members consider these issues, noting that he believes that the City can become better and more efficient by putting better controls in place.

Mr. Sudler informed members that he had previously voiced his opinion in his proposal of Option A (a full-time Mayor's position, with consideration of changing the City's current form of government to a Mayor/Council form of government, where the City Manager and Chief of Police would be appointed by the mayor and confirmed by City Council, and that any positions which currently report to Council that are moved to report to the Mayor would only be removed for cause and with Council approval.) He stated his belief that the City is growing to the point where a strong mayor form of government is necessary. Mr. Sudler advised that this type of strong mayor/council form of government would allow Council to focus strictly on legislative issues and ordinances. It was his opinion that a city manager should be the chief

administrative assistant, working with the Mayor and under his supervision, and they should work together to come up with departmental goals and ensure that those goals are met. He stated that this would also provide the criteria for a job description for the Mayor, which needs to be developed.

Mr. Sudler stated that he strongly believes that the City needs a strong mayor form of government, noting his belief that it could work. He agreed with Mayor Christiansen and Mr. Hutchison that it needs to be fine-tuned and requested that members work together on this matter. Mr. Sudler informed members that the people had spoken, noting that during previous Legislative, Finance, and Administration Committee meetings members of the public expressed that they wanted the Mayor to be the focal point. It was his thought that a lot more could be accomplished if the City were to allow the Mayor to have the City Manager under his supervision, explaining that the Mayor would be able to address, and help the City Manager address, issues that arise on a daily basis, even departmental issues, since he is here on a daily basis and members of Council are not.

Mr. Slavin stated that he has worked in the public sector for approximately 25 years and that reorganizations can certainly have value; however, especially in the public sector, they tend to be messy, confusing and often expensive. He stated that reorganizations are expensive in terms of actual dollars as well as in the trust that members build with the voters and taxpayers who support the positions. Mr. Slavin also stated that reorganization does not always work, noting that there is no guarantee that the new thing that members try will be successful.

Mr. Slavin advised that Council had never really achieved consensus regarding this issue. While he did not want to denigrate this matter, he expressed his opinion that this matter has been a distraction. Mr. Slavin stated that the new members of Council had inherited a suggestion on this issue, not a mandate. He explained that this issue is open for debate and decision by the current Council; however, it was his opinion that Council has a lot of bigger issues to get to. He stated that he did not desire further discussions regarding this matter and would prefer, with five (5) new council members, that Council leave things the way they are and focus their time, energy and efforts on running things efficiently and, more importantly, effectively for the City.

Mr. Anderson stated that this was a complicated situation and questioned whether leaving things the way they are would require a vote at this time, due to Council's motion of March 23, 2015. He expressed his opinion that the City did not need to rush into a decision. Mr. Anderson stated that this is a definite concern to him and, if he were to make a choice today, he would probably agree with Mr. Sudler.

Mr. Hare agreed that this issue had been on the table for a long time. He stated that he did not care what decision Council made on this matter; however, he urged members to make a decision. Mr. Hare reminded members that the City currently has a City Manager and an Assistant City Manager that are only responsible for half of the City, explaining that it is impossible to hold the City Manager accountable for the City's budget, which is his responsibility, since he is not responsible for all of the departments. Mr. Hare expressed his opinion that members give the City Manager responsibility for the budget and everything that happens in the City, in order to hold him accountable if there is a problem. Additionally, he noted that the City Manager is currently unable to make recommendations in regard to matters that are not his responsibility, regardless of whether they are good recommendations. It was Mr. Hare's thought that one (1) person should be responsible for the entire City so that Council can hold that person accountable. Referring to Mr. Hutchison's comment, Mr. Hare stated that the Mayor could be the chief of the City and be responsible for managing the Police Department, but not the financial side of it.

In response to Mr. Hare, Mayor Christiansen agreed that having one (1) budget was an important detail that may be lacking. He did not believe the City should have separate budgets for the City and the Police Department.

Mr. Hare reiterated that the City Manager is not responsible for the Police Department, economic development, or any of the other responsibilities that fall under the Mayor, and if the Mayor remains the chief executive, he could also deal with the Police Department, except for the financial part of it.

Mr. Hare suggested that this matter should be discussed during a separate meeting, in order for members to make a final decision.

Mr. Hosfelt stated that, unless something had changed drastically in the past one (1) and one-half years, as the Chief of Police he always worked directly with Mr. Koenig and Mrs. Mitchell in developing the budget. He explained that he knew that what he did in regard to the budget had to go through the City Manager's Office and Finance Department, and the Police Department did not operate independently from the rest of the City. Mr. Hosfelt noted that the Police Department was always deeply involved in the budget process, probably because it is the largest department. He did not think it was fair to say that the Police Department had a separate budget or were separate from the rest of the City because he did not believe that was ever the case. Mr. Hosfelt stated that the Police Department was always included as part of the package deal.

Referring to the discussions pertaining to a strong mayor, Mr. Hutchison reminded members that the Mayor was previously a member of Council, presided over Council meetings, and had a vote but no veto power. He stated that the Mayor was a member of the team then; however, now the Mayor has a voice but no vote. Mr. Hutchison suggested that if members want the Mayor to be in charge, then he should earn his/her income by presiding over the meetings. He informed members that, currently, the Mayor does not have to attend any committee or Council meetings.

Responding to Mr. Hutchison's comments, Mayor Christiansen noted that the Mayor is an ex-officio member of all of the committees and it is his responsibility to attend all of the meetings.

Mr. Hutchison indicated that when he served as Mayor he attended all of the meetings as well. He reiterated that years ago, the Mayor was really in charge and the responsibilities had been diluted over time. Mr. Hutchison stated that, as members review the issues and try to resolve the problems, if they choose to have a strong mayor, he would prefer to see the Mayor actively involved with the City every day.

Mr. Hutchison questioned if Mayor Christiansen thought that presiding over Council would make him a greater part of the City. In response, Mayor Christiansen expressed his opinion that it would not make him a greater part of the City because Council should be the legislative body of the City and not administrative.

Mr. Hare suggested that members continue this discussion at a separate meeting. He also indicated that the City could have the Mayor as the chief executive officer with no control over finances.

Mayor Christiansen suggested making the Mayor part of the budget process in order to hold him accountable, along with the City Manager. Responding, Mr. Hare reminded members that the City Manager would be reporting to members of Council.

Mr. Sudler expressed his opinion that the Mayor should have a vote since he represents the mass of the people in the City. He thought that the Mayor's vote is valid and that the Mayor should participate in the

process since he/she is an elected voice for the people. Mr. Sudler stated that he was uncertain how it would work but thought that the Mayor should play a more significant role. He informed members that he had researched this topic and found that in a strong mayor form of government, the mayor can have veto power and a vote.

Mr. Hare moved to defer this matter as well as Item #5 - Proposed Amendments to the City of Dover Charter, and schedule a special meeting, without a time limit, to allow for further discussion. The motion was seconded by Mr. Shevock.

Mr. Sudler suggested allowing for more input from the community, to provide the new members a new perspective. Responding, Mr. Hare indicated that the community could attend the meeting and share their comments during the open forum. He stated that he would also like to begin having quarterly town meetings again.

Mr. Hosfelt expressed his opinion that it is the responsibility of each member of Council to talk to their constituents to find out what they want, noting that they were elected to represent their district.

Mr. Hare stated that members could speak directly to their constituents and the public could also attend the meeting to speak.

Mr. Sudler suggested that members could have a survey orchestrated for each member of Council to provide to their constituents during their individual district meeting. He noted that this would provide some type of tangible scale and members could report the data, since any member of Council could misrepresent their constituency.

Mayor Christiansen reminded members that the Mayor had the responsibility to hold quarterly town meeting and stated that he would like to schedule a quarterly town meeting to discuss the issues and provide an opportunity for people to attend and give members their input.

Mr. Hare indicated that the Mayor should proceed with scheduling the quarterly town meeting.

JULY 27, 2015 CITY COUNCIL

JULY 27, 2015 CITY COUNCIL ACTION - The motion to schedule a special meeting, without a time limit, to allow for further discussion of the reorganization of the City was unanimously carried.

Mr. Hare moved to acknowledge receipt of the email, waive its reading, and place it into the record (Joan Denney e-mail). The motion was seconded by Mr. Hosfelt and unanimously carried.

Mr. Sudler moved to affirm City Council's decision of March 23, 2015 to move the Economic Development Office under the City Manager, with the understanding that this matter will be revisited in September, which could lead to a different action. The motion was seconded by Mr. Cole and unanimously carried (Anderson and Lewis absent). (*City Clerk's Office Note: Subsequent to the meeting, official notification was received of Mayor Christiansen's veto of this motion.*)

JULY 27, 2015 CITY COUNCIL MINUTES

Proposed Amendments to the City of Dover Code of Ordinances - Chapter 2 - Administration, Article IV - Officers and Employees, Division 4 - Controller/Treasurer and Division 5 - City Clerk; Chapter 54 - Health and Sanitation, Article I - In General, Section 54-1 - Health inspector Generally; Chapter 82 - Planning, Section 82-2 - City Planner; and Chapter 102 - Taxation, Article I - In General, Section 102-3 - Administrative reporting

During the Council meeting, Council President Slavin advised members that the Committee deferred consideration of this item and recommended scheduling a special meeting, without a time limit, to allow for further discussion. Additionally, because Charter and Code amendments are not required to move the Economic Development Office under the City Manager, the motion of March 23, 2015 effectively moved the department. Staff would like the action regarding the Economic Development Office affirmed to clarify the reporting structure for the office.

Mr. Hare, Chair of the Legislative, Finance, and Administration Committee, stated that it was his understanding that the Economic Development Office did not require a Charter change and was moved under the City Manager.

Mrs. Traci McDowell, City Clerk, stated that the intent of this discussion, because the Committee deferred further action on the Charter and Code amendments, was to get clarification on the action of March 23, 2015 related to the Economic Development Office. She noted that it was technically moved under the City Manager; however, because the other amendments have been deferred, she thought that both the City Manager and the Mayor would like clarification that Council still intends for the Office to be moved under the City Manager. Responding, Mr. Hare stated that he believes that is the intent.

Mr. Hosfelt stated that he thought they needed to sit down and hammer this issue out and make a decision one way or the other. He did not see the sense in singling out the Economic Development Office when no other decisions had been made. Mr. Hosfelt stated that they should make the time to decide, whether it is by holding special meetings, a referendum, or going out to their constituents to find out what they want.

Mr. Neil moved to schedule a special meeting, without a time limit, to allow for further discussion of the reorganization of the City. The motion was seconded by Mr. Hosfelt.

Mr. Hare requested that the meeting be scheduled when the full Council can attend and suggested some time in September. Mr. Hosfelt stated that he would like some time before the meeting to contact their constituents for their ideas and opinions.

Mr. Sudler requested that all of the Legislative, Finance, and Administration Committee minutes related to this issue be submitted to all of the new Council members. He suggested that they be provided back to the meeting when Mr. Holden and the rest of the community first came to them saying that they wanted a new organization for the government for the City of Dover.

The motion to schedule a special meeting, without a time limit, to allow for further discussion of the reorganization of the City was unanimously carried.

Council President Slavin, noting that the remaining issue was the reporting structure for the Economic Development Office, reiterated that the March 23, 2015 action by Council effectively reorganized that office by taking it from underneath the Mayor and placing it under the City Manager, and Staff was requesting

affirmation of that action.

Mr. Sudler moved to have further discussion of this issue, along with discussion regarding the City reorganization, at the special meeting being scheduled in September. The motion was seconded by Mr. Neil.

Mrs. McDowell stated that the Economic Development Office is different from the other offices being considered for reorganization because, in March, the motion was made to move those departments under the City Manager and there is nothing in the Code or Charter that needs to be changed to move the Economic Development Office. She noted that right now the Economic Development Office is under the City Manager; however, because everything else had been deferred for further discussion, she did not believe that the City Manager was comfortable assuming that role without this Council saying they do or do not want to proceed that way. Mrs. McDowell stated that oversight of the Economic Development Office is currently in limbo.

Mr. Hare stated that the move in March was made because it did not need Charter changes and it was Council's feeling that the Economic Development Office should report to the City Manager and he thought that was the way it needed to be to provide some accountability. Mr. Hare noted that the new Assistant City Manager has experience in economic development and it is a natural fit to have the Economic Development Office reporting to the City Manager and the Assistant City Manager.

Mr. Slavin advised that an email was received from Ms. Joan Denny on July 27, 2015 regarding this issue and noted that copies were provided to each Council member.

Mr. Hare moved to acknowledge receipt of the email, waive its reading, and place it into the record *(Exhibit #2)*. The motion was seconded by Mr. Hosfelt and unanimously carried.

Mr. Hare stated that they are reaffirming for Mr. Koenig the decision that was made in March that he is responsible for the Economic Development Office. He noted that they still need to discuss the Charter changes but the change to the Economic Development Office was already made and Mr. Koenig just wants reaffirmation of the decision.

Mr. Sudler requested clarification on the Mayor's duties, noting that he thought the Mayor was supposed to be head of economic development or to play a significant role in economic development according to the Charter. Responding, Mrs. McDowell stated that economic development is a part of the Mayor's job description in the Dover Code. She noted that the job description was written before the creation of the economic development office and, once created, the economic development office was under the direction of several different departments. She advised that the motion that was adopted in March does not put the office under the Mayor, it puts it under the City Manager and it would be good for everybody if it was clarified.

Mr. Sudler stated that he felt this issue needed more discussion because, as a new Council member, it is his understanding from his research that the Mayor is supposed to play a significant role in that component with the City. Responding, Mrs. McDowell stated that she believed the intent when the job description was written was for the Mayor to go out into the community and to find businesses to bring to Dover.

