LEGISLATIVE, FINANCE, AND ADMINISTRATION COMMITTEE

A G E N D A

September 26, 2011 - 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. Discontinuation of Pay for Performance (PFP) Evaluation Form and Review of Proposed Evaluation Form *(Deferred by Committee on August 22, 2011 Due to Time Constraints)*

2. Recommendation of the Health Benefits Committee Regarding Elimination of Medicare Part B Reimbursements for Current Non-Bargaining Employees *(Referred to Committee by LF&A on June 27, 2011)*

3. Proposed Resolution No. 2011-11 - Request to General Assembly to Amend the City of Dover Charter - Length of Terms for Mayor and Council *(Deferred by Committee on August 22, 2011 Due to Time Constraints)* (Tabled by Committee on 9/12/11 Pending Additional Review of the 2005 Charter Review Committee Recommendations)

4. Presentation by Downtown Dover Partnership (DDP)
   A. Recent Grant Award in the Amount of $3M
   B. Status of $1.3M Loan for 120 S. Governors Avenue
   C. Future Plans

5. Discussion - Historical Perspective of Economic Development Office

6. Review of Cell Phone Use

7. Review of Take-Home Vehicle Use

8. Review, Consolidation and/or Elimination of City Committees, Commissions, and Boards - Dover Human Relations Commission

9. Proposed City of Dover Prescription Assistance Plan

10. Public Comment Period

11. Adjournment by 7:00 P.M.

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

Memorandum

Interim City Manager
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City Hall/ The Plaza
Dover, Delaware 19903-0475
Phone: (302) 736-7026
Fax: (302) 736-4217
E-mail: skoenig@dover.de.us

TO: Legislative, Finance and Administration Committee Members

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

DATE: September 20, 2011

SUBJECT: Discontinuation of Pay for Performance (PFP) Evaluation Form and Review of Proposed Evaluation Form

Please find the following attached items for review and discussion:

1. Current City of Dover Pay for Performance Evaluations Non-Council Appointed Positions
2. Current City of Dover Pay for Performance Evaluations Council Appointed Positions (highlighted items differentiate between #1 & #2)
3. Sample State of Delaware Employee Performance Review
4. Sample Dover Police Department Civilian Employee Evaluation Form

SDK/yml

Attachments

Evaluation Date:
Type of Review:

CITY OF DOVER
PAY-FOR-PERFORMANCE EVALUATIONS
NON-COUNCIL APPOINTED POSITIONS

Employee:

Department:

Evaluator 1:

Evaluator 2:

Evaluator 3:

Evaluator 4:

Evaluator 5:

Date Employed:

Evaluation Period Covered:

From:

To:

Date of Next Review:

Current Annual Salary:

Salary Ranges:

Below Market	At Market	Above Market	Above Maximum

SCORING TABLE

	Performance Score	X	Weight	=	Weighted Score
PART 1 - Planned Goal and Unplanned Assignment Results		X		=	
PART 2 - Core Competencies		X		=	
OVERALL SCORE (Part 1 + Part 2)					

Grade: **Class Title:** **Weight Classification:**

PERFORMANCE RATING DEFINITIONS

Outstanding: **Performance Points 5**

This level of performance represents the achievement of significant and exceptional results. The employee consistently achieved additional, significant results beyond established targets and significantly exceeds position requirements. The employee actively and continuously exhibits initiative and innovation and serves as a model for others.

Commendable: **Performance Points 4**

Demonstrates above-average knowledge, skills, abilities and effort. Performance goes beyond the position requirements and exceeds expected results. Performance measurably exceeds expectations. Employee exhibits initiative and resourcefulness in going beyond expectations of job performance in accomplishing goals and objectives.

Meets Expectations: **Performance Points 3**

The employee is effective, with good, solid performance as demonstrated by achieving a majority of results and demonstrating most competencies successfully. Job performance is accomplished in an efficient and competent manner. This performance is fully satisfactory and meets acceptable or expected standards for the job. Work efficiency and effectiveness support the overall productivity of the work unit. Employee accomplishes assigned tasks with expected direction and assistance.

Improvement Needed: **Performance Points 2**

The employee has met the basic expectations however has not performed the assigned duties in a fully or consistently competent manner thus requiring additional support of others. Inefficiency and/or ineffectiveness affects the productivity of the work unit. Does not consistently demonstrate the required knowledge, skills, abilities and/or effort for this position. Higher level of performance may be possible through increased effort, training and guidance. Performance at this level will be subject to continued careful assessment.

Unsatisfactory: **Performance Points 1**

Minimum standards for the job are not met; job duties are performed at a marginal level or not performed, or must be performed by others. There is minimal contribution to work unit productivity. Employee is unwilling or unable to improve. A need for further improvement is clearly recognized, identified and must occur immediately. Employee requires constant and close supervision. Continued performance at this level, absent any potential or evidence of immediate improvement will lead to progressive discipline up to and including termination.

PART 1: Planned Goals and Unplanned Assignments

GOAL/OBJECTIVE: Write clear, concise statements relative to the principal goals/objectives for the position. Establish the relative importance (priority) of each goal/objective. These planned goals and objectives are listed on the most recent evaluation completed for the employee.

RESULT ACHIEVED: Comment on the degree and quality of the results achieved and note and extenuating circumstances affecting the results. When performance is "Outstanding," "Needs Improvement" or "Unsatisfactory," specific reasons/examples must be included or attached.

PRIORITY: List the major planned goals and unplanned assignments in order of priority, with number one being the highest priority.

1	PLANNED GOAL/OBJECTIVE	PRIORITY:
	RESULT ACHIEVED	**Performance Rating (points):**
2	PLANNED GOAL/OBJECTIVE	PRIORITY:
	RESULT ACHIEVED	**Performance Rating (points):**
3	PLANNED GOAL/OBJECTIVE	PRIORITY:
	RESULT ACHIEVED	**Performance Rating (points):**
4	PLANNED GOAL/OBJECTIVE	PRIORITY:
	RESULT ACHIEVED	**Performance Rating (points):**
5	PLANNED GOAL/OBJECTIVE	PRIORITY:
	RESULT ACHIEVED	**Performance Rating (points):**

ADD UPDATED INFORMATION REGARDING MAJOR UNPLANNED ASSIGNMENTS AS APPROPRIATE THAT OCCURRED DURING THE REVIEW PERIOD THAT WAS NOT CITED ABOVE.

ADDITIONAL TASKS ASSIGNED AND RESULT ACHIEVED

TITLE RESULT ACHIEVED	**Performance Rating (points):**
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TITLE RESULT ACHIEVED	**Performance Rating (points):**
TITLE RESULT ACHIEVED	**Performance Rating (points):**

PART 2: Core Competency Elements

Performance Rating (points):

Accountability/Leadership/Work Management

- Accepts responsibility for actions and results.
- Accepts responsibility for work assignments and ensures desired results are achieved within established deadlines and guidelines.
- Reports to work regularly and is on time for work and meetings in accordance with department/personnel policy; schedules appointments at appropriate times.
- Works effectively under pressure conditions, such as heavy workloads or deadline situations, with productivity remaining consistent.
- Observes safety rules, reports, and corrects conditions and/or practices in work environment that are or may become unsafe.
- Inspires and motivates others in addition to leading by example.
- Accepts criticism and feedback.

Remarks/Example

Performance Rating (points):

Communication and Customer Service

- Demonstrates effective oral communication skills and conveys ideas and information in a clear and concise manner.
- Demonstrates effective written communication skills; clearly conveys ideas and information in a written format using proper grammar and punctuation when preparing written reports that are comprehensive, well-organized, clearly written and timely.
- Responds promptly and effectively to citizen questions, concerns, and complaints treating each citizens/customers with courtesy and respect under all circumstances.
- Ensures that appropriate staff are provided with all relevant information.
- Always maintains a highly professional demeanor.
- With an open-mind communicates with all staff and customers comments and suggestions.

Remarks/Example

Performance Rating (points):

Job Knowledge

- Possesses, demonstrates and applies the knowledge of relevant laws, rules, regulations and state of the art equipment, when available, within the profession and uses appropriate resources to make knowledgeable decisions.
- Understands job responsibilities and demonstrates competency.
- Takes initiative to receive on the job training.
- When made available to the employee, employee participates in training programs, takes advantage of other continuing education opportunities, and/or reads professional publications to keep current on techniques or methodologies appropriate to the job.
- Continuously analyzes current department operations, identifies areas where improvement may be made to better serve the public, reduces City expenses, increases revenue efficiency and implements these improvements where appropriate.
- Has knowledge of and complies with applicable City policies, procedures, and

regulations.

Remarks/Example

Performance Rating (points):

Planning, Organization, Problem Solving and Decision Making

- Sets priorities and meets deadlines for work activities.
- Allows for flexibility in work activities to meet changing needs for unusual situations and anticipates variations in work flow and plans accordingly for unexpected situations.
- Ability to devise effective solutions to problems or identify effective measures and procedures for accomplishing objectives.
- Includes appropriate people in decision-making process.
- Demonstrates effective decision making skills.

Remarks/Example

Performance Rating (points):

Relationships within the Organization

- Works cooperatively with fellow employees and other departments in order to accomplish work effectively and efficiently as well as in accomplishing the City's goals and mission.
- Contributes to good working relationships with fellow employees; involves fellow workers in formulating department objectives and planning work activities as appropriate.
- Supports the City's goal of valuing diversity within the workforce.

Remarks/Example

Performance Rating (points):

Supervisory Skills
(*Not applicable to employees who do not supervise*)

- Communicates and explains performance standards, organizational goals and objectives to subordinates.
- Provides and evaluates training for personnel to ensure effective and consistent job performance and to instruct personnel in new methods or techniques to be utilized. Provides and evaluates sufficient orientation or training of new personnel.
- Understands and explains the City's Strategic Organizational Plan to the employee.
- Documents ongoing employee performance, especially in critical areas.
- Properly manages personnel and resources within Budget guidelines.
- Is familiar with established personnel policies, procedures and labor agreements, operates in a consistent manner with these and seeks advice of the Human Resources Department when appropriate.
- Delegates responsibilities to co-workers as appropriate and establishes a follow-up plan.
- Actively supports the City's cultural diversity programs and policies.

Remarks/Example

OVERALL COMMENTS: A detailed narrative should be included to express any comments or concerns that were not addressed previously in the evaluation.

PART 3: Major Responsibilities for Next Year

List goals/objectives for the coming year to be rated during the next evaluation.
Goals are to be S.M.A.R.T.
(**S**pecific, **M**easurable, **A**ttainable, **R**ealistically High, **T**arget Date)

GOAL/OBJECTIVE	PRIORITY:
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PART 4: Employee's Professional Development Plan

Establish a development plan listing goals and objectives with the employee for the coming year. The development plan includes specific actions that the employee can take to enhance performance. The objectives are results the employee will be expected to achieve and are the basis for the next formal performance evaluation. This development plan must accompany the performance evaluation in the employee's personnel file.

