LEGISLATIVE, FINANCE AND ADMINISTRATION COMMITTEE

The Legislative, Finance, and Administration Committee meeting was held on March 25, 2013, at 5:30 p.m. with Chairman Lynn presiding. Members present were Mr. Anderson (arrived at 5:38 p.m.), Mr. Hare, Mr. Rushe, and Mr. Shevock. Members of Council present were Council President Leary, Mr. Dixon, Mr. Perza, Mr. Bonar, and Mr. Hutchison. Mayor Carey was also present.

AGENDA ADDITIONS/DELETIONS

Mr. Hare moved for approval of the agenda as presented, seconded by Mr. Shevock and unanimously carried.

Evaluation of Bids - Infield Groomer Replacement

Mr. Scott Koenig, City Manager, advised members that the Grounds Division utilizes a 1998 Chi Tech ball field tractor to drag the six (6) softball fields. The 15-year-old piece of equipment was purchased in 2002. Staff had not originally planned to replace the tractor, since the City's small engine mechanic had been able to keep it operational; however, it was recently discovered that the manufacturer filed for bankruptcy several years ago. This will prevent staff from obtaining necessary parts and, as a result, the Grounds Division will not be able to provide adequate maintenance of the City's softball fields. Mr. Koenig noted that the Department of Planning, Inspections, and Recreation currently receives approximately 20% of the Recreation Division's revenues from softball leagues each year.

Staff solicited quotes for the purchase of the Infield Groomer. The sole quote was received from Turf Equipment and Supply Company from Jessup, MD in the amount of $17,372.12. Mr. Koenig explained that funding for this purchase would be available from General Fund savings realized from the purchase of the Grounds Division's FY 2013 budgeted #552 Dump Truck and #562 Wing Mower, equating to a total of $17,396.45 total savings.

Staff requested authorization to purchase an Infield Groomer at a cost of $17,372.12 from Turf Equipment and Supply Company and approval of a budget revision to allow for the use of savings realized, as identified by staff, to pay for the unbudgeted but necessary purchase.

Mr. Rushe moved to recommend approval of staff's request, seconded by Mr. Shevock and unanimously carried. *(City Clerk's Office Note: Due to a defect in the bid process, staff will present a revised recommendation* ***(Attachment #1)*** *at the April 8, 2013 City Council meeting.)*

FY12 Audit - Required Auditor Communications

In accordance with Section 46 of the City Charter, the City's financial books are audited by independent auditors each year. Mrs. Donna Mitchell, Controller/Treasurer, indicated that the auditor's results are typically presented when the Comprehensive Annual Financial Report (CAFR) is submitted to City Council for adoption; however, since additional research was required to complete the federal grant audit and, since there was nothing material to the CAFR in this respect, the auditor's communications were delayed until completion of the audit and presentation of the federal grant audit. She reminded members that SB & Company, LLC, served as the City's auditor.

Mrs. Mitchell introduced Mr. William Seymour, Engagement Partner with SB & Company, LLC, who reviewed a presentation entitled "Communications with Those Charged With Governance for the Year Ended June 30, 2012," which included the results of their audit of the June 30, 2012 financial statements of the City of Dover. Mr. Seymour noted that, in accordance with generally accepted auditing standards, an unqualified opinion had been issued on the financial statements for the governmental, enterprise, and fiduciary funds (including pension funds).

Mr. Seymour relayed appreciation to City management for their assistance in conducting the audit and introduced Mr. Travis Milnes, Audit Senior with SB & Company, noting that Mr. Milnes had performed most of the work on the City's audit.

Referring to Page 18 of the "Single Audit Together with Reports of Independent Public Accountants for the Year Ended June 30, 2012," Mr. Lynn relayed concern with the findings regarding the Community Development Block Grants (CDBG) and questioned which sub-recipients were not provided the necessary information to comply with federal requirements. Responding, Mrs. Mitchell stated that these findings related to last year's audit and explained that the auditors were required to include this information in the audit report for two (2) years.