Mr. Koenig stated that when the Economic Development Office was created, it was originally in the Planning Office, then it was under Public Services. When he became City Manager, there was concern about moving it back into the Planning Office because one (1) of the Councilmen at the time believed there was

a conflict of interest for the Planning Office to be the overseer of the Economic Development Office. Mr. Koenig stated that in 2012 the Council, not through public input or requests from citizens, added it under the purview of the Mayor's Office. The issue for Staff really is that this is a relatively small office and several people in the office are part of the bargaining unit, and Council affirmed in the March meetings that this office should fall under the purview of the City Manager's Office. Mr. Koenig stated that it does not take the Mayor out of being involved with economic development. There are a number of people that come in and have an initial meeting with the Mayor's Office regarding development projects and then those duties to promote economic development get divided up amongst the Economic Development Office, sometimes the Planning Office, and sometimes the City Manager's Office, but the first contact for economic development quite often is the Mayor's Office or the Planning Office. Then it reverts into the Economic Development Office. Mr. Koenig stated that he really just wants to clarify this going forward and not to tie up the discussion of economic development with the issue of Charter changes because the Charter, as far as the office management, is silent.

Mr. Slavin stated that, as a compromise, they could provide the clarification that Mr. Koenig needs to move forward with City business with the understanding that it be revisited during the special meeting being scheduled in September as part of that larger context of reforms.

Mr. Neil asked if the FY 2016 economic development budget was under the City Manager or the Mayor. Responding, Mr. Koenig advised that it has its own budget.

Responding to Mr. Hosfelt, City Solicitor Rodriguez confirmed Mr. Koenig's interpretation that a Charter amendment was not necessary with regard to the Economic Development Office.

Mr. Sudler withdrew his motion to have further discussion of this issue, along with discussion regarding the City reorganization, at the special meeting being scheduled in September.

Mr. Sudler moved to affirm City Council's decision of March 23, 2015 to move the Economic Development Office under the City Manager, with the understanding that this matter will be revisited in September, which could lead to a different action. The motion was seconded by Mr. Cole and unanimously carried (Anderson and Lewis absent). (*City Clerk's Office Note: Subsequent to the meeting, official notification was received of Mayor Christiansen's veto of this motion.*)

Mr. Hare clarified that the decision they made on March 23, 2015 would be affirmed and the Economic Development Office will report to the City Manager. He stated that he did not see the need in the future, in other issues, to reaffirm their decisions three (3) or four (4) months later. Mr. Hare felt that Mr. Koenig should have been able to take that on and if there was an issue then it would come up. Responding, Mr. Slavin stated that they do not reaffirm every decision; however, they reaffirm major decisions that were made when a majority of Council left office and a new majority came in.

AUGUST 10, 2015 CITY COUNCIL

AUGUST 10, 2015 CITY COUNCIL ACTION - Council President Slavin reminded members that they were provided a legal opinion on this matter, which was that the veto notice was not provided within seven (7) days of the March 23, 2015 Council action and, therefore, had no bearing.
Mr. Anderson moved to accept Deputy City Solicitor Pepper's recommendation regarding the veto. The motion was seconded by Mr. Hare and unanimously carried.

AUGUST 10, 2015 CITY COUNCIL MINUTES

MAYOR ROBIN R. CHRISTIANSEN VETO - MOTION ADOPTED BY CITY COUNCIL ON JULY 27, 2015 - TO AFFIRM CITY COUNCIL'S DECISION OF MARCH 23, 2015, TO MOVE THE ECONOMIC DEVELOPMENT OFFICE UNDER THE CITY MANAGER, WITH THE UNDERSTANDING THAT THIS MATTER WILL BE REVISITED IN SEPTEMBER, WHICH COULD LEAD TO A DIFFERENT ACTION

During their Regular Meeting of July 27, 2015, by a vote of seven (7) yes and two (2) absent (Anderson and Lewis), Council affirmed City Council's decision of March 23, 2015 to move the Economic Development Office under the City Manager, with the understanding that this matter would be revisited in September, which could lead to a different action.

On July 31, 2015, the City Clerk received an e-mail from Mayor Robin R. Christiansen disapproving the motion, which stated:

"Mr Tim Slavin
President of Council
City of Dover Delaware

Mr President,

After much consideration I am writing to inform you of my intention to veto the action of Council in regard to the Economic Development Office.

Since the inception of the full time mayor's office in1997,in addition to being the public's full time advocate at city hall it was that one of the other responsibilities that the Mayor be involved dailey in the marketing of our great city.

Subsequently, the Office of Economic Development was created and eventually assigned to the scope of the Mayor's responsibility .

Over the last year I have worked closely with the City Manager and Staff including the Economic Office. We have met with potential new businesses as well as existing ones to protect jobs currently we have in our community.

I believe that it is important for the Mayor to continue to be part of that function considering the current state of our economy here in Dover and Kent County. It is an important function for the Mayor to work not only on making our city safe, but to build our tax and employment base to allow us to grow and maintain the services that not only make our city attractive but deserved by our taxpayers.

Having said that we have a responsibility as Mayor and Council to our citizens to be deliberate in our actions not driven by personal conflict or hidden agenda. I look forward to working toward the changes necessary to make each of our respective Charter responsibilities ultimately in the best interest of the Citizens we all serve. I remain yours for a better Dover,

Robin R. Christiansen

Mayor, City of Dover"

Council President Slavin reminded members that they were provided a legal opinion on this matter, which was that the veto notice was not provided within seven (7) days of the March 23, 2015 Council action and, therefore, had no bearing.

City Solicitor Nicholas H. Rodriguez recommended that City Council accept Deputy City Solicitor Pepper's recommendation, if they wish to override the veto.

Responding to Mr. Lewis, Mr. Slavin advised that this item was on the agenda in order for City Council to communicate regarding the veto notice that was received.

Mr. Lewis wanted to know how much longer they were going to discuss this change of government, noting that it had been going on for a long time. Responding, Mr. Slavin stated that it was decided at the last meeting to hold a Special Council meeting on September 16, 2015 to discuss this issue. He noted that others, himself included, shared Mr. Lewis' frustration with this issue.

Mr. Neil reminded members that there were members who were not elected to City Council when those decisions were made. He thought that there was a lot of consideration needed and that they need to go out, do the work, and maybe solicit their constituents.

Mr. Anderson moved to accept Deputy City Solicitor Pepper's recommendation regarding the veto. The motion was seconded by Mr. Hare and unanimously carried.

Mr. Anderson stated that he believed the veto should have been made; however, it should have been made in March. He noted that he would definitely have supported it because there had been substantial progress with the Economic Development department since it was relocated under the Mayor. The goals had started being met, unemployment had gone down, business startups had gone up, and the industrial park had been better managed. Mr. Anderson thought it was a mistake at the time and he would love to sustain the veto; however, he agreed with the legal opinion. Mr. Sudler stated that he concurred with Mr. Anderson's comments, as did Mr. Lewis.

AUGUST 24, 2015 CITY COUNCIL

AUGUST 24, 2015 CITY COUNCIL ACTION - Mr. Hare moved to reset the form of government to what existed on March 8, 2015 with the Police Department and the Economic Development Office reporting to the Mayor and the City Manager, Controller/Treasurer, City Planner, City Assessor, and City Clerk reporting to Council. All other departments will report to the City Manager. The motion was seconded by Mr. Lewis and carried by a unanimous roll call vote.

AUGUST 24, 2015 CITY COUNCIL MINUTES

MAYOR ROBIN R. CHRISTIANSEN'S VETO OF THE MOTION ADOPTED BY CITY COUNCIL ON JULY 27, 2015 - TO AFFIRM CITY COUNCIL'S DECISION OF MARCH 23, 2015, TO MOVE THE ECONOMIC DEVELOPMENT OFFICE UNDER THE CITY MANAGER, WITH THE UNDERSTANDING THAT THIS MATTER WILL BE REVISITED IN SEPTEMBER, WHICH COULD LEAD TO A DIFFERENT ACTION

Council President Slavin reminded members that, during the Regular Council meeting of

August 10, 2015, based on Deputy City Solicitor Pepper's legal opinion that Mayor Christiansen's veto notice was not provided within seven (7) days of the March 23, 2015 Council action and, therefore, had no bearing, City Council unanimously accepted Deputy City Solicitor Pepper's recommendation regarding the veto. He advised that, subsequently, Mr. Pepper provided a revised legal opinion stating that, because City Council adopted the Fiscal Year 2016 Annual Operating Budget, including the Mayor's Fiscal Year 2016 organizational chart showing the Police Department and Economic Development Office under the Mayor, the March 23, 2015 motion to move departments under the City Manager, as far as the Economic Development Office is concerned, was reversed. Mr. Slavin noted that the effect of the July 27, 2015 motion affirming City Council's decision of March 23, 2015 to move the Economic Development Office under the City Manager was to revise the Mayor's organizational chart in the FY 2016 budget. Since the Mayor vetoed that motion within the time required by the Charter, the Economic Development Office will remain under the Mayor pursuant to the Mayor's Fiscal Year 2016 Organizational Chart unless and until Council overrides the veto.

Mr. Hare suggested that, with everything that is going on in the city, they should just leave things as they are and let the Mayor be in charge of Economic Development and the Police Department, just like it was before this discussion started. He felt that there were more important things to deal with than worrying about who is going to report to whom and starting all these inner battles.

Mr. Hare moved to reset the form of government to what existed on March 8, 2015 with the Police Department and the Economic Development Office reporting to the Mayor and the City Manager, Controller/Treasurer, City Planner, City Assessor, and City Clerk reporting to Council. All other departments will report to the City Manager. The motion was seconded by Mr. Lewis and carried by a unanimous roll call vote.

Mr. Hare moved to cancel the Special Meeting scheduled for September 16, 2015 to discuss the issue of Form of Government and Reporting Structure. After a brief discussion resulting in a consensus of Council that their constituents should be included in the discussion, Mr. Hare withdrew his motion.

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ACTIONS SUMMARY - RESPONSIBILITIES AND REPORTING STRUCTURE

MAY 12, 2014 LF&A COMMITTEE ACTION - Committee to continue discussion of the responsibilities and reporting structure for the Mayor and City Manager and continuation of full-time status for the position of Mayor, following the 2014 Special Mayoral Election (Four (4) yes (Hare, Rushe, Shevock, and Slavin), and one (1) no (Lynn)).

MAY 27, 2014 COUNCIL ACTION - By consent agenda, Mr. Hare moved for approval of the Committee's MAY 12, 2014 recommendation, seconded by Mr. Dixon and carried by a unanimous roll call vote (Williams absent).

AUGUST 25, 2014 LF&A COMMITTEE ACTION - The motion to defer further discussion of this item until the Committee meeting of September 8, 2014 carried by a vote of three (3) yes (Slavin, Shevock, and Sudler), and one (1) no (Anderson).

SEPTEMBER 8, 2014 LF&A COMMITTEE ACTION - The motion to recommend for future consideration Option A, as follows: a full-time mayor's position, with consideration of changing the City's current form of government to a Mayor/Council form of government, where the city manager and chief of police would be appointed by the mayor and confirmed by City Council, and that any positions which currently report to council that are moved to report to the mayor would only be removed for cause and with council approval, was unanimously carried.

Mr. Shevock moved to recommend that the Council President open a dialogue with the parties to the 1988 Consent Decree, seconded by Mr. Hare and unanimously carried.

SEPTEMBER 22, 2014 COUNCIL ACTION - By consent agenda, Mr. Hare moved for approval of the Committee's SEPTEMBER 8, 2014 recommendation, seconded by Mr. Dixon and carried by a unanimous roll call vote (Lynn absent).

OCTOBER 27, 2014 LF&A COMMITTEE ACTION - NONE

DECEMBER 8, 2014 LF&A COMMITTEE ACTION - During their meeting of December 8, 2014, the Legislative, Finance, and Administration Committee referred this matter to City Council without a recommendation, with the stipulation that they be provided all information regarding Options A, B, and C (Mr. Anderson's amendment to Option A).

JANUARY 12, 2015 COUNCIL ACTION - Mrs. Williams moved to defer consideration of this item pending the outcome of discussions with Mr. Cecil Wilson and other parties to the 1988 Consent Decree. The motion was seconded by Mr. Hare and carried by a roll call vote of six (6) yes (Dixon, Slavin, Williams, Hare, Hutchison, and Bonar) and two (2) no (Anderson and Perza).

FEBRUARY 9, 2015 ACTION - Mr. Slavin moved to table this matter, seconded by Mr. Dixon and unanimously carried.

FEBRUARY 19, 2015 COUNCIL ACTION - The motion to lift Discussion - Responsibilities and Reporting Structure for the Mayor and City Manager and Continuation of Full-Time Status for the Position of Mayor from the table was unanimously carried (Perza absent).

Mr. Hare moved to hold a Public Hearing at the March 9, 2015 Regular Council meeting regarding Options A, B, C, and D *(Exhibit #1 - Options A, B, C, and D)*. The motion was seconded by Mr. Hutchison and carried by a roll call vote of five (5) yes (Slavin, Williams, Hare, Hutchison, and Bonar) and two (2) no (Anderson, Dixon)(Perza absent).

MARCH 9, 2015 COUNCIL ACTION - The motion to maintain a full-time Mayor who will be the Chief Executive of the City and that all departments, excluding the City Clerk's Office and the Finance Department, will report to the City Manager who is appointed by City Council and will report to the Mayor was carried by a roll call vote of five (5) yes (Anderson, Dixon, Hare, Hutchison, and Williams), two (2) not voting (Perza and Slavin), and one (1) absent (Bonar).

MARCH 23, 2015 COUNCIL ACTION - The motion for approval of the proposed amendment that would read as follows: To maintain a full time mayor and that all departments, excluding the City Clerk's Office and the Finance Department, will report to the City Manager who is appointed by and will report to City Council was carried by a roll call vote of five (5) yes (Perza, Williams, Hare, Hutchison, and Bonar) and three (3) no (Anderson, Dixon, and Slavin).

JULY 13, 2015 COMMITTEE ACTION - The motion to defer this matter, as well as Item #5 - Proposed Amendments to the City of Dover Charter, and schedule a special meeting, without a time limit, to allow for further discussion was unanimously carried. (Proposed Amendments to the City of Dover Code of Ordinances - Chapter 2 - Administration, Article IV - Officers and Employees, Division 4 - Controller/Treasurer and Division 5 - City Clerk; Chapter 54 - Health and Sanitation, Article I - In General, Section 54-1 - Health inspector Generally; Chapter 82 - Planning, Section 82-2 - City Planner; and Chapter 102 - Taxation, Article I - In General, Section 102-3 - Administrative reporting)

JULY 27, 2015 CITY COUNCIL ACTION - The motion to schedule a special meeting, without a time limit, to allow for further discussion of the reorganization of the City was unanimously carried.