SIGNATURES

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Employee: I have had this evaluation explained to me.

- ☐ I agree with this evaluation.
- ☐ I do not agree with this evaluation.
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Additional Comments:

Signature of Employee _____ Date _____

Evaluator: I have explained this evaluation to the employee and attest that the information contained herein represents my best judgment of the employee's performance.

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Signature of Evaluator _____ Date _____

Department Head
Signature _____ Date _____

Human Resources Director
Signature _____ Date _____

Evaluation Date:
Type of Review:

CITY OF DOVER
PAY-FOR-PERFORMANCE EVALUATIONS
COUNCIL APPOINTED POSITIONS

Employee:

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Date Employed:

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PART 2: Core Competency Elements

Performance Rating (points):

Accountability/Leadership/Work Management

- Responds to Mayor and Council requests in a timely manner.
- Adjusts schedule to meet with Council to listen to and address their concerns.
- Handles Constituent complaints referred by Mayor and City Council in an effective and timely manner.
- Accepts criticism and feedback from Council.
- Completes work assignments from City Council within established deadlines and guidelines.
- Accepts responsibility for actions and results.
- Accepts responsibility for work assignments and ensures desired results are achieved within established deadlines and guidelines.
- Reports to work regularly and is on time for work and meetings in accordance with department/personnel policy; schedules appointments at appropriate times.
- Works effectively under pressure conditions, such as heavy workloads or deadline situations, with productivity remaining consistent.
- Observes safety rules, reports, and corrects conditions and/or practices in work environment that are or may become unsafe.
- Inspires and motivates others in addition to leading by example.

Remarks/Example

Performance Rating (points):

Communication and Customer Service

- Updates Mayor and Council on City actions as appropriate and in a manner that is clearly and easily understood.
- Ensures that appropriate staff and Council are provided with all relevant information.
- Demonstrates effective written reports & CAFs to City Council; clearly conveys ideas and information in a written format using proper grammar and punctuation when preparing written reports that are comprehensive, well-organized, clearly written & timely.
- Attends civic and community meetings, as appropriate, to represent the City to hear concerns of its citizens.
- Demonstrates effective oral communication skills and conveys ideas and information in a clear and concise manner.
- Demonstrates effective presentation skills at meetings.
- Responds promptly and effectively to citizen questions, concerns, and complaints treating each citizens/customers with courtesy and respect under all circumstances.
- Always maintains a highly professional demeanor.
- With an open-mind communicates with all staff and customers comments and suggestions.

Remarks/Example

Performance Rating (points):

Job Knowledge

- Has knowledge of and complies with applicable City policies, procedures, regulations and Council initiatives.
- Ability to research and recommend new initiatives requested by City Council.
- Takes initiative to receive on the job and training and attend appropriate conferences to further development and job knowledge.
- Possesses, demonstrates and applies the knowledge of relevant laws, rules, regulations and state of the art equipment, when available, within the profession and uses appropriate resources to make knowledgeable decisions.
- Understands job responsibilities and demonstrates competency.
- When made available to the employee, employee participates in training programs, takes advantage of other continuing education opportunities, and/or reads professional publications to keep current on techniques or methodologies appropriate to the job.
- Continuously analyzes current department operations, identifies areas where improvement may be made to better serve the public, reduces City expenses, increases revenue efficiency and implements these improvements where appropriate.

Remarks/Example

Performance Rating (points):

Planning, Organization, Problem Solving and Decision Making

- Includes appropriate people in decision-making process and keeps Council apprised when appropriate.
- Sets priorities and meets deadlines for work activities and Council initiatives.
- Presents Annual Budget to Council in the agreed upon time frame and format along with Finance Director.
- Allows for flexibility in work activities to meet changing needs for unusual situations and anticipates variations in work flow and plans accordingly for unexpected situations.
- Ability to devise effective solutions to problems or identify effective measures and procedures for accomplishing objectives.
- Demonstrates effective decision making skills.

Remarks/Example

Performance Rating (points):

Relationships within the Organization

- Works cooperatively with Council and other Council appointees.
- Works cooperatively with fellow employees and other departments in order to accomplish work effectively and efficiently as well as in accomplishing the City's goals and mission.
- Contributes to good working relationships with fellow employees; involves fellow workers in formulating department objectives and planning work activities as appropriate.
- Supports the City's goal of valuing diversity within the workforce.

Remarks/Example

Performance Rating (points):

Supervisory Skills
(*Not applicable to employees who do not supervise*)

- Understands and explains the City's Strategic Organizational Plan to employees and Council.
- Communicates and explains performance standards, organizational goals and objectives to subordinates.
- Provides and evaluates training for personnel to ensure effective and consistent job performance and to instruct personnel in new methods or techniques to be utilized. Provides and evaluates sufficient orientation or training of new personnel.
- Documents ongoing employee performance, especially in critical areas.
- Properly manages personnel and resources within Budget guidelines.
- Is familiar with established personnel policies, procedures and labor agreements, operates in a consistent manner with these and seeks advice of the Human Resources Department and outside Counsel when appropriate.
- Delegates responsibilities to co-workers as appropriate and establishes a follow-up plan.
- Actively supports the City's cultural diversity programs and policies.

Remarks/Example

OVERALL COMMENTS: A detailed narrative should be included to express any comments or concerns that were not addressed previously in the evaluation.

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List goals/objectives for the coming year to be rated during the next evaluation.
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SIGNATURES

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Employee: I have had this evaluation explained to me.

- ☐ I agree with this evaluation.
- ☐ I do not agree with this evaluation.
- ☐ I wish to appeal this evaluation.
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Additional Comments:

Signature of Employee _____ Date _____

Evaluator: I have explained this evaluation to the employee and attest that the information contained herein represents my best judgment of the employee's performance.

- ☐ I have attached an addendum to this evaluation.

Signature of Evaluator _____ Date _____

Department Head
Signature _____ Date _____

Human Resources Director
Signature _____ Date _____

Sample

The State *of* Delaware Employee Performance Review

Name, Job Title:
Department-Division-Section:
Supervisor, Job Title:
Date, or time period covered:

Areas where performance is distinguished or exceeds expectations, if any:

Areas of specific performance deficiencies or unsatisfactory work, if any:

Areas where growth or skills/knowledge development is suggested or needed. If not applicable, please use this space and/or attach summary explanation of how employee met expectations.

Employee documentation of performance events, comments and/or self-review:

We have met and discussed this document. The employee's overall performance is (Distinguished), (Exceeds Expectations), (Meets Expectations), (Needs Improvement) or is (Unsatisfactory). *Please Circle one*

Employee/date	Evaluator/date	Reviewer/date

DOVER POLICE DEPARTMENT
CIVILIAN EMPLOYEE EVALUATION FORM

Circle One: Probation Evaluation Special Evaluation Annual Evaluation Exit Evaluation

NAME: _____ **DATE:** _____

DEPARTMENT: _____ **JOB TITLE/GRADE:** _____

PURPOSES OF THIS EMPLOYEE EVALUATION:
To take a personal inventory, to pin-point weaknesses and strengths and to outline and agree upon a practical improvement program. Periodically conducted, these Evaluations will provide a history of development and progress.

INSTRUCTIONS:
Listed below are a number of traits, abilities and characteristics that are important for success in business for success. Place an "x" mark on each rating scale, over the descriptive phrase that most nearly describes the person over the descriptive phrase for each category being rated. Carefully evaluate each of the qualities separately.

Two common mistakes in rating are: (1) A tendency to rate nearly everyone as "average" on every trait instead of being more critical in judgment. The rater should use the ends of the scale as well as the middle, and (2) The "Halo Effect," I.e. a tendency to rate the same individual "excellent" on every trait or "poor" on every trait based on the overall picture one has of the person being rated. However, each person has strong points and weak points and these should be indicated on the rating scale.

ACCURACY correctness of work duties performed.

1	2	3	4	5
Makes frequent errors.	Careless; makes recurrent errors.	Usually accurate; makes only average number of mistakes.	Requires little supervision; is exact and precise most of the time.	Requires absolute minimum of supervision; is almost always accurate.

ADAPTABILITY able to pick up new ideas and procedures, is easy to instruct, adapts to new situations, understands and carries out oral or written instructions.

1	2	3	4	5
Slow to "catch on".	Requires more than average instructions and explanations.	Grasps instructions with average ability.	Usually quick to understand and learn new tasks.	Exceptionally keen and alert.

PROBLEM SOLVING ability to devise effective solutions to problems or identify effective measures and procedures for accomplishing objectives.

1	2	3	4	5
Unable to solve simple problems without assistance.	Occasionally resolves simple problems.	Usually finds answers to common problems.	Consistently finds solutions to more complex problems.	Extremely adept at suggesting solutions to the most complex problems.

PROFESSIONALISM the professional impression the individual makes on others (cleanliness, grooming, appearance, and behavior)

1	2	3	4	5
Unprofessional appearance and/or demeanor.	Sometimes untidy and careless about Appearance and/or Demeanor.	Generally professional appearance and satisfactory demeanor.	Consistent professional appearance and demeanor.	Always maintains highly professional appearance and demeanor.

ATTENDANCE promptness and reliability in reporting for duty

1	2	3	4	5
Absent well in excess of department average and/or frequently late.	Absent in excess of department average and/or sometimes late.	Usually present and on time. Uses sick leave at about average rate.	Very prompt; uses less than average amount of sick leave.	Uses minimal sick leave, always prompt.

ORGANIZATION the ability to maintain an organized work area

1	2	3	4	5
Disorganized, resulting in inability to retrieve relevant information.	Somewhat Disorganized and often has trouble finding relevant information.	Ordinarily keeps work area neat and organized.	Quite conscientious about organization of work area.	Extremely well organized; able to quickly retrieve relevant information.

SELF-SUFFICIENCY the ability to do required jobs well with a minimum of supervision

1	2	3	4	5
Requires close Supervision; is unreliable.	Sometimes requires prompting.	Usually takes care of necessary tasks and completes them promptly.	Requires little supervision; is reliable. Follows through well.	Requires absolute minimum of supervision.

WORK EFFORT shows initiative in starting, carrying out, and completing tasks

1	2	3	4	5
Shows no initiative. Does not take on tasks unless assigned.	Rarely shows initiative	Shows average amount of effort. Shows initiative in completing common tasks.	Independently sees most tasks through to completion	Independently completes the most complex tasks when appropriate

JOB KNOWLEDGE/SKILL the ability to understand and perform job-related tasks

1	2	3	4	5
Lacks knowledge and skills to perform basic duties.	Lacks knowledge and/or skills to perform some duties.	Moderately informed; can perform most common tasks.	Understands and all phases of work.	Has complete mastery of all phases of job.