Elaborating, Mr. Seymour indicated that this concern was identified last year and the auditors were required to "close out" the issue. He indicated that if these three (3) findings remain in next year's single audit, they will be included as an update. If management alleviates the issue, the problem will disappear; if not, the auditors will re-report it.

Responding, Mrs. Mitchell advised members that corrective action was taken last year and a procedure was developed to address this issue. She confirmed that staff was now following the procedure and assured members that the issue had been resolved.

Mr. Rushe moved to recommend acceptance of the FY12 Audit - Required Auditor Communications Report, as presented. The motion was seconded by Mr. Anderson and unanimously carried.

Proposed Ordinance #2013-06 Amending Chapter 2 - Administration, Article II - City Council, Division 2 - Meetings of the Dover Code - Excused Absences

Mr. Lynn stated that, at his request, staff had prepared Proposed Ordinance #2013-06 amending Chapter 2 - Administration, Article II - City Council, Division 2 - Meetings of the Dover Code, which would establish a procedure for excusing City Council member absences and provide a list of excusable absences.

Mr. Hare questioned if there was a need for such an ordinance and suggested that the current process of reviewing each issue on a case-by-case basis be continued.

Responding, Mr. Lynn stated that the absence of members of Council was addressed in the Charter in a broad and ambiguous manner that did not provide Council information for handling excused absences. He reminded members that the current Charter simply indicates that no Council Member

shall have three (3) consecutive absences unless they are excused absences but does not define what would constitute an "excused absence." He stated that this matter became an issue when members of Council were advised that Mr. Anderson would be deployed with the National Guard and would miss several meetings (possibly years). He felt that since there was no definition for "excused" absences, there was a danger that such absences could be used for political gain.

In response to Mr. Hare's suggestion regarding the suspension of salary after six (6) weeks of such absence, Mr. Lynn stated his opposition and questioned if individuals who are fighting in Afghanistan should be penalized by removing their pay for something completely out of their control.

Mr. Hare reiterated his concerns regarding fairness to the citizens if members of Council receive compensation during extended absences and suggested that salaries be suspended during such leaves of absence.

Responding to Mr. Shevock, Mr. Lynn advised members that when his father, Mr. Pat Lynn, was absent for a significant amount of time while battling cancer during his term as a Commissioner for Kent County Levy Court, no action was taken by members of Levy Court, which allowed his father to continue to serve his term until his death.

As for the history of such occurrences within the City of Dover, Council President Leary cited recent instances of members of Council who were ill and continued to serve until their deaths, such as Mrs. Russell and Mr. Pitts. He recalled previous situations when members of Council, such as Mr. Fenimore and Mr. VanSant, became ill during their terms of office, noting that at that time members of Council were compensated per meeting attended.

In response to Mr. Shevock, Mr. Lynn felt that if several members of Council were to be excused, and if this resulted in difficulty obtaining a quorum to conduct business, members of Council could revisit the issue of excused absences.

Mr. Anderson relayed his support for the proposed amendment. With regard to excused absences, he felt that the Council President should be authorized to excuse absences and that an appeal process should be established that would allow Council to reverse the action taken by the Council President.

In reviewing the proposed amendment, Council President Leary felt that members may be trying to "fix something that is not broken." It was his feeling that sometimes Council tries to codify issues to the point where they become confining and unworkable. He noted that there had never been an issue involving the absence of members of Council, regardless of the reason (vacation, sickness, etc.) and he did not feel that there was value in codifying this to the degree presented in the proposed amendment.

Mr. Bonar advised members that, to his knowledge, absences in the State Legislature are handled under House and Senate rules that require a member who is going to be absent to notify the Speaker of the House, or the President Pro Tempore or President of the Senate. He reminded members that

the late Representative Hazel Plant (Wilmington) was unable to attend any meetings of the legislative session for almost two (2) years and that several individuals assisted in representing her district. He felt confident that members of Council would do this during Mr. Anderson's absence.

