LEGISLATIVE, FINANCE, AND ADMINISTRATION COMMITTEE

A G E N D A

January 9, 2012 - 5:30 P.M. - Council Chambers - City Hall - City of Dover

Public comments are welcomed on any item and will be permitted at appropriate times. When possible, please notify the City Clerk (736-7008 or e-mail at CityClerk@dover.de.us) should you wish to be recognized.

AGENDA ADDITIONS/DELETIONS

1. Report by Dover Human Relations Commission
   (On September 26, 2011, the LF&A Committee Recommended that the Commission Conduct a Self-Review and Report Back within Three Months with Suggestions to Make Operations More Effective)

2. Staff Recommendations
   A. Economic Development Office
   B. Community Development Office

3. Clarification of Action Taken on August 8, 2011 - Reconsideration of Review and Recommendation - Filling Critical Positions as a Standing Agenda Item and Review of Necessary Documentation for Requests for Filling Critical Positions

4. Review of Travel Policy

5. Sponsorship of Delaware New Jobs Infrastructure Fund Grant Application by Calpine Corporation (Garrison Oak Technical Park)

6. Disposition of City Owned Land - Property Located at 120 W. Loockerman Street

7. Public Comment Period

8. Adjournment by 7:00 P.M.

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

DHRC - ANNUAL REPORT
2011

The Dover Human Relation Commission [**DHRC**] is an advisory body created by the Mayor and City Council in the year 2001. The Commission's charge is to focus on helping to decreasing racial tension and discrimination throughout the City of Dover.

Pursuant to Chapter 2 – Administrative, Article I, Division 6, Section 2 – 21 of the Dover Code; The Commission has been granted the powers and duties to investigate claims of unfair treatment and develop ways to monitor intergroup conflict among all segments of the City of Dover.

The purpose of the Dover Human Relations Commission is to serve as the focal point for monitoring amicable relations between diverse races in the City of Dover.

The goal of the commission is to increase the quality of living for all constituents of Dover by reviewing city programs, activities, functions and ordinance, which would encourage enhanced communication and cooperation among all residents of Dover.

The Commission consists of residents that reside in the Dover community that are either appointed by the Mayor or selected by the City Council for a three year term, which commissioners receive no monetary compensation.

The current members of the Dover Human Relations Commission include Roy Sudler, Jr. – Chairman Willie Jones – Vice Chairman, Ellen Wasfi, Dr. Phyllis Edamatsu, Dr. Maisha Britt, Dr. Kim Warfeild, Dawn Allen-Pyne, Dr. Aaron Yatskevich, Fay D. White, and Thomas G. Steele.

All Commission Members have experienced the long term demands often requiring considerable time, extended periods and dedication to addressing multi – faceted unfair treatment claims and racial tension in the City of Dover. The Commission's efforts are aimed at those who are suffering from discrimination and racial tension in the City of Dover.

Each Commissioner has a fiduciary duty to be non-bias in resolving case disputes and suggest alternative dispute resolutions between all parties. Commissioners have unique professional and personal characteristics that are imperative for allowing the commission to properly carry out and accomplish effectively the objectives, functions, and services contemplated by **Division 6, Section 2-21 of the Dover Code.**

The Commission has five active committees;

1. Intake Screening Committee Chair [Dr. Maisha Britt]
2. School Programs Chair [Ellen Wasfi]
3. Assessment Chair [Dr. Phyllis Edamatsu]
4. Election Committee Chair [Vacant]
5. Community Programs Chair [Dawn Allen Pyne]

DHRC - ANNUAL REPORT
2011

In January 2011, Commissioners from the Dover Human Relation Commission participated in two Community Forums. The first form was facilitated by the **Inner- City Cultural League** at Kirkwood Community Center, 54 S. Kirkwood Street, Dover, DE and the second forum was hosted by the Chairman of **Delaware's Black Chamber of Commerce** – Clay Hammond.

Both meeting helped to identify issues in our community that contribute to violence, juvenile delinquency, poverty, mentoring and drop-out rates in our school districts. The objective of the meeting was to establish a mentorship program and sports program that would be used as a vessel to encourage youth to engage in dialogue to help cure the defective conditions in our communities such as gang activity and juvenile delinquency.

After participating in the Community Forums, the DHRC suggest that we
1). Partner with other agencies to help provide additional resources and strategies for resolving social problems that affects all of our communities today and tomorrow and
2). To continue our efforts in implementing a race relations study circle at Dover High School by **December 31, 2011**.

Also, the Commission worked closely with Ann Marie Townsend – City Developer in regards to the Summons and Housing Violations dated **2008 - 2010** for **777** Slaughter Street. Dover, DE 19901, where Mr. Andile Ntosake resides. The commission served as a mediator between both parties and has played a significant role in diffusing alleged discrimination claims against the City of Dover's Housing Code Enforcement Division.

On **February 23, 2011, @ approximately 6:30 - 8 p.m.**, the Dover Humans Relations Commission conducted its first community meeting of **2011** at the **Boys and Girls Club of America, located at 375 Simon Circle Dover, DE 19904**. The purpose of the meeting was to discuss ideas and strategies to increase the quality of living for citizens of Dover, Delaware. The structure of the meeting consisted of an open forum session, which allowed the citizens of Dover an opportunity to comment on matters that affect their quality of

living. As the audience began to arrive at the community meeting, a questionnaire consisting of six questions was filled out by citizens who were unable to attend the meeting and those present at the meeting.

After collecting the questionnaires, the original forms were submitted to the City's Clerk Office where they provided the commission with two copies. The first copy was given to Dr. Adamatsu {Chair of Assessments} and the second to Roy Sudler, Jr. {Chair of the Dover Humans Relations Commission} for review of data and recommendations for the Mayor and Dover City Council.

Representative - At Large Thomas J. Leary councilmanleary[at]comcast.net and **Representative - 2nd District Eugene B. Ruane** tmcdowell-gr[at]dover.de.us were both present at the community meeting providing important information, which addressed over half of the concerns brought forth by the audience to the Commission.

Some of the concerns that were brought forth are as followed:

1. The need for a fixed deposit amount for those residents of Dover Delaware that make a total income of **$18,000** or less for utility services with the City of Dover's Utility Program.
2. The need for adequate Housing Opportunities and Facilities for Rehabilitated, Registered-High Risk Sex Offenders hoping to experience a positive and successful transition back into society as a productive citizen and desirable neighbor.
3. Lack of Community Meetings that focus on Identifying Gang Activity and Formation within the Dover Community.
4. The Need for Off-Line Job Applications at all places of employment
5. Wage and Employment Right's of Hispanic Residents of Dover DE.
6. Concerns about the Construction and Features of the 2011 Dover Library.

On **March 2, 2011, @ approximately 9:30 a.m.**, Roy Sudler, Jr DHRC - Chairman was contacted by the **Delaware State Housing Authority** - Liberty Court Management Office in regards to a grievance hearing. Mrs. Deborah Walker Housing Manager III. **@ 1289**

Walker Road Dover Delaware 19904 asked if the Chairman of the DHRC would assist them by serving as a None- Interested Party \ Mediator in a Landlord Tenant Dispute Hearing.

After the grievance hearing was over, Mrs. Walker asked the Chair if he could extend the offer to other Commissioners to be a future Hearing Officer for the Delaware State Housing Authority. The Chair forwards the information to the Commission.

On **March 17, 2011, @ approximately 7 p.m.,** the Chairman of the DHRC – Roy Sudler, Jr. called a Special Community Meeting to address the Reed & New Street Brawl Incident and the comments posted on Local and State News Blogs **Pursuant to Section 58 - 31 Titled: Purpose;**

1. Fairness, respect, promote and develop an environment of fairness and respect among all citizens
2. Monitoring: Develop ways to measure and monitor community relations particularly those that are sources of intergroup conflict.

{Code 1981 Code 2 - 16; Ordinance of 2 – 11 – 2002}

NEWS BLOGS

DELAWARE HOODRATES GET ARRESTED. COM

Macdaddy's Comments - **March 8, 2011 @ 10:46 a.m.**
1). "Fucking Niggers",
2). "Have fun being black"

Cincylife's Comments –
1). "Sorry Black-dude, but your own peoples videos make black people look like the biggest pussies on earth.
2). "I do love black people, just hate N******, just like I hate White Trash. I'm just amazed that black people would post videos of other black people being pussies, unless it is supposed to be a motivational kill whitey video

Stanislav's Comment – "Mary fuck, kill these bitches".

6 ABC ACTION NEWS.COM

#22 – "Can't say that I am surprised; I just don't understand these people. Must be a part of their culture."

#7 – "Cowardly attacks, definitely a hate crime. It's ashamed that the victims weren't armed".

WBOC 16 DELMARVA'S NEWS LEADERS

1). "Please, this is enough for me to start a riot".
2). "What the hell is a 12 year old doing on the streets on a school day anyway".

NEWSZAP.COM DELAWARE'S NEWS SUMMARIES

Jayne's Comments – "Why weren't they charged with a hate crime, whites don't have the same entitlement as the blacks" ?

Whitey 08's Comments – "Dover will always be **20** years behind the rest of the country; white people wake up".

6 ABC ACTION NEWS.COM

#4 – "If blacks got jumped, then it would have been viewed as a race riot".
#9 – "Should have been viewed as attempted murder".

DOVER POST [GATE HOUSE NEWS SERVICE]

1). "These people are pathetic and need to be charged with a hate crime".

2). "Observers should be held accountable for not calling the police".

List of concerns brought forth to the DHRC, during the Special Meeting by Audience and Community Leaders

1. Did the victim's actions contribute to the brawl?
2. Should the brawl have been considered a hate crime?
3. Was alcohol involved in the incident?
4. How was the evidence gathered?
5. Did Internet blog comments promote racial tension in Dover?
6. Did the victim receive any reprimand for her provocative behavior that contributed to the brawl?
7. Should there be greater police presence in the area?
8. Is gun control a necessary response to recent shootings in downtown Dover?
9. Should landlords have more discretion to evict residents who have willfully participated in incidents such as the Reed & New Street brawl?

News Blogs such as the ones mentioned above promote racial tension between two ethnic groups that have a long history of conflict and tension between both races. The Commission sought the guidance of the State Human Relations Commission, Dover Police Department, and the Community; to help understand and diffuse the racial tension created by this unfortunate incident.

After much discussion and research, the DHRC orchestrated recommendations to help decrease future Street Brawls and Disruptive Behavior **Pursuant to Section 58 – 36 Powers & Duties – DHRC 5.** Research, Educate, engage in such in the judgment of the

Commission or the City Council, may be needed to improve human relations in the City of Dover {**Code 1981 Code 2 – 21 -; Ordinance of 2 – 11 – 2002**}

Recommendations

1. Establishing a community workshop on Hate Crimes and Brawl-Prevention Strategies;
2. Seeking the assistance of interfaith and faith-based agencies to help promote such community workshops in various areas of Dover; and
3. Mandating Cultural Sensitivity Training and Counseling for participants involved in Race Hate Crimes

On March 23, 2011, @ approximately 7 p.m., City Manager **Anthony Deprima** spoke at the Commission's Regular Meeting to explain the various utility programs and services provided by the City of Dover's Utility Company. Mr. Deprima listened to the concerns of audience members who were complaining about alleged unfair treatment and targeting by Corinne Mosher – Supervisor of Dover's Utility Division. Mr. Deprima's presentation was very informative and helpful in resolving the issues and concerns of Jeremy and Jackie Kopp.

On April 27, 2011, the Commission held their monthly meetings where two Delaware State University Students named Jocelyn Sudds – Junior and Shaina Hollingsworth - Junior attended and spoke about wanting to have a better understanding of the DHRC's charge and how they can become involved from a student's perspective. Both students were very inquisitive and eager to learn as much as they could about the DHRC.

On April 29, 2011, @ approximately 2:37 p.m., Chairman Sudler received a phone call from a concern resident who lives in Walker – Woods Housing Development where the young **5** year old African American boy was struck by a vehicle and soon died later that day. The Resident's concerns consisted of the need for adequate speed and children signs in their community. Chair-Sudler referred their concerns to newly elected **4th District Council Person David Anderson** and he immediately responded to the residents concern. Councilman Anderson and the Chair of DHRC – Roy Sudler, Jr., went to the site where the young boy was killed and searched for ways to decrease the probability of that incident occurring again.

Councilman Anderson talked with a few residents and took pictures of areas where he felt could be improved in their community. The residents who spoke with him were pleased that he took the time out of his busy day to listen and address their concerns.

In June 2011, the commission continued to work with the City Manager Mr. Anthony Deprima in quest of simplifying and making the utility bill form more user- friendly. The Dover Human Relations Commission played a significant role in creating the City's new graphical breakdown of utility allocations and costs due to our Outreach Meetings in the Dover Community.

In July 2011, Chief Denise Coker expressed to DHRC Chair- Sudler that he would like to elaborate on the different tribes and challenges Native Americans face on a daily basis in Delaware. He also, asked if the Commission would be willing to participate in a partnership to educate the community about Native Americans and their belief system and culture. The Commission agreed to work closer with Chief Denise Coker.

On **August 18, 2011**, Chair – Sudler spoke with **Chief Denise Coker – Chief of the Lennie Len ape Native American Indian Tribe** in reference to the Native American Month activities and programs scheduled for **October 2011**. Chief Coker said that he had talked with Commissioner Wasfi early during the week and looked forward to working with the Commission in educating all communities about Native American Heritage, Issues, and Current Events in Delaware.

On **September 23 - 26, 2011,** Chairman Sudler received numerous phone calls from citizens of Dover who were upset and puzzled as to why the Dover Human Relations Commission was on the Finance, Legislative and Administration Committee's Agenda for Elimination or Consolidation. At that time, I just listened to them vent and encouraged them to voice their concerns to the Finance, Legislative and Administration Committee.

On **September 28, 2011,** at the DHRC Regular Meeting held in City Council Chambers; Community Member named Fay D. White, expressed her desire to become a Commissioner

for the DHRC and expressed her support for the commission staying intact and not being eliminated or consolidated with another commission. The Commission thanked her for her presentation and interest in the Dover Human Relation Commission.