PRODUCTIVITY the ability to complete assigned duties, tasks, and projects in a timely manner

1	2	3	4	5
Does not meet minimum requirements	Does just enough to get by. Rarely meets deadlines	Volume of work is satisfactory. Usually meets deadlines	Very industrious; does more than is required. Meets deadlines	Superior work production. Tasks always completed properly and on time

WORKING RELATIONSHIPS maintains effective working relationships with others

1	2	3	4	5
Makes little effort to get along with others.	Sometimes uncooperative or difficult to work with.	Usually cooperative and pleasant.	Gets along well with co-workers; very cooperative.	Always maintains a team attitude; promotes a cooperative work atmosphere.

SUPERVISORY SKILLS (supervisors only)

1	2	3	4	5
Fails to motivate Subordinates and to properly manage personnel and resources.	Seldom attains Improvements through sound management techniques.	Does an average job as a manager; usually maintains good order and meets most goals.	Uses various management skills to reach goals; Seldom fails to meet goals.	Outstanding manager; an inspiration to Subordinates; uses highly effective management tools.

EVALUATION SKILLS (supervisors only)

1	2	3	4	5
Fails to use the evaluation process as a management tool.	Needs improvement in effective use of the evaluation process.	Average use of the evaluation process for improvement.	Uses evaluation process to improve employee skills and performance.	Extremely perceptive; highly skilled at identifying problems and providing solutions.

OVERALL SCORE (total scores and divide by number of rated categories)

1	2	3	4	5
Fails to meet minimum standards.	Below average; needs improvement.	Doing an average job.	Definitely above average.	Outstanding.

SUPERVISORY COMMENTS

MAJOR WEAK POINTS ARE:

1)
2)
3)

And these can be strengthened by doing the following:

MAJOR STRONG POINTS ARE:

1)
2)
3)

And these can be used more effectively by doing the following:

☐ **Career Counseling Performed**
(discussion of employee's career goals and suggestions to help reach those goals.)

CAREER COUNSELING COMMENTS

EMPLOYEE'S COMMENTS

RATED BY: _____
(NAME) (TITLE)

REVIEWED BY: _____

This Report has been reviewed and discussed with me.

_____
(Employee's Signature) (Date)

Sample

PROCEDURAL NOTICE 35(1)
CIVILIAN PERFORMANCE EVALUATION

I POLICY

Civilian employees of the Dover Police Department shall be evaluated on their performance in order to provide a written record of each employee's performance and to provide a useful tool for improvement. This process will form a basis for strategies designed to channel strengths and improve weaknesses. Such evaluations may also be used to identify and track areas of growth and/or regression in job performance.

II PROCEDURE

A. There are two classifications of Civilian Evaluations;

1. Non-bargaining civilian employees- These employees have their evaluations completed on the City of Dover Pay for Performance Evaluation Form. This evaluation period begins on July 1st and ends on May 30th of the following year. (***Refer to the City of Dover Performance Based Pay Policy regarding evaluation requirements, completion of the form, deadlines and appeal process***).

2. Bargaining civilian employees- These employees have their evaluations completed on the Dover Police Department Civilian evaluation form.

B. Dover Police Department Civilian Evaluation Forms (for Bargaining Employees);

1. Entry Level Probationary Evaluation– New employees will be evaluated at the end of the first and second quarter of employment.

2. Annual Evaluation – Upon completion of six months of employment, annual evaluations will be completed on all civilian employees. The annual evaluation period will include the previous 12 months beginning January 1st running until December 31st. Performance since the last evaluation will be included for consideration in the evaluation rating. All evaluations will be filed with the office of the Chief of Police not later than March 15th .

3. Special Evaluations – A special evaluation may be required for civilian employees identified with sub-standard annual evaluations or when poor performance would warrant constant monitoring of a particular problem. Upon determination by the employee's supervisor or any Executive Officer that a special evaluation is needed, an evaluation will be completed every 60 days for a minimum of 6 months before the employee can be considered for removal from this process.

4. Exit Evaluations – Upon transfer or promotion which causes a new supervisor to be assigned to a civilian employee, an evaluation will be completed. If the event occurs within 90 days of the last evaluation, an exit evaluation will not be required.

Sample

C. Pre-Evaluation Requirements (Bargaining Employees)

Any non-probationary employee who is in danger of receiving a rating of "1" on any category must be advised in writing whenever their performance is deemed to be unsatisfactory. This written notification must be made at least 90 days prior to the end of the annual rating period.

D. Completing the Evaluation Form for Bargaining Employees

1. All bargaining civilian employee evaluations will be completed on the "Civilian Evaluation" forms.

2. Civilian employees will be rated in each of the evaluation categories on a scale of 1 to 5, with 5 being the highest possible score.

3. Scores of "1" and "5" require written comment in the "Supervisor Comments" section. A score of "1" shall be considered to be an unacceptable rating.

4. In addition to the standard categories, civilian supervisors will be rated on additional categories entitled "Supervisory Skills" and "Evaluation Skills".

5. The total score of all categories will be added and divided by the number of categories for which the employee was rated in order to obtain an overall average. This score will be entered into the section entitled "Overall Evaluation Score".

6. All civilian employees will receive career counseling as part of the evaluation process for the purpose of assisting employees in reaching their individual career goals and to enhance their job performance. Upon completion of a verbal career counseling session, the rating supervisor will check the box marked "Career Counseling Provided" and enter appropriate comments in the text box provided on the form.

7. The civilian employee will be given the opportunity to make written comments on the completed evaluation before signing the document.

8. A copy of the evaluation will be provided to the employee and the original will be forwarded through the chain of command to the Deputy Chief before being filed in the employee's personnel file.

E. Appeal Process for Bargaining Employees

1. Civilian employees may request an appeal of their evaluation within 5 working days of completion of the evaluation.

Sample

2. The appeal must be made in the form of a Personal Memorandum addressed to the Deputy Chief through the chain of command. In cases where the Deputy Chief is the immediate supervisor, the appeal will be addressed to the Chief of Police.

3. The contents of the appeal request must include the specific categories being appealed, the rating sought, and the justification for the change.

4. The recipient of the appeal (Deputy Chief or Chief) will make the final decision on the appeal and will respond in writing within 5 working days.

F. Minimum Standards for Bargaining Employees

Upon completion of the probationary period, civilian employees are required to maintain a minimum overall evaluation score of 2.5 out of a possible 5.0 score. In addition, civilian employees may not have more than 2 unacceptable ratings in any evaluation. Failure to meet these standards shall result in being placed on Special Evaluation status. Disciplinary action may result from substandard annual evaluations or failure to make measurable progress pursuant to Special Evaluations.

III SUPERSEDES

This Procedural Notice supersedes all previous directives and procedures, written or otherwise, not in total conformity herewith.

IV EFFECTIVE DATE

This Procedural Notice shall become effective immediately upon execution and issuance.

Order executed and issued this _____ day of _____ 2010.

_____
Major Paul M. Bernat
Deputy Chief of Police

Memorandum

Human Resources Department
15 Loockerman Plaza
P.O. Box 475
Dover, DE 19903
Phone: (302) 736-7790
FAX: (302) 736-7093
E-mail: khawkins@dover.de.us

To: Legislative, Finance and & Administration Committee

From: Kim Hawkins, Human Resources Director

Date: September 16, 2011

Subject: Medicare Part B Reimbursement for Current Non-Bargaining Employees

During the August 16, 2011 meeting of the Health Benefits Committee, I advised members that during the Legislative, Finance, and Administration Committee meeting of June 27, 2011, committee members recommended that the proposal to eliminate Medicare Part B reimbursement for current non-bargaining employees be referred to the Health Benefits Committee for their review and consideration by September 1, 2011. A recommendation from the Health Benefit Committee was then to be brought back to the Legislative, Finance and Administration Committee.

During the August 16, 2011 meeting of the Health Benefits Committee the proposal to eliminate the Medicare Part B reimbursement for current non-bargaining employees was reviewed, as recommended. Discussion of a cap of $200 was addressed; however, a motion was made, and seconded, to recommend that the Medicare Part B reimbursements for non-bargaining employees remain unchanged. The motion carried by a vote of five (5) yes, three (3) no, one (1) abstention and one (1) absent.

The minutes from the June 27, 2011 Legislative, Finance and Administration meeting as well as the minutes from the August 16, 2011 Health Benefit Committee are attached for your review.

/hf

Attachments

cc: Scott Koenig, Interim City Manager
Donna Mitchel, Controller
City Clerk's Office

History and Projection for Medicare Part B Premiums

37 Year History of Medicare Part B		
Year	Monthly Premium	% Change
1975	$6.60	
1976	$7.20	9.1%
1977	$7.70	6.9%
1978	$8.20	6.5%
1979	$8.70	6.1%
1980	$9.60	10.3%
1981	$11.00	14.6%
1982	$12.20	10.9%
1983	$12.20	0.0%
1984	$14.60	19.7%
1985	$15.50	6.2%
1986	$15.50	0.0%
1987	$17.90	15.5%
1988	$24.80	38.5%
1989	$31.90	28.6%
1990	$28.60	-10.3%
1991	$29.90	4.5%
1992	$31.80	6.4%
1993	$36.60	15.1%
1994	$41.10	12.3%
1995	$46.10	12.2%
1996	$42.50	-7.8%
1997	$43.80	3.1%
1998	$43.80	0.0%
1999	$45.50	3.9%
2000	$45.50	0.0%
2001	$50.00	9.9%
2002	$54.00	8.0%
2003	$58.70	8.7%
2004	$66.60	13.5%
2005	$78.20	17.4%
2006	$88.50	13.2%
2007	$93.50	5.6%
2008	$96.40	3.1%
2009	$96.40	0.0%
2010	$110.50	14.6%
2011	$115.40	4.4%

Historical Avg. Annual Increase	8.6%
Last 5 Year Avg. Annual Increase	5.6%

Projection of Medicare Part B @ 8.6%		
Year	Monthly Premium	% Change
2012	$125.32	8.6%
2013	$136.10	8.6%
2014	$147.81	8.6%
2015	$160.52	8.6%
2016	$174.32	8.6%
2017	$189.31	8.6%
2018	$205.60	8.6%
2019	$223.28	8.6%
2020	$242.48	8.6%
2021	$263.33	8.6%
2022	$285.98	8.6%
2023	$310.57	8.6%
2024	$337.28	8.6%
2025	$366.29	8.6%
2026	$397.79	8.6%
2027	$432.00	8.6%
2028	$469.15	8.6%
2029	$509.50	8.6%
2030	$553.32	8.6%
2031	$600.90	8.6%
2032	$652.58	8.6%
2033	$708.70	8.6%
2034	$769.65	8.6%
2035	$835.84	8.6%
2036	$907.72	8.6%
2037	$985.78	8.6%
2038	$1,070.56	8.6%
2039	$1,162.63	8.6%
2040	$1,262.61	8.6%
2041	$1,371.20	8.6%
2042	$1,489.12	8.6%
2043	$1,617.19	8.6%
2044	$1,756.26	8.6%
2045	$1,907.30	8.6%
2046	$2,071.33	8.6%
2047	$2,249.47	8.6%
2048	$2,442.92	8.6%
2049	$2,653.01	8.6%
2050	$2,881.17	8.6%
2051	$3,128.95	8.6%
2052	$3,398.04	8.6%
2053	$3,690.27	8.6%