Based on previous discussions by Council regarding this issue, Mr. Perza expressed his sense that members of Council collectively serve as judges of each other's actions, explaining that if a member's absence was unacceptable or was interfering with City business, Council had the responsibility to the City to address the issue and take appropriate action. He felt that this was a political question reserved to members of Council and was hesitant to define it by ordinance. He suggested that, should an emergency arise that would make it necessary to fill seats within a short period of time, members of Council should not be prohibited from doing so by a member's creative use of "excused absence" as a loophole to avoid a responsibility. Mr. Perza suggested that no action be taken and to allow for such judgement to remain in the hands of Council.

In response to the analogy provided by Council President Leary, Mr. Lynn advised members that if a member of Council wished to take an extended vacation (three (3) to four (4) months), the ordinance would require the City Clerk to inform Council of the reason for the absence and, upon passage of a motion by the majority of the members present, the absent member would be considered excused. As an attorney, he explained that in his experience "ambiguity is rife for mischief" and would be exploited. Although this had not happened yet on City Council, he stated that this would not preclude it from happening in the future.

Mr. Hare reiterated his concern regarding the absent member continuing to receive compensation, should the Committee recommend adoption of the proposed ordinance amendment. It was his feeling that members of Council were not above City employees and noted that a City employee who had to take extended leave would not continue to receive compensation. He also felt that it would not be fair to citizens if an elected representative continued to receive compensation while unable to serve as a member of Council. He suggested that a member should not continue to receive compensation for any leave of absence that extends beyond three (3) meetings.

Mr. Dixon indicated his concurrence with Council President Leary and suggested that members of Council should not attempt to fix something that was not broken.

Mr. Anderson moved to release Proposed Ordinance #2013-06 from the Committee without a recommendation. The motion failed due to the lack of the second.

Mr. Hare moved to recommend adoption of Proposed Ordinance #2013-06, stipulating that there be an amendment that, after the three (3) meetings, if excused, a member's pay would be suspended until the member returns *(Attachment #2)*. The motion was seconded by Mr. Anderson and carried by a vote of three (3) yes (Anderson, Hare, and Shevock) and two (2) no (Lynn and Rushe).

City Hall Replacement - Potential RFP for Architectural Services for Conceptual Design

Members were reminded that during the Council Financial Workshop of January 7, 2013, the City Manager prepared a brief outline of a proposal to evaluate possible replacement of the existing City Hall building with a new West Wing and Connector. Mr. Scott Koenig, City Manager, advised members that currently, the City of Dover owns both the old Dover Public Library and the building at 5 East Reed Street. He explained that the Old City Hall, the Old Library, and 5 East Reed Street would all need building improvements over the coming years. It was staff's belief that it would be in the City's best interest to conduct a formal evaluation of the merits of replacing a majority of the City Hall building. This concept would allow all staff (from 5 East Reed Street and City Hall) to be in one (1) building, which would result in improved efficiency.

Mr. Koenig indicated that various entities had expressed an interest in the purchase/lease of the Old Library Site and other office space at 5 East Reed Street; therefore, the City of Dover would have options for filling or selling the office space being vacated.

Staff recommended authorization to issue a Request for Proposals (RFP) for architectural services to conduct space evaluation and conceptual planning for the replacement of the City's existing office space. An internal review committee would be put together to review the proposals submitted by interested architects. This conceptual planning expenditure would be budgeted in the FY 2014 Operational Budget.

Mr. Koenig assured members that once RFPs were received, they would be presented to Council for approval or disapproval of the proposal, explaining that he was unsure of the costs that would be involved in such a project.

In response to Mr. Hare, Mr. Koenig stated that there would be no costs to the City to request RFPs, with the exception of advertising the RFP and staff time in its preparation. The costs would be incurred if/when City Council endorsed an architectural contract. As expressed during the Council Retreat held on March 22, 2013, Mr. Hare relayed his support of the concept; however, he stated that since there was a budget shortage, he would not support moving forward with such a project unless it could be accomplished without an increase in taxes, rates, or fees.

Mr. Lynn reminded members that the time for borrowing was now, due to the low interest rates and labor costs and relayed his support for this endeavor.

Mr. Perza stated that if the costs for replacing the facilities were effectively the costs for upgrading the buildings, he would support further investigation by staff.