The meeting for **October 2011** was cancelled due to no minute's taker
The meeting for **November 2011** was cancelled due to resignation of minute's taker

On **December 7, 2011** a Special Meeting was called by Chairman – Sudler to report that fellow Commissioner Thomas G. Steele passed away and to give honorable recognition to his tremendous contributions to the Commission and Community during the time he served as a Dover Human Relations Commissioner. Also, newly appointed Commissioners **Fay D. White, Dr. Aaron Yatskevich**, and **Dr. Kim Warfield** were welcomed and introduced to the Commission. Final Drafts for the Mental Health Forum, Boys & Girls Community Outreach Meeting and Reed & New Street Brawl Special Meeting Recommendations were approved to forward letters to the Mayor and City Council Members of Dover, Delaware.

In Conclusion of the year 2011, the Dover Human Relations Commission continues to move onward and upward towards advocating amicable relations among all races, while realizing and identifying other significant variables separate from discrimination that could impede upon a higher quality of living for all constituents of Dover, Delaware.

As the year **2012** approaches, the Dover Human Relations Commission looks forward to continuing to help eradicate racial tension, unfair-treatment, and intergroup conflict, while advocating a philosophy of inclusiveness among all segments of Dover, Delaware.
On behalf of the Dover Human Relations Commission, we thank the Mayor and Dover City Council Members for appointing each and every one of us to serve the Dover Community in such an imperative and essential way.

Dated: 12 / 21 / 2011

Submitted By: Roy Sudler, Jr. – R.S.

Roy Sudler, Jr. – Chairman Dover Human Relations Commission

Memorandum

City Manager
P. O. Box 475
City Hall/ 15 Loockerman Plaza
Dover, Delaware 19903-0475
Phone: (302) 736-7005
Fax: (302) 736-7002
E-mail: skoenig@dover.de.us

TO: Legislative, Finance & Administration Committee

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

DATE: January 5, 2011

SUBJECT: Restructuring Recommendation for the City's Economic Development Office and Downtown Dover Partnership

The City's Economic Development Office was created in 2008, in conjunction with the formation of the Downtown Dover Partnership (DDP). The original concept of this setup envisioned that the Economic Development Manager would spend half of their time as the Executive Director of the Downtown Dover Partnership and the other half of their time on citywide economic development activities.

Since the initial creation of a dual purposed Economic Development Office, a number of circumstances have changed that cause the need to reevaluate this structure. The current budget crisis facing the City is one of these factors, but other factors are equally important in considering the future staffing of both economic development activities and the Downtown Dover Partnership. As the Downtown Dover Partnership becomes more active in land development projects, this organization's leadership has determined that changes to their by-laws and structure are necessary. The changes envisioned include adding more State of Delaware representation to the Board of Directors and creating a clearer distinction between the Downtown Dover Partnership and the City of Dover. In short the original set up seeded this organization and it is now time to evolve the organization and functions.

The current arrangement of having an Economic Development Manager who is a City of Dover employee and also serves as the Executive Director of the Downtown Dover Partnership has created some degree of confusion relating to how goals and priorities are set, accountability of staff, and overall management of workload.

With the City's budgetary considerations and the needs of the Downtown Dover Partnership in mind, I offer the following recommendations for future staffing of this function:

1. Eliminate the City's Economic Development Office in its current form.
2. The City would transfer, through an approved appropriation, the annual BID tax to the Downtown Dover Partnership for administration of their program.
3. The Economic Development Manager (Grade 121 – Non-bargaining) position would be reclassified as an Economic Development Coordinator (Grade 119 – Non-bargaining) and be transferred to the Planning Office. This position would retain city-wide economic development responsibilities, including business relations and program development; however, the position would no longer support the Downtown Dover Partnership (DDP). The salary for this position would be reduced by $804.25 annually to $60,592 which is the maximum of labor grade 119.
4. The Administrative Assistant position for the Economic Development Office would be eliminated from the budget the employee would be moved laterally from the Economic Development Office to the Human Resources Department to fill a current vacancy. This position would retain some of the clerical support functions for the Downtown Dover Partnership until the end of the current fiscal year at which time the Downtown Dover Partnership would assume the full responsibilities of the clerical support of the Partnership.
5. The Downtown Coordinator (Grade 114 – Non-bargaining) position would be eliminated from the budget, and the employee would be offered the vacant Central Mailroom Clerk (IUE CWA Labor Grade 13) position with the City. If the employee accepts the job offer, the employee's wage would be reduced by approximately $1.00 per hour to $18.91 per hour which represents the maximum pay for this labor grade. Since this employee would now be a member of a bargaining unit, they would be eligible for the benefit package associated with the IUE-CWA and would no longer be eligible for Medicare Part B reimbursement.
6. The City of Dover would continue to provide financial management support and some other administrative support for the Downtown Dover Partnership through the end of the current fiscal year.

With the Committee's and City Council's concurrence, this reorganization would become effective on or about February 1, 2011. The City would transfer $24,000 from this year's General Fund budget (Economic Development Office) to the Downtown Dover Partnership to fund the administration of the Partnership for the remainder of the fiscal year. This amount represents a pro-rated share of the current year's BID tax for the remaining five (5) months of the budget year. The Downtown Dover Partnership will advertise for a new Executive Director position upon acceptance of this recommendation by City Council.

cc: Greg Moore, President, Downtown Dover Partnership

MEMORANDUM

Department of Planning and Community Development
P.O. Box 475
Dover, Delaware 19903
Phone: 302.736.7196 Fax: 302.736.4217

Date: January 4, 2012

To: Legislative, Finance and Administration Committee

From: Ann Marie Townshend, AICP

RE: Community Development Program – Proposed Reorganization of Program Staffing

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The City's Community Development Program administers funds from the Community Development Block Grant (CDBG) Program which are distributed to the City by the U. S. Department of Housing and Urban Development (HUD). In recent years, the City's funding allocation has been cut. The federal grant guidelines allow for up to 20 percent of the allocation to be used for program administration. As the City's allocation shrinks, the amount of money available to support program administration is proportionally reduced. The presence of the Neighborhood Stabilization Program, and administrative dollars utilized from this funding, has helped to reduce the General Fund's subsidy to the CDBG administration.

With anticipated funding for the upcoming program year, it is expected that the City will be able to spend less than $50,000 of the grant allocation on program administration. The Fiscal Year 2012 budget for program administration is approximately $75,000 ($72,493 comprising personnel costs). In looking at how we can reduce program cost and gain efficiency in expenditure of program administration funds, I have looked at streamlining the subgrant process. This proposal is being submitted to the Parks, Recreation & Community Enhancement Committee for review on January 9, 2012.

With gaining efficiency due to streamlining of program administration, I am recommending that City Council authorize me to restructure the Community Development Program and what is currently the Community Development Manager position to allow for this position to take on additional responsibilities outside the Community Development Program. As you may know, one of the planners left the Planning Office in September 2011, after the Planning Office had taken on administration of the City's Municipal Separate Storm Sewer System (MS4) permit. This has added an increased burden to the existing planning staff. By moving the Community Development Program under the Planning Office and retitling the Community Development Manager position to a Planner I, I will have more flexibility in assigning the workload among the members of the Planning Staff. If Council concurs with this reorganization, I will work with the Principal Planner to distribute workload associated with the CDBG program, permit review, and MS4 administration in a way that provides quality customer service, acceptable turn-around time on permit review, and staffing to ensure that we meet our obligations under the MS4 permit.

The Community Development Manager is a pay grade 120, and the Planner I is a pay grade 117. No pay adjustments is recommended, as the employee's current salary is within the range for a Planner I.

LEGISLATIVE, FINANCE, AND ADMINISTRATION COMMITTEE
EXCERPT

The Legislative, Finance, and Administration Committee meeting was held on August 8, 2011 at 5:30 p.m. with Chairman McGlumphy presiding. Members present were Mr. Anderson, Mr. Hare, Dr. Jones, and Mr. Shevock. Members of Council present were Mr. Bonar, Mr. Hutchison, Mr. Lynn (arrived at 6:52 p.m.), Mrs. Russell (arrived at 6:11 p.m.), and Council President Leary (arrived at 6:00 p.m.).

Reconsideration of Review and Recommendation - Filling of Critical Positions as a Standing Agenda Item and Review of Necessary Documentation for Requests for Filling Critical Positions

Members were reminded that during their Regular Meeting of March 9, 2009, City Council approved the Legislative, Finance, and Administration Committee's recommendation to approve a Hiring Freeze for Fiscal Year 2008-2009, but to allow the hiring of critical positions through the review and approval of the Legislative, Finance, and Administration Committee and City Council. It was suggested that, in order to avoid issues involving prior notice for agenda items, there could be a "standing" agenda item to consider the filling of critical positions and, if there were no positions to consider, the item could be removed.

In light of the current economic conditions, Dr. McGlumphy, Chair of the Legislative, Finance, and Administration Committee requested that members reconsider retaining the Filling of Critical Positions as a standing item on the agenda and instead adopt the following process with regard to vacancies:

- If a position becomes vacant that will affect public or employee safety or cause financial harm to the City, Permission to Recruit, Hiring Justification Outline, and Wage and Benefit Information for Employee Hiring and Transfers forms will be submitted to the Legislative, Finance, and Administrative Committee.

- The justification to fill a position is to include the exiting employee's salary and benefits, estimated salary and benefits for the new employee, and how the department will fund this position within the realm of their current budget for salary and benefits, with cost to include any vacation, sick leave, or compensatory time paid out to the exiting employee. If the department cannot cover the cost due to terminal leave or lump sum payouts, then the position cannot be filled until such time as the cost can be covered in the current budget.

- If Council decides to cover the cost overages, then the method of funding is to be determined by the City Manager, Council, or the Council/Mayor appointee.

- To fill the needs of a department that has vacancies, staff from other departments or staff within the department that has vacancies will be utilized while Council is working through the current and future budget constraints.

Dr. McGlumphy requested that the Filling of Critical Positions be removed as a standing agenda item and the affirmation and adoption of the current and proposed hiring process. It was his opinion that this process would provide more transparency and accountability within departments.

Mr. Hare moved to recommend removing the Filling of Critical Positions as a standing agenda item and affirmation and adoption of the current and proposed hiring process for filling vacant or new positions, including submission of a Permission to Recruit Form, a Hiring Justification Outline Form, and a Wage and Benefit Information for Employee Hiring and Transfers Form. The motion was seconded by Mr. Anderson and unanimously carried.

ACTION FORM

PROCEEDING: Legislative, Finance, and Administration Committee	**AGENDA OF:** 08-08-2011
DEPARTMENT OF ORIGIN: City Council	**DATE SUBMITTED**: 07-29-2011
PREPARED BY: Traci A. McDowell, City Clerk on Behalf of Chairman McGlumphy	
SUBJECT: Reconsideration of Review and Recommendation - Filling Critical Positions as a Standing Agenda Item and Review of Necessary Documentation for Requests for Filling Critical Positions	
EXHIBITS: 1) Excerpt of March 9, 2009 City Council Minutes, 2) Procedure to Fill a Vacant or New Position, 3) Permission to Recruit Form, 4) Hiring Justification Outline, and 5) Wage and Benefit Information Form for Employee Hiring and Transfers	
TIMETABLE: Consideration by City Council on 08-22-2011	
RECOMMENDED ACTION: Removal of Filling of Critical Positions as a Standing Agenda Item and Affirmation and Adoption of Current and Proposed Hiring Process	

BACKGROUND AND ANALYSIS

During their Regular Meeting of March 9, 2009, City Council approved the Legislative, Finance, and Administration (LF&A) Committee's recommendation to approve a Hiring Freeze for Fiscal Year 2008-2009, but allow the hiring of critical positions through the review and approval of the Legislative, Finance, and Administration Committee and City Council and that, in order to avoid issues involving notice of agenda items, there could be a "standing" agenda item to consider the filling of critical positions and, if there were no positions to consider, the item could be removed.

In light of the current economic conditions, Dr. McGlumphy, Chair of the LF&A, has requested that the Committee reconsider having the Filling of Critical Positions as a standing item on the agenda and adopting the following process with regard to vacancies:

- If a position becomes vacant that will affect public or employee safety or cause financial harm to the city, permission to recruit, hiring justification, and Wage and Benefit Information for Employee Hiring and Transfers forms (Exhibits #3, #4, and #5) will be submitted to the Legislative, Finance, & Administrative Committee as needed.

- The justification to fill a position is to include the exiting employee's salary and benefits, estimated salary and benefits for the new employee, and how the department will fund this position within the realm of their current budget for salary and benefits. The cost to include any vacation, sick leave or comp time paid out to the exiting employee. If the department cannot cover the cost due to terminal leave or lump sum payouts, then the position cannot be filled until such time the cost can be covered in the current budget (Exhibit #5).

- If Council decides to cover the cost overages, then how it is to be funded needs to be determined by the City Manager, Council, or the Council/Mayor appointee.

- To fill the needs of a department that has vacancies, staff from other departments or staff within the department that has vacancies will be utilized while Council is working through the current and future budget constraints.

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EXCERPT OF MINUTES OF REGULAR COUNCIL MEETING

The Regular Council Meeting was held on March 9, 2009 at 7:30 p.m. with Council President Hogan presiding. Council members present were Mr. Leary, Mrs. Russell, Mr. McGlumphy, Mr. Slavin, Mr. McGiffin, Mrs. Williams, Mr. Salters and Mr. Ruane.

Council staff members present were Police Major Taraila, Ms. Russell, Mrs. Mitchell, Mrs. Townshend, Deputy Fire Chief Christiansen, Mr. DePrima, City Solicitor Rodriguez, Mrs. McDowell, and Mayor Carey.

LEGISLATIVE, FINANCE, AND ADMINISTRATION COMMITTEE REPORT - FEBRUARY 23, 2009

The Legislative, Finance, and Administration Committee met on February 23, 2009 with Chairman Slavin presiding.