Mr. Hare moved to acknowledge receipt of the email, waive its reading, and place it into the record (Joan Denney e-mail). The motion was seconded by Mr. Hosfelt and unanimously carried.

Mr. Sudler moved to affirm City Council's decision of March 23, 2015 to move the Economic Development Office under the City Manager, with the understanding that this matter will be revisited in September, which could lead to a different action. The motion was seconded by Mr. Cole and unanimously carried (Anderson and Lewis absent). (*City Clerk's Office Note: Subsequent to the meeting, official notification was received of Mayor Christiansen's veto of this motion.*)

AUGUST 10, 2015 CITY COUNCIL ACTION - Council President Slavin reminded members that they were provided a legal opinion on this matter, which was that the veto notice was not provided within seven (7) days of the March 23, 2015 Council action and, therefore, had no bearing.
Mr. Anderson moved to accept Deputy City Solicitor Pepper's recommendation regarding the veto. The motion was seconded by Mr. Hare and unanimously carried.

AUGUST 24, 2015 CITY COUNCIL ACTION - Mr. Hare moved to reset the form of government to what existed on March 8, 2015 with the Police Department and the Economic Development Office reporting to the Mayor and the City Manager, Controller/Treasurer, City Planner, City Assessor, and City Clerk reporting to Council. All other departments will report to the City Manager. The motion was seconded by Mr. Lewis and carried by a unanimous roll call vote.

ROY SUDLER, JR'S SUPPORT FOR A FULL – TIME MAYOR
&
MAYOR COUNCIL FORM OF GOVERNMENT

****

September 8, 2014

After listening to **Mr. Holden's Concerns** regarding accountability and clear organizational structure for the **City's Modified and Council Form of Government**; In addition to reviewing the minutes and dialogue on the **History of a Full-Time or Part-time Mayor for the City of Dover**, it is my recommendation that the committee should support a Full-Time Mayor's Position and consider changing our current form of government to a **Mayor / Council Form of Government** where the **City Manager and Chief of Police** would be appointed by the **Mayor** and confirmed by **City Council.**

I believe that a **Mayor / Council Form Government** will provide City Council with the Mayor's Job Description Criteria consisting of strategic goals, objectives, and programs to be orchestrated by the Chief Executive Officer - approved and appraised by City Council.

In Closing, a Mayor / Council Form of Government will allow City Council the opportunity to focus more on Legislative Rules and Regulations that navigate our community's climate, but also, will enhances the Mayor's understanding of Department's - Strengths, Weaknesses, Opportunities and Threats **[SWOT]** that impact the social, demographic and economic development of our great city of Dover.

- Thank you Chairman Slavin

Respectfully Submitted,

Roy Sudler, Jr. **[Legislative Finance and Administration Committee Member]**

ROY SUDLER, JR'S SUPPORT FOR A FULL – TIME MAYOR
&
MAYOR COUNCIL FORM OF GOVERNMENT

OPTION. A **JOB DESCRIPTION**

Job Title: Mayor of Dover, Delaware **Job Code:** 2014.12

Date: December 8, 2014 **Written By:** Legislative, Finance and Administration Committee

---

A. ESSENTIAL DUTIES AND RESPONSIBILITIES

1. Serves as the Chief Executive Officer of Dover with strong administrative duties that not only consist of being a liaison between City Council and Dover Residents, but the focal point for all departments of the City to conduct business in good faith.
2. Oversee and effectively supervise city administration to help City Council decide which services to provide and how to pay for them
3. Direct Administrative Structure by appointing and removing city department heads as deemed necessary
4. Perform ceremonial duties on behalf of the community

B. ADMINISTRATIVE AUTHORITY

1. Signs ordinances, contracts and other documents authorized by City Council
2. Calls special meeting as deemed necessary for conducting city business
3. Discuss issues impacting the City with State Legislators
4. Orchestrate and present an inclusive and collaborative departmental plan of action to achieve short-term and long-term city goals and objectives for the perspective year
5. Exercise veto power as deemed necessary in accordance to the response of Dover Citizens
6. Does not have voting power on City Council
7. With City Council's confirmation selects City Manager, Chief and Deputy Chief of Dover Police Department

C. REPORTS AND PRESENTATIONS TO CITY COUNCIL

1. Make quarterly report to Legislative, Finance and Administrative Committee and or City Council concerning department's Strengths, Weaknesses, Opportunities and Threats
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3. Conduct Quarterly Community Meetings to improve and enhance Community and Police Relations and submit recommendations for presentation to the Legislative, Finance and Administration Committee, and, or City Council
4. Represent the city on regional and local boards or committees and at meetings concerning city issues Evaluates Citizens Complaints against Dover Police Department and propose to city council remedies for future prevention methods

D. ATTENDANCE

1. Monthly attendance of meetings is required
2. Acts as spokesman for the city with media
3. Required to attend community events as possible consistent with the duties as official head of the City of Dover.

E. MINIMUM REQUIREMENTS

1. Resident of Dover, Delaware and over the age of 18
2. Eligible to vote in Dover, Delaware
3. Elected by popular election by residents of Dover, Delaware
4. Bachelor's Degree

Approved by: _____ **Date:** _____

Dover, Delaware's City Council

ROY SUDLER, JR'S SUPPORT FOR A FULL – TIME MAYOR
&
MAYOR COUNCIL FORM OF GOVERNMENT

OPTION A. MAYOR'S JOB PERFORMANCE APPRAISAL REPORT

Job Title: Mayor of Dover, DE **Evaluator:** Dover City Council Members

✓ Place a check in the column that most accurately reflects your evaluation in each category of the above-named person.

	4. Exceeds Standard	**3.** Meets	**2.** Needs Improvement	**1.** Does Not Meet Standard

		4	3	2	1
1.	**A. ESSENTIAL DUTIES AND RESPONSIBILITIES**				
2.	**B. ADMINISTRATIVE AUTHORITY**				
3.	**C. REPORTS AND PRESENTATIONS TO CITY COUNCIL**				
4.	**D. POLICE AND COMMUNITY RELATIONS**				
5.	**E. ATTENDANCE AND PUNCTUALITY**				

Nature and Scope:

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verizon
Verizon Message Center

Monday, Dec 8 at 1:30 PM

From: Yvonne Hall <yahyahu2@msn.com>

To:"sarabobherbert@verizon.net" sarabobherbert@verizon.net

Subject:RE: City Council

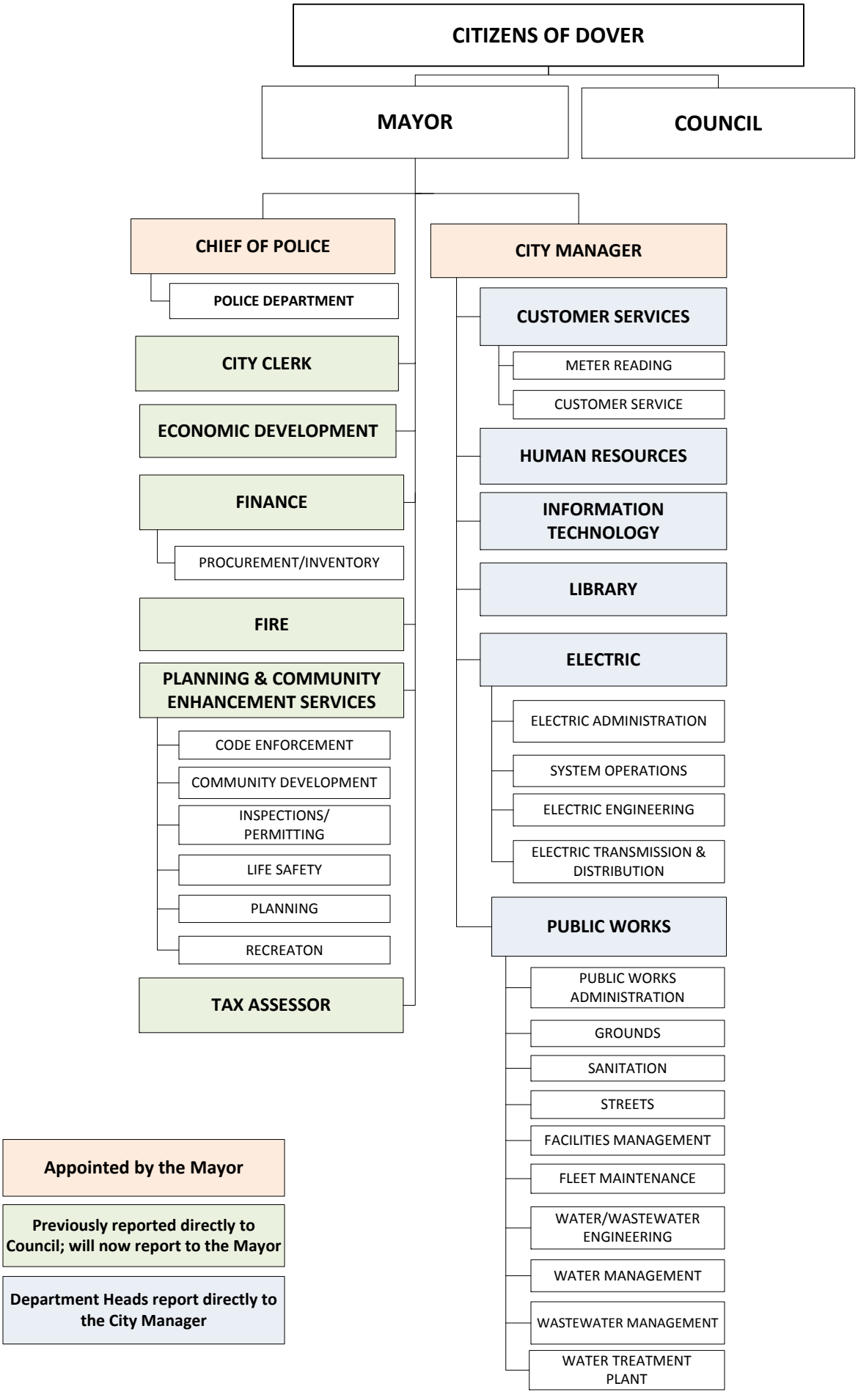
Sara: If you are allowed to speak you can also speak on my behalf. I feel we need a full time mayor so he has time to accomplish some goals he may set to improve our city. It is embarrassing when visitors to our first state coming from DC area have to drive through West Division and see the condition of the homes and trash sitting on street. It is pretty bad until you reach Division and State St. Also, making decisions for the city to put a Dollar General Store in the city, according to all the experts, is the worse thing you can do to improve a city. We need to find progressive minds who can help rebuild the downtown Loockerman St. area so we can draw people...however, first we need to make it safe for people to walk there. We don't need more apartment housing and need to create a program to help find home BUYERS not tenants in our city. I am sorry I can't be at this meeting but let me know how you make out. Yvonne

Yvonne Hall, Realtor
Keller Williams Realty Central DE
Direct: 302-677-1300
Cell: 302-423-0223
www.yvonnehall.com

RESPONSIBILITIES AND REPORTING STRUCTURE FOR THE MAYOR AND CITY MANAGER AND CONTINUATION OF FULL-TIME STATUS FOR THE POSITION OF MAYOR

OPTION A (09/08/2014 LF&A): A full-time mayor's position, with consideration of changing the City's current form of government to a Mayor/Council form of government, where the city manager and chief of police would be appointed by the mayor and confirmed by City Council, and that any positions which currently report to council that are moved to report to the mayor would only be removed for cause and with council approval, was unanimously carried.

CITY OF DOVER
PROPOSED ORGANIZATIONAL CHART



ROY SUDLER, JR'S SUPPORT FOR A FULL – TIME MAYOR
&
MAYOR COUNCIL FORM OF GOVERNMENT

****

September 8, 2014

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Respectfully Submitted,

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ROY SUDLER, JR'S SUPPORT FOR A FULL – TIME MAYOR
&
MAYOR COUNCIL FORM OF GOVERNMENT

OPTION. A **JOB DESCRIPTION**

Job Title: Mayor of Dover, Delaware **Job Code:** 2014.12

Date: December 8, 2014 **Written By:** Legislative, Finance and Administration Committee

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Approved by: _____ **Date:** _____