Council President Leary reminded members that they had a responsibility to the taxpayers to take care of the City's physical plant and cited grave concerns regarding the City's current facilities, including problems with duct work, asbestos, etc. He stated that there were a multitude of reasons to begin pursuing this matter at this time.

Mr. Hare moved to recommend that the City Manager be authorized to issue a Request for Proposals (RFP) for architectural services to prepare concepts to replace existing office space related to City Hall and 5 East Reed Street, as recommended by staff. The motion was seconded by Mr. Rushe and by a vote of four (4) yes (Hare, Lynn, Rushe, and Shevock) and one (1) no (Anderson).

Evening and Weekend Code Enforcement Coverage

Mrs. Ann Marie Townshend, Director of Planning and Community Development, advised members that there had been an increase in complaints regarding code violations that take place during evening and weekend hours. The Code Enforcement staff works during normal business hours, 8:00 a.m. through 5:00 p.m., Monday through Friday. In order to expand hours to include enforcement during the evenings and on weekends, she stated that it would be necessary to include funding for overtime expenses. She noted that a letter from Senator Bushweller had been received requesting that the City consider expanding its Code Enforcement coverage to include evenings and weekends due to complaints received by his office.

Mrs. Townshend stated that evening coverage could be achieved by flexing staff schedules to include later start and end times (for example, a schedule that would include one (1) 11:00 a.m. to 8:00 p.m. day each week), the expansion of enforcement to include weekends would have to be paid through overtime pay. She advised members that currently, $923 allocated to overtime remained in the Code Enforcement budget for FY 13. Overtime was budgeted in this Division to assist the Fire Marshal's Office with off-hour fire investigations. The remaining balance could be allocated to weekend code enforcement.

Should members support the expansion of Code Enforcement coverage to include evenings and weekends, Mrs. Townshend explained recommendations of staff, as follows:

- Adjust staff schedules to provide three (3) to five (5) days each week during the spring, summer and fall months when one (1) staff member would be on duty until 8:00 p.m. This would likely be reduced to one (1) evening per week in winter months when outdoor activity is less prominent.

- Provide four (4) hours of weekend coverage scheduled on Saturday or Sunday, and budget for overtime to pay for these added hours. Utilizing compensatory time for this would diminish Code Enforcement services, as each hour of compensatory time worked equates to 1.5 hours off during the normal workday.

- Budgeting for this amount of overtime for FY 14 would require approximately $5,500 in salaries, plus the associated benefit load.

Staff recommended that they be instructed to develop a schedule and budget overtime in FY 14 to support evening and weekend Code Enforcement coverage.

In response to Mr. Hare, Mrs. Townshend stated that the after hours coverage would be adjusted to compensate for hours of daylight/darkness during the winter and summer. However, she did not feel that it would be possible to avoid overtime by changing employees' weekly work hours, explaining her feeling that these employees were hired to work an 8:00 a.m. to 5:00 p.m. weekday schedule and should not be mandated to work weekends and evenings without additional compensation. She suggested the possibility of employees volunteering before they were scheduled for the evening/weekend hours. With regard to work being performed during hours when it is dark, Mrs. Townshend advised members that there have been complaints of businesses with non-functional parking lot lights. In addition, she stated that employees attend association meetings that are held in the evening when it is sometimes dark outside.

Rather than providing compensatory time or overtime, Mr. Hare suggested the possibility of hiring a part-time employee for evening and weekend coverage. Responding, Mrs. Townshend stated that although it was her feeling that the costs to hire a part-time employee would be greater than paying current employees overtime, staff could consider this suggestion.

In response to Mr. Shevock, Mrs. Townshend stated that, as an example, complaints were relayed at recent White Oak/Towne Point and Persimmon Park Place Homeowners' Association meetings regarding parking on the grass. She explained that when there is no grass growing in a yard and the area is rutted, it has a negative affect on the neighborhood. She stated that homeowners cannot be cited for ruts in their yard; however, they can be cited for parking on the grass. She anticipated that the weekend inspections would occur on either Saturday or Sunday.