Moratorium on Hiring and Process for Exemptions

Mr. DePrima, City Manager, advised members that in December 2008, due to the lagging revenues and concern for meeting this year's budget goals, he requested that all Department Heads refrain from hiring vacant positions unless it was considered mission critical. In others words, without the position, a critical aspect of the department's mission could not be fulfilled. He stated that by continuing this policy more formally, it would allow better flexibility in developing next year's budget. For example, he explained that the City may be able to eliminate a position without having to lay off an employee. In addition, through immediate savings, the City will be better able to meet this year's budget goals.

Traditionally all departments, with the exception of the Police Department when hiring uniformed officers, would fill out the Permission to Recruit form and complete a Hiring Justification Outline. Mr. DePrima advised members that these forms are generally signed by the City Manager for departments assigned to him, by the Council President for Council Appointee Departments, and the Mayor for the Police. Once the forms are completed, the Human Resources Department begins the recruitment and hiring process.

Thus far, Mr. DePrima noted that there is one (1) vacancy being held open in each of the following departments: Library, Assessor's Office, Customer Service, Water Construction, and the Electric Division. He stated that two (2) positions were considered mission critical: 1) The Council President has signed a "Permission to Recruit" form for an Accountant II in the Finance Department; and 2) The Mayor has signed a "Permission to Recruit" form for a uniformed Police Officer. An offer has been made to a potential candidate for the Police officer position.

Mr. DePrima suggested that in order to bring more inter-departmental uniformity as to what is "mission critical", a review panel consisting of the Mayor, Council President, and City Manager is warranted. He explained that this would also serve as a good check and balance, and allow different points of view to be considered. This panel could meet and act quickly allowing for the timely hiring of mission critical positions during the hiring freeze.

Staff recommended approval of the hiring freeze for fiscal year 2009-2010, but to allow the hiring of critical positions through the review and approval of the Hiring Review Committee, which will be comprised of the Mayor, the Council President, and the City Manager.

Responding to Mr. Salters, Mr. DePrima stated that staff's recommendation is for the approval of a hiring freeze, which would make it official, and also the creation of a mechanism to allow for critical positions to be hired. He clarified that the positions approved by the Mayor and Council President were replacements and did not allow for the hiring of additional employees.

Mr. Leary felt that a hiring freeze is a "Fait accompli" particularly in this environment. Alluding to their being previous discussion regarding this matter during the recent Council Retreat, of which he was not in attendance, Mr. Leary objected to the creation of a special committee since it was his opinion that there would be no position that could not wait two (2) weeks in order for the matter to be brought before the committee for their review and recommendation to Council.

Concurring, Mrs. Williams also felt that the recommendation would place the Mayor in a position of dictating to Council, which is not permitted in accordance with the City Charter. She stated that it would also put the Council President in a unique position whereby he would be voting on a position against the wishes of a majority of Council.

In order to avoid issues involving notice of agenda items, Mr. Slavin suggested that there could be a "standing" agenda item to consider the filling of critical positions and, if there are no positions to consider, the item could be removed.

Mr. Ruane relayed his concurrence with these matters being brought before the committee for their review and recommendation to City Council. He noted that staff's recommendation is for approval of the hiring freeze for fiscal year 2009-2010 and questioned if it should be effective for fiscal year 2008-2009. Responding, Mr. DePrima confirmed that there was a typographical error and that the hiring freeze should be effective for fiscal year 2008-2009.

The committee recommended approval of the Hiring Freeze for Fiscal Year 2008-2009, but allow the hiring of critical positions through the review and approval of the Legislative, Finance, and Administration Committee and City Council.

By consent agenda, Mr. Slavin moved for approval of the committee's recommendation, seconded by Mr. McGlumphy and carried by a unanimous roll call vote.

Procedure to Fill a Vacant or New Position

1. A Permission to Recruit form and Hiring Justification must be filled out for additions / replacements for your Department. This form must be forwarded to the City Manager / Council President or Mayor for approval, as appropriate, prior to being forwarded to Human Resources.

2. Human Resources will write the ad, as needed, and return to the originating Department for review. This will be completed within 3 days of receiving the Permission to Recruit form from the City Manager / Council President or Mayor. The Department is responsible to provide Human Resources with a job description for a new position. Bargaining unit jobs will be posted as outlined in the appropriate Labor Agreement. All jobs deemed appropriate will be posted on the City's website.

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

4. Once the job closes and all applications / resumes are received, Human Resources will review the responses for appropriateness to fill the open position, narrow the selection down to the 15 most qualified candidates and contact the originating Department to sign for and pick up the applications/ resumes for their review. If an in-house applicant is ***NOT*** to be interviewed, then the department doing the hiring must speak with the employee to determine why the employee feels that they are qualified for the position. The discussion should include why the candidate has not being selected for an interview.

5. Once the department has determined which candidates will not be interviewed, Human Resources will send a letter to everyone that was not selected for an interview. This is completed at the beginning of the interview process rather then after in order to maintain good communications with all the applicants.

6. The Department will contact Human Resources to schedule interviews at a time convenient to the Department, HR and the persons to be interviewed. The department will also provide Human Resources with a draft of the interview questions for the HR department's review and finalization. HR will then schedule the interviews and provide interview packets to the interview committee.

7. At the conclusion of the interviews, if possible, the interview panel should determine the top candidate. By doing this, the background investigation can be conducted simultaneously while the department is completing the interview process.

   After all the interviews are complete, it is recommended that the department check the applicant's references. Please do not contact references that are not indicated on the applicant's application or the applicant's present employer unless the applicant gives you permission.

8. Following the interviews the Department will submit their preference of candidates and recommendation for hire to HR for review and final approval along with all interview notes. The recommendation must include the reasons for their choice of candidate and list all candidates interviewed with a brief outline of the justification for their choice along with the reasons they did not chose the other candidates to fill the open position. Approval cannot be granted until all interview notes from the entire interview panel are received by the Human Resources Department. The recruitment file is not complete without this vital information.

9. Once the background investigation is received, the H/R department will contact the successful candidate(s) by phone and offer him or her the position. H/R will follow up the phone call with a formal letter. The candidate will be instructed that the offer is contingent upon them successfully completing our pre-employment drug test and that their official hire date will be determined once the drug results are received. H/R will inform the department when the drug results are received. The results are normally received within three days of the applicant taking the test. If the results are favorable, the department is to make contact with the applicant to determine his or her start date. The department will then notify H/R of this date.

10. Once a start date is determined, HR will notify the Information Technology Department, as appropriate, to make sure the technology is in place for our new hire on the start date.

11. HR will send letters to candidates interviewed however not extended an offer of employment.

EXHIBIT #3

LF&A Action Form 08-08-2011-Agenda Item #1

Permission to Recruit

To: City Manager Date:_____

From:_____

Permission to recruit:_____(number)

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

Title of Position:_____

Start employment on:_____

Opening is due to:

Termination, Transfer, Promotion, Other_____
(circle one) (explain)

_____
(Name of previous employee)

Type of recruitment desired:

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

Please indicate additional websites or professional organizations:

_____
_____
_____

_____
Department Head

☐ APPROVED ☐ DENIED

_____
City Manager

P: Human Resources/Recruitment/Permission to Recruit

Hiring Justification Outline

1. Explain the principal function of this job.

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

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

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

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

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

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

8. Grade/Salary Information

EXHIBIT #5

LF&A Action Form 08-08-2011-Agenda Item #1

City of Dover

Wage and Benefit Information for Employee Hiring and Transfers

Department/Division Originating Request _____

Date _____

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

Current Positions	Current Grade/Step	Separation Date *	Wages Budgeted	Benefits Budgeted	Annual Wages & Benefits	% Year Wages Paid	# Mos. Benefits Paid	To Date Wages Paid	To Date Benefits Paid	Lump Sum Wages & Benefits Paid	Paid To Date (I, J, K)	Current Fiscal Year Balance	Remarks
Position(s)													
Dispatcher	18/13	7/20/11	48,826.57	13,393.43	62,220.00	5.2%	1	2,534.71	1,116.12	327.74	3,978.57	58,241.43	
Dispatcher	18/13	7/7/11	48,826.57	14,024.65	62,851.22	1.6%	1	800.44	1,168.72	4,073.34	6,042.50	56,808.72	
Custodian	10/13	1/31/12	34,800.00	14,100.00	48,900.00	58.5%	7	20,347.54	8,225.00	-	28,572.54	20,327.46	
H/R Coordinator	121	7/24/11	54,754.00	18,252.00	73,006.00	6.3%	1	3,440.83	1,521.00	1,176.12	6,137.95	66,868.05	
Totals					**$246,977.22**						**44,731.55**	**$202,245.67**	

Replacement/ Transfer Position	Proposed Grade/Step	Projected Hire Date	Estimated Wages	Estimated Benefits	Estimated Total Compensation	% Year Wages Needed	# Mos. Benefits Needed	Wages	Benefits			Estimated Amount Needed	Remarks
Position(s)													
Dispatcher	18/1	9/1/11	33,136.56	11,933.93	45,070.49	82.8%	10	27,432.73	9,944.94			37,377.67	
Dispatcher	18/1	9/1/11	33,136.56	20,836.73	53,973.29	82.8%	10	27,432.73	17,363.94			44,796.67	
Custodian	10/1	1/1/12	33,136.56	23,121.00	56,257.56	49.5%	6	16,387.21	11,560.50			27,947.71	
H/R Coordinator	121/Entry	10/1/11	43,973.28	24,070.53	68,043.81	74.6%	9	32,799.74	18,052.90			50,852.64	
Totals					**$223,345.15**							**$160,974.68**	
Balance					**$23,632.07**							**$41,270.98**	

Department Summary	Increase/ (Decrease)
Police - Civilian	($32,875.81)
Central Services - Facilities	7,620.25
Human Resources	(16,015.42)
Total	($41,270.98)

Funding Source: (See below Fund Budget)	
General Fund	($44,342.72)
Water/Wastewater Fund	(808.91)
Electric Fund	3,880.65
Grant Fund	0.00
Total	($41,270.98)

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

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

Fund Budget - Increase/(Decrease)

Fund	Increase/ (Decrease)
General Fund	($44,342.72)
Water/Wastewater Fund	(808.91)
Electric Fund	3,880.65
Grant Fund	0.00
Total	($41,270.98)

Department/Division Police/Civilian

Allocation %	Increase/ (Decrease)
100.0%	($32,875.81)
0.0%	$0.00
0.0%	$0.00
0.0%	$0.00
Total	($32,875.81)

Department/Division Central Services/Facilities

Allocation %	Increase/ (Decrease)
10.3%	784.89
8.3%	632.48
81.4%	6,202.88
0.0%	-
Total	$7,620.25

Department/Division Human Resources

Allocation %	Increase/ (Decrease)
76.5%	(12,251.79)
9.0%	(1,441.39)
14.5%	(2,322.24)
0.0%	-
Total	($16,015.42)

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

City of Dover

Wage and Benefit Information for Employee Hiring and Transfers

This form is to be completed when requesting to fill vacant positions or to transfer staff between divisions or operating funds. The purpose of which is to determine how changes in personnel will affect the budget for each operating fund. If the changes increase operating expenses then the funding source to cover the increase is to be included.

Directions for Completing Wage and Benefit Information for Employee Hiring and Transfers

Column	Description	Instructions
A	Position Title	Current Position Section - Title of position vacated; Replacement/Transfer Position Section - Title of replacement position, or title change if applicable of employee transferred.
B	Current Grade/Step	Current Position Section - Current grade and step (if applicable) of current position; Replacement/Transfer Position Section - Proposed grade and step;
C	Separation Date	Current Position - Last day paid. If employee elects to take terminal leave, then separation date must be date terminal leave ends. Replacement/Transfer Position Section - Proposed hire date of this position.
D	Wages Budgeted	Current Position Section - Annual wages budgeted for the current employee in this position. If unknown, contact City Manager's Office or Finance Office; Replacement/Transfer Position - Proposed hourly rate times 2080 hours. FY12 has 366 days so use 2088 hours.
E	Benefits Budgeted	Current Position Section - Annual wages budgeted for the current employee in this position. If unknown, contact City Manager's Office or Finance Office. Replacement/Transfer Position Section - Calculate by multiplying wages time benefit rates. If this is a new position use the highest benefit rate to insure budgetary funding. See below for benefit rates. If this is an existing employee then use actual benefits;
F	Annual Wages & Benefits	Current Position Section - Column D plus Column E; Replacement/Transfer Position Section - Column D plus Column E;
G	% Year Wages Paid	Current Position Section - Number of days paid for in current fiscal year; Formula set up to automatically calculate based on 366 calendar days in FY12; Replacement/Transfer Position Section - Number of days from estimated date of hire through the end of the fiscal year.
H	# Mos. Benefits Paid	Current Position Section - Number of months benefits have been paid out for the current fiscal year; Replacement/Transfer Position Section - Number of months estimated benefits to be budgeted for in the current fiscal year;
I	To Date Wages Paid	Both Sections - Column D times Column G; If actual amounts are available for current employees use actual amounts rather than calculation;
J	To Date Benefits Paid	Both Sections - Column E divided by 12 (months) times Column H; Column H is number of months paid to date for current employees and number of months from projected date of hire through June 30 for replacement employees.
K	Lump Sum Wages & Benefits Paid	If paid, contact Finance for amount; If not paid estimate - Hourly rate X hours to be paid plus benefits; Benefit rate = Sum of percentages for FICA, Worker's Comp and Pension times wages to be paid out; (I.e. $18.00 hourly rate x 760 hours = $13,680 Wages x 13.65% (employee with 401a plan) $1,867; $13,680 plus $1,867 = $15,547 estimated lump sum wages and benefits); FY12 - no Worker's Compensation
L	Paid to Date	Current Position Section - Sum of Columns I, J, & K as calculated above
M	Current Fiscal Year Balance	Current Position Section - Current estimated balance of funds in departmental budget for this position to apply towards new hire or transfer; Replacement/Transfer Position - Amount needed to fund replacement or transferred position. Sum of Column I & Column J.
N	Remarks	Any comments you would like to add
Bottom Section	Department & Fund Summaries	Formula based calculations of financial impact on individual departments and funds. Describes funding sources for budget increases.