Dover, Delaware's City Council

ROY SUDLER, JR'S SUPPORT FOR A FULL – TIME MAYOR
&
MAYOR COUNCIL FORM OF GOVERNMENT

OPTION A. MAYOR'S JOB PERFORMANCE APPRAISAL REPORT

Job Title: Mayor of Dover, DE **Evaluator:** Dover City Council Members

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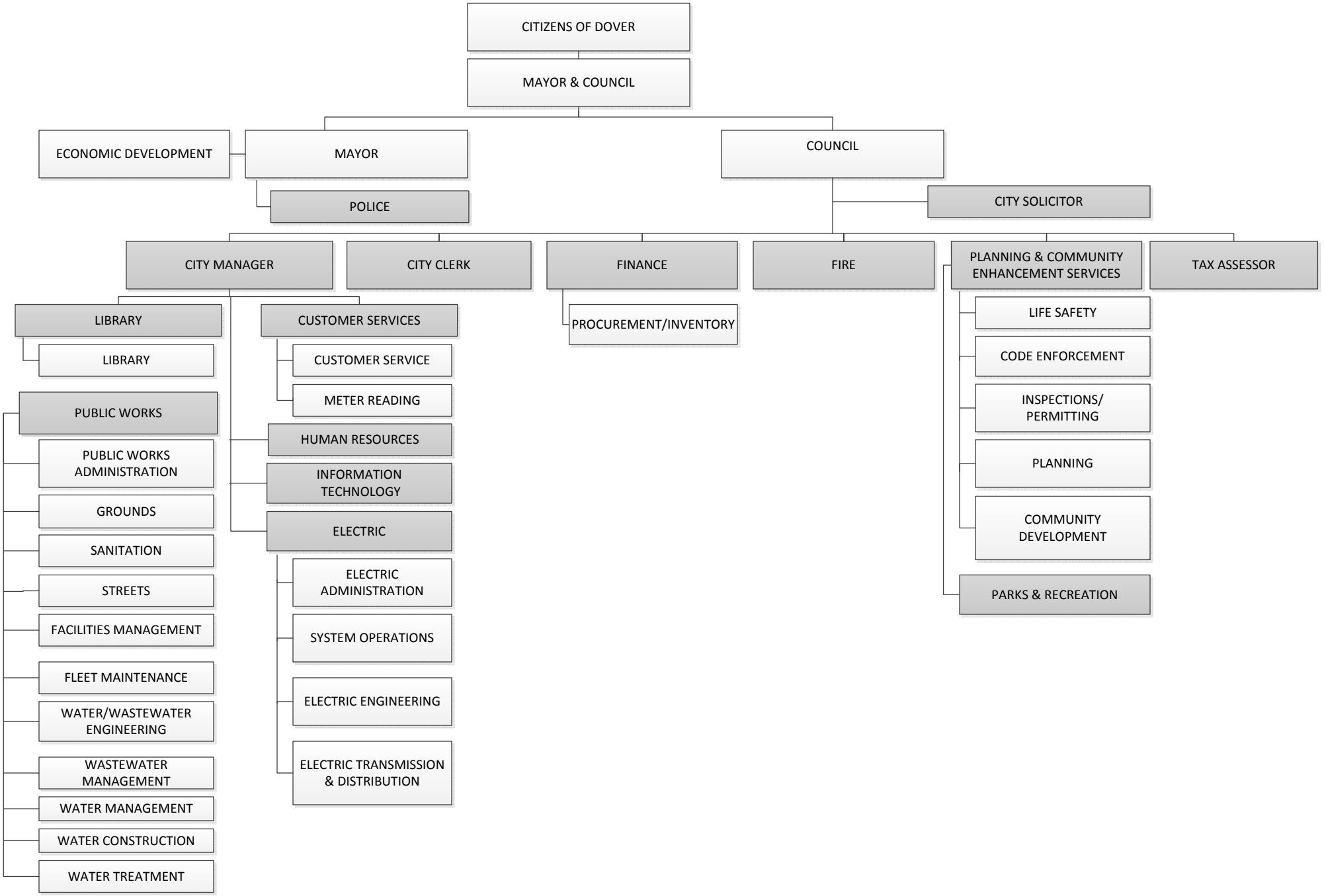
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CITY OF DOVER

FISCAL YEAR 2014 ORGANIZATION CHART



ROY SUDLER, JR'S SUPPORT FOR A FULL – TIME MAYOR
&
MAYOR COUNCIL FORM OF GOVERNMENT

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Date: December 8, 2014 **Written By:** Legislative, Finance and Administration Committee

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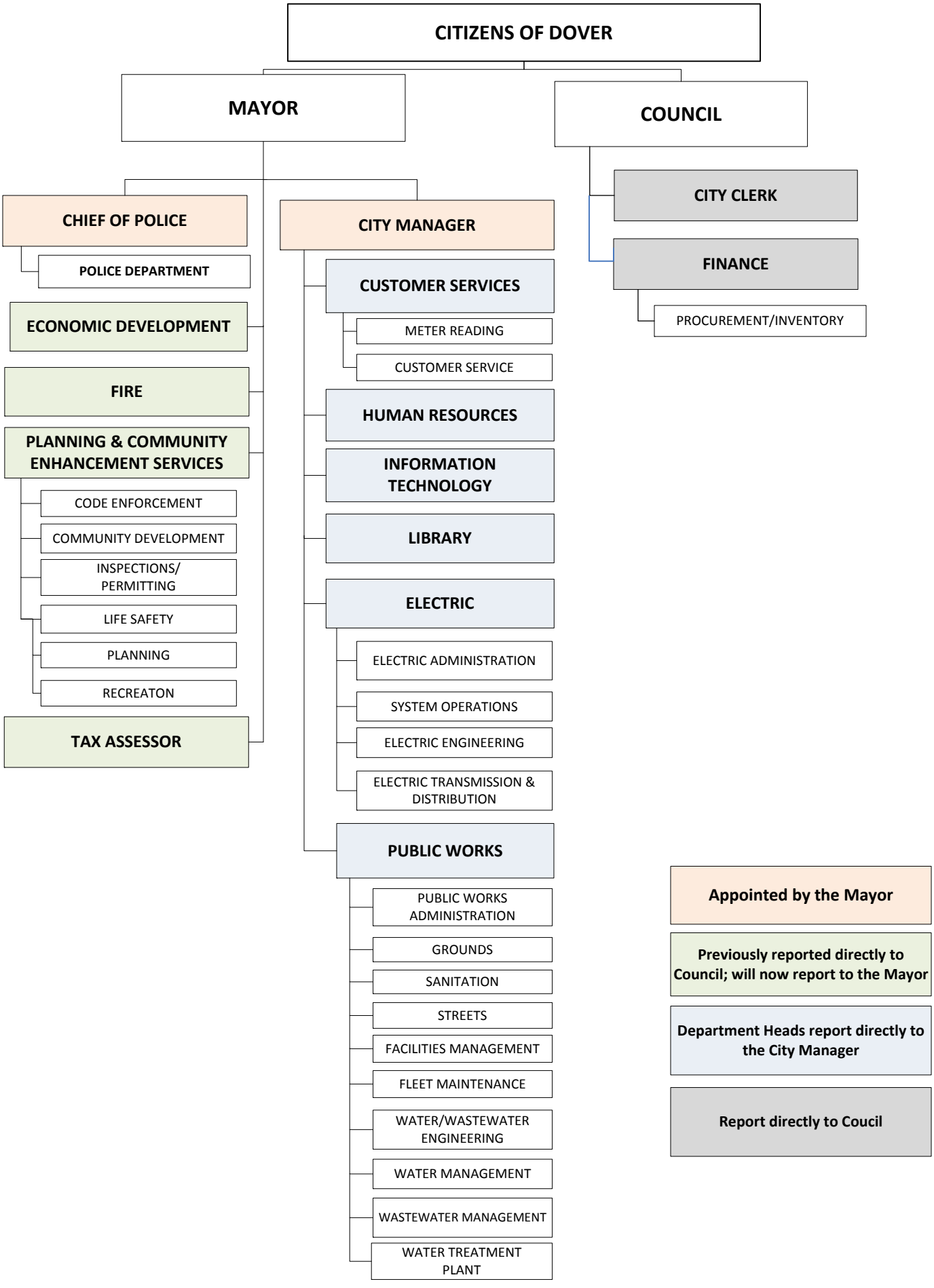
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Dover, Delaware's City Council

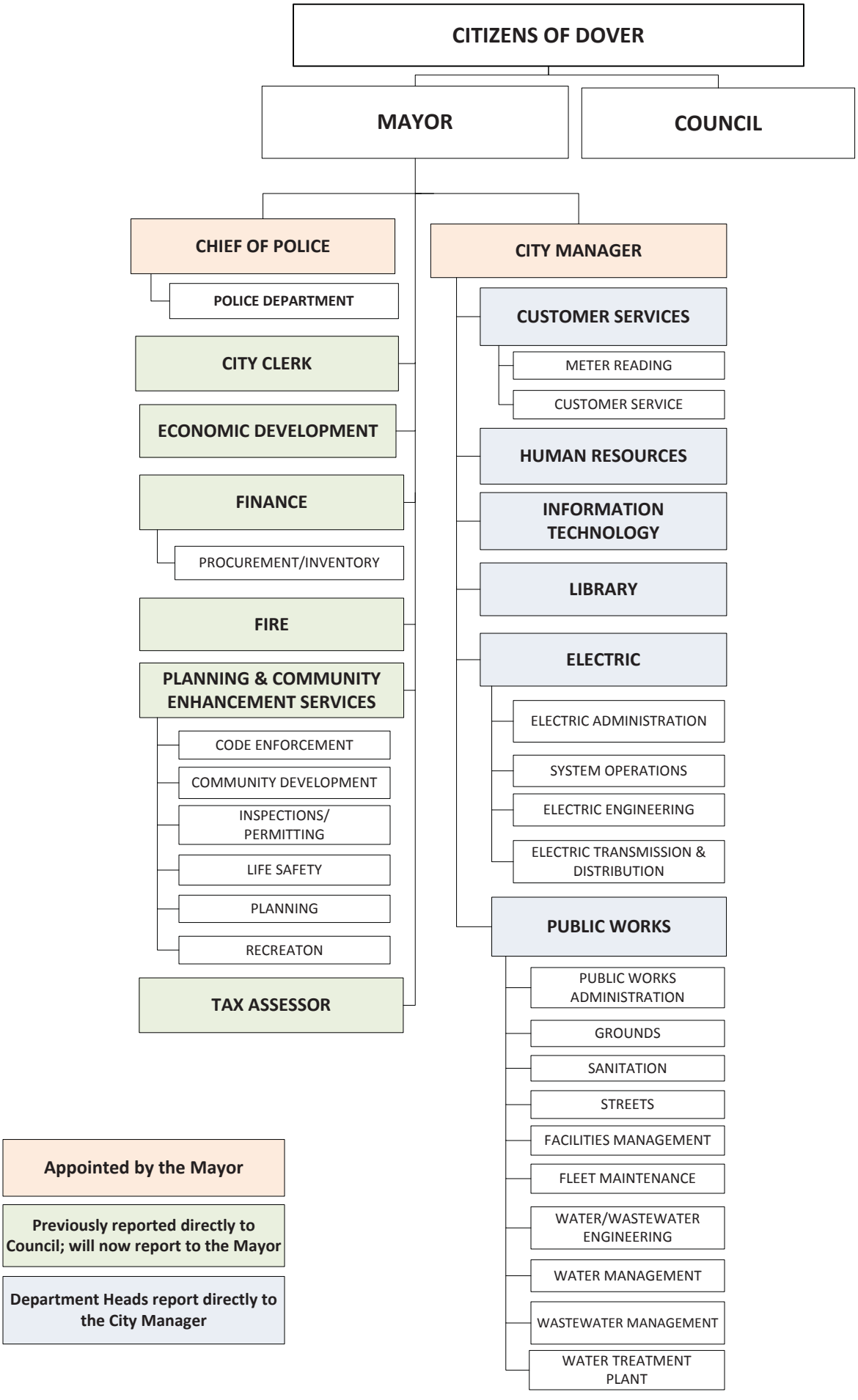
CITY OF DOVER
PROPOSED ORGANIZATIONAL CHART



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CITY OF DOVER
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ROY SUDLER, JR'S SUPPORT FOR A FULL – TIME MAYOR
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MAYOR COUNCIL FORM OF GOVERNMENT

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- Thank you Chairman Slavin

Respectfully Submitted,

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ROY SUDLER, JR'S SUPPORT FOR A FULL – TIME MAYOR
&
MAYOR COUNCIL FORM OF GOVERNMENT

OPTION. A **JOB DESCRIPTION**

Job Title: Mayor of Dover, Delaware **Job Code:** 2014.12

Date: December 8, 2014 **Written By:** Legislative, Finance and Administration Committee

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Approved by: _____ **Date:** _____

Dover, Delaware's City Council

ROY SUDLER, JR'S SUPPORT FOR A FULL – TIME MAYOR
&
MAYOR COUNCIL FORM OF GOVERNMENT

OPTION A. MAYOR'S JOB PERFORMANCE APPRAISAL REPORT

Job Title: Mayor of Dover, DE **Evaluator:** Dover City Council Members

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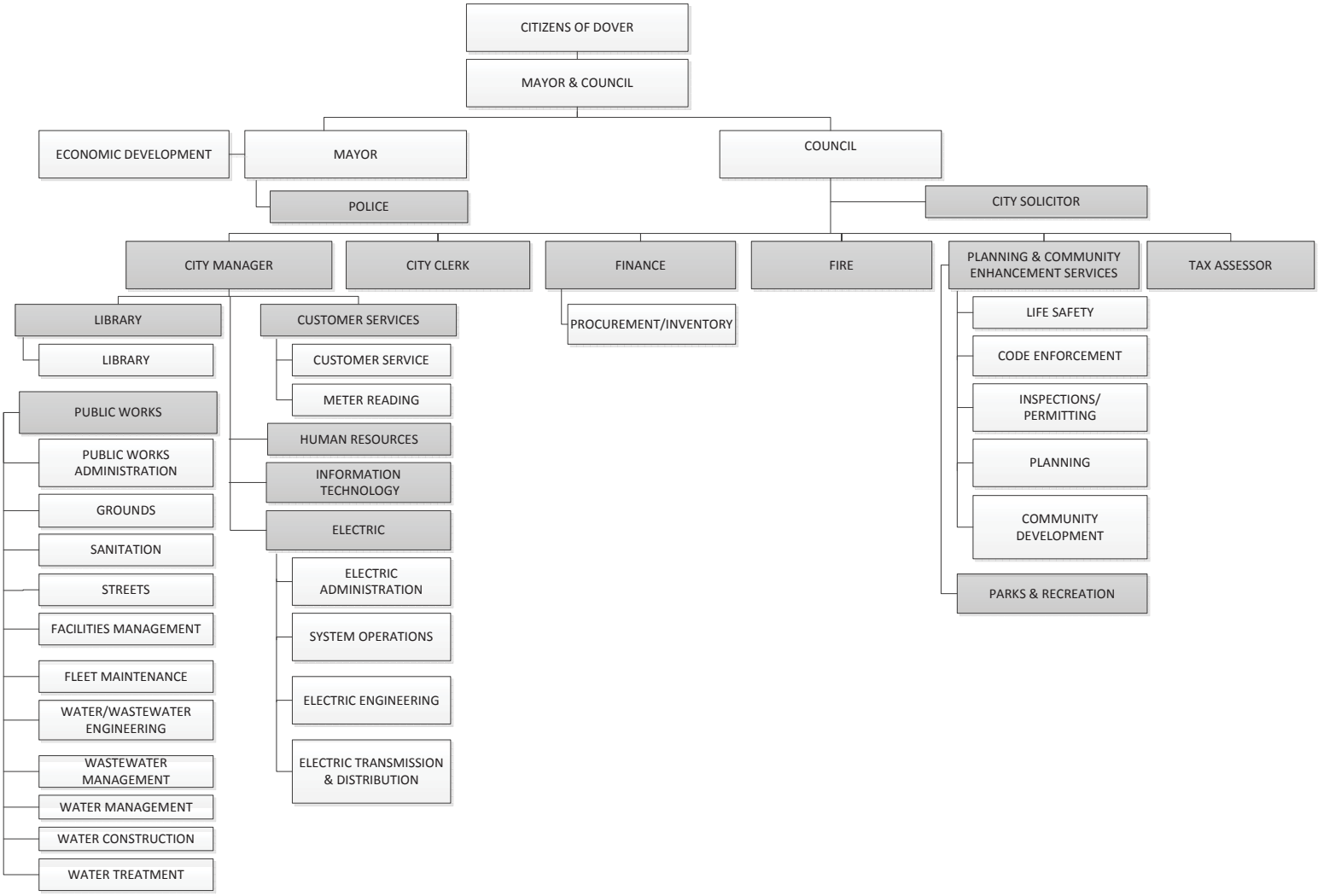
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CITY OF DOVER
FISCAL YEAR 2014 ORGANIZATION CHART