Mr. Anderson questioned the level of complaints requiring code enforcement that could not be addressed during regular working hours. Responding, Mrs. Townshend stated that parking on the grass is a major complaint that could not be addressed during regular working hours since cars are not parked on the grass during those hours. In addition, she stated that several complaints had been received regarding trash being put out for pickup on the weekend when collection would not occur until later in the week.

Although he understood the concerns regarding trash, Mr. Hare cautioned staff to determine if there may be a legitimate reason for early placement at the curb, relaying an incident when an elderly couple had their sons work on the weekend to put bulk trash out that would not be picked up until later in the week. Responding, Mrs. Townshend stated that individuals are requested to contact the City to advise of such extenuating circumstances. However, she advised members that the complaints received regarding trash being put out during the weekend were not the result of extenuating circumstances, occurred on a regular basis, and were a nuisance to the neighbors.

Responding to Mr. Bonar, Mrs. Townshend stated that although she was not aware of other municipalities that had instituted evening and weekend code enforcement coverage, it was her feeling that the City of Wilmington and perhaps the City of Newark may have additional hours; however, she noted that most other municipalities are small and have only one (1) Code Enforcement officer. She stated that the counties tend to have a passive code enforcement policy.

Council President Leary advised members of problems with individuals running illegal boarding houses and the difficulty of these violations being observed during regular work day hours. (Mrs. Townshend noted similar issues with auto repairs.) He stated that when there are violations, such as a tractor trailer truck being parked in a neighborhood during weekend hours, the Police Department is called to respond. He questioned if there would be a cost savings for the Police Department if these types of issues could be handled by a code enforcement officer. Responding, Police Chief Hosfelt stated that having a Code Enforcement Officer available during the evening and weekend hours would benefit the Police Department's Community Policing Unit. He explained that certain violations are discovered during the evening and weekend hours and days often lapse before the incident is reported to the Inspections Department, since there are typically communications back and forth between the two (2) departments before they are able to "get together." It was Chief Hosfelt's opinion that the evening and weekend code enforcement coverage would prove to be beneficial to the City.

In response to Mr. Dixon, Mrs. Townshend stated that the extended hours of enforcement would be provided citywide and not specific to any one (1) council district. She stated that the idea would be to review specific complaints that have been received to determine locations, as well as those known areas of violations. She assured members that these efforts would be coordinated with the Police Department for safety reasons.

If the proposal were implemented, Mr. Hare suggested that members of Council ride along with a Code Enforcement Officer to show them problem areas in their districts.

Mr. Shevock moved to recommend approval of staff's recommendation that staff be instructed to develop a schedule and budget for overtime for FY 14 to support evening and weekend Code Enforcement coverage. The motion was seconded by Mr. Hare.

Mr. Hare moved to amend the motion to include a stipulation that staff try to develop the schedule without utilizing overtime if possible, seconded by Mr. Rushe and carried by unanimous consent.

The motion, as amended, to recommend approval of staff's recommendation that they be instructed to develop a schedule and budget for overtime for FY 14 to support evening and weekend Code Enforcement Coverage, with the stipulation that staff try to develop the schedule without utilizing overtime if possible, carried by a vote of three (3) yes (Hare, Rushe, and Shevock) and two (2) no (Anderson and Lynn).

Mr. Lynn recognized the Code Enforcement officers for a job well done.

Mr. Hare clarified that his intention for amending the motion was not to prohibit overtime but for staff to try to work out a schedule that would prevent as much overtime as possible.

Mr. Rushe moved for adjournment, seconded by Mr. Shevock and unanimously carried.

Meeting Adjourned at 6:44 p.m.