CITY OF DOVER
TRAINING, CONFERENCE & TRAVEL POLICY

A. INTRODUCTION

1. Purpose

The purpose of this policy is to provide guidelines under which City of Dover employees, public officials, and appointees will be reimbursed for authorized travel expenses incurred in the conduct of business for the City of Dover, hereinafter referred to as "City." In addition to the guidelines, specific procedures with regard to incurring and reporting related expenses are provided.

2. Scope

This policy shall apply to employees of the City of Dover, elected officials, boards, commissions and others, who are engaged in authorized travel and who expend City funds for travel purposes. The Mayor and Members of City Council are not required to submit a Travel Authorization and Completion Form, but are required to follow the financial and budget requirements of this policy.

While this policy does not cover every possible situation, it establishes adequate guidelines for employees and officials to make appropriate and consistent judgments regarding the expenditure of City funds for reimbursable expenses. The City of Dover will provide flexibility to meet the special needs and requirements of their employees during travel.

It remains the responsibility of city management to control and approve travel-related expenditures. The City Manager and Controller/Treasurer may impose more stringent rules when deemed appropriate or necessary.

The City Manager and Controller/Treasurer will review every three years the implementation of this Policy and will provide policy interpretations and assistance to ensure effective and efficient implementation. Any exceptions will be subject to approval by the City Manager and Controller/Treasurer. The City Manager and Controller/Treasurer may also, on a case-by case basis, approve reimbursements exceeding the guideline amounts referenced in this policy. In any such instance, a detailed explanation and substantiation (a receipt) is required. Enforcement of this policy will be the responsibility of the Controller/Treasurer.

3. Responsibility

a. Employee, Public Official, or Appointee
- Comply with all provisions of this policy.
- Obtain the necessary approvals in advance for overnight travel and out-of-state use of City vehicles. Provide a copy of the approval with the travel prepayment made by direct voucher.
- All expenses incurred in the course of City business are to be in accordance with the City's Administrative Policies and Rules of Ethics and must be paid solely from appropriated funds.
- Comply with the ten (10) working-day rule.

b. Department Director/City Manager/Council Designee
- Ensure compliance with this policy.
- Review and approve each of their employees/official's travel approval requests and reimbursable expenses.

- Ensure sufficient funds are available for all anticipated expenses.

c. Signatures on the Travel Expense Report (City of Dover Form 030 Exhibit A) certify that the expenses were incurred by the employee/official requesting reimbursement for official City business, are reimbursable in accordance with this policy, and have not been reimbursed except as indicated on this form.

Required signatures for expenses are:
- Employee
- Supervisor
- Department Director or Council Designee

B. TRAINING AND CONFERENCE REGISTRATION FEES

1. Request for payment of registration fees shall be accompanied by the registration form.

2. City Council, Planning Commission and the Mayor are offered opportunities to attend courses designed for governmental officials. Any member of Council wanting to take advantage of these courses offered by the following organizations will submit to the City Clerk's office their request for registration.

- Delaware League of Local Governments
- National League of Cities
- US Conference of Mayors
- International City Managers Association
- Government Finance Officers Association (GFOA)
- American Public Power Association (APPA)
- American Public Works Association (APWA)
- American Planning Association
- Organizations that provide Continuing Education credits for professional license renewals of applicable staff.

Any courses not offered by these organizations will be submitted to the City Manager and Controller/Treasurer for concurrence.

C. TRAVEL AUTHORIZATION

All out-of-state travel that extends beyond one day shall be approved by the City Manager or Council Designee. All requests shall be made on the "Travel Authorization and Completion

Form" (City of Dover - Form 047 Exhibit B). A copy of the conference or meeting program must be attached to the form. The authorization form must be submitted to the City Manager or Council Designee in a reasonable amount of time prior to the traveling day.

The Department Director, City Manager, or Council designee may impose specific requirements as to the time the authorization form must be submitted prior to travel.

Employees and Officials traveling on official City business should be aware that the approval is for travel only, and is not a blanket approval of the expenses incurred.

A travel packet including the authorization form, the meeting program/itinerary, and the purchase orders for advanced costs must be submitted to the Accounts Payable Department. The Purchase Orders for the advanced costs should include the necessary supporting documentation. It does not require the submission of duplicate information. Please note Purchase Orders for registration costs must include the Registration form unless previously submitted; submission for hotel and airfare costs must include documentation of the individual costs unless previously submitted.

D. TRANSPORTATION: COMMON CARRIER

1. General

All trips requiring the use of common carrier must be pre-approved by the appropriate approval authority.

The mode of travel must be justified on the basis of the most economical use of time of the personnel involved, the cost of optional travel modes, and the requirements of the trip.

All common carrier reservations must be consistent with reasonable business travel planning, common carrier will be booked at the lowest available fare. If the lowest available fare is turned down by the traveler, the traveler's explanation for the denial is to be provided with the travel authorization request.

Travelers should be advised to make travel reservations as far in advance as possible to attain the lowest fares, including non-refundable tickets. Travelers may not specify particular airlines or other carriers to accumulate mileage on promotional plans such as frequent flyer programs.

In order to take advantage of special discount rates (supersaver fares, etc.), reimbursement to an employee may be made prior to a trip being taken under the following conditions:

a. Documentation of the substantial savings that will accrue to the City (e.g., supersaver discounts).
b. Employee's proof of payment on a statement from the airline, other than credit card receipts.

Most airlines will not give refunds or partial refunds for supersaver airfares.

It is encouraged to examine the advantage of fares requiring early trip departure or delayed return. However, it is important to consider the additional cost of meals and lodging for the required extra day(s) stay when comparing cost.

2. Air Travel

a. Accommodations - When commercial airlines are used as a mode of travel, accommodations shall be coach/economy class unless some other class accommodations are more economical.

b. Routing of Travel - All travel will be by the most economical and direct routes.

In the event that a person travels by an indirect route for personal convenience, the extra expense shall be the responsibility of the individual. Reimbursement for expenses shall be based only on the cost of the most economical and direct route.

c. Conference Airfare Arrangements

When attending a conference, always check conference materials to see if special airline discounts are offered. When a special airline discount rate is offered and conferees are instructed to go

directly to an airline to obtain the discount fare, the employee should compare the conference rates through the internet with all other airline rates available before scheduling airline reservations. The employee should always book the lowest fare possible. (See Section E.3. for Conference Lodging Arrangements).

3. Rail Travel

1. Accommodations

When it has been determined that rail travel is the most appropriate mode of transportation, the most economical class accommodations shall be utilized.

E. TRANSPORTATION: PASSENGER VEHICLES

1. City-Owned Vehicles

City-owned vehicles should be utilized for both in-state and out-of-state travel when such use is the most practical and economical mode of transportation, including the cost of tolls, fuel and parking.

2. Use of Privately-Owned Vehicles

a. The use of privately owned vehicles for any City travel (both in state and out-of-state) should only be used when a City Vehicle is not available. The use of a privately owned vehicle for City travel shall require the prior approval of the City Manager and Department Director. Reimbursement of private vehicle expenses shall be at the ~~Standard Mileage Rate as set by the federal government~~ **Council approved rate as indicated on Exhibit B** for actual and necessary miles traveled. Beginning and ending odometer readings are required for the reimbursement for mileage.

b. In considering approval for use of personal vehicles, the approval authority shall take into consideration the cost of alternative modes of travel and the cost of meals and lodging for the additional travel/transit days. Mileage reimbursements shall not exceed the cost of airfare plus travel to/from the airport.

c. When two or more employees travel in a privately owned vehicle, only one mileage reimbursement will be allowed.

3. Rental Cars

a. General

The use of a rental car when traveling out of state must be justified as an economical need and not as a matter of personal convenience. Prior approval by the City Manager is required before arranging for car rental. All rentals should be at the most economical rate per day including

government rates or special rate agreements. When traveling in groups, sharing of cars, when practical, must be done to minimize costs. The city will not pay for the use of a rental car to accommodate family members or non-business associates traveling with the employee, public official, or appointee.

b. Vehicle Size

Whenever possible, compact cars shall be rented or reserved. However, if a larger size vehicle is more economical or more than two city travelers are traveling together the larger vehicle may be appropriate. Any representative of the City requesting an upgrade of the size of a rented vehicle shall provide a written explanation of their reasons to the City Manager. **A receipt is always required**.

c. Insurance

(1) The optional insurance coverage offered by the car rental agency must be declined when the traveler charges the rental car. The traveler will automatically receive primary coverage under the City blanket insurance policy for travel. When insurance is declined, the policy covers collision damage, theft, fire and vandalism. Reimbursements for additional or optional insurance coverage will not be allowed.

(2) Other. Travelers <u>not</u> covered under the blanket insurance policy may be covered by their personal automobile insurance policy or other personal credit cards. Travelers should check their automobile policy and credit card policy for business travel coverage and accept or decline additional coverage accordingly. Reimbursement for additional or optional insurance coverage will not be allowed.

d. Refueling Before Return

To avoid a refueling surcharge, all rental cars shall be refueled before returning the vehicle to the rental company. Any surcharges billed to the employee, public official, appointee, or City shall be explained in the reimbursement request.

e. Reservations

Approved car rental reservations shall be made in advance whenever possible. The employee should compare car rental rates and always look to reserve the lowest rental.

F. LODGING

1. General

City travelers are expected to seek accommodations that are comfortable, convenient, meet business and personal needs and offer good value. Employees are expected to compare local lodging rates in the area prior to reserving lodging.

2. Accommodation

a. Lodging accommodations for reasonably priced single occupancy rooms are reimbursable when the traveler is away from home overnight due to official travel.

b. Accommodations shared with family members or others not on official City business are reimbursable at the single occupancy rate only.

c. Accommodations shared with other City travelers should be billed and reimbursed to one traveler. When required, reimbursements to more than one traveler shall be based on a pro rata share as reported on each reimbursement request.

3. Conference Lodging Arrangements

When hotel rooms are blocked for a conference, seminar, etc., and a special discounted conference hotel rate provided, the employee/official should compare conference rates with the rates for other local hotels within a three (3) block radius of the conference. The employee is urged to reserve hotel accommodations that offer the best value to the City. This includes conference rate, government rate or lower rate, for the employee/official. If a lower rate is not available, the conferees should make their lodging arrangements directly utilizing the conference instructions. Conference lodging will be considered to accommodate persons with special circumstances.

4. Occupancy Tax

The City is exempt from the tax on occupancy of hotel, motel and tourist home rooms within Delaware only. When instate overnight accommodations are necessary, the employee should be provided with a copy of the Occupancy Tax Exemption Certificate (see Exhibit C) to be presented to the lodging facility. Tax on occupancy of hotels in other states must be paid.

G. MEAL ALLOWANCES

1. General

The City will pay for or reimburse an employee/official for the necessary and reasonable cost of meals and incidental expenses incurred during out of state travel requiring overnight lodging.

Additional meal costs incurred over and above those provided as part of a conference or registration fee are not reimbursable, unless justified as a special circumstance and approved by the City Manager and Controller/Treasurer (e.g. special meeting or diet restrictions).

Exceptions are to be pre-approved by the City Manager and Controller/Treasurer.

There will not be any reimbursement for meals when the meals are provided as part of the conference/training or by the host organization and when meals are provided as part of the airfare.

Only per diem rates as prescribed by the Federal Government for official travel will be provided for M I& E Allowance (Exhibit D).

If an employee is traveling partial days on any calendar day, the City will prorate the applicable M&IE rate at 75 percent. This applies to both day of departure and day of return. Partial travel days begin when an employee leaves Dover after 12:00 noon on the day of departure and returns to Dover by 5:00 PM on the day of arrival.

When meals are provided at the conference or by the host, the meal allowance will be reduced by 25% for each meal provided. Continental Breakfast provided by the hotel or at the conference is counted as a meal, unless justified as a special circumstance and approved by the City Manager and Controller/Treasurer (e.g. special meeting or diet restrictions).

2. Day Trips, In-state Travel and Before or After Hours

The meal allowance for day trips out of the City will be reimbursed at actual cost**,** as long as it does not exceed 25% of the normal per diem per the M&IE Allowance (Exhibit D). The meal allowance for working before or

after hours as a general rule are not encouraged, but may be approved by the City Manager and/or Controller/Treasurer on a case-by-case basis. At no time can the amount exceed the allowances established.

H. CASH ADVANCES

General/Blanket travel advance checks will not be issued to employees, public officials, or appointees. Employees, public officials, and appointees will be reimbursed for specific travel related expenses after the trip or event has been completed.

The City will pay specific travel and lodging costs in advance as long as the request deadlines are met. Employees, public officials, and appointees shall use a City purchase order when requesting travel cost advances. Department Directors should use their City credit card for business travel. Directors may approve the use of their departmental travel credit card when arranging employee travel. Under urgent situations and with prior approval, employees and officials can also use a personal credit card and request reimbursement when they return.

The City will pay in advance the following costs:

Please note: A travel packet including the Travel authorization form, the meeting program/itinerary, and a purchase order for the advanced costs listed below must be submitted to the Accounts Payable Department no later than 12 days prior to the event.

a) **Conference/Training registration fees.** Such payment will be made payable and mailed directly to the organization. This will be done through a purchase order submitted by the department upon receipt of the approved Travel Authorization Form. A copy of the registration form describing the specific event must be attached to the purchase order. The Employee Travel packet must be submitted to Accounts Payable prior to/or along with the purchase order request for advance travel expenses.

b) **Airfare.** Airfare is normally reserved on-line through the internet and paid with a City credit card after travel approval has been received. (See City Credit Card Policy)

c) **Lodging**. Upon receipt of the approved Travel authorization form, the department may submit a purchase order for lodging. The check will be made payable to the hotel and will be given to the person for whom the lodging arrangements are made. The department must provide supporting documentation including the daily lodging rates and applicable taxes along with the purchase order. Lodging reservations can be held with the use of a City Credit Card. (See City Credit Card Policy)

d) **Meal allowance**. An advance for the M&IE Allowance, which includes both meals and incidental expenses, will be permitted for meals not provided by the conference or training as indicated in Section G (1) above. Only per diem rates as prescribed by the Federal Government for official travel will be provided for M&IE Allowance (Exhibit D).