ROY SUDLER, JR'S SUPPORT FOR A FULL – TIME MAYOR
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MAYOR COUNCIL FORM OF GOVERNMENT

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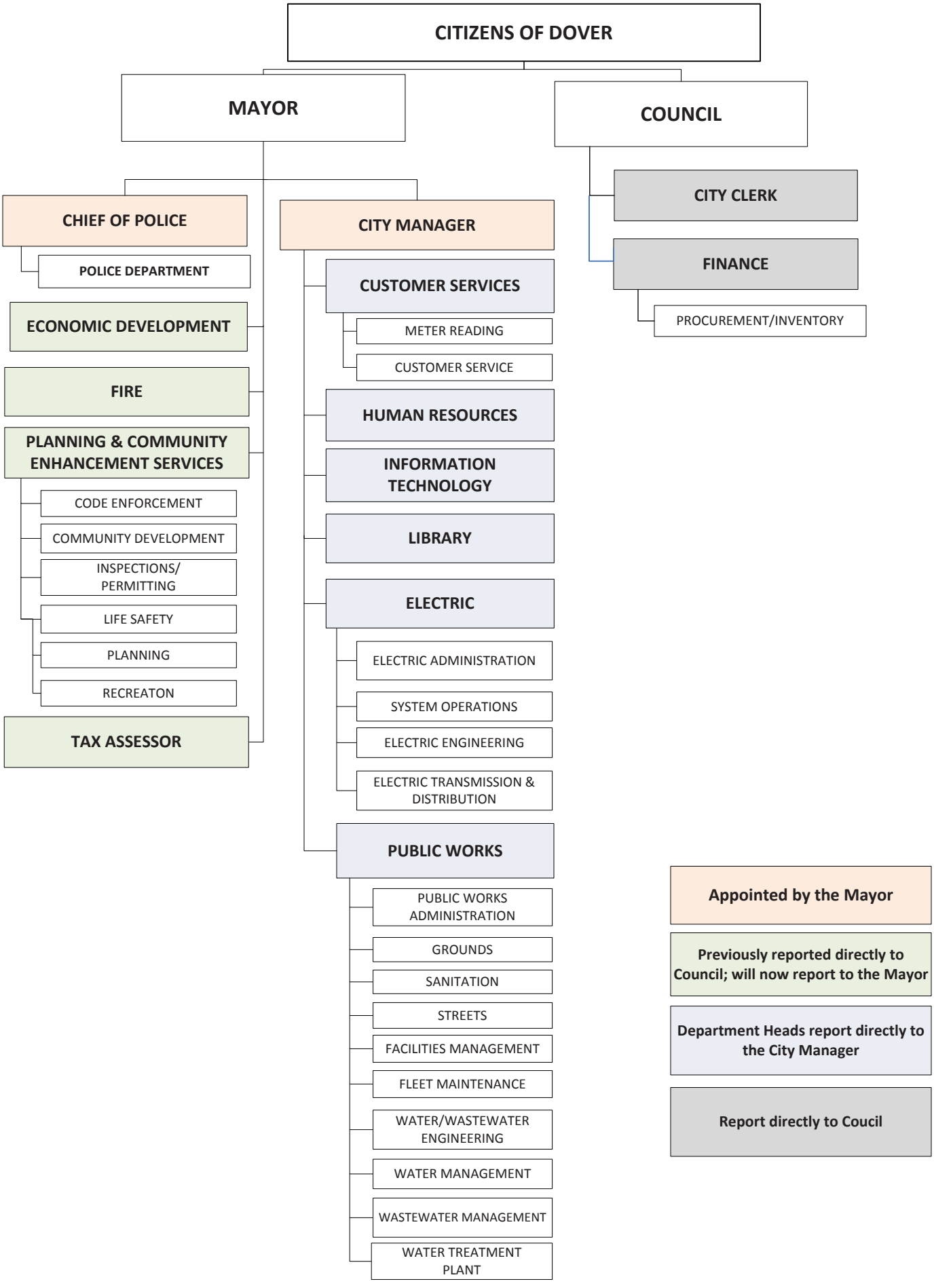
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City resident for two (2) years

Approved by: _____ **Date:** _____

Dover, Delaware's City Council

CITY OF DOVER
PROPOSED ORGANIZATIONAL CHART



Alternative Organizational Chart Submitted by
Mr. Anderson on January 12, 2015

Option C

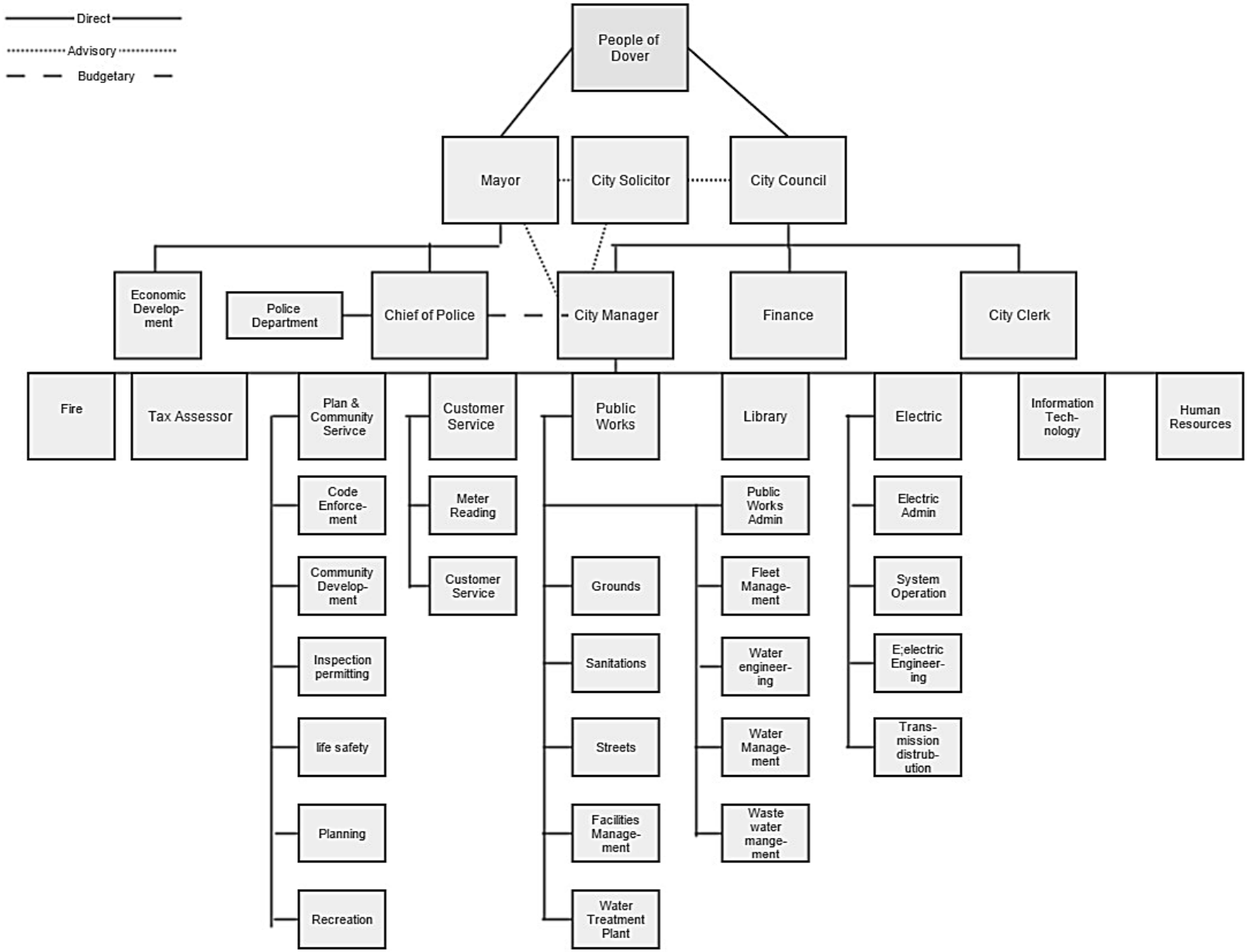


EXHIBIT #1 - OPTION D
Special Council Meeting of 02/19/2015

CITY OF DOVER
PROPOSED ORGANIZATIONAL CHART

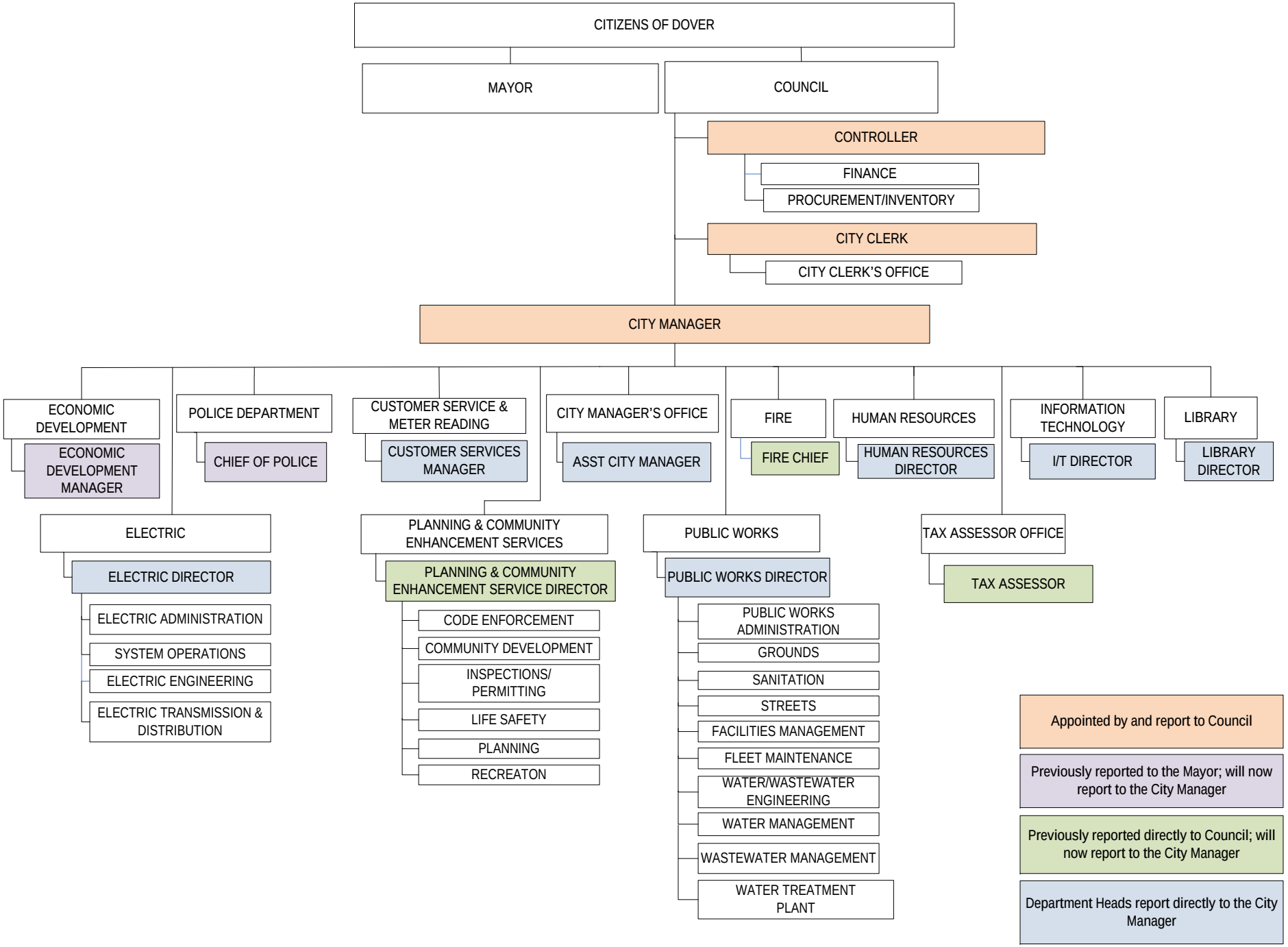
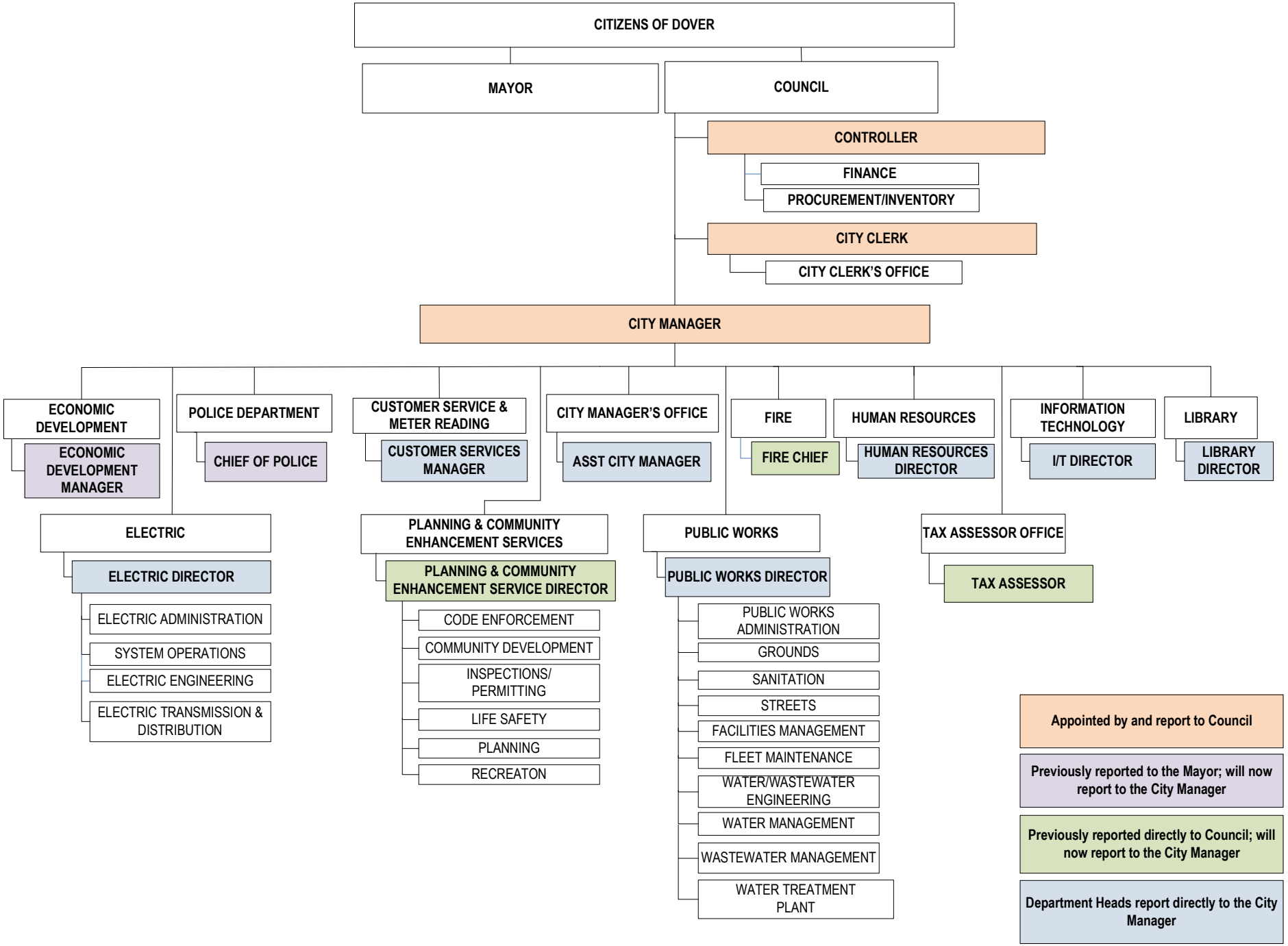