Sean M. Lynn
Chairman

SML/TM/jg/js/dd
S:\AGENDAS-MINUTES-PACKETS\Committee-Minutes\2013\03-25-2013 LF&A.wpd

Attachments
Attachment #1 - Revised Committee Action Form - Evaluation of Bids - Infield Groomer Replacement
Attachment #2 - Proposed Ordinance #2013-06, as Amended with LF&A 1

REVISED **ACTION FORM**

PROCEEDING: Legislative, Finance and Administration Committee **AGENDA ITEM**:
DEPARTMENT OF ORIGIN: Public Works **DATE SUBMITTED**: 03/28/2013
PREPARED BY: Sharon J. Duca, P.E., Public Works Director / City Engineer
SUBJECT: Evaluation of Bids – Infield Groomer
REFERENCE: N/A
RELATED PROJECT: N/A
APPROVALS: City Manager, Controller
EXHIBITS: N/A
EXPENDITURE REQUIRED: $ 17,348.00 **AMOUNT BUDGETED**: Budget Transfer Required **FUNDING SOURCE (Dept./Page in CIP & Budget)**: Funding Sources: Funding available from General Fund savings realized from the purchase of the Grounds Division's FY 2013 budgeted #552 Dump Truck and #562 Wing Mower ($17,396.45 total savings) CIP Page: 183 Account No.: 147-1500-522.40-23/40-24
TIMETABLE: Purchase Order to be issued upon Council approval and completion of budget transfer from 147-1500-522.40-23 to 147-1500-522.40-24 to consolidate budgetary savings into the appropriate account for the purchase.
RECOMMENDED ACTIONS: Staff recommends authorization to purchase the Infield Groomer, in the amount of $17,348.00, from Lawn & Golf Supply Co., Inc., based upon Bid #2013-013. Allow for the usage of budgetary savings realized, as identified under funding source above, to pay for the unbudgeted but necessary purchase of the Infield Groomer.

BACKGROUND AND ANALYSIS

The City of Dover Department of Public Works Grounds Division utilizes Vehicle #594, a 1998 Chi Tech ball field tractor, to drag the six (6) softball fields. This fifteen (15) year old piece of equipment was purchased used in 2002. It was not originally planned to replace #594 as our small engine mechanic has been able to keep it operational. It was discovered this year, however, that the manufacturer filed for bankruptcy several years ago and we are no longer able to obtain necessary parts. As such, the Grounds Division would not be able to provide adequate maintenance of the City's softball fields. The Department of Planning, Inspections and Recreation currently receives approximately twenty percent (20%) of the Recreation Division's revenues from the softball leagues each year.

Quotes were solicited in accordance with the City's purchasing policy under Bid #2013-013 INFIELD GROOMER. Quotes were opened on March 15, 2013. The following vendors submitted quotes for the equipment.

VENDOR	LOCATION	AMOUNT OF BID	MET OR EXCEEDED MINIMUM SPECIFICATIONS
FINCH SERVICES, INC.	WESTMINSTER, MD	$15,285.00	NO
LAWN & GOLF SUPPLY CO., INC.	PHOENIXVILLE, PA	$17,348.00	YES
TURF EQUIPMENT AND SUPPLY COMPANY	JESSUP, MD	$17,372.12	YES

City staff reviewed all bid packages submitted. The bid from Finch Services, Inc. was rejected as it was determined that it did not meet the minimum specifications for the equipment required. The Lawn & Golf Supply Co., Inc. and Turf Equipment and Supply Company bid packages were found to be free of math errors and/or discrepancies. It is staff's opinion that both bids represent fair market value. Staff requests authorization to purchase the Infield Groomer from the low bidder, Lawn & Golf Supply Co., Inc., in the amount of $17,348.00.

CITY OF DOVER DEPARTMENT OF PUBLIC WORKS

FY 2013 GROUNDS DIVISION VEHICLE PURCHASES

Vehicle Number	147-1500-522.40-23		147-1500-522.40-24	
	Budget	Actual	Budget	Actual
Vehicle #552 (1 Ton Crew Cab Dump Truck)	$47,000.00	$39,342.00	---	---
Vehicle #562 (Wing Mower)	---	---	$65,000.00	$55,261.55
Vehicle #594 (Infield Groomer)	---	---	---	$17,348.00
TOTAL	*$47,000.00*	*$39,342.00*	*$65,000.00*	*$72,609.55*