I. TRAVEL EXPENSE REIMBURSEMENT

1. General

A. **Travel Expense Report** (City of Dover Form 30) is due to Accounts Payable within **ten (10) working days** after travel or an expense is incurred. **(Ten working-day rule)**

a. Timely reimbursement can be assured only if an accurate, properly substantiated Travel Expense Report is received in Accounts Payable **ten (10) working days** after completion of the trip.

b. Failure to submit timely Travel Expense Reports after the completion of a trip will result in administrative action, such as notification to the Department Director and denial of future travel requests.

Travel Expense Reports for local travel and related expenses are to be submitted monthly. **In no case shall a reimbursement be made to an employee for travel/conference/training related expenses incurred in excess of 90 days.**

Note: This section pertains to only those travel expenses paid by the traveler; not to travel expenses directly billed to/paid by the City.

2. Receipt Requirements and Other Reimbursement Criteria

a. Tickets booked on common carriers (airline, rail or bus) require original copy of the paid invoice or email confirmation containing total travel costs for arrangements booked on-line.

b. Hotel/motel bills shall be the original copy of hotel/motel billing marked paid.

c. Ground transportation, including airport shuttle, taxi or public transit requires a receipt.

d. Car rental reimbursements require paid invoice from the rental company.

e. Meals do not require receipts and are not reimbursable above the maximum daily/partial day per meal allowance.

Tips are included in the M&IE Allowance and will not be reimbursed separately.

When more than one City employee, public official, or appointee's meals are being reimbursed, each employee must submit a separate Travel Expense Reimbursement, including a receipt from the dining facility attached.

f. Hotel/motel related expenses should be documented identifying the date and the cost for each category with the following requirements:

(1) Out-of-pocket costs for incidental items such as tips, baggage handling and maid service are not individually reimbursable by the City of Dover. Costs included under this category are included in the M&IE per diem rate. Only per diem rates as prescribed by the Federal Government for official travel will be provided for M&IE allowance. (Exhibit D)

(2) City-business related telephone calls are reimbursable as incurred and require a receipt from the telephone service provider or included on the hotel/motel billing invoice.

g. Lodging at campgrounds using traveler's camper or recreational vehicle is reimbursable at the actual cost, not to exceed the equivalent cost of hotel/motel lodging. Receipt is required.

h. Other Categories

Reimbursement for the following categories should be submitted on a schedule identifying the date, the cost and the category. All supporting receipts must be attached:

1) The City will reimburse employees for hotel and airport self-parking. The City encourages all employees to seek 'economy and budget parking'.
2) The City will not reimburse employees for Valet parking, unless prior approval has been granted by the City Manager and Controller.
3) The City will reimburse employees the cost of tolls for interstates, turnpike, bridges and/or ferries. All travel expenses require a receipt.

i. Gasoline and/or Other Supplies

Need for emergency repairs incidental to using a City-owned vehicle shall require a Vendor receipt.

j. Reimbursements for travel expenses incurred without required receipts, as outlined, is strictly prohibited. A "no receipt - no reimbursement" policy applies.

k. Prior Department Director approval is required to receive reimbursement for Internet Access Costs for city business. These costs must be substantiated with receipts and validation by the Information Technology Department.

l. While traveling overnight out-of-state, the City will reimburse employees for the cost of up to two (2) personal telephone calls not to exceed $8 per trip. A receipt is required for reimbursement.

3. Non- Reimbursable Expenses

The City shall not reimburse expenses for the following:

a. Alcoholic beverages**.**
b. In-room movies or pay television.
c. Theater tickets or nightclub entertainment.
d. Laundry.
e. Babysitting.
f. Related expenses of spouse, children and other persons accompanying the authorized employee/official.
g. Pleasure, historic or other tour related expenses. Expenses for business related tours would be reimbursed.
h. Donations and gifts made while at training, conference, or meeting.
i. Loss or damage of personal items.
j. Meals for other conference attendees.
k. Purchase of personal items.
l. Any parking or moving violation fines.
m. Any personal or pleasure travel while on City business.

J. CHARTER AND CODE OF CONDUCT

All City of Dover policies are subject to the City of Dover Charter Part 1, Subpart A, Article II, Section 12 "Compensation and expenses - Mayor and Council and other elected or appointed officials", whereas,

"Members of the council, mayor and other elected or appointed officials shall receive reimbursement for actual and necessary expenses incurred when on official business as prescribed by city ordinance or policy" and; Part II Code of Ordinances Chapter 2, Article 1, Division 4 "Code of Conduct", which is "applicable to all elected and appointed officials and to all employees of the City of Dover."

K. INTERNAL REVENUE CODE - DEFINITION OF PUBLIC OFFICIAL

Generally, if there is any provision in a public law which authorizes the employment of the individual, and the individual is hired or elected under this authority, the individual is considered an employee of the State or political subdivision to which the provision applies.

The following factors indicate that an office is a "public office."

The office was created by the constitution or through legislation, or by a municipality or other body with authority conferred by the legislature.
The office was delegated a portion of the powers of the government body.
The powers conferred and the duties to be discharged are defined either directly or indirectly law or through legislative authority.
The duties are being performed independently and without control of a superior power other than the law.
The office has some permanency and continuity, and the officer takes an official oath.

Examples of public officers are: the president and vice president; a governor or mayor; the secretary of state; a member of a legislative body, such as a state legislature, county commission, city council, school board, a judge; a justice of the peace; and members of advisory boards and committees.

L. REVIEW & REVISION

The City of Dover Travel Policy will be reviewed every three years by the City Manager, Controller/Treasurer and City Clerk to provide recommended changes to City Council for approval.

EXHIBITS

Exhibit A - COD Travel Expense Form 30
Exhibit B - COD Travel Authorization Form 47
Exhibit C - COD Exemption Certificate Form 99A
Exhibit D - General Service Administration Regulations - Per Diem Rates Travel Rates for Continental United States

ADOPTED: March 23, 2009

Exhibit A

CITY OF DOVER
TRAVEL EXPENSE REPORT FORM

NAME OF EMPLOYEE	DEPARTMENT	TRIP TAKEN TO (CITY)

PURPOSE OF TRIP

Please attach receipts for hotels, tolls, transportation, etc., and show all costs on this form.
Please use a separate form for each week.
Please note incidental expenses (tips) are included in M & IE Rate.

EXPENSES / DATE	MON	TUES	WED	THUR	FRI	SAT	SUN	TOTAL
REGISTRATION FEES								$ -
TRANSPORTATION - AIR/TRAIN								$ -
PERSONAL AUTO _____ Miles @ ~~.51~~ .40 cents a mile								$ -
AUTO RENTAL								$ -
PARKING FEES, TOLLS, GAS, ETC.								$ -
TAXI/BUS FARE/SHUTTLE								$ -
HOTEL/MOTEL								$ -
TELEPHONE								$ -
MISCELLANEOUS EXPENSES								$ -
MEALS (M & IE RATE) $								$ -
MEAL ALLOWANCE OVERAGE								$ -
TOTALS	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -

SIGNATURE OF PERSON INCURRING EXPENSE	DATE	TOTAL EXPENSES	$ -
		LESS PAID BY CITY:	$ -
DEPARTMENT HEAD SIGNATURE	DATE		
(For Certification)		REGISTRATION	$ -
		HOTEL	$ -
FINANCE DEPARTMENT - AUDIT	DATE		
		AIRFARE	$ -
FINANCE - FINAL ACTION	DATE	TRAVEL ADVANCE	$ -
		DUE EMPLOYEE	$ -
ACCOUNT NUMBER			
		DUE CITY	$ -

Form 30

Exhibit B

CITY OF DOVER
TRAVEL REQUEST AND ITINERARY

EMPLOYEE TRAVELING		REQUEST DATE

BUSINESS PURPOSE

DEPARTMENT		TRAVEL DESTINATION AND DATES

ITEMIZED EXPENSES AND TRAVEL ADVANCES

NOTE: ITINERARY AND PROOF FOR ALL TRAVEL ADVANCE REQUESTS BELOW ARE REQUIRED PRIOR TO TRAVEL.

* APPROVAL FOR SPECIAL REQUESTS ARE REQUIRED FROM FINANCE-CONTROLLER/TREASURER OR CITY MANAGER PRIOR TO TRIP *

						ESTIMATED COST:
REGISTRATION FEE:	MEALS PROVIDED BY CONFERENCE MUST BE DEDUCTED FROM M & IE RATE.					0.00
MODE OF TRAVEL AND COSTS:						
AIRLINE		ONE WAY			ROUND TRIP	0.00
AIRPORT PARKING		PER DAY			TOTAL DAYS	0.00
TRAIN		ONE WAY			ROUND TRIP	0.00
BUS		ONE WAY			ROUND TRIP	0.00
* RENTAL CAR		ONE WA			ROUND TRIP	0.00
* PERSONAL CAR		TOTAL MILE GE		0.40	PER MILE	0.00
* TOLLS		C Y			ROUND TRIP	0.00
CITY VEHICLE		IS AD SE TO BE USED INSTEAD OF PERSONAL CAR"				
LODGING EXPENSES:	BRE AST P VIDED BY HOTEL MUST BE DEDUCTED FROM M & IE RATE					
HOTEL		NIGHT		TAXES	NUM OF NIGHTS	0.00
* SHUTTLE		R TRIP		TAXES	TOTAL TRIP	0.00
* TAXI		ER TRIP		TAXES	TOTAL TRIP	0.00
* PARKING		PER DAY		TAXES	TOTAL DAYS	0.00

MEALS: M & IE RATE $_____ (MEALS & INCIDENTAL EXPENSES) SUBTRACT 25 % FOR EACH MEAL PROVIDED. SUBTRACT 75% FOR PARTIAL DAY OF TRAVEL.

	SUN	MON	TUE	WED	THUR	FRI	SAT	
DATES:								
								0.00
								0.00
								0.00
								0.00
TOTAL	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
								$0.00
								TOTAL EXPENSES

EMPLOYEE SIGNATURE		DATE	
DEPARTMENT HEAD APPROVAL		DATE	
CITY MANAGER OR COUNCIL DESIGNEE APPROVAL		DATE	

DRAFT

Exhibit B

CITY OF DOVER
TRAVEL AUTHORIZATION FORM

NAME	DATE	DEPARTMENT	DATES OF TRAVEL

PURPOSE OF THE TRIP

DESTINATION	**ESTIMATED [illegible]T:**	
MODE OF TRAVEL	**A. R[illegible]n Fe**	
	B. Tra[illegible]	
LODGING	**C. M[illegible]als**	
	D. [illegible]dging	
ADVANCE REQUESTED	**E. Tolls, Parking, Mileage, etc.**	
	F. Other	
ADVANCE APPROVED		
	Total	$ -
SIGNATURE OF DEPARTMENT HEA		

EMPLOYEE'S SIG[illegible]URE	DATE	DEPT. HEAD SIGNATURE	DATE
		COUNCIL DESIGNEE/CITY MANAGER	**DATE**

Form 047

CURRENT

Exhibit C

CITY OF DOVER
DEPARTMENT OF FINANCE

EXEMPTION CERTIFICATE
TAX ON OCCUPANCY OF HOTEL AND MOTEL AND TOUR IST HOME ROOMS

In accordance with Internal Revenue Code Section 5253(I), no tax shall be imposed under section 4251 upon any payment received for services or facilities furnished to the government of any State, or any political subdivision thereof, or the District of Columbia.

This Part to be Completed by the Operator

Name of Hotel, Motel, or Tourist Home			Fed. EI or SS number
Address	City	State	Zip Code

This Part to be Completed by the Occupant

This is to certify that I, the undersigned, am a representative of the City of Dover, Delaware; that the charges for the occupancy at the above establishment on the dates set forth below has been or will be paid for by the City of Dover, a government unit; and that such charges are incurred in the performance of my official duties as a representative or employee of the governmental unit.

Name (Please type or print)		Signature	
City of Dover	51-6000092		
Governmental Unit	Tax I.D. #	Title	
P.O. Box 475	Dover	DE	19903-0475
Address	City	State	Zip Code

Date(s) of Occupancy _____

If additional information is needed, please contact the City of Dover Finance Director at (302) 736-7018.

NOTE: A separate Exemption Certificate is required for each occupancy and for each representative or employee.

THIS EXEMPTION CERTIFICATE IS TO BE RETAINED BY THE OPERATORS OF HOTELS, MOTELS, AND TOURIST HOMES AS EVIDENCE OF EXEMPT OCCUPANCY.

CITY OF DOVER
TRAVEL ADVANCE WORKSHEET

Request the following travel advances for:

Employee Name | **Department** | **Trip taken to (City)**

Attach this worksheet and an itinerary to purchase order and submit to Accounts Payable.

DATES								**TOTAL**
MEALS & I E								$ -
* TOLLS								$ -
* CAR RENTAL								$ -
* MILEAGE								$ -
* GAS								$ -
* AIRPORT PARKING								$ -
* HOTEL PARKING								$ -
*GROUND TRANSPORT								$ -
TOTAL	$ -	$ -	$ -	$ -	$ -	$ -	$ -	**$ -**

**** Advances must be pre-determined by Finance Director with supporting documentation.*** **(See Travel Policy; Page 8, e.)**

Please note for meals:

If an employee is traveling partial days on any calendar day, the City will prorate the applicable M & IE rate at 75%.
This applies to both day of departure and day of return.

When meals are provided by the host, the meal allowance will be reduced by 25% for each meal provided.
EXAMPLE:

FOR EACH MEAL PROVIDED: M & IE RATE $49.00, MEAL WILL BE REDUCED BY 25%, WHICH WILL EQUAL $36.75 (MEAL WAS REDUCED BY $12.25)

IF TWO MEALS ARE PROVIDED, M & IE WILL BE REDUCED BY AN ADDITIONAL $12.25.