EXHIBIT #1 - OPTION D
Special Council Meeting of 02/19/2015

CITY OF DOVER
PROPOSED ORGANIZATIONAL CHART



ROY SUDLER, JR'S SUPPORT FOR A FULL – TIME MAYOR
&
MAYOR COUNCIL FORM OF GOVERNMENT

OPTION. A **JOB DESCRIPTION**

Job Title: Mayor of Dover, Delaware **Job Code:** 2014.12

Date: December 8, 2014 **Written By:** Legislative, Finance and Administration Committee

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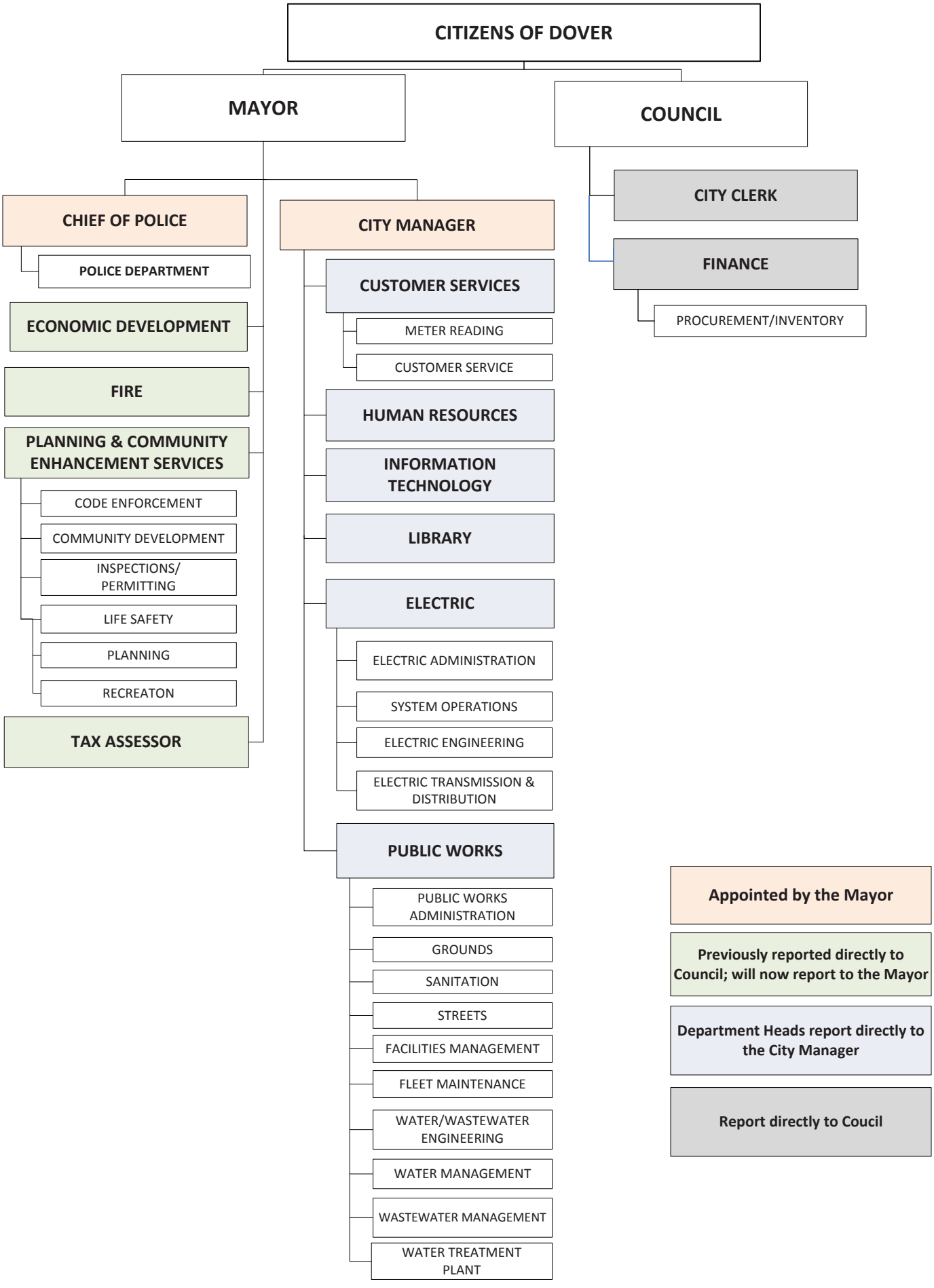
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City resident for two (2) years