Projection of Medicare Part B @ 5.6%		
Year	Monthly Premium	% Change
2012	$121.86	5.6%
2013	$128.69	5.6%
2014	$135.89	5.6%
2015	$143.50	5.6%
2016	$151.54	5.6%
2017	$160.03	5.6%
2018	$168.99	5.6%
2019	$178.45	5.6%
2020	$188.44	5.6%
2021	$199.00	5.6%
2022	$210.14	5.6%
2023	$221.91	5.6%
2024	$234.33	5.6%
2025	$247.46	5.6%
2026	$261.32	5.6%
2027	$275.95	5.6%
2028	$291.40	5.6%
2029	$307.72	5.6%
2030	$324.95	5.6%
2031	$343.15	5.6%
2032	$362.37	5.6%
2033	$382.66	5.6%
2034	$404.09	5.6%
2035	$426.72	5.6%
2036	$450.61	5.6%
2037	$475.85	5.6%
2038	$502.49	5.6%
2039	$530.63	5.6%
2040	$560.35	5.6%
2041	$591.73	5.6%
2042	$624.87	5.6%
2043	$659.86	5.6%
2044	$696.81	5.6%
2045	$735.83	5.6%
2046	$777.04	5.6%
2047	$820.55	5.6%
2048	$866.50	5.6%
2049	$915.03	5.6%
2050	$966.27	5.6%
2051	$1,020.38	5.6%
2052	$1,077.52	5.6%
2053	$1,137.86	5.6%

City of Dover

Projection for Medicare B Premium Reimbursements with 5.6% inflation & all annual premiums increasing based on new rates each year

	Non-Bargaining Vested					Non-Bargaining Non-Vested					
Year	Eligible Employees Turning 65	Mortality Reductions	Cumulative Retirees/ Employees	Amount of Annual Increase	Amount of Budget for Payments	Eligible Employees Turning 65	Mortality Reductions	Cumulative Retirees/ Employees	Amount of Annual Increase	Amount of Budget for Payments	Annual Total
2010					$0.00					$0.00	
2011	1	0	1	$1,384.80	$1,384.80	1	0	1	$1,384.80	$1,384.80	$2,769.60
2012	1	0	2	$1,539.90	$2,924.70	0	0	1	$77.55	$1,462.35	$4,387.05
2013	0	0	2	$163.78	$3,088.48	1	0	2	$1,626.13	$3,088.48	$6,176.96
2014	0	0	2	$172.95	$3,261.44	0	0	2	$172.95	$3,261.44	$6,522.87
2015	0	0	2	$182.64	$3,444.08	0	0	2	$182.64	$3,444.08	$6,888.15
2016	2	0	4	$3,829.81	$7,273.89	0	0	2	$192.87	$3,636.94	$10,910.83
2017	0	0	4	$407.34	$7,681.23	1	0	3	$2,123.98	$5,760.92	$13,442.15
2018	0	0	4	$430.15	$8,111.37	0	0	3	$322.61	$6,083.53	$14,194.91
2019	0	0	4	$454.24	$8,565.61	2	0	5	$4,623.48	$10,707.01	$19,272.63
2020	1	0	5	$2,741.00	$11,306.61	0	0	5	$599.59	$11,306.61	$22,613.22
2021	1	0	6	$3,021.13	$14,327.73	0	0	5	$633.17	$11,939.78	$26,267.51
2022	4	0	10	$10,889.08	$25,216.81	2	0	7	$5,711.99	$17,651.77	$42,868.58
2023	3	0	13	$9,400.83	$34,617.64	0	0	7	$988.50	$18,640.27	$53,257.90
2024	1	0	14	$4,750.61	$39,368.24	0	0	7	$1,043.85	$19,684.12	$59,052.36
2025	4	0	18	$14,082.58	$53,450.83	2	0	9	$7,041.29	$26,725.41	$80,176.24
2026	4	0	22	$15,536.37	$68,987.20	1	0	10	$4,632.40	$31,357.82	$100,345.02
2027	3	0	25	$13,797.44	$82,784.64	1	0	11	$5,067.42	$36,425.24	$119,209.88
2028	2	0	27	$11,629.59	$94,414.22	0	0	11	$2,039.81	$38,465.05	$132,879.28
2029	1	0	28	$8,979.84	$103,394.07	0	0	11	$2,154.04	$40,619.10	$144,013.16
2030	3	(1)	30	$16,103.57	$119,497.63	1	(1)	11	$4,789.30	$45,408.40	$164,906.03
2031	1	(1)	30	$6,769.42	$126,267.05	1	0	12	$4,005.22	$49,413.62	$175,680.67
2032	3	0	33	$17,230.10	$143,497.15	2	(1)	13	$10,079.16	$59,492.78	$202,989.93
2033	1	0	34	$12,627.75	$156,124.90	1	0	14	$4,793.94	$64,286.72	$220,411.62
2034	2	0	36	$18,441.11	$174,566.01	4	0	18	$22,996.28	$87,283.00	$261,849.01
2035	1	(2)	35	$12,126.70	$186,692.70	2	(1)	19	$13,744.25	$101,027.26	$287,719.96
2036	2	0	37	$13,379.49	$200,072.19	4	0	23	$23,341.94	$124,369.20	$324,441.40
2037	0	0	37	$11,204.04	$211,276.24	3	0	26	$24,095.18	$148,464.38	$359,740.62
2038	1	0	38	$17,861.41	$229,137.64	1	(2)	25	$11,574.34	$160,038.73	$389,176.37
2039	0	(1)	37	$11,446.91	$240,584.55	1	0	26	$5,519.25	$165,557.98	$406,142.53
2040	0	(1)	36	$6,826.08	$247,410.63	2	0	28	$22,719.65	$188,277.63	$435,688.26
2041	0	(4)	32	$2,677.39	$250,088.02	1	(2)	27	$14,874.70	$203,152.33	$453,240.35
2042	0	(3)	29	($14,293.67)	$235,794.35	1	0	28	$6,802.83	$209,955.16	$445,749.51
2043	0	(1)	28	($7,548.20)	$228,246.16	0	0	28	$11,757.49	$221,712.65	$449,958.80
2044	0	(5)	23	($1,041.60)	$227,204.56	1	(2)	27	$18,008.04	$239,720.69	$466,925.25
2045	0	(3)	20	($28,269.16)	$198,935.40	0	(1)	26	($2,695.73)	$237,024.96	$435,960.36
2046	0	(3)	17	($16,600.38)	$182,335.02	3	(1)	28	$31,999.89	$269,024.85	$451,359.87
2047	0	(2)	15	($17,711.72)	$164,623.30	0	0	28	$6,681.10	$275,705.95	$440,329.25
2048	0	(1)	14	($10,037.30)	$154,586.00	0	0	28	$15,439.53	$291,145.48	$445,731.48
2049	0	(3)	11	($5,015.58)	$149,570.42	1	(1)	28	$25,899.69	$317,045.18	$466,615.59
2050	0	(1)	10	($23,407.54)	$126,162.88	0	(1)	27	$6,236.84	$323,282.01	$449,444.89
2051	0	(3)	7	($7,871.51)	$118,291.37	0	(2)	25	$4,551.96	$327,833.98	$446,125.34
2052	0	(1)	6	($29,164.26)	$89,127.11	0	(1)	24	($5,961.95)	$321,872.03	$410,999.14
2053	0	(2)	4	($9,970.50)	$79,156.61	1	(4)	21	$13,947.98	$335,820.01	$414,976.62
	42	(38)			$4,812,851.46	41	(20)			$5,058,559.69	$9,871,411.15

A mortality age of 83 for male and female was used for all analysis

City of Dover

Projection for Medicare B Premium Reimbursements (with all eligible persons premiums @ $200 Cap)

$ 200.00

	Non-Bargaining Vested					Non-Bargaining Non-Vested					
Year	Eligible Employees Turning 65	Mortality Reductions	Cumulative Retirees/ Employees	Amount of Annual Increase	Amount of Budget for Payments	Eligible Employees Turning 65	Mortality Reductions	Cumulative Retirees/ Employees	Amount of Annual Increase	Amount of Budget for Payments	Annual Total
2010			0	$0.00	$0.00			0	$0.00	$0.00	$0.00
2011	1	0	1	$1,800.00	$1,800.00	1	0	1	$1,800.00	$1,800.00	$3,600.00
2012	1	0	2	$4,800.00	$6,600.00	0	0	1	$0.00	$1,800.00	$8,400.00
2013	0	0	2	$0.00	$6,600.00	1	0	2	$2,400.00	$4,200.00	$10,800.00
2014	0	0	2	$0.00	$6,600.00	0	0	2	$0.00	$4,200.00	$10,800.00
2015	0	0	2	$0.00	$6,600.00	0	0	2	$0.00	$4,200.00	$10,800.00
2016	2	0	4	$4,800.00	$11,400.00	0	0	2	$0.00	$4,200.00	$15,600.00
2017	0	0	4	$0.00	$11,400.00	1	0	3	$2,400.00	$6,600.00	$18,000.00
2018	0	0	4	$0.00	$11,400.00	0	0	3	$0.00	$6,600.00	$18,000.00
2019	0	0	4	$0.00	$11,400.00	2	0	5	$4,800.00	$11,400.00	$22,800.00
2020	1	0	5	$2,400.00	$13,800.00	0	0	5	$0.00	$11,400.00	$25,200.00
2021	1	0	6	$2,400.00	$16,200.00	0	0	5	$0.00	$11,400.00	$27,600.00
2022	4	0	10	$9,600.00	$25,800.00	2	0	7	$4,800.00	$16,200.00	$42,000.00
2023	3	0	13	$7,200.00	$33,000.00	0	0	7	$0.00	$16,200.00	$49,200.00
2024	1	0	14	$2,400.00	$35,400.00	0	0	7	$0.00	$16,200.00	$51,600.00
2025	4	0	18	$9,600.00	$45,000.00	2	0	9	$4,800.00	$21,000.00	$66,000.00
2026	4	0	22	$9,600.00	$54,600.00	1	0	10	$2,400.00	$23,400.00	$78,000.00
2027	3	0	25	$7,200.00	$61,800.00	1	0	11	$2,400.00	$25,800.00	$87,600.00
2028	2	0	27	$4,800.00	$66,600.00	0	(1)	10	($1,800.00)	$24,000.00	$90,600.00
2029	1	0	28	$2,400.00	$69,000.00	0	0	10	$0.00	$24,000.00	$93,000.00
2030	3	0	31	$7,200.00	$76,200.00	1	0	11	$2,400.00	$26,400.00	$102,600.00
2031	1	(1)	31	$0.00	$76,200.00	1	0	12	$2,400.00	$28,800.00	$105,000.00
2032	3	(1)	33	$3,000.00	$79,200.00	2	(1)	13	$2,400.00	$31,200.00	$110,400.00
2033	1	0	34	$2,400.00	$81,600.00	1	0	14	$2,400.00	$33,600.00	$115,200.00
2034	2	0	36	$4,800.00	$86,400.00	4	0	18	$9,600.00	$43,200.00	$129,600.00
2035	1	(2)	35	($2,400.00)	$84,000.00	2	(1)	19	$2,400.00	$45,600.00	$129,600.00
2036	2	0	37	$4,800.00	$88,800.00	4	0	23	$9,600.00	$55,200.00	$144,000.00
2037	0	0	37	$0.00	$88,800.00	3	0	26	$7,200.00	$62,400.00	$151,200.00
2038	1	0	38	$2,400.00	$91,200.00	1	(2)	25	($2,400.00)	$60,000.00	$151,200.00
2039	0	(1)	37	($2,400.00)	$88,800.00	1	0	26	$2,400.00	$62,400.00	$151,200.00
2040	0	(1)	36	($2,400.00)	$86,400.00	2	0	28	$4,800.00	$67,200.00	$153,600.00
2041	0	(4)	32	($9,600.00)	$76,800.00	1	(2)	27	($2,400.00)	$64,800.00	$141,600.00
2042	0	(3)	29	($7,200.00)	$69,600.00	1	0	28	$2,400.00	$67,200.00	$136,800.00
2043	0	(1)	28	($2,400.00)	$67,200.00	0	0	28	$0.00	$67,200.00	$134,400.00
2044	0	(5)	23	($12,000.00)	$55,200.00	1	(2)	27	($2,400.00)	$64,800.00	$120,000.00
2045	0	(3)	20	($7,200.00)	$48,000.00	0	(1)	26	($2,400.00)	$62,400.00	$110,400.00
2046	0	(3)	17	($7,200.00)	$40,800.00	3	(1)	28	$4,800.00	$67,200.00	$108,000.00
2047	0	(2)	15	($4,800.00)	$36,000.00	0	0	28	$0.00	$67,200.00	$103,200.00
2048	0	(1)	14	($2,400.00)	$33,600.00	0	0	28	$0.00	$67,200.00	$100,800.00
2049	0	(3)	11	($7,200.00)	$26,400.00	1	(1)	28	$0.00	$67,200.00	$93,600.00
2050	0	(1)	10	($2,400.00)	$24,000.00	0	(1)	27	($2,400.00)	$64,800.00	$88,800.00
2051	0	(3)	7	($7,200.00)	$16,800.00	0	(2)	25	($4,800.00)	$60,000.00	$76,800.00
2052	0	(1)	6	($2,400.00)	$14,400.00	0	(1)	24	($2,400.00)	$57,600.00	$72,000.00
2053	0	(2)	4	($4,800.00)	$9,600.00	1	(4)	21	($7,200.00)	$50,400.00	$60,000.00
	42	(38)			$1,941,000.00	41	(20)			$1,578,600.00	$3,519,600.00