START BALANCE (BUDGET - ACTUAL)		**$ 7,658.00**		**$ (7,609.55)**
Transfer from 147-1500-522.40-23		$ (7,610.00)		$ 7,610.00
END BALANCE (POST TRANSFER)		**$ 48.00**		**$ 0.45**

CITY OF DOVER
PROPOSED ORDINANCE #2013-06 WITH LF&A #1
(LF&A Amendments Indicated in Yellow Highlight)

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

That Chapter 2 - Administration, Article II - City Council, Division 2 - Meetings, of the Dover Code be amended by inserting the text indicated in bold, blue, italics and deleting the text indicated in red strikeout as follows:

Sec. 2-51. - Regular meetings.

(a) *When and where held*. Regular meetings of the mayor and city council shall be held on the second and fourth Monday of each month at the time and place designated by the council president.

(b) *Notice*. Notice to the councilmembers of regular meetings shall not be required, except when the regular meetings are to be held at a place other than city hall.

(c) In order to ensure transcription accuracy, enhance accountability and deliver information efficiently to the public, all meetings of the Dover City Council and of any board, commission, task force or committee which is established by the City Charter or ordinance, or by motion or resolution of the city council shall be audio taped and all such recordings shall be maintained in an unedited format. Audio recording shall be required when the necessary equipment is in good working order and knowledgeable staff is available to operate the recordation system.

Sec. 2-52. - Special meetings.

(a) *When and where held*. Special meetings of the mayor and city council shall be called by the mayor or the council president. Designation of the time and place of the special meetings shall be delivered by verbal or written notice to each councilmember at least 24 hours prior to the meetings.

(b) *Waiver of notice*. The notice of the special meeting may be waived by the councilmembers individually.

Sec. 2-53. - Cancellation of meetings; one meeting per month required.

Any meeting of the mayor and city council provided for by this division may be cancelled by unanimous consent of the mayor and councilmembers, except that one meeting per month shall be held as is required by section 9 of the City Charter.

Sec. 2-54. - Excused absences.

In accordance with Article II, Section 13 of the City of Dover Charter, a council member shall forfeit their office if they fail to attend three consecutive regular meetings of the council without being excused by the council.

Draft

(a) Procedure for Excused Absences. Council members shall be required to contact the City Clerk's office no later than 4:00 p.m. of the day of the meeting requesting to be excused from the meeting and stating the reason for such absence. Failure to comply, except in cases of emergency, shall result in an unexcused absence. The Clerk shall inform the Council of the reason for the member's absence. Upon passage of a motion by a majority of the members present, the absent member shall be considered excused and the Clerk will make an appropriate notation in the minutes. If the motion is not passed, the Clerk will note in the minutes that the absence is unexcused.

(b) Excused Absences. Excused absences shall be limited to those which meet both of the following requirements:

(1) The absent member must have informed the City Clerk's Office of their intended absence prior to the scheduled meeting. Failure to inform prior to the meeting shall result in an unexcused absence, unless extenuating circumstances prevent advance notice, and

(2) The absence is due to one of the following:

(i) A death in the family
(ii) Family or personal illness
(iii) City-related business
(iv) Personal leave (limited to one per fiscal year)
(v) Emergency
(vi) Decision by member's supervisor in employment
(vii) Required military service
(vii) Inclement weather
(viii) Accident
(ix) Scheduled vacations

(c) Suspension of Compensation. For council members who are considered excused, compensation shall be suspended after three consecutive regular council meeting absences. Compensation shall be reinstated when the council member resumes attendance at council meetings and shall be pro-rated based on their return date.

ADOPTED: *

S:\ORDINANCES\2013\Draft\2013-06 with LF&A #1 Amending Ch 2-Administration, Article II-City Council, Div 2-Meetings - Excused Absences.wpd

SYNOPSIS

The proposed ordinance would establish a procedure for excusing City Council member absences and provide a list of excusable absences. ***It would also suspend compensation after three consecutive excused absences.***

(SPONSORS: LYNN, DIXON, AND ANDERSON)

Actions History

March 25, 2013 - Introduced at Legislative, Finance, and Administration Committee

Draft