Approved by: _____ **Date:** _____

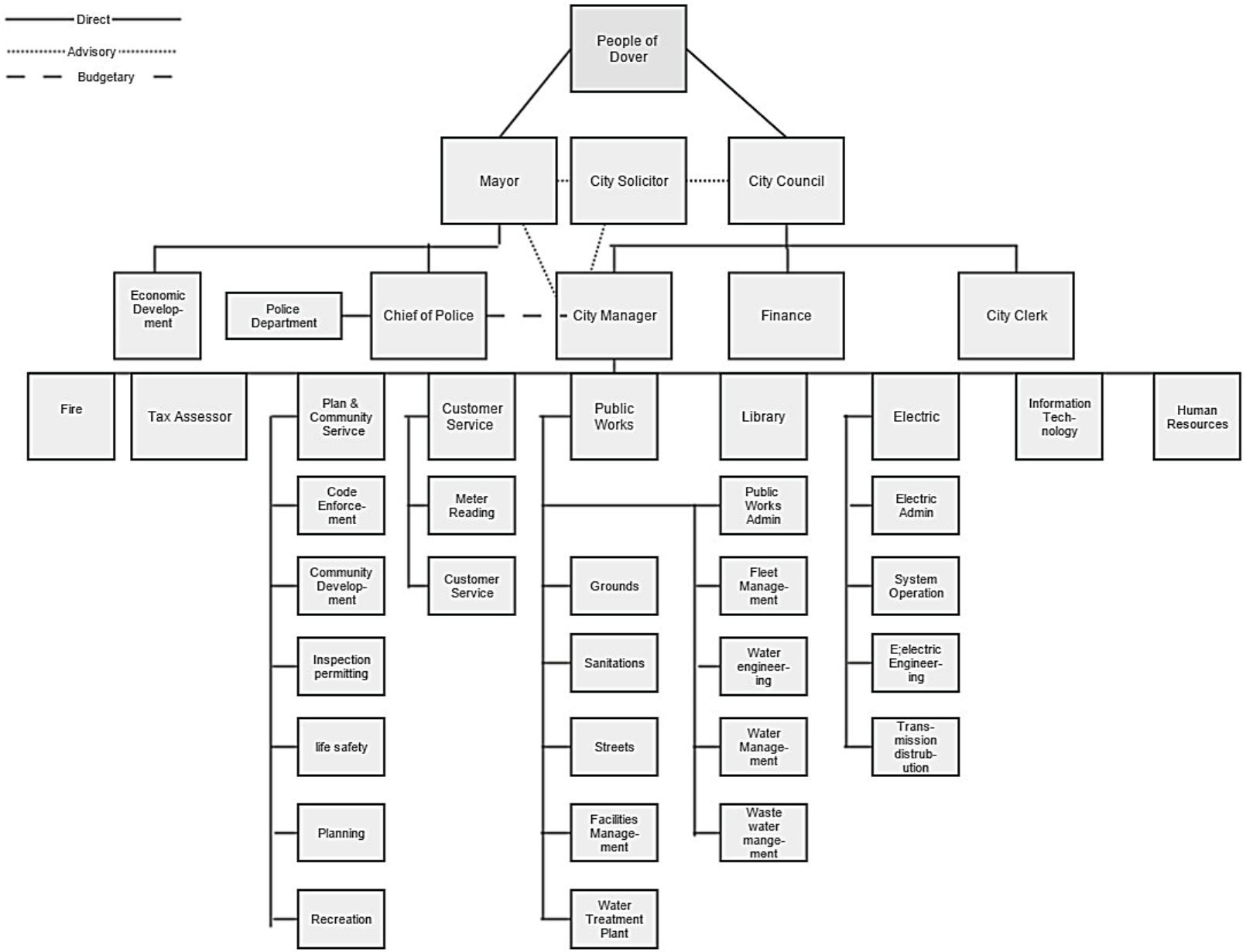
Dover, Delaware's City Council

CITY OF DOVER
PROPOSED ORGANIZATIONAL CHART

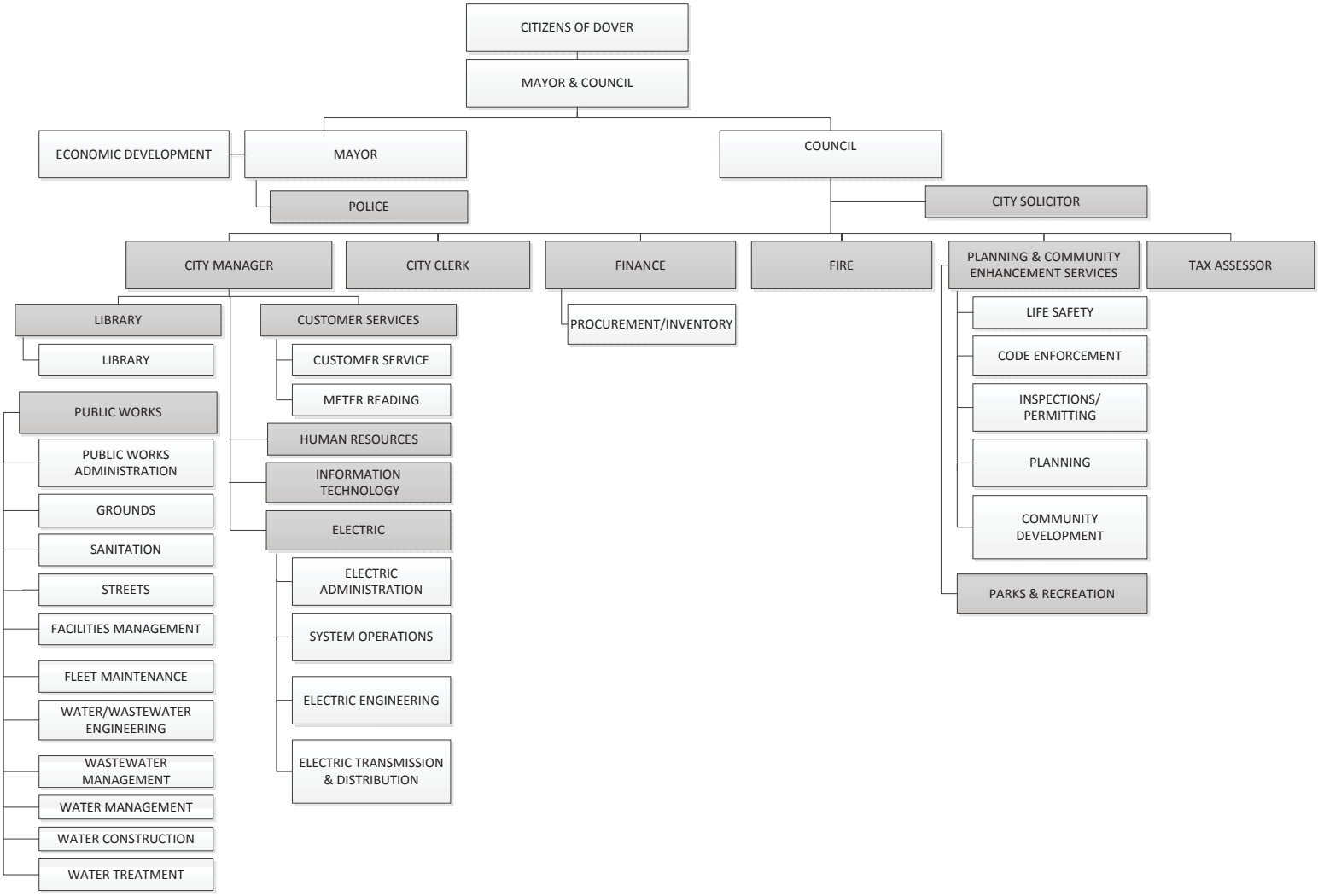


Alternative Organizational Chart Submitted by
Mr. Anderson on January 12, 2015

Option C



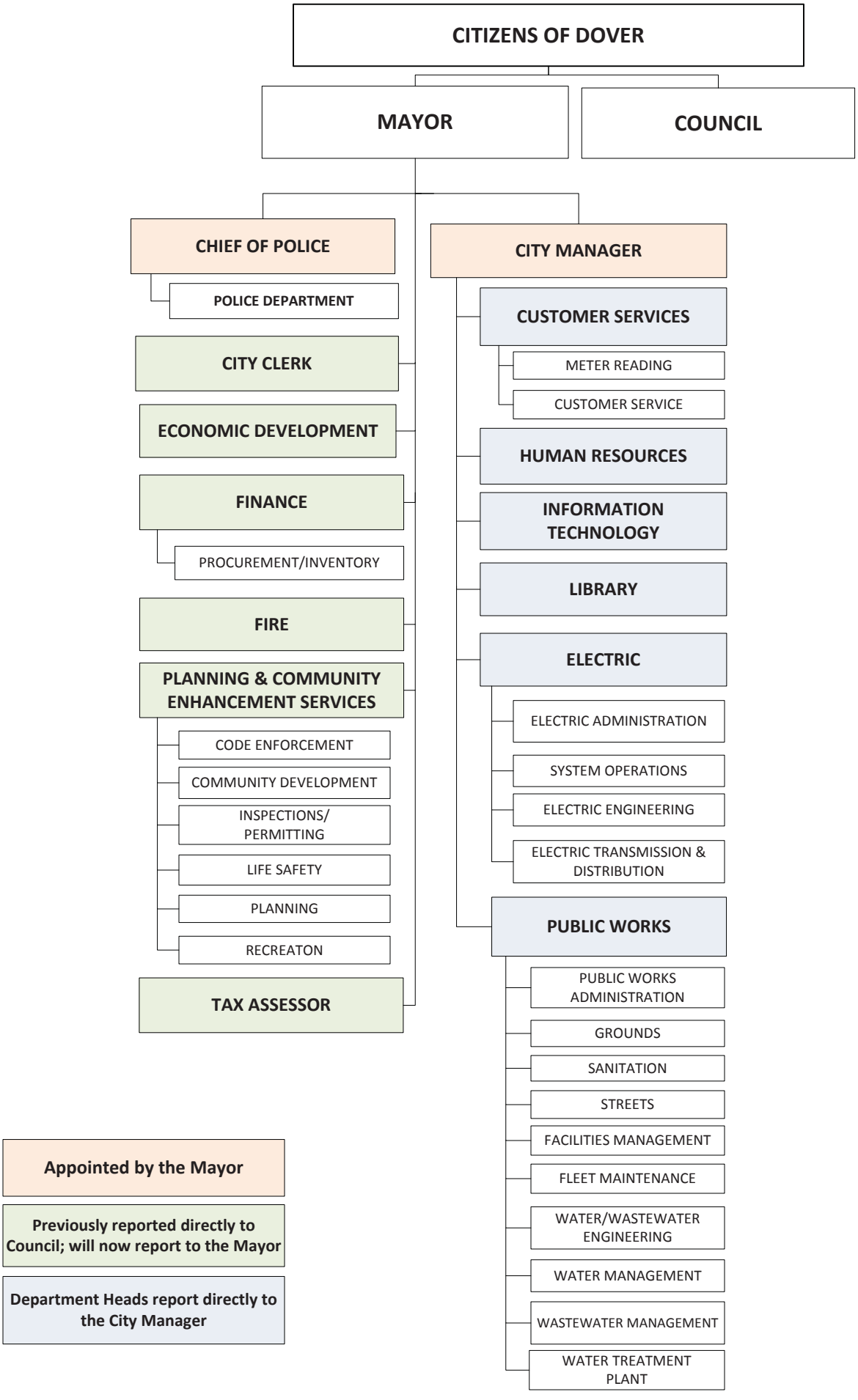
CITY OF DOVER
FISCAL YEAR 2014 ORGANIZATION CHART



RESPONSIBILITIES AND REPORTING STRUCTURE FOR THE MAYOR AND CITY MANAGER AND CONTINUATION OF FULL-TIME STATUS FOR THE POSITION OF MAYOR

OPTION A (09/08/2014 LF&A): A full-time mayor's position, with consideration of changing the City's current form of government to a Mayor/Council form of government, where the city manager and chief of police would be appointed by the mayor and confirmed by City Council, and that any positions which currently report to council that are moved to report to the mayor would only be removed for cause and with council approval, was unanimously carried.

CITY OF DOVER
PROPOSED ORGANIZATIONAL CHART



ROY SUDLER, JR'S SUPPORT FOR A FULL – TIME MAYOR
&
MAYOR COUNCIL FORM OF GOVERNMENT

****

September 8, 2014

After listening to **Mr. Holden's Concerns** regarding accountability and clear organizational structure for the **City's Modified and Council Form of Government**; In addition to reviewing the minutes and dialogue on the **History of a Full-Time or Part-time Mayor for the City of Dover**, it is my recommendation that the committee should support a Full-Time Mayor's Position and consider changing our current form of government to a **Mayor / Council Form of Government** where the **City Manager and Chief of Police** would be appointed by the **Mayor** and confirmed by **City Council.**

I believe that a **Mayor / Council Form Government** will provide City Council with the Mayor's Job Description Criteria consisting of strategic goals, objectives, and programs to be orchestrated by the Chief Executive Officer - approved and appraised by City Council.

In Closing, a Mayor / Council Form of Government will allow City Council the opportunity to focus more on Legislative Rules and Regulations that navigate our community's climate, but also, will enhances the Mayor's understanding of Department's - Strengths, Weaknesses, Opportunities and Threats [**SWOT**] that impact the social, demographic and economic development of our great city of Dover.

- Thank you Chairman Slavin

Respectfully Submitted,

Roy Sudler, Jr. [**Legislative Finance and Administration Committee Member]**

ROY SUDLER, JR'S SUPPORT FOR A FULL – TIME MAYOR
&
MAYOR COUNCIL FORM OF GOVERNMENT

OPTION. A **JOB DESCRIPTION**

Job Title: Mayor of Dover, Delaware **Job Code:** 2014.12

Date: December 8, 2014 **Written By:** Legislative, Finance and Administration Committee

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A. ESSENTIAL DUTIES AND RESPONSIBILITIES

1. Serves as the Chief Executive Officer of Dover with strong administrative duties that not only consist of being a liaison between City Council and Dover Residents, but the focal point for all departments of the City to conduct business in good faith.
2. Oversee and effectively supervise city administration to help City Council decide which services to provide and how to pay for them
3. Direct Administrative Structure by appointing and removing city department heads as deemed necessary
4. Perform ceremonial duties on behalf of the community

B. ADMINISTRATIVE AUTHORITY

1. Signs ordinances, contracts and other documents authorized by City Council
2. Calls special meeting as deemed necessary for conducting city business
3. Discuss issues impacting the City with State Legislators
4. Orchestrate and present an inclusive and collaborative departmental plan of action to achieve short-term and long-term city goals and objectives for the perspective year
5. Exercise veto power as deemed necessary in accordance to the response of Dover Citizens
6. Does not have voting power on City Council
7. With City Council's confirmation selects City Manager, Chief and Deputy Chief of Dover Police Department

C. REPORTS AND PRESENTATIONS TO CITY COUNCIL

1. Make quarterly report to Legislative, Finance and Administrative Committee and or City Council concerning department's Strengths, Weaknesses, Opportunities and Threats
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Approved by: _____ **Date:** _____

Dover, Delaware's City Council

ROY SUDLER, JR'S SUPPORT FOR A FULL – TIME MAYOR
&
MAYOR COUNCIL FORM OF GOVERNMENT

OPTION A. MAYOR'S JOB PERFORMANCE APPRAISAL REPORT

Job Title: Mayor of Dover, DE **Evaluator:** Dover City Council Members

✓ Place a check in the column that most accurately reflects your evaluation in each category of the above-named person.

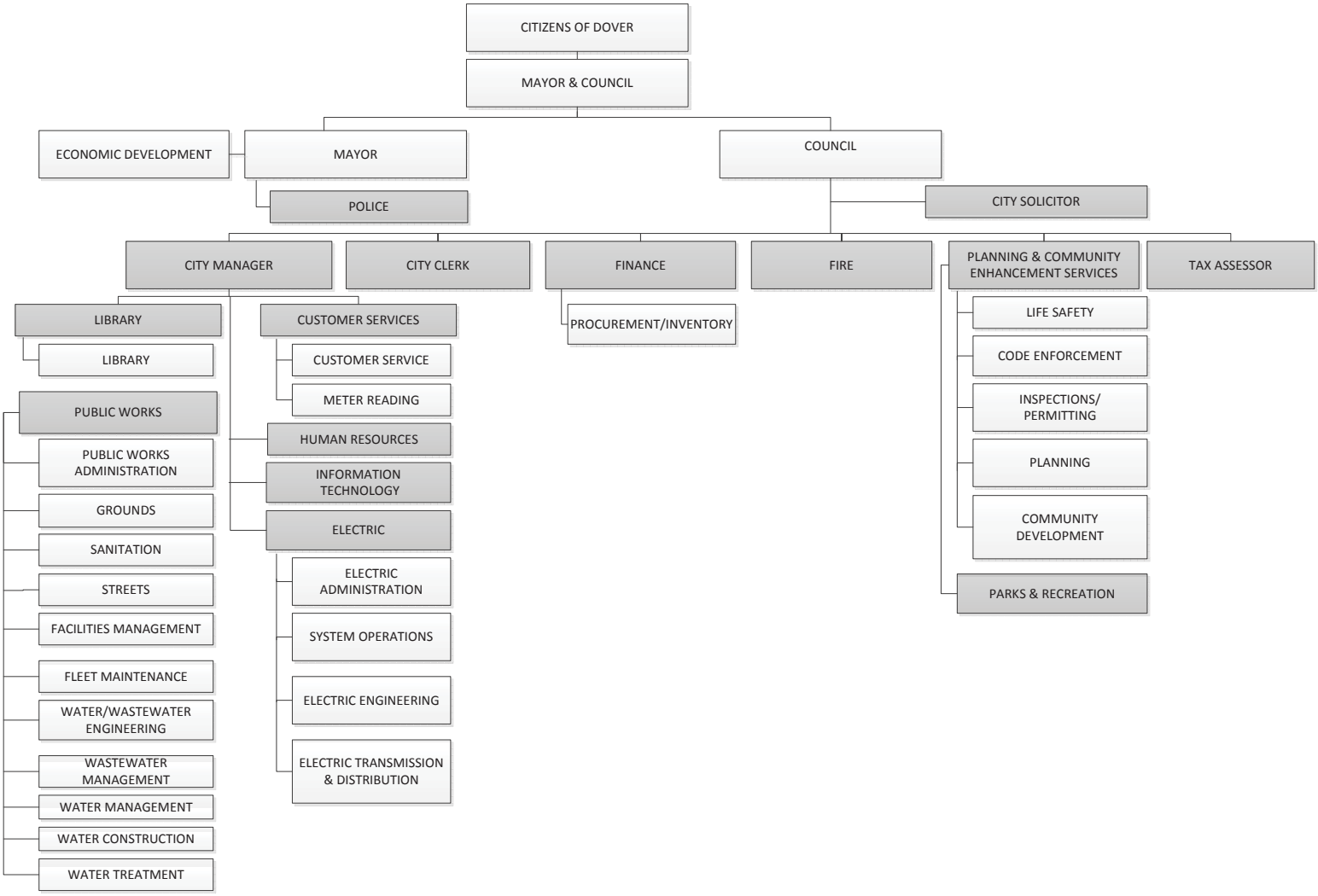
	4. Exceeds Standard	**3.** Meets	**2.** Needs Improvement	**1.** Does Not Meet Standard

		4	3	2	1
1.	**A. ESSENTIAL DUTIES AND RESPONSIBILITIES**				
2.	**B. ADMINISTRATIVE AUTHORITY**				
3.	**C. REPORTS AND PRESENTATIONS TO CITY COUNCIL**				
4.	**D. POLICE AND COMMUNITY RELATIONS**				
5.	**E. ATTENDANCE AND PUNCTUALITY**				

Nature and Scope:

1. Serves as the Chief Executive Officer of Dover with strong administrative duties that not only consist of being a liaison between City Council and Dover Residents, but the focal point for all departments of the City in an effort to conduct business in good faith.
2. Exercise veto power as deemed necessary in accordance to the response of Dover Citizens
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4. Evaluates Citizen's Complaints and propose recommendations to City Council for future prevention remedies methods