A mortality age of 83 for male and female was used for all analysis

LEGISLATIVE, FINANCE, AND ADMINISTRATION COMMITTEE

The Legislative, Finance, and Administration Committee meeting was held on June 27, 2011 at 5:53 p.m. with Chairman McGlumphy presiding. Members present were Mr. Anderson, Dr. Jones and Mr. Shevock. Mr. Hare was absent. Members of Council present were Mr. Bonar, Mr. Hutchison, Mr. Lynn, and Council President Leary. Mayor Carey was also present.

AGENDA ADDITIONS/DELETIONS

Mr. Shevock moved for approval of the agenda, seconded by Mr. Anderson and unanimously carried.

Discussion - Elimination of Medicare Part B Reimbursements for Current Non-Bargaining Employees *(Tabled June 13, 2011 in Order to Obtain Legal Opinion)*

During their meeting of June 13, 2011, members considered the elimination of Medicare Part B reimbursements for current non-bargaining employees as a cost-saving measure. After much discussion, members tabled the matter and requested that a legal opinion be sought from the City Solicitor to determine the legality of eliminating Medicare Part B reimbursement for non-vested, non-bargaining employees in light of Council's action related to this matter on July 27, 2009 and that the matter be scheduled for reconsideration at a subsequent meeting.

Mr. Anderson moved to remove the matter from the table, seconded by Dr. McGlumphy and unanimously carried.

Dr. McGlumphy noted the receipt of a legal opinion from Deputy City Solicitor Pepper indicating that the City could legally eliminate Medicare Part B reimbursement for non-vested, non-bargaining employees.

Mr. Anderson questioned if the Committee's recommendation should be reworded to remove any mention of the word "vesting" and that time frames be specified. Dr. McGlumphy explained that the Committee's recommendation cannot reference "vesting" since it is not a vested right but can reference "years of service."

Responding to Mr. Shevock, Dr. McGlumphy stated that, to his knowledge, this matter has not been reviewed by the Health Benefits Committee. Dr. Jones felt that, due to the seriousness and complex nature of this matter, it should be reviewed by the Health Benefits Committee prior to the Legislative, Finance, and Administration Committee's consideration.

At the request of Mr. Anderson, Ms. Denise Devine, Assistant City Clerk, stated that during the Committee meeting of June 13, 2011, a motion was made by Mr. Hare and seconded by Dr. McGlumphy to maintain Medicare Part B reimbursement for all employees who are vested as of June 27, 2011; however, after further discussion, the motion was withdrawn.

Mr. Shevock moved to recommend that the matter be forwarded to the Health Benefits Committee for their review and brought back to the Committee for a recommendation by September 1, 2011, seconded by Dr. Jones.

Mr. Anderson explained the critical issues involving Medicare, as noted in the President's Debt Commission's Report. He stated that there will be substantial changes to Medicare which the City will have no control over and which will cause a severe financial liability to the City. He suggested that members move this matter forward to City Council for consideration.

For clarification, Dr. McGlumphy advised members that the Committee reports to City Council and, as such, the Committee's recommendation will be forwarded to City Council at their next meeting. Council will have the option to accept the Committee's recommendation or take other action at that time.

Dr. McGlumphy referred to emails he received regarding the issue referencing "fairness." He questioned "fairness" to whom: the new employee; employees with 10, 20, or 30 years of service; taxpayers; etc. He noted that members have been provided statistical projections for Medicare Part B reimbursements with inflationary costs that indicate significant sums of money that will affect the City as a whole. He reminded members that this issue is not a benefit but rather a subsidy, and that the projected amount is over $600,000.

Responding to Mr. Hutchison, Ms. Devine indicated that the Health Benefits Committee does not have regularly scheduled meetings and that their meetings are held on an "as needed" basis.

With regard to "fairness," Mr. Lynn stated that it would be fundamentally unfair to take a "right" or "subsidy" away from a group of individuals who have no voice to speak for themselves, are not unionized, are not banded together, and cannot come before City Council by and through a union representative to voice their opinions. It was his hope that members would forward the matter to the Health Benefits Committee and that it would not be submitted for any further consideration by City Council.

Concurring, Mr. Bonar reiterated his opposition to taking benefits away from either current or retired employees. It was his feeling that the City's "word" is the City's "bond." Understanding that financial situations change, he felt that the City should acquire the necessary funding.

Council President Leary reminded members that the membership of the Health Benefits Committee includes representatives for all major bargaining units, non-bargaining employees, senior staff, and two (2) members of Council (Mrs. Williams and Mr. Hare).

The motion to recommend that the matter be referred to the Health Benefits Committee for their review by September 1, 2011, and subsequently brought back to the Committee for a recommendation was carried, with Mr. Anderson voting no.

Proposed Ordinance #2011-15 - Appendix A - Subdivisions - Regarding Homeowners' Association Responsibilities *(Deferred June 13, 2011 Due to Time Constraints)*

Members were provided proposed Ordinance #2011-15, which would amend Appendix A - Subdivisions, regarding homeowners' association responsibilities. Mrs. Ann Marie Townshend, Director of Planning and Community Development, reminded members that the proposed ordinance

HEALTH BENEFITS COMMITTEE

The Health Benefits Committee meeting was held on August 16, 2011 at 3:06 p.m. with Mrs. Hawkins (Human Resources Director) presiding. Members present were Councilman Leary, Mrs. Mitchell (Controller/Treasurer), Mr. Koenig (Interim City Manager - ex-officio), Mr. Clendaniel (IUE/CWA Representative), Mr. Enss (Non-Bargaining Representative), Mr. Hudson (Retiree Representative), Mr. Newberry (IBEW Representative), and Mr. Roswell (FOP Representative). Councilwoman Williams was absent.

AGENDA ADDITIONS/DELETIONS

By unanimous consent, the agenda was approved, as presented.

Mrs. Kimberly Hawkins, Human Resources Director, introduced two (2) new members to the Committee, as follows: 1) Mr. Scott Koenig, Interim City Manager, and 2) Mr. Stephen Newberry, who replaced Mr. Paul Simon as the IBEW Local #1238 Representative.

Mrs. Hawkins also noted that Mr. Robert (Ernie) Roswell was representing the FOP, in the absence of Mr. David Spicer.

Public Comment

Mrs. Fran Hettinger, 63 Sackarackin Avenue, stated that she is a retired City of Dover employee and felt that the elimination of Medicare Part B reimbursement should be limited to new hires rather than to current employees who were hired with this benefit. She noted that the State of Delaware recently made changes to their benefits through House Bill No. 81 ***(Attachment #1)*** which were applied to new hires only and suggested that the City take the same approach.

Mr. James Hosfelt, Police Chief, stated that during the Legislative, Finance, and Administration Committee meeting of June 13, 2011, employees from the City of Dover Police Department submitted written comments pertaining to the elimination of Medicare Part B reimbursement for current non-bargaining employees. He requested that those comments be provided to members ***(Attachment #2)***.

Elimination of Medicare Part B Reimbursement for Current Non-Bargaining Employees

Mrs. Kimberly Hawkins, Human Resources Director, advised members that during the Legislative, Finance, and Administration Committee meeting of June 27, 2011, members recommended that the proposal to eliminate Medicare Part B reimbursement for current non-bargaining employees be referred to the Health Benefits Committee for their review and consideration by September 1, 2011 and subsequently be brought back to the Legislative, Finance and Administration Committee for a recommendation.

Mrs. Hawkins reviewed the History and Projection for Medicare Part B Premiums for the last 37 years. Referring to Page 1, she stated that the projections were based on a percentage change of 8.6% (Historical Average Annual Increase) and 5.6% (Last Five (5) Year Average Annual Increase). In reference to Page 2, Mrs. Hawkins explained that Mrs. Donna Mitchell, Controller/Treasurer, prepared an analysis projecting the number of employees eligible to receive Medicare Part B reimbursements assuming a 5.6% premium inflation rate each year from 2011 through 2053. She noted that, per the Internal Revenue Service (IRS), mortality ages are 75 for males and 78 for

females; however, a mortality age of 83 was used for both males and females as many of the City's current retirees exceed the IRS mortality rate. In addition, non-bargaining vested and non-vested employees were listed separately as a result of suggestions made by members of the Legislative, Finance, and Administration Committee to eliminate Medicare Part B reimbursement for non-vested, non-bargaining employees. Mrs. Hawkins explained that if changes are not made, the projected cost for Medicare Part B reimbursements will be approximately $9.8M.

Mrs. Mitchell noted that the projected cost of $9.8M included only up to the year 2053, when the final employees would be eligible to receive Medicare Part B, and did not include when those employees would reach mortality; therefore the costs would continue.

Referring to Page 3, Mrs. Hawkins explained that if a $200 cap was placed on Medicare Part B premium reimbursements, the City's cost would be approximately $3.5M, resulting in a savings of approximately $6.3M.

Mrs. Mitchell advised members that the analysis of placing a cap on Medicare Part B Premium reimbursement was prepared to demonstrate that the City would receive greater savings using this approach versus eliminating this benefit for non-vested, non-bargaining employees.

Mrs. Hawkins also noted that many employees had expressed concerns regarding the elimination of Medicare Part B for non-bargaining, non-vested employees based upon a specified date.

In response to Mr. Enss, Mrs. Mitchell stated that the Committee's recommendations would only affect eligible employees and not those who were hired after July 27, 2009.

Mr. Scott Koenig, Interim City Manager, stated that as a non-bargaining employee, he would prefer that the Medicare Part B reimbursement remain untouched; however, he realized that there was a significant cost associated with this benefit. He suggested that, rather than having the benefit completely expunged, employees compromise by recommending that a $200 cap be placed on the Medicare Part B premium. He explained that union members present negotiated the Medicare Part B reimbursement away through union contracts and received something in return. Mr. Koenig felt that employees who have worked for a number of years with the City have earned a portion of this benefit and, in some cases, this benefit will not be realized for several years, if at all. He noted that the highlighted projections listed on Page 1 indicate when the City may hit the $200 threshold in the future and, in his opinion, placing a $200 cap on the Medicare Part B premium would demonstrate a good faith offer from non-bargaining employees to reduce long-term liability from $9.8M to $3.5M. Mr. Koenig also felt that eliminating this benefit for non-vested employees would create friction between those employees who are vested and those who are not; therefore, he stated that the institution of a the cap was the best approach.

Mr. Enss reminded members that during the January 12, 2009 Regular City Council meeting, members approved a number of staff's recommendations for benefit parity for non-bargaining employees and stated that the unions negotiated the Medicare Part B reimbursement away and received something else in return. In addition, he stated that union members received salary increases this year, while non-bargaining employees did not. Mr. Enss suggested that the value of

the salary increases that were not received by non-bargaining employees be considered when formulating a recommendation regarding the Medicare Part B premium.

It was Mr. Leary's feeling that the percentage changes of 5.6% and 8.6% were fair. He also felt that increasing the mortality age to 83 was a good idea actuarially and noted that, for financial planning purposes, many firms use 84 or 85 as the age of mortality. In regard to reaching a compromise, Mr. Leary concurred with Mr. Koenig and thought that placing a cap on the Medicare Part B premium would be the best approach.

Councilman Lynn stated that he would encourage all non-bargaining employees not to compromise on this issue. He explained that bargaining employees received something in exchange for giving up the Medicare Part B reimbursement, while there is no proposal to grant the non-bargaining employees any benefit in return. Mr. Lynn suggested that the Committee inform City Council members that they would like this benefit to remain untouched. It was his feeling that the current City Council is attempting to put ten (10) years of unsound economic policy on the backs of City employees and he did not agree with this approach.

Concurring with Councilman Lynn, Mrs. Fran Hettinger, reiterated her opposition to the elimination of Medicare Part B reimbursements for current employees. She stated that the City made a commitment when this benefit was promised to employees, some who have been employed with the City for 15 to 25 years. Mrs. Hettinger acknowledged that the City is facing very difficult times; however, she suggested that the City consider mirroring the amendments made to employee benefits by the State of Delaware in House Bill No. 81.

In response to Mrs. Hettinger, Mrs. Hawkins stated that, as a result of House Bill No. 81, State of Delaware employees will have to contribute 5% to their health care beginning in 2012. She also explained that she did not believe that the State of Delaware provides Medicare Part B reimbursement.

Chief Hosfelt advised members that non-bargaining employees did not receive a salary increase this year and most likely would not next year and felt that penalizing these employees even further was unjust. He stated that, unlike bargaining employees, non-bargaining employees are not able to negotiate and that the City made a promise to provide benefits to employees upon offering employment. Chief Hosfelt reiterated Councilman Lynn's comments and felt that placing the previous City Council members' financial irresponsibilities on the backs of the employees was unfair.

Mr. Enss moved to recommend that the Medicare Part B reimbursements for non-bargaining employees remain unchanged. The motion was seconded by Mr. Hudson and carried by a vote of five (5) yes, three (3) no (Mrs. Hawkins, Mr. Koenig, and Mrs. Mitchell), one (1) abstention (Mr. Clendaniel), and one (1) absent (Mrs. Williams).

Mrs. Hawkins noted that the Committee's recommendation will be forwarded to members of City Council for their consideration on September 12, 2011. *(City Clerk's Office Note: Consideration of this matter by City Council has been postponed until a later date.)*

Review of Health Care Alternatives

Mrs. Hawkins reviewed the list of Health Care Alternatives and reminded members that these suggestions were discussed during the January 19, 2011 Health Benefits Committee meeting. She noted that the list currently consists of 12 alternatives and stated it would be quite expensive to have the actuary perform a cost analysis on all 12. As a result, Mrs. Hawkins suggested that members narrow the list down by selecting their top five (5) choices to further explore and noted that the City would potentially be implementing these items depending on the results of the cost analysis.

Mr. Enss questioned the elimination of additional suggestions that members made during their meeting of January 19, 2011, specifically the idea of providing a monetary incentive (Item #14) that would encourage employees who are eligible to retire to stay longer, which would reduce health care and pension costs. In response, Mrs. Hawkins stated that the bullet points listed on Page 5 represented some of the suggestions made by members which include promoting a health and wellness program, the installation of additional red light cameras, and a modest tax increase over the next ten (10) years. She also stated that some items were eliminated because they were redundant and/or a cost analysis could not be performed by the actuary.

In response to Mr. Koenig, Mrs. Hawkins stated that the first suggestion listed on Page 1, demonstrates the cost to employees who choose the PPO Plan versus the HMO Plan. She explained that employees would be responsible for the difference in the premium between the HMO Plan and the PPO Plan. Mrs. Hawkins stated that the State of Delaware uses First State Basic as their base rate rather than an HMO. She noted that First State Basic costs are slightly lower and that the State of Delaware has legislation that mandates provision of free coverage to their employees. Mrs. Hawkins felt that the Blue Cross Blue Shield (BCBS) HMO is a very good plan and that the majority of City employees are enrolled in the BCBS PPO Plan. She explained that the PPO Plan allows employees to see the provider of their choice without a referral, which is the primary reason why many employees opt for this Plan over the HMO Plan. Mrs. Hawkins noted that BCBS is a large network and that most physicians are participating providers. She explained that this change would encourage consumers to be more aware of their health care choices.

Responding to Mr. Koenig regarding the second suggestion listed on Page 2, Mrs. Hawkins stated that a Health Reimbursement Account (HRA) is an account to which the City would contribute funds to be used for medical expenses. She explained that all unused funds are carried over at the end of the year and that HRAs remain with the originating employer and do not follow an employee to new employment; however, retirees would have continued access to unused HRA funds. Mrs. Hawkins noted that the HRA would be managed by the City, similar to the 457 Plan, and that there are fees associated with management of the plan.

In response to Mr. Koenig, Mrs. Hawkins stated that the prescription plan is attached to health insurance.

ACTION FORM

PROCEEDING: Legislative, Finance, and Administration Committee	**AGENDA OF:** 09-26-2011
DEPARTMENT OF ORIGIN: City Council	**DATE SUBMITTED**: 09-19-2011
PREPARED BY: Traci A. McDowell, City Clerk on Behalf of Councilman Hutchison	
SUBJECT: Proposed Charter Amendment - Term Lengths for Mayor and Council	
EXHIBITS: 1) Proposed Charter Amendment	
TIMETABLE: Recommendation to City Council on 10-10-2011	
RECOMMENDED ACTION: Adoption of Proposed Resolution No. 2011-11	

BACKGROUND AND ANALYSIS

At the request of Councilman Hutchison, the City Clerk prepared Proposed Resolution No. 2011-11 requesting the Delaware General Assembly to amend the City of Dover Charter to increase the term lengths for the Mayor and Council from two (2) years to four (4) years.

During their Regular Meeting of September 12, 2011, the Committee tabled consideration of this item pending a review of the recommendations of the 2005 Charter Review Committee regarding term lengths for the Mayor and City Council members. Excerpts of the minutes of those meetings are provided for review.

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NOVEMBER 17, 2005 - 2005 CHARTER REVIEW COMMITTEE MEETING
NO OFFICIAL ACTION TAKEN.

Discussion - Review of City Charter
Members discussed options for the **form of government**, including the possibility of a **strong Mayor** as the Chief Executive Officer with a **professional City Manager**. With this form of government members suggested that a **search committee** comprised of the Mayor, Council President, and Standing Committee Chairs would serve as a search committee **for future City Managers** and the City Manager would be nominated by the Mayor and confirmed by Council. The role of Council would be legislative and appropriative in this form of government.

Members discussed several different options for the **number of Council districts and how members might be elected**, such as six (6) districts with the Council president and two (2) Council members being elected at large. Mr. Leary advised members that the demographics of Dover have become so diluted that it is difficult to draw the boundary lines for the minority district. Members also discussed the **NAACP consent decree** with regard to an **increased number of districts** being beneficial in establishing a minority district or enabling the City to have two (2) minority districts.

Terms of office for the Mayor and Council were discussed, including the possibility of adopting a **recall** option for both offices and ***eliminating the requirement that Council members relinquish their seat in order to run for another office**, such as Mayor, Levy Court, etc.

JULY 6, 2006 - 2005 CHARTER REVIEW COMMITTEE MEETING

Discussion of Presentation by Deputy City Solicitor Pepper on the Consent Decree

Form of Government
Members reviewed information provided entitled *Council-Manager or "Strong-Mayor"* produced by the California City Management Foundation (***Attachment #1***) as well as information from the National League of Cities entitled *About Cities: Forms of Municipal Government* (***Attachment #2***).

Mrs. Merritt moved to suspend the rules to allow former Mayor Hutchison to address members of the committee, seconded by Mr. Scheller and unanimously carried.

Former Mayor Hutchison advised members that he is a strong believer in the Council-Manager/Strong-Mayor form of government. Regarding concerns for protection of the City Manager, Mr. Hutchison stated that language could be included that would require the dismissal of a City Manager to be based on just cause and approval of Council by majority vote. He felt that it is critical that Mayor and Council work together and currently, for the City of Dover, there is a clear separation between these two offices.

Responding to Mr. Leary, Mr. Hutchison stated that there would be certain employees that would report directly to the Mayor rather than the City Manager, such as the Treasurer/Finance Director. He also relayed his support for four (4) year terms and felt that there should be a means, such as recall, for voters to dismiss anyone prior to their term if there is cause.

There being no objections, the meeting was recessed at 7:23 p.m. and reconvened at 7:30 p.m.

By a show of hands, Mr. Leary noted that three (3) members felt that there should be a change to the form of government, that being a Mayor-Council, with the Mayor having strong powers (as defined in the *Council-Manager or "Strong-Mayor"* document provided to members. There were two (2) members that felt that the City should have a Council-Manager form of government.

By a show of hands, Mr. Leary noted that three (3) members felt that the term of office for the Mayor should be increased to four (4) years and that there should be a recall provision included.

Responding to Mrs. Merritt, Mr. Leary clarified that members can submit recommendations to City Council that would amend Sections of the Charter that are impacted by the Consent Decree. He explained that although there may be issues that cannot be changed at this time, he suggested that the recommendation would be presented to Council for consideration at this time for making the amendments when and if the Consent Decree is amended.

Mr. Leary stated that he will talk with the Council President and the Mayor to determine the City's position on re-opening negotiations with the NAACP for amending the Consent Decree and report back to members of the committee.

In response to Mrs. Merritt, Mr. Leary stated that it was his understanding that if there is no agreement between the NAACP and the City and the City wished to pursue amending the Consent Decree, there would be legal fees involved.

Mr. Leary distributed a letter from Mr. DePrima, providing information regarding a request of Senator Still for consideration of the establishment of a Compensation Commission who would have the objective of making recommendations regarding salaries for the Mayor, City Council and paid members of City committees and commissions. He stated that this will be an issue to be discussed by members at their next meeting scheduled to be held on July 20, 2006 at 7:00 p.m.

NOVEMBER 13, 2007 - LF&A MEETING

Review of 2005 Charter Review Committee Recommendations - Article I. General Provisions
During their meeting of September 10, 2007, members approved the schedule to complete a comprehensive review of the 2005 Charter Review Committee Recommendations, including public hearings in each election district, over the next six (6) months. Members began their review during their meeting on October 8, 2007.

As scheduled, members considered the recommendations to Article II - Mayor and Council, of the Dover Charter, as follows:

Section 4, City Charter - Government Vested in Mayor and City Council (*Section 2.01, Model City Charter - General Powers and Duties.*)
Mr. McGlumphy moved to recommend that Section 4 be replaced with Section 2.01, as stated in the *Model City Charter*, including the title. The motion was seconded by Mrs. Jones and unanimously carried.

Section 5, City Charter (1st paragraph) - Council to be Legislative Body
Members considered the possibility of the 1st paragraph of Section 5 being moved to appear with Section 6.02(a) of the *Model City Charter*.

It was the consensus of members that the 1st paragraph of Section 5 follow Section 4, and that it not be included at Section 6.02(a) of the *Model City Charter*.

Section 5, City Charter (5th paragraph) - Qualifications (*Section 2.02, Model City Charter - Eligibility, Terms, and Composition - (a) Eligibility*
Mr. McGlumphy moved to recommend retaining the language in Section 5 (5th paragraph) rather than Section 2.02 of the *Model City Charter*, amending subsection (4) by replacing "Twenty-one (21)" with "Eighteen (18)". The motion was seconded by Mr. Shevock and unanimously carried.

Section 5, City Charter (3rd and 4th paragraphs) - Terms of Mayor and Councilmen (*Section 2.02, Model City Charter - Eligibility, Terms, and Composition - (b) Terms*
It was noted that the 2005 Charter Review Committee recommended that the term for the Mayor be extended from two (2) to four (4) years.

Mr. McGiffin suggested that any changes recommended for the Mayor or of that position should be inclusive in their consideration rather than it being accomplished piecemeal.

Mr. McGlumphy moved to recommend that the term for both the Mayor and Council be increased to four (4) years, stipulating that a recall provision is added (to Section 6.04 of the *Model City Charter*), seconded by Mr. Shevock.

For clarification, Mr. McGlumphy stated that his intention would be for elections to be held every four (4) years, rather than staggering terms. He concurred that this could result in all members of Council and the Mayor being newly elected.

Mr. Shevock moved to recommend amending the motion to reflect that elections are held every two (2) years, with members of Council serving staggered terms in order to provide some continuity on Council. The motion failed due to the lack of a second.

The motion to recommend that the term for both the Mayor and Council be increased to four (4) years, stipulating that a recall provision is added failed with Mr. Shevock, Mrs. Jones, and Mr. Slavin voting no.

There being no further discussion, Mr. Slavin indicated that members could return to this Section for further consideration at a later time.

City of Dover

MAYOR AND COUNCIL

PROPOSED COUNCIL RESOLUTION NO. 2011-11

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

That the Mayor and Council have determined that the Charter of the City of Dover, should be amended by increasing the term lengths of the Mayor and City Council members from two (2) years to four (4) years. Therefore, the Mayor and Council of the City of Dover respectfully request the General Assembly of the State of Delaware to amend Article II - Mayor and Council, Section 5 - Council to be legislative body; size; districts; terms of mayor and councilmen; qualifications, Section 6 - Municipal election; dates, time, and place of elections, and Section 7 - Nomination petitions for candidates for council and mayor, of its Charter, which amendments, if adopted by the General Assembly, would be as follows:

CITY OF DOVER CHARTER - ARTICLE II - MAYOR AND COUNCIL

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

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

In order that the members of council shall be distributed over the city, the city shall be divided into four **(4)** election districts, the district boundaries of which shall be established by council so that the districts are nearly equal in population as shown by the most recent federal decennial census. The district boundaries established for municipal elections shall continue in effect until the next succeeding federal decennial census is made available for use by municipalities in the State of Delaware, at which time council shall redistrict the city so that the districts shall be nearly equal in population in accordance with said census, which redistricting shall be used for the next regular municipal election, which procedure shall be followed by council after each succeeding federal decennial census in this manner so that the districts shall be maintained as nearly equal in population as possible at all times.

~~**The term of mayor shall be for a period of two years commencing on the second Monday in May following their election and continuing for a term of two years until the second Monday in May or until their successor has been duly elected and qualified.**~~

~~**The term of the councilmen shall be for two years. In each regular municipal election held in an odd numbered year, five councilmen shall be elected, four by district voting being from the districts and one at-large as stated herein. In each regular municipal election held in an even numbered year, four councilmen shall be elected by district voting from each of the districts of the city.**~~

At the regular municipal election held in April of 2012, the mayor shall be elected at-large. The term of mayor elected at the April 2012 regular municipal election shall be for a period of three (3) years, commencing on the second Monday in May following his election and continuing for a term of three (3) years until the second Monday in May 2015, or until his/her successor has been duly elected and qualified. Thereafter, commencing with the regular municipal election to be held in April of 2015, the term of mayor shall be for a period of four (4) years commencing on the second Monday in May following his/her election and continuing for a term of four (4) years until the second Monday in May, or until his/her successor has been duly elected and qualified.

At the regular municipal election held in April of 2012, four (4) councilmen shall be elected by district voting from each of the districts of the city. The term of the councilmen elected at the April 2012 regular municipal election shall be for three (3) years, commencing on the second Monday in May following their election and continuing for a term of three (3) years until the second Monday in May 2015, or until their successors have been duly elected and qualified.

At the regular municipal election held in April of 2013, five (5) councilmen shall be elected, four (4) by district voting being from the districts and one (1) at-large. The term of the councilmen elected at the April 2013 regular municipal election shall be for a period of four (4) years, commencing on the second Monday in May following their election and continuing for a period of four (4) years until the second Monday in May, or until their successors have been duly elected and qualified.

Thereafter, commencing with the regular municipal election to be held in April of 2013, the terms of the councilmen shall be for a period of four (4) years, commencing on the second Monday in May following their election and continuing for a term of four (4) years until the second Monday in May, or until their successors have been duly elected and qualified. The mayor and at-large councilman shall be elected at alternating biennial regular municipal elections.

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

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

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

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

(4) Eighteen **(18)** years of age; and

(5) Nominated therefore, as hereinafter provided.

Holding Other Office. Except where authorized by law, no council members shall hold any other elected public office during the term for which the member was elected to the council. No council member shall hold any other city office or employment during the term for which the member was elected to the council. No former council members shall hold any compensated appointive office or employment with the city until one **(1)** year after the expiration of the term for which the member was elected to the council, unless granted a waiver by the Board of Ethics (Ethics Commission).

Sec. 6. - Municipal election; dates, time, and place of elections.

~~**At the regular municipal election held on the third Tuesday in April of any even numbered year, four (4) councilmen shall be elected by district voting from each of the districts as designated by council for a term of two years, and a mayor shall be elected by the voters of the city for a term of two years, as provided in section 5 of this Charter.**~~

Regular municipal elections shall be held ~~**each year**~~ **biennially** on the third Tuesday in April. All other municipal elections that may be held shall be known as special municipal elections. At each such municipal election, the polls shall be opened at 7:00 a.m. and closed at 8:00 p.m. The council may designate the places of election and make all necessary rules and regulations not inconsistent with this Charter or with other laws of the State of Delaware for the conduct of elections, for the prevention of fraud in elections, and for the recount of ballots in case of doubt or fraud. At ~~**the**~~ **alternating biennial** regular municipal election**s** held on the third Tuesday in April ~~**of any odd numbered year**~~, five **(5)** councilmen shall be elected for a term of ~~**two**~~ **four (4)** years, four **(4)** of whom shall be elected by district voting from each of the districts as designated by council and one **(1)** of whom shall be elected by at-large voting by all voters of the city, as provided in section 5 of this Charter. At the **next biennial** regular municipal election held on the third Tuesday in April ~~**of any even numbered year**~~, four (4) councilmen shall be elected by district voting from each of the districts as designated by council for a term of ~~**two**~~ **four (4)** years, and a mayor shall be elected by the voters of the city for a term of ~~**two**~~ **four (4)** years, as provided in section 5 of this Charter.

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

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

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

No nominating petition shall designate more than one **(1)** person to be voted for as a member of council or as mayor.

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

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

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

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

Name .....

Street and number .....

(Space for Signatures)

STATE OF DELAWARE

KENT COUNTY

SS.

_____ being duly sworn (or affirmed) deposes and says that they were the circulator of the foregoing petition paper containing signatures, and that the signatures appended thereto were made in his**/her** presence, and are the signatures of the persons whose names they purport to be, and

that they verily believe the residence of each signer thereof to be truly stated, and that all of said signers are entitled to vote at the regular municipal election referred to in said paper; and, in case the petition is nominating a candidate for councilman to be elected from a specific district by district voting, that each signer of said petition is a resident of the same city election district in which the nominee resides.

(Signed) .....

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

_____ Justice of the Peace (or Notary Public)

ADOPTED: *

THOMAS J. LEARY	CARLETON E. CAREY, SR.
COUNCIL PRESIDENT	MAYOR

SYNOPSIS

This amendment would increase the term lengths of the Mayor and City Council members from two (2) years to four (4) years.

Actions History

Aug. 22, 2011 - Proposed for Introduction at Legislative, Finance, and Administration Committee

September 12, 2011

Sponsor:_____

House of Representatives
147th General Assembly
Senate Bill No._____

AN ACT TO AMEND THE CHARTER OF THE CITY OF DOVER BEING CHAPTER 130, VOLUME 77 OF THE LAWS OF DELAWARE, AS AMENDED, REGARDING TERM LENGTHS FOR MAYOR AND COUNCIL

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE (Two-thirds of all members elected to each House concurring therein):

Section 1. Amend Sec. 5. - Council to be legislative body; size; districts; terms of mayor and councilmen; qualifications of Chapter 130, Volume 77, Laws of Delaware, by deleting the text indicated in strikeout and inserting the text indicated in underscore as follows:

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

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

In order that the members of council shall be distributed over the city, the city shall be divided into four **(4)** election districts, the district boundaries of which shall be established by council so that the districts are nearly equal in population as shown by the most recent federal decennial census. The district boundaries established for municipal elections shall continue in effect until the next succeeding federal decennial census is made available for use by municipalities in the State of Delaware, at which time council shall redistrict the city so that the districts shall be nearly equal in population in accordance with said census, which redistricting shall be used for the next regular municipal election, which procedure shall be followed by council after each succeeding federal decennial census in this manner so that the districts shall be maintained as nearly equal in population as possible at all times.

~~**The term of mayor shall be for a period of two years commencing on the second Monday in May following their election and continuing for a term of two years until the second Monday in May or until their successor has been duly elected and qualified.**~~

~~The term of the councilmen shall be for two years. In each regular municipal election held in an odd numbered year, five councilmen shall be elected, four by district voting being from the districts and one at-large as stated herein. In each regular municipal election held in an even numbered year, four councilmen shall be elected by district voting from each of the districts of the city.~~

At the regular municipal election held in April of 2012, the mayor shall be elected at-large. The term of mayor elected at the April 2012 regular municipal election shall be for a period of three (3) years, commencing on the second Monday in May following his/her election and continuing for a term of three (3) years until the second Monday in May 2015, or until his/her successor has been duly elected and qualified. Thereafter, commencing with the regular municipal election to be held in April of 2015, the term of mayor shall be for a period of four (4) years commencing on the second Monday in May following his/her election and continuing for a term of four (4) years until the second Monday in May, or until his/her successor has been duly elected and qualified.

At the regular municipal election held in April of 2012, four (4) councilmen shall be elected by district voting from each of the districts of the city. The term of the councilmen elected at the April 2012 regular municipal election shall be for three (3) years, commencing on the second Monday in May following their election and continuing for a term of three (3) years until the second Monday in May 2015, or until their successors have been duly elected and qualified.

At the regular municipal election held in April of 2013, five (5) councilmen shall be elected, four (4) by district voting being from the districts and one (1) at-large. The term of the councilmen elected at the April 2013 regular municipal election shall be for a period of four (4) years, commencing on the second Monday in May following their election and continuing for a period of four (4) years until the second Monday in May, or until their successors have been duly elected and qualified.

Thereafter, commencing with the regular municipal election to be held in April of 2013, the terms of the councilmen shall be for a period of four (4) years, commencing on the second Monday in May following their election and continuing for a term of four (4) years until the second Monday in May, or until their successors have been duly elected and qualified. The mayor and at-large councilman shall be elected at alternating biennial regular

municipal elections.

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

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

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

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

(4) Eighteen **(18)** years of age; and

(5) Nominated therefore, as hereinafter provided.

Holding Other Office. Except where authorized by law, no council members shall hold any other elected public office during the term for which the member was elected to the council. No council member shall hold any other city office or employment during the term for which the member was elected to the council. No former council members shall hold any compensated appointive office or employment with the city until one **(1)** year after the expiration of the term for which the member was elected to the council, unless granted a waiver by the Board of Ethics (Ethics Commission).

Section 2. Amend Sec. 6. - Municipal election; dates, time, and place of elections of Chapter 130, Volume 77, Laws of Delaware, by deleting the text indicated in strikeout and inserting the text indicated in underscore as follows:

Sec. 6. - Municipal election; dates, time, and place of elections.

~~**At the regular municipal election held on the third Tuesday in April of any even numbered year, four (4) councilmen shall be elected by district voting from each of the districts as designated by council for a term of two years, and a mayor shall be elected by the voters of the city for a term of two years, as provided in section 5 of this Charter.**~~

Regular municipal elections shall be held ~~**each year**~~ **biennially** on the third Tuesday in April. All other municipal elections that may be held shall be known as special municipal elections. At each such

municipal election, the polls shall be opened at 7:00 a.m. and closed at 8:00 p.m. The council may designate the places of election and make all necessary rules and regulations not inconsistent with this Charter or with other laws of the State of Delaware for the conduct of elections, for the prevention of fraud in elections, and for the recount of ballots in case of doubt or fraud. At ~~the~~ **alternating biennial** regular municipal election**s** held on the third Tuesday in April ~~of any odd numbered year~~, five **(5)** councilmen shall be elected for a term of ~~two~~ **four (4)** years, four **(4)** of whom shall be elected by district voting from each of the districts as designated by council and one **(1)** of whom shall be elected by at-large voting by all voters of the city, as provided in section 5 of this Charter. At the **next biennial** regular municipal election held on the third Tuesday in April ~~of any even numbered year~~, four (4) councilmen shall be elected by district voting from each of the districts as designated by council for a term of ~~two~~ **four (4)** years, and a mayor shall be elected by the voters of the city for a term of ~~two~~ **four (4)** years, as provided in section 5 of this Charter.

Section 3. Amend Sec. 7. - Nomination petitions for candidates for council and mayor of Chapter 130, Volume 77, Laws of Delaware, by deleting the text indicated in strikeout and inserting the text indicated in underscore as follows:

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

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

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

No nominating petition shall designate more than one **(1)** person to be voted for as a member of council or as mayor.

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

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

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

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

Name .....

Street and number .....

(Space for Signatures)

STATE OF DELAWARE

KENT COUNTY

SS.

_____ being duly sworn (or affirmed) deposes and says that they were the circulator of the foregoing petition paper containing signatures, and that the signatures appended thereto were

made in his/**her** presence, and are the signatures of the persons whose names they purport to be, and that they verily believe the residence of each signer thereof to be truly stated, and that all of said signers are entitled to vote at the regular municipal election referred to in said paper; and, in case the petition is nominating a candidate for councilman to be elected from a specific district by district voting, that each signer of said petition is a resident of the same city election district in which the nominee resides.

(Signed) .....

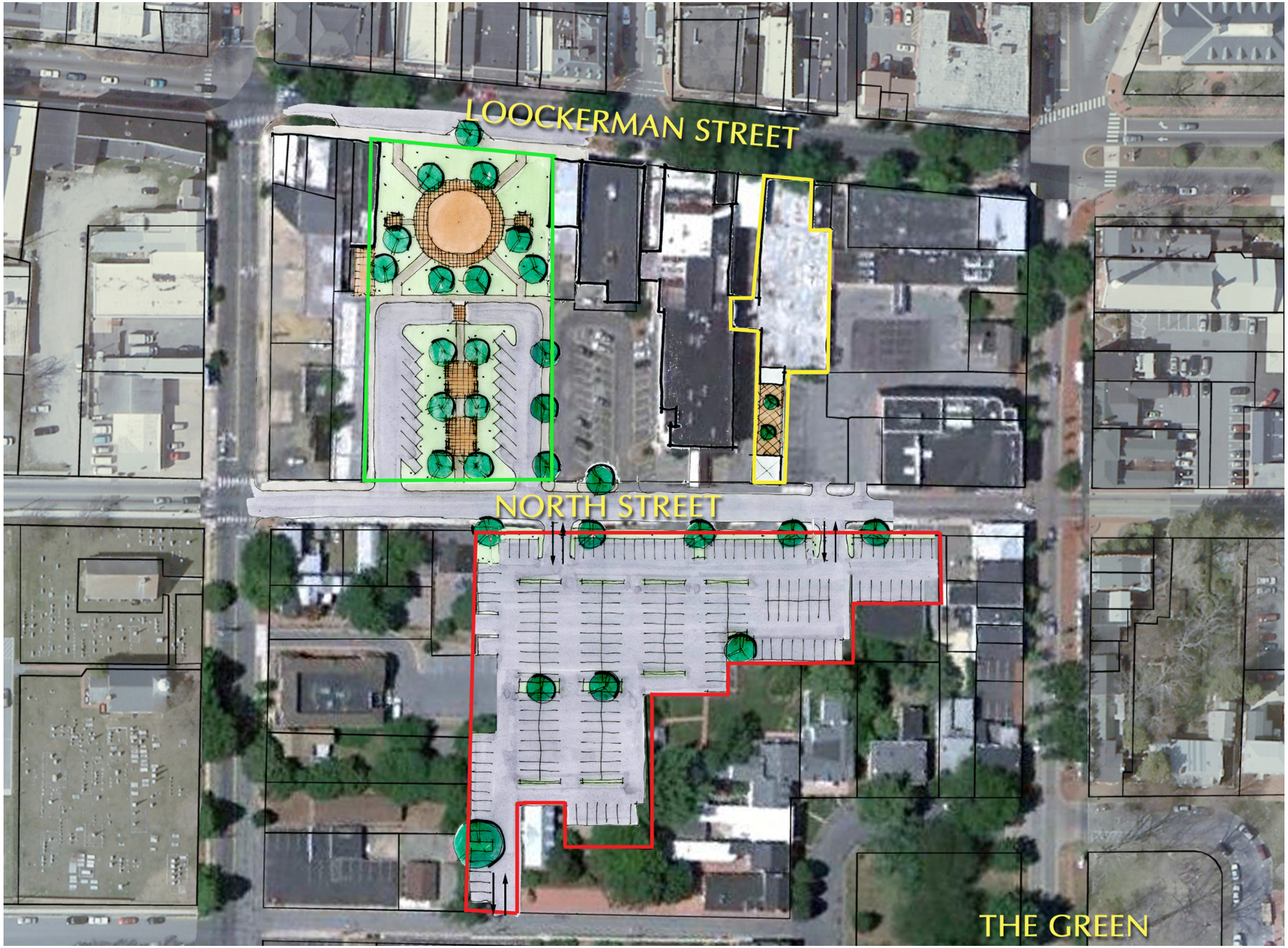
Subscribed and sworn to (or affirmed) before me this _____ day of _____

_____ Justice of the Peace (or Notary Public)

Section 4. This Act shall be effective upon its enactment in accordance with law. New term lengths will be effective with the election next preceding enactment.