FOR DAY OF TRAVEL & RETURN:
(See Travel Policy, Page 7, first paragraph)

Form 30b

ACTION FORM

PROCEEDING: Legislative, Finance & Administration Committee
DEPARTMENT OF ORIGIN: Planning **DATE SUBMITTED**: December 29, 2011
PREPARED BY: Ann Marie Townshend, AICP, Director of Planning & Community Development
SUBJECT: Sponsorship of Delaware New Jobs Infrastructure Fund Grant Application by Calpine Corporation (Garrison Oak Technical Park)
REFERENCE: N/A
RELATED PROJECT: Garrison Oak Technical Park; Garrison Energy Center
REVIEWED BY: Scott D. Koenig, P.E., City Manager and Donna Mitchell, CPA, City Controller
EXHIBITS: Guidelines Governing the Practice and Procedure for Administering the Delaware New Jobs Infrastructure Fund; Delaware Infrastructure Investment Committee, Delaware New Jobs Infrastructure Fund Grant Application; Power Point presentation "Garrison Energy Center"
EXPENDITURE REQUIRED: N/A **AMOUNT BUDGETED**: N/A **FUNDING SOURCE (Dept./Page in CIP & Budget)**:
TIMETABLE: N/A
RECOMMENDED ACTION: Staff recommends that the Committee endorse the City's sponsorship of the grant application.

BACKGROUND AND ANALYSIS

The City of Dover purchased the Garrison Oak Technical Park with funds allocated by the State Bond Bill in 1999. The City has been working on the subdivision and infrastructure construction plans associated with the Garrison Oak site since 2010, and the Dover Sun Park became operational in 2011. The State's FY 2012 budget includes $40 Million in funding for the Delaware New Jobs Infrastructure Fund to be administered by the Delaware Economic Development Office. The City had urged local legislators to support this funding, with the intent that this would support infrastructure development of the Garrison Oak Technical Park.

Under the program, private businesses are the eligible grant recipients with municipal sponsorship. The City of Dover has been working with Calpine Corporation, who plans to develop a dual-fueled, combined cycle power plant on one of the parcels of the Garrison Oak Technical Park. Calpine made a presentation on their plans to the Utility Committee on July 11, 2011 (Power Point presentation attached). Calpine is preparing an application for funding through the Delaware New Jobs Infrastructure Fund, and staff recommends that the City of Dover be the municipal sponsor of the grant application. The funds sought would allow for construction of sewer, water and road infrastructure necessary to allow the Calpine project to move forward and to make other lots in the Garrison Oak Technical Park accessible and more marketable. If Calpine awarded the grant, all grant funds would be transferred directly to Calpine Corporation. Once infrastructure is completed, it will be turned over to the City of Dover of ownership and maintenance.

Guidelines Governing the Practice and Procedure for Administering the Delaware New Jobs Infrastructure Fund

Section 1: Authorization

State economic development officials pursue economic development opportunities that, if realized, would have significant impact on Delaware's future economic health and competitiveness. Such situations frequently require expeditious action and the need to enhance Delaware's infrastructure that are beyond the capacity of existing Delaware economic development programs. To meet these challenges, pursuant to Section 39 (b)(1) of Senate Bill 130, the Fiscal Year 2012 Bond and Capital Improvements Act, the Delaware New Jobs Infrastructure Fund (the "Fund") was established to provide economic assistance for renovation, construction or any other type of improvements to roads, utilities and related infrastructure in order to attract new businesses to Delaware, or for the expansion of existing Delaware businesses, when such an economic development opportunity would create a significant number of direct, permanent, quality, full-time jobs. Specific projects, amounts and terms shall be approved by a majority of the Infrastructure Investment Committee, comprised of the Director of the Delaware Economic Development Office, the Secretary of the Delaware Department of Transportation, the Co-Chairs of the Joint Committee on Capital Improvement and a member of the private sector who shall be appointed by the Governor (the "Committee"). The General Assembly appropriated $40,000,000 to the Fund in the Fiscal Year 2012 Final Bond and Capital Improvement Act. In addition, the General Assembly authorized the issuance of bonds, to which the state shall pledge its full faith and credit, such bonds to be issued in such principal amount as necessary to provide proceeds to the State in the amount of $15,000,000, which shall be disbursed in such manner and under such restrictions as outlined in these Guidelines.

Section 2: Purpose

The purpose of these Guidelines is to establish the practice and procedure for the administration of the Fund. The Guidelines contain procedures governing the process for applying to the Committee for economic assistance under the Fund, pre-closing and post-closing procedures and criteria for the Committee's approval or disapproval of an application for economic assistance under the Fund. The Guidelines shall be adopted by the Committee and are subject to modification at the Committee's discretion.

Section 3: Definitions

The following words and terms, unless the context clearly indicates a different meaning, shall have the following respective meanings:

"Application" means an application made to the Committee on such form or forms, together with all relevant attachments, as the Committee may, in its sole discretion, require in connection with administration of the Fund.

"Applicant" means any person, including individuals, firms, partnerships, trusts, public or private corporations, or other legal entities, for which a Project is undertaken or proposed to be undertaken.

"Final Approval" means the final approval of an Application by a majority of the members of the Committee.

"Infrastructure" for purposes of these Guidelines, shall include but not be limited to the following:

- Any Project that would construct, maintain, extend or enhance any water, sewer, storm water management system, dam, levee, solid waste disposal facility, and hazardous waste facility;
- Any Project for energy transmission, energy efficiency enhancement for buildings, public housing, and schools, renewable energy, and energy storage; or
- Any Project for the construction, maintenance, or enhancement of highways, roads, bridges, transit and intermodal systems, inland waterways, land stabilization and related infrastructure, commercial ports, airports, high speed rail and freight rail systems.

"Project" means the specific intended use of the proceeds from the Fund.

"Public Sponsor" shall mean the State of Delaware or any agency or instrumentality thereof, or any County, municipality, local political subdivision, instrumentality, agency, body politic, utility district, or similar entity within the State of Delaware.

Section 4: Infrastructure Grants

4.1 Grant Description

4.1.1 The Committee is empowered to make financial assistance in the form of grants to Applicants (a "Grant").

4.1.2 Proceeds of a Grant can be used for renovation, construction or any other type of improvements to roads, utilities and related infrastructure

4.2 Eligibility Standards

4.2.1 To be eligible for a Grant, a Project must have at least one Public Sponsor and the Project must serve a public purpose along with expanding employment in the State. Also, the Applicant must be able to demonstrate to the satisfaction of the Committee that financial assistance from the State is necessary to effectuate the outcome of the Project.

4.2.2 The following projects do not qualify for a Grant:
4.2.2.1 Projects which do not attract, expand or retain employment opportunities;
4.2.2.2 Projects located outside the State;
4.2.2.3 Speculative real estate ventures;
4.2.2.4 Equipment other than that which is directly infrastructure-related to the funded activity. Such permissible equipment may include, but not be limited to, piping, pumps, motors, converters, electrical devices, meters, gauges and monitoring equipment; or
4.2.2.5 Refinancing of existing debt.

4.3 Project Approval Standards

4.3.1 Findings. - As a precondition to approving a Grant, the Committee shall find that the Project would create a significant number of direct, permanent, quality, full-time jobs, and would serve a public purpose by enhancing the infrastructure needs of the State. The Committee shall apply the following standards, where applicable, in making such findings and determinations:

4.3.1.1 Employment Standard. - The Committee will review information concerning the Applicant as submitted in an Application. As a condition precedent to making a Grant, the Committee shall determine that the Applicant intends to provide gainful employment within the State. The standards to be considered by the Committee will include, but not

be limited to, the number of permanent, quality, full-time jobs created as a result of the Project, the wage scale applicable to persons to be employed as a result of the Project, the economic situation in the State at the time of filing of the Application, the effect of the Project on the tax base of the State and/or the county or municipality in which the Project is to be located, and the expected impact that the Project will have on the development of new or expanded economic activity within the State.

4.3.1.2 In determining whether the Project will assist in creating "direct, permanent, quality full-time jobs" in the State, the Applicant shall demonstrate to the Committee that the Applicant, operator or principal user thereof has the capability to operate and maintain such Project efficiently and that the Applicant has not been convicted of a major labor law violation or of a violation involving moral turpitude by any agency or court of the federal government or agency or court of any state in the 2-year period immediately prior to the approval of the Applicant's Application. In this regard, the Committee may, in its discretion, rely on a sworn affidavit of the Applicant or an officer of the Applicant or an opinion of counsel of the Applicant to such effect. If an Applicant has been convicted of such a violation, the Committee, in its sole discretion, may decline to consider the Application. If requested by the Committee, similar proof shall be obtained from any operator or principal user of the Project.

4.3.1.3 Financial Stability and Economic Sustainability. – The Applicant shall demonstrate to the Committee that it possesses financial stability and can also demonstrate that the Project is economically sustainable.

4.3.1.4 Public Purpose Standard. - When applying the "public purpose standard", the Committee shall take into consideration whether the Project will enhance the infrastructure of the state, such that it would have a significant impact on Delaware's future economic health and competitiveness. Factors to be considered by the Committee shall include, but not be limited to, whether the infrastructure improvements will benefit more than the Applicant, whether the infrastructure improvements will help attract additional economic development to the area where the Project is being built, whether the Project would have otherwise required the use of State monies to be completed.

4.3.2 Clawback Provision – The Committee shall determine, in its sole discretion, appropriate clawback provisions for each Applicant under which the Applicant may be required to repay some or all of the Grant.

4.3.3 Post-Grant Period – Annual Reporting – Unless waived or amended by the Committee in its sole discretion, the Applicant shall, for a period of five (5) years following the award of Grant, submit to the Delaware Economic Development Office, on an annual basis, financial statements in a form acceptable to the Committee, a progress report on the status of the project, including, but not limited to, the number of permanent, quality, full-time jobs created or saved as a result of the Project and the wage scale applicable to such persons, any economic impact of the funding (such as sales, costs, etc.) and any other information required by the Committee. Each applicant shall report to the Delaware Economic Development Office no later than June 30 of each of the years for which the report is required.

Section 5: Application Procedure

5.1 To apply for financial assistance, an Applicant must submit a completed Application concerning the Project to the Committee for review. Each Application must include the written certification of at least one Public Sponsor that the Project will serve a public purpose by

enhancing the infrastructure needs of the State. No application will be reviewed by the Committee until it is complete to the satisfaction of the Committee.

5.2 Applicants may obtain Application forms by contacting the Delaware Economic Development Office, 99 Kings Highway, Dover, DE 19901. Phone (302) 739-4271 / Fax (302) 739-5749.

Section 6: Approval Process

6.1 The Committee shall use its reasonable best efforts to complete its review of the Application for preliminary approval or disapproval within thirty (30) days from the date it deems an Application complete.

6.2 If a majority of the Committee determines that a Project has substantial economic development content, is in the public interest, and that the Committee's financial support would represent a prudent use of the Fund, then the Committee shall adopt a resolution authorizing the issuance of the requested financial assistance. Final Approval will be binding on the Committee provided, however, that the Committee may withdraw Final Approval at any time prior to the disbursement of financial assistance, if it determines that (1) the Applicant's circumstances have changed adversely since the date of Final Approval or since completion of the Application, if such adverse change did not come to the Committee's attention prior to Final Approval or (2) the Application contained a statement that was materially false or failed to include information necessary to prevent the Application from being materially false.

6.3 Final Approval will be effective for a period not to exceed one (1) year, and all funds committed for a Project must be completely dispersed by the Committee within that time. The Committee, in its sole discretion, may make limitations or grant extensions with respect to this one-year period.

6.4 The Applicant shall be issued a commitment letter outlining the terms and conditions of the Final Approval. When the commitment letter has been accepted by the Applicant and returned to the Committee, and all required documentation is prepared in form and content satisfactory to the Committee, a closing is scheduled and financial assistance is made available to the Applicant.

Print Form

Delaware Infrastructure Investment Committee
Delaware New Jobs Infrastructure Fund
Grant Application

Instructions: This application is designed to be completed electronically, then printed, signed and notarized. Please make all efforts to complete the application electronically, although it will be accepted if completed by hand. Return one original plus eight (8) copies, including exhibits, to The New Jobs Infrastructure Fund, c/o Delaware Economic Development Authority, Attention: Bernice Whaley, 99 Kings Highway, Dover, DE 19901. This application is not a commitment for funds, nor does it obligate the State of Delaware or any State agency to lend any form of financial assistance.

General Information

Legal Name of Applicant (Business)	Delaware Business License & Type	Tax I.D. or SS# for an Individual Request
D/B/A (if applicable)	Date Business Established (mm/yyyy)	NAICS Code[1]

Sole Proprietorship	General Partnership	Limited Partnership	S-Corp	C-Corp	LLC	Individual Business Request

Applicant's Billing Address	Business Phone #
Applicant's Street Address (if different)	Applicant's Fax #
Business Description	State of Incorporation

Primary Project Contact, Email & Phone Number	Title	Amount of Financing Requested $

Number of Applicant's Permanent Delaware-Based Full-time Jobs
(These numbers must coincide with the Employment Impact section on Page 3)

Presently on Site	To Be Maintained	To Be Created	To Be Relocated to Delaware	TOTAL

[1] A North American Industry Classification System (NAICS) Code is a 6 digit number assigned to your business by the Delaware Department of Labor. NAICS Codes replaced SIC codes. A NAICS code is also referred to as the Principal Business Activity or Principal Product or Service code on your federal income tax return.

Project Information

Management & Ownership

(Show 100% ownership. If more space is necessary, ignore here and attach a complete list formatted like below as "Exhibit: Management & Ownership – 1")

Name	SS# or Tax ID#	% Ownership	Address (if different from applicants)	Guarantor?	Spouse Guarantor?
		%			
		%			
		%			
		%			
		%			
		%			
		%			

Has the applicant or any person listed above:

☐ Yes	☐ No	Been the subject of, or a party to, any formal or informal inspection, inquiry, investigation, administrative proceeding, criminal prosecution or civil litigation by any federal or state agency administering, or private person seeking relief under, state or federal statutes, regulations or rules governing collective bargaining, hours of labor, working conditions, industrial hygiene and safety, minimum wage standards, discrimination in wages, child labor, unemployment insurance, workers' compensation or other labor law matters?
☐ Yes	☐ No	Been the subject of or a party to any formal or informal inspection, inquiry, investigation, administrative proceedings, criminal prosecution or civil litigation by any federal or state agency administering, or private person seeking relief under, state or federal environmental statutes or regulations?
☐ Yes	☐ No	Been the subject of, or a party to, any formal or informal inspection, inquiry, investigation, administrative proceeding, criminal prosecution or civil litigation by any state or federal law enforcement, regulatory or administrative agency for the criminal or civil violation of any federal or state statute, regulation, rule or the terms of any license or permit issued by a federal or state agency, including the failure to hold such a license or permit?
☐ Yes	☐ No	Been the defendant in any civil litigation in which any type of fraud, misrepresentation, unfair or deceptive trade practices were alleged?
☐ Yes	☐ No	Been debarred or suspended from contracting with any state or federal agency or from receiving financial assistance from any state or federal agency?
☐ Yes	☐ No	Been denied any license or permit or had any license or permit revoked or suspended by any federal, state or local agency or governmental body?
☐ Yes	☐ No	Been convicted of a crime?
☐ Yes	☐ No	Filed a voluntary petition in bankruptcy or had an involuntary petition in bankruptcy filed against the Applicant, in any bankruptcy court, or been subject to any other state or federal insolvency or receivership proceedings?

If the answer to any question above is "yes," furnish details on a separate page and attach as: "Exhibit: Management & Ownership – 2"

A. Location of Proposed Project

Street Address | Municipality | Zip Code | County

☐ Yes	☐ No	If applicant is not the owner of the project site, does the applicant lease the project site or any buildings on the site? If "yes", when does the lease expire?
☐ Yes	☐ No	Is there a relationship legally or by virtue of common control between the applicant or proposed occupant of the project, and the present owner of the property? If "yes", describe briefly here:

B. Employment Standard

Please provide a detailed description of how the project will create a significant number of direct, permanent, quality, full-time jobs:

Employment Impact

Indicate the number of Delaware-based full-time people that will be employed by the applicant or its related affiliate at the end of the first, second, and third year period after the project has been funded. All projections should be accurate, conservative, and achievable since employment projections may become a part of the financing agreements with the Committee. Include existing, new, and relocated jobs.

Type of Employment	Number of Full-Time Employees One Year After Funding	Number of Full-Time Employees Two Years After Funding	Number of Full-Time Employees Three+ Years After Funding
Professional or Managerial			
Engineering or Skilled Labor			
Unskilled & Semi-Skilled			
TOTALS			

Provide job titles that correspond to the newly created or relocated jobs as a result of the Infrastructure Fund grant, together with estimated annual wages for each title. If more space is necessary, ignore here and please attach a complete list as "Exhibit: Employment Impact"
Will you be attaching a separate list: ☐ Yes ☐ No

Job Titles	Job Type	# of Jobs	Estimated Minimum Wages	Benefits Included
			$	
			$	
			$	
			$	
			$	

C. Financial Stability and Economic Sustainability

In addition to providing Exhibit C as detailed in the Exhibit List on Page 7, please describe how the Project will be economically sustainable:

D. Public Purpose

In addition to providing Exhibit E as detailed in the Exhibit List on Page 7, please provide a detailed description of how the project will serve a public purpose by enhancing the infrastructure needs of the State. Please include whether the infrastructure improvements will benefit more than the Applicant, whether the infrastructure improvements will attract additional economic development to the area where the Project is being constructed, and whether the Project would have otherwise required the use of State monies to be completed:

E. Source and Use of Funds for Public Purpose

	Funded by Infrastructure Grant	Funded by Applicant
Construct, maintain, extend or enhance any water, sewer, storm water system	$ _____	$ _____
Construct, maintain, extend or enhance any dam and/or levee	$ _____	$ _____
Construct, maintain, extend or enhance any solid waste and/or hazardous waste facility	$ _____	$ _____
Construct, maintain, extend or enhance any energy transmission lines, energy and/or efficiency enhancements for buildings	$ _____	$ _____
Construct, maintain, extend or enhance any public housing and/or schools	$ _____	$ _____
Construct, maintain, extend or enhance any renewable energy and/or energy storage	$ _____	$ _____
Construct, maintain, extend or enhance any highway, and/or road, and/or bridge	$ _____	$ _____
Construct, maintain, extend or enhance any transit and/or intermodal system	$ _____	$ _____
Construct, maintain, extend or enhance any inland waterways	$ _____	$ _____
Construct, maintain, extend or enhance any land stabilization and or related infrastructure	$ _____	$ _____
Construct, maintain, extend or enhance any commercial ports and/or airports	$ _____	$ _____
Construct, maintain, extend or enhance any high speed rail and/or freight rail system	$ _____	$ _____
Other (Specify):	$ _____	$ _____
Total Infrastructure Costs	$ _____	$ _____
Total Project Costs	$ _____	$ _____

Certifications and Notarization To Applicants

CERTIFICATION -- Eligibility for financial assistance from the Delaware New Jobs Infrastructure Fund is determined by the information presented in this application and in the required exhibits and attachments. Any change in the status of the proposed project from the facts presented herein could disqualify the project, including but not limited to, the commencement of construction or the acquisition of assets such as land or equipment. Please contact the Committee, c/o DEDO, before taking any action which would change the status of the project as reported herein.

To the extent permitted by Delaware's Freedom of Information Act, 29 *Del. C.* Ch. 50, all information contained in this application or obtained by the Committee in investigating or considering this application will be kept confidential, except for disclosure to the Committee, to the staff and attorneys of the DEDO, and except for disclosures made at the public hearing of the Committee and in any published notice of such hearing. If a grant is made for your project, confidentiality may also be affected by any information reporting and other requirements imposed on the Committee by the Internal Revenue Code. A copy of the DEDO FOIA regulation is provided with this application.

I, the undersigned, being duly sworn upon my oath say:

1. The Applicant as listed in section I-A is the recipient of the funds. The undersigned is authorized to bind the applicant and any other recipient of Grant funds pursuant to this application.
2. The Applicant hereby agrees, if this application is approved, to comply with all federal, state, and local laws affecting the grant to be issued and the operation of the proposed project. As part of this agreement, the Applicant agrees to use its best efforts in good faith to meet all employment projections set forth herein and to give the first opportunity of employment to qualified Delaware residents for all unskilled and semi-skilled workers employed by the Applicant. The Applicant agrees to report to the Authority, no later than June 30 of the year following the start of its operation of the project, the total number of its unskilled and semi-skilled employees and the number of its unskilled and semi-skilled employees who were residents of Delaware at the time of their employment.
3. The Applicant hereby acknowledges and agrees that the Committee reserves the right to and may disclose any information contained in this application and its supporting documents to the staff and attorneys of the Committee and DEDO, at any public hearing held on this application, in any published notice of such hearing, and that this application is subject to the Delaware Freedom of Information Act.
4. The Applicant hereby agrees that any officers, employees, agents or attorneys of the Delaware Economic Development Office ("DEDO") may have access to and copy any and all information in any form pertaining to Applicant, including, but not limited to, tax returns and information from tax returns as used in 30 Del. C. §368, in the custody of any State of Delaware, or other State, department, agency, instrumentality, division, office, board, bureau, council, commission, committee, panel or "public body," as that term is defined in the Delaware Freedom of Information Act, 29 Del. C. § 10002(a), including, but not limited to, the Departments of Finance, State, Labor, and Natural Resources and Environmental Control of the State of Delaware, the United States Environmental Protection Agency, the United States Department of Labor, the National Labor Relations Board or any other agency of the federal government having custody of information deemed pertinent by DEDO or DEDO staff or attorneys in evaluating Applicant's application for assistance.
5. This application, with all attachments & exhibits, is the product of diligent and reasonable investigation that I have either overseen or been personally involved.
6. I have carefully read this application, including all attachments and exhibits, and the information contained in this application, including all attachments and exhibits, is true, accurate and complete to the best of my information and belief. These representations are made in support of a request for government funds.
7. I understand that if I have intentionally made a false statement in this application, or someone else has made a false statement herein that I know or believe to be false, I am subject to criminal prosecution.
8. I understand the Committee may also require the following:
   - A. Appraisals on real property and/or machinery and equipment. (Appraisers acceptable to the Authority).
   - B. An environmental analysis - Phase I.
   - C. Accounts receivable aging.
   - D. Accounts payable aging.
   - E. Bank loan exception letters.
   - F. Financial information to be prepared by a CPA acceptable to the Committee.
   - G. Additional information as determined by DEDO or the Committee.
9. I understand that no funds will be used for refinancing existing debt.
10. I understand that no funds may be used for equipment other than that which is directly infrastructure-related.
11. I understand that no funds may be used for speculative real estate ventures.

Name of Applicant (Business)

Signature of the Representative of the Applicant | Title | Date Signed / /

Notary Information

State of _____ County of _____

Signed and sworn to (or affirmed) before me on: / / 20____ by _____

(Representative of Applicant, not Notary)

[SEAL]

_____

(Name of Notary Public)

My Commission Expires: _____

EXHIBITS REQUIRED

This application will not be considered complete unless the following items are submitted with the application form.

A. "If yes" or "If Necessary" exhibits from application:

Attached	NA	Exhibit: Management & Ownership – 1
Attached	NA	Exhibit: Management & Ownership – 2
Attached	NA	Exhibit: Employment Impact

B. Certificate of Good Standing* and Business License:

Attached	In Process	An original Certificate of Good Standing issued by the Division of Corporations of the Delaware Secretary of State's office within the thirty-day period before the date of the application
Attached	In Process	A copy of the business license issued by the Division of Revenue of the Delaware Department of Finance.

* Certificate of Good Standing is not available for sole proprietorships or some general partnerships, but is for all other entities.

C. Financial information*:

Attached	NA	Three most recent years of financial statements and as much of the current year as is available, (but not more than three months old). Include as "Exhibit: Financial Statements"
		or
Attached	NA	Three most recent years of tax returns. Include as "Exhibit: Tax Returns"
Attached	NA	Completed copy of "Project Source & Use of Funds" form that follows

* All requested exhibits are required unless specifically told otherwise by the Committee. If the applicant is a new entity with less than two years of financial statements, provide personal financial statements and tax returns of each principal (or the parent company) for the past three years.

D. Certificate of Incorporation, Corporate Bylaws, Certificate of Formation and Limited Liability Operating Agreement*:

Attached	In process	An original Certificate of Incorporation issued by the Division of Corporations of the Delaware Secretary of State's office within the thirty-day period before the date of the application.
Attached	In process	A copy of the corporation's bylaws, if applicable.
Attached	In process	An original Certificate of Formation issued by the Division of Corporation of the Delaware Secretary of State's office within the thirty-day period before the date of the application.
Attached	In process	A copy of the original signed and executed limited liability company operating agreement.

*Certificate of Incorporation and Corporate Bylaws apply to Delaware corporations; Certificate of Formation and Limited Liability Operating Agreement apply to Delaware limited liability companies. Corporations are not required to have bylaws; in this event, please submit a copy of the Articles of Incorporation.

E. Public Sponsor Certification

Attached	In process	Written certification of at least one (1) Public Sponsor stating that the Project will serve a public purpose by enhancing the infrastructure needs of the State.

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A GENERATION AHEAD, *today*



Garrison Energy Center

June 6, 2011

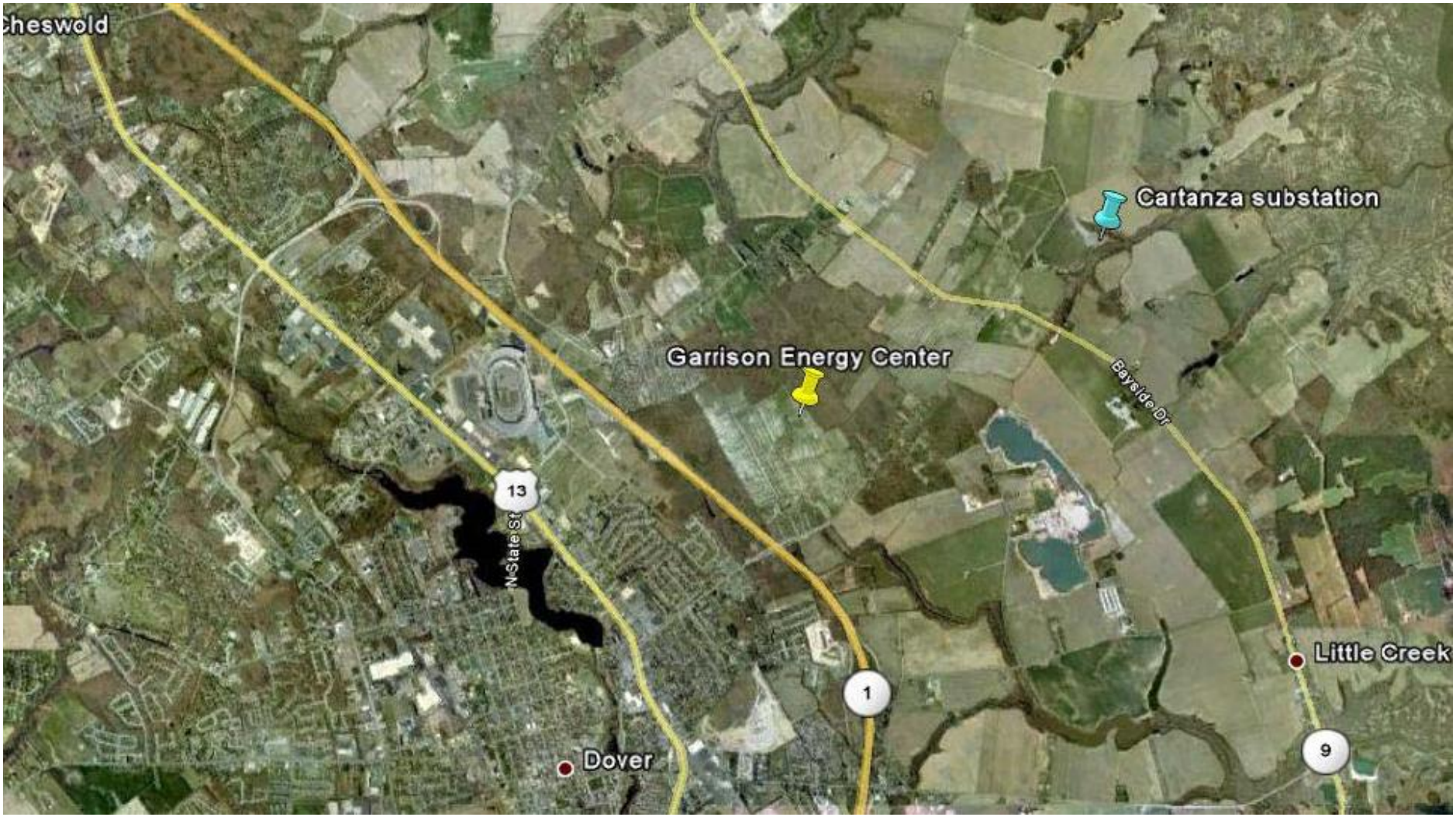
Project Site

- Approximately 37-acre site in the city of Dover, Kent County
- Located just east of Route 1 off White Oak Road
- Part of the Garrison Oak Technical Park, identified by the City of Dover as suitable for generation facilities
- Site is industrially zoned, although currently undeveloped
- Approximately 2.5 miles from 230 kV Cartanza substation
- Utilizing existing City and County utility services

Project Sited to Minimize Impacts

- Wetlands delineation of site completed and preliminary Jurisdictional Determination received from US Army Corps of Engineers
- No federal threatened and endangered species impacts identified by US Fish and Wildlife Service
- Nearest receptor (residence) located approximately 1700 feet to the southeast
- Nearest schools and sensitive receptors over one and a half miles from site

Aerial


Cartanza substation
Garrison Energy Center
Bayside Dr
13
N State St
Dover
1
Little Creek
9

Project Design Utilizes Efficient and Reliable Technology

- Nominal up to 309 MW dual-fueled combined cycle facility
- Constructed in one phase
- The phase will be a 1x1X1 configuration:
  - One combustion turbine with a HRSG and one steam turbine
  - Natural gas-fired duct burners on the HRSGs
- Primary fuel: Natural gas from Eastern Shore's interstate pipeline
- Back-up fuel: #2 ultra low sulfur fuel oil (max 10 days/yr)
- State-of-the-art emission controls: SCR, CO catalyst and low NOx combustion system.

Project Advancing as Scheduled

- Transmission interconnection request submitted to PJM Interconnection in August 2010.
  - Feasibility Study results received in January 2011
  - System Impact Study results are due by June 30th, 2011
- Natural gas service request and delivery interconnection request submitted to Eastern Shore Natural Gas Company in August 2010
  - Eastern Shore has indicated they plan to build a new lateral from their existing pipeline north of Dover parallel to Route 1 to the Garrison Oak Technical Park which requires detailed studies prior to submitting the expansion to FERC for approval which could take up to a year
- Waiver of PLUS process received from Delaware Office of State Planning in July 2010
- Coordination for other permits/plans/consultations in progress
- Commercial Operation Date- June 2015



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ACTION FORM

PROCEEDING: Legislation, Finance & Administration Committee
DEPARTMENT OF ORIGIN: City Manager's Office **DATE SUBMITTED**: 12/29/2011
PREPARED BY: Scott D. Koenig, P.E., City Manager
SUBJECT: Disposition of City Owned Land – Property Located at 120 W. Loockerman Street
REFERENCE: N/A
RELATED PROJECT: Loockerman Way / North Street Improvement Projects – Downtown Dover Partnership (DDP)
APPROVALS: Controller
EXHIBITS: Exhibit A – Letter of Request dated 12/07/2011; Exhibit B – Map; Exhibit C – Procedure for Sale and Disposition of Real Property.
EXPENDITURE REQUIRED: $ N/A **AMOUNT BUDGETED**: $ N/A **FUNDING SOURCE (Dept./Page in CIP & Budget)**: N/A
TIMETABLE: Complete property transfer, if approved, after Council action
RECOMMENDED ACTION: Authorize the City Manager to transfer the property located at 120 W. Loockerman Street to the Downtown Dover Partnership for $1.00 under Exception D of the Land Disposal Policy.

BACKGROUND AND ANALYSIS

As part of planned design and construction of the proposed North Street Improvements, the City of Dover has received a request from the Downtown Dover Partnership (DDP) to determine whether or not the parcel of land located at 120 W. Loockerman Street is excess property. This parcel of land was formerly a small park and parking area that supported the downtown business district. The park and a majority of the parking area were demolished previously; therefore, this land has been mostly idle for a number of years. Transfer of this parcel to the DDP will allow the consolidation of a number of land parcels and will also result in a significant capital improvement in the downtown area. Ultimately, the consolidated area will include an improved plaza, parking and several potential building sites.

Exception D (Donation of Land to Non-Profit Organizations) of the Land Disposal Policy affords for the donation of a parcel of excess land to a non-profit organization if, in the opinion of Dover City Council, the donation would be in the best interest of the City of Dover. The tax assessed value of this parcel is $113,500. Staff recommends donating this parcel of land to the DDP in lieu of payment for the parcel since the overall project costs for all of the North Street Projects is $3,000,000. Payment for the parcel would reduce the funds available for the construction of the project and thus may reduce the overall effectiveness of the proposed project.

Exhibit A

Downtown Dover Partnership
101 W. Loockerman St. Suite 1a
Dover, Delaware, 19904
302-678-2940

City of Dover
RECEIVED
DEC - 8 2011
CITY MANAGER/MAYOR

December 7, 2011

Mr. Scott Koenig, P.E.
City Manager,
City of Dover
P.O. Box 475
Dover, DE 19903-0475

RE: **Disposal of City of Dover Property**
NORTH STREET IMPROVEMENT PROJECTS
Dover, Delaware

Dear Mr. Koenig:

As President of the Downtown Dover Partnership (DDP) I am contacting you regarding the City's property, parcel No. 2-05-07709-04-0700-000, situated between Loockerman Street and North Street among seven (7) irregularly shaped vacant parcels, recently purchased by the DDP utilizing State monies as part of the overall redevelopment of the North Street Area Improvements. As you area aware these parcels are part of the Loockerman Way project site for the North Street Improvement Projects currently under review by the City. The parcel referenced above, is situated in the middle of The Loockerman Way project site. This portion of the project aims to create not only a well-lit and permanent connection between Loockerman Street and the North Street consolidated Parking lot, but open and green programmable park areas to be utilized by the downtown community. As part of the site improvements, these parcels contain proposed improvements which are not parcel specific, but are proposed across the entire area. If the City retains ownership of the parcel, these improvements maybe unattainable.

We have recently received review comments from the City's Planning Staff, which request the consolidation of the seven (7) parcels within the project site. Transferring ownership of this piece of property to the DDP would facilitate that request and help move the project forward.
With this letter, I am respectfully requesting the City begin the process of determining whether or not the City's parcel, described above, is excess and can be disposed of. I am requesting the City transfer ownership of the parcel to the DDP to facilitate the consolidation of the adjoining parcels pursuant to the City of Dover's Planning Department's request. If you should need any additional information or would like to discuss this matter further, please feel free to contact my office.

Sincerely,

The Downtown Dover Partnership.

Gregory V. Moore, P.E.
President

Enclosures: Color Graphic of Loockerman Way Project

Cc: William Neaton, Downtown Dover Partnership

Exhibit B



LOOCKERMAN PLAZA IMPROVEMENTS
CONCEPT 1
DOVER, DE 10.04.2011

NORTH STREET AREA IMPROVEMENTS

DOWNTOWN DOVER PARTNERSHIP
CENTURY ENGINEERING
BECKER MORGAN GROUP
ARCHITECTURE ENGINEERING

Exhibit C

Approved 10/14/14

PROPOSED PROCEDURE

FOR SALE AND DISPOSITION OF REAL PROPERTY

1. PURPOSE

To establish a policy for the City of Dover regulating the sale and disposition of excess lands.

2. LAWS AND POLICIES

City of Dover Code of Ordinances, Chapter 2, Article IV, Section 2-99, authorizes the sale and disposal of excess property.

This policy will standardize the procedure for disposal of excess City owned real property.

3. DETERMINATION

A City Staff member, upon determining that a City owned parcel of land is excess in nature and that the disposal of such land would be beneficial to the City of Dover, will request, through the Legislative and Finance Committee, that the Dover City Council consider disposal of such land.

4. STANDARD METHOD OF DISPOSITION

A. The Legislative and Finance Committee, upon receiving a request to dispose of excess real property, shall, prior to making a recommendation to the Dover City Council, request all pertinent information including, but not limited to, the following:

a-1) determination that subject parcel is not required by any other City department.

a-2) written explanation of why subject parcel is now surplus.

a-3) determination of whether a zoning change would enhance the sale value of subject parcel and recommend said change if warranted.

a-4) determine if parcel's exact location and size is known and, if not, recommend whether said parcel should be surveyed by the City prior to any sale attempts.

B. Dover City Council, after receiving a positive recommendation from the Legislative and Finance Committee to dispose of a surplus parcel of land, shall, as part of its deliberations:

b-1) determine if disposal of the parcel is in the City's best interests.

b-2) determine if disposal by sale, gift, or some other means would best serve the City's interests.

b-3) determine if the City Planner should be requested to initiate rezoning procedures.

b-4) publicize the pertinent information concerning the surplus parcel and its availability for purchase to the general public at least once a week for two weeks in a local newspaper.

b-5) make public, and a part of the record, all written correspondence received and, after the publicizing requirements of Section 4, Paragraph B(4) are met, hold a public hearing to receive any other citizen input.

C. Dover City Council, after voting to proceed with the sale of surplus land, shall determine:

c-1) if an unbiased appraisal is needed to establish a minimum acceptable price.

c-2) whether to sell the parcel by public auction or by sealed bid, and what the minimum acceptable offer will be.

c-3) the degree and scope of advertising, with a minimum of exposure being advertisement once a week for two weeks in a newspaper of general circulation within the county.

c-4) whether the circumstances of and surrounding a particular sale may be such that the best interests of the City would be served by listing the property for sale with a licensed real estate agent.

D. City Staff shall, with Council direction:

d-1) arrange for advertisement of the sale

d-2) draft the sale bill setting out a description of the parcel to be sold, time, date, and place of sale or bid opening, the terms and conditions of sale, and the City's reservation of acceptance or rejection of any or all bids received at the time of sale or bid opening.

d-3) order and distribute a sufficient number of sale bills for posting and distribution in the County Courthouse, at the site, and in the general area of the parcel.

d-4) obtain the services of a professional auctioneer if said sale is to be a public auction.

d-5) conduct the sale and submit the results to Dover City Council.

d-6) obtain the services of a licensed real estate agent if sale is to be brokered.

E. Dover City Council, after confirming the sale, shall:

e-1) request the City Solicitor to prepare a deed for execution and to arrange for final settlement with the purchaser at which time the City will deliver the deed, the purchaser will pay all balances due, and the City Solicitor will record said deed, in the Recorder of Deeds Office for Kent county.

F. If any excess parcel of land is too small or irregular in shape to be of any value to anyone other than an abutting owner, it may be sold to such owner at either its fee appraised fair market value, or at its fair market value as established by the City's assessment records, whichever Council shall select. The costs of the appraisal and all legal costs shall be paid by the owner requesting the conveyance.

G. Costs of Conveyance

Unless otherwise specified by Dover City Council, all fees and costs, legal or otherwise, associated with the sale and conveyance of all excess lands shall be paid by the purchaser.

5. EXCEPTIONS TO STANDARD METHOD OF DISPOSITION

Exception A.

Sale to an abutting owner: When, in the opinion of City Council, a public sale would be detrimental to the lands of an abutter, and/or that a public sale would place the abutter at undue risk; or that the combination of abutter's land and City's land would be substantially greater in value than that of the sum of the parcels considered individually, Dover City Council may direct the City Assessor to have prepared one or more unbiased fee appraisals of the parcel. Thereafter, the subject land will be offered for sale to the said abutter at the appraisal price, plus the appraisal fees, plus the legal costs. In the event the offer is not accepted, a public sale may be ordered.

Examples of detrimental affect might be when the surplus City parcel lies between an abutting property and the street and development of the parcel would obstruct visibility of the abutter's property, of when the surplus parcel is zoned multi-family and abuts a single family parcel.

Exception B.

Trade of lands: A trade of lands may be approved when it is shown beyond doubt that such a trade will be equal to or better than the lands to be traded either on a "square foot for square foot" measure and/or on a "dollar for dollar" measure.

Exception C.

Conveyance of odd shaped and/or unbuildable parcels: City acquisitions for roads, utility usages, etc. may, after such usage is accomplished, leave a small strip of land that is odd shaped and unbuildable. Dover City Council may approve the conveyance of this strip of land to an abutting property owner on request of said owner. The price for these lands shall be at the same cost basis as that paid by the City. If conveyance is made in excess of two years after the date of City acquisition, then the consideration shall either be based on a price established by an unbiased fee appraisal made on the basis of the value added to the abutting property by the acquisition of said lands, or on the City's cost basis for the parcel adjusted for inflation, whichever Dover City Council shall select. All fees, legal or otherwise, associated with the conveyance are to be paid by the purchaser.

Exception D.

Donation of Land to Non-Profit Organizations: If, in the opinion of Dover City Council, the donation of a parcel of excess land to a non-profit organization would be in the best interest of the City of Dover, Council then reserves unto itself the right to make such donation.