CITY OF DOVER
FISCAL YEAR 2014 ORGANIZATION CHART



ROY SUDLER, JR'S SUPPORT FOR A FULL – TIME MAYOR
&
MAYOR COUNCIL FORM OF GOVERNMENT

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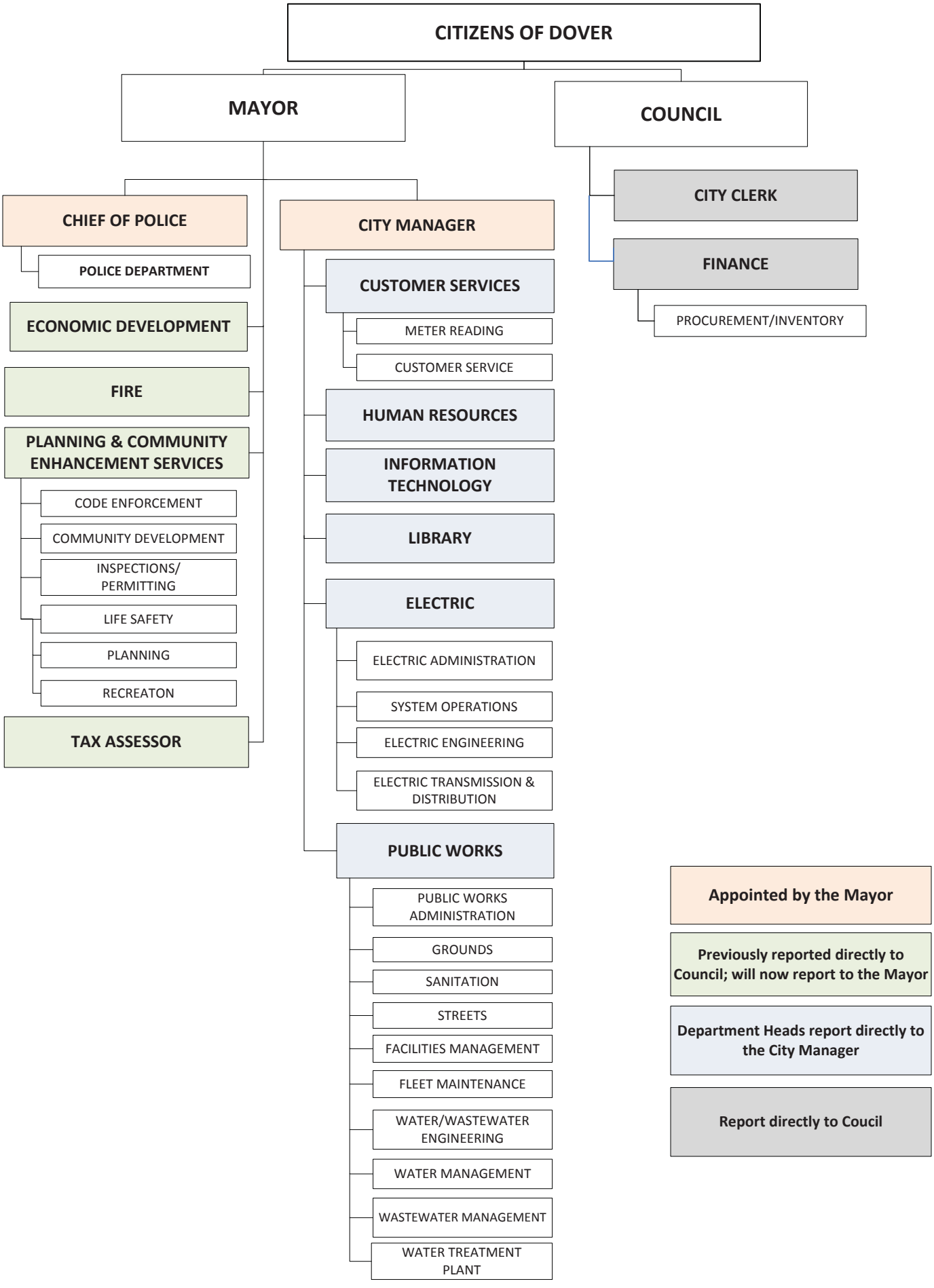
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Dover, Delaware's City Council

CITY OF DOVER
PROPOSED ORGANIZATIONAL CHART



Alternative Organizational Chart Submitted by
Mr. Anderson on January 12, 2015

Option C

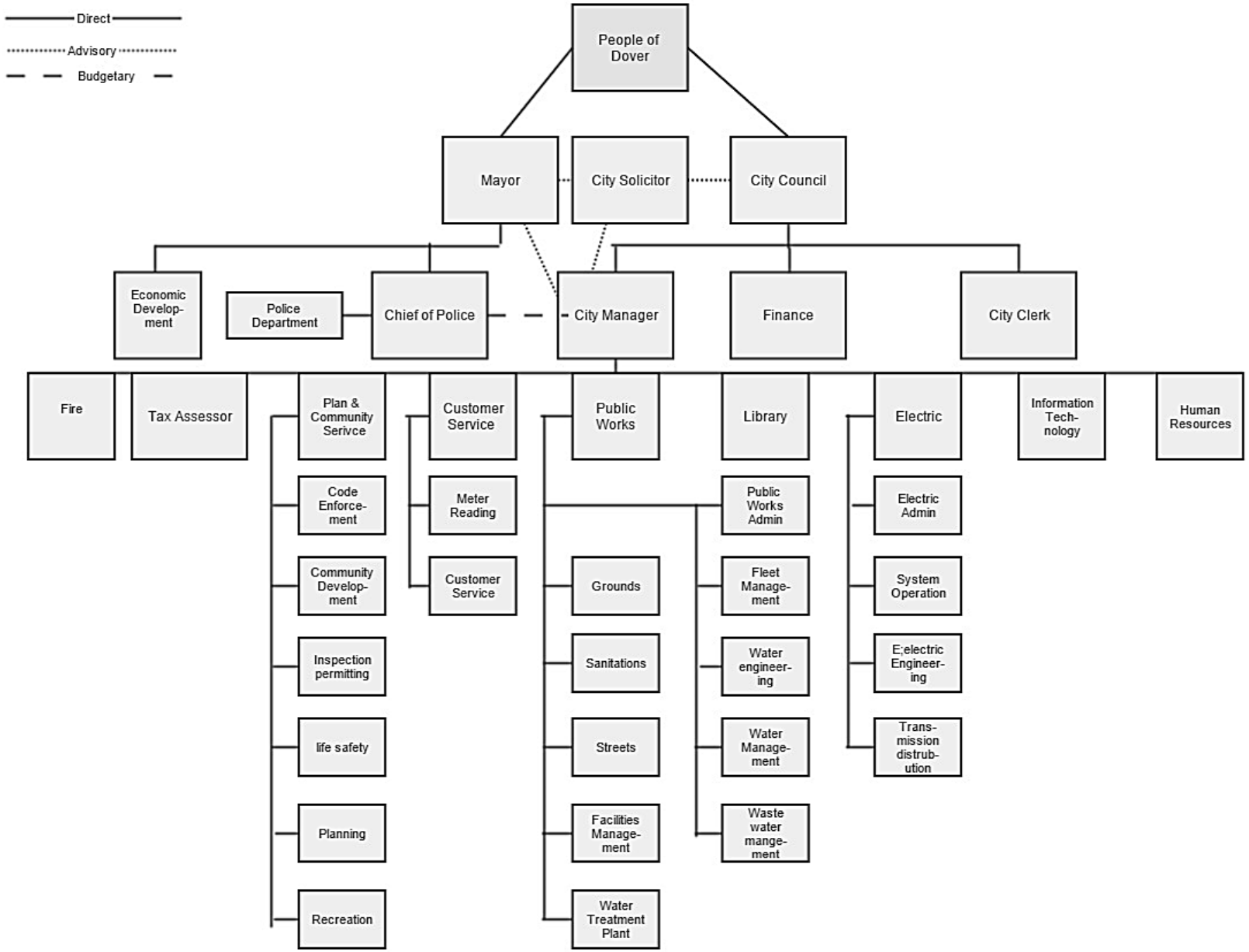
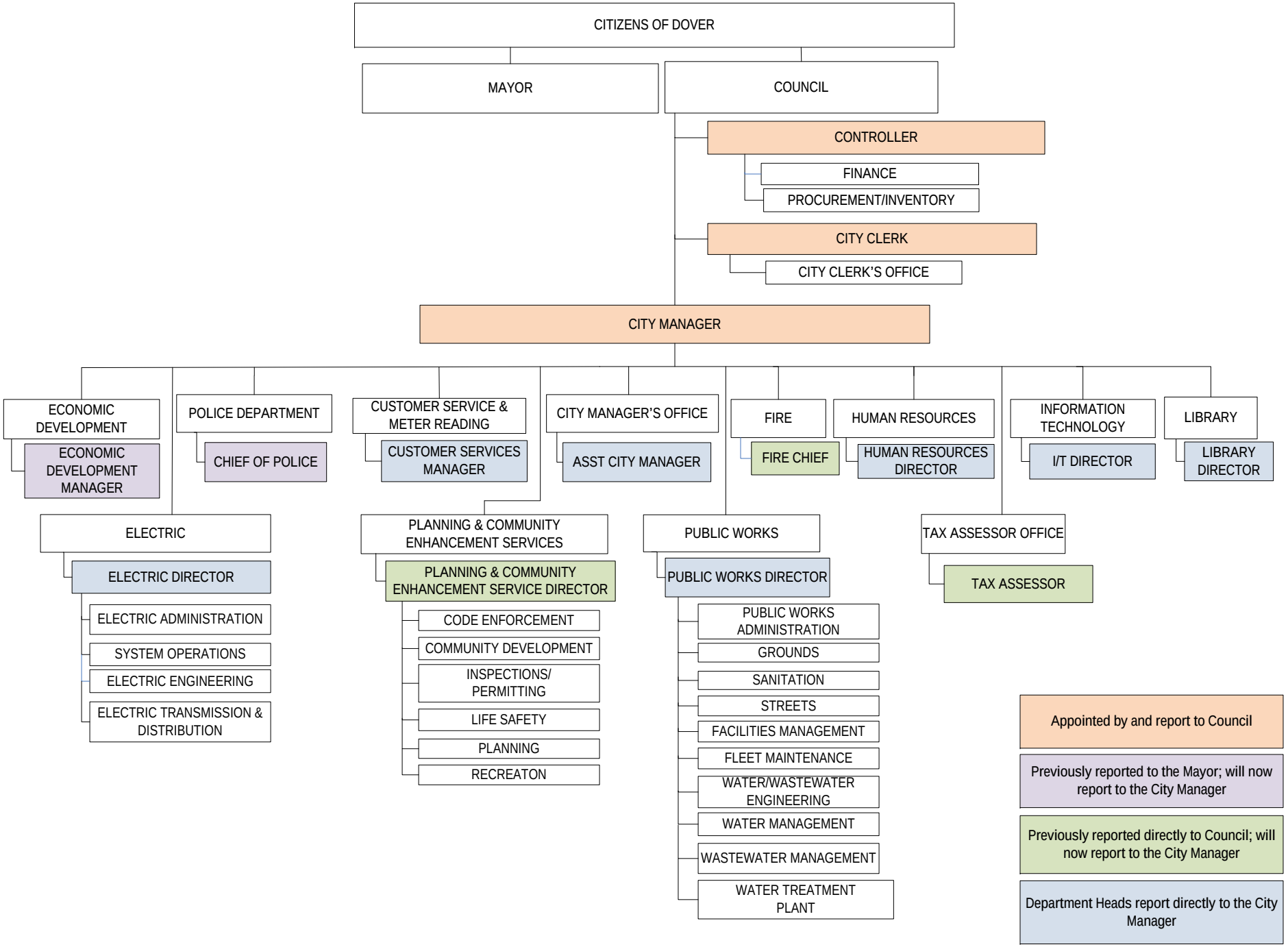


EXHIBIT #1 - OPTION D
Special Council Meeting of 02/19/2015

CITY OF DOVER
PROPOSED ORGANIZATIONAL CHART



Stein, Jody

From: Joan <jed1492@aol.com>
Sent: Monday, July 27, 2015 12:33 PM
To: City Clerks Office
Subject: Correspondence to be read into the record of tonights meeting

TO BE READ IN IT'S ENTIRETY AT CITY COUNCIL MEETING JULY 27, 2015

As I was unable to attend the Legislative Finance Administration Committee meeting on Monday July 13, 2015, I sent an email requesting that my comments concerning proposed changes to the City Charter be read into the record. I am now aware that my comments were not read into the record at that meeting.

As I am trying to be fair, I will assume that the Mayor's remarks on the subject at the July 13 meeting may have led someone to believe that reading my email was no longer necessary.

However, my intention was not to have the email read only if the subject of Charter change came up, but to enter into the record my statement to the Council of the significance of the proposed Charter changes, and the gravity of Council's actions.

I understand that not every Council person may be aware of the importance of making changes to our Charter. Not every elected official has a degree in Public Management. I hope the reading of this correspondence will serve as a reminder that there is a need to slow down the process. Those directly involved in this issue-- especially newly elected officials-- need to pause and take a deep breath. We all need to fully understand where we have been before moving forward with these proposed changes.

We elect a Mayor and Council and, in that process, we give those officials the power to represent us. Diluting the power of the Mayor and Council by passing decision making on to the City Manager and City Clerk is essentially changing our form of government. This matter must not be taken lightly.

The following is my original email of July 13, 2015:

.....

Honorable Council members:

The City Charter is the foundation document behind the government. The Charter outlines the scope of what the government does as a whole, including its rules and responsibilities to the citizens. It also lists the powers, checks, and

balances that guide and define the Council. In all these ways, the charter represents the needs of the city as a whole.

As I read these proposed changes, I feel they are primarily giving power to an unelected official, namely the city manager, and diluting the power of the elected Mayor and elected Council. These proposed changes, as now written, redirect power to the city manager, and take away the responsibilities of elected officials.

These proposed changes must be accompanied by multiple ordinance changes, as well as changes to job descriptions. Details can be discussed at length, but this in itself is a complex process which clearly requires more study and discussion.

I know you all have good intentions and some recent events may be the driving force for some of these proposed actions. Please use great caution as you consider appointing a "king maker".

I also want to point out that I became aware of this important meeting only by chance, and I wonder just how many taxpayers are unaware as well. I feel strongly that in fairness to the constituents these types of discussions should not be held in the summer, when many are vacationing. And notice to the public must be made in the most visible ways.

While I am certain there was no intent of a clandestine meeting to make changes behind the back of the taxpayers, I am sure you would agree that the appearance sometimes outweighs the intent.

Joan Denney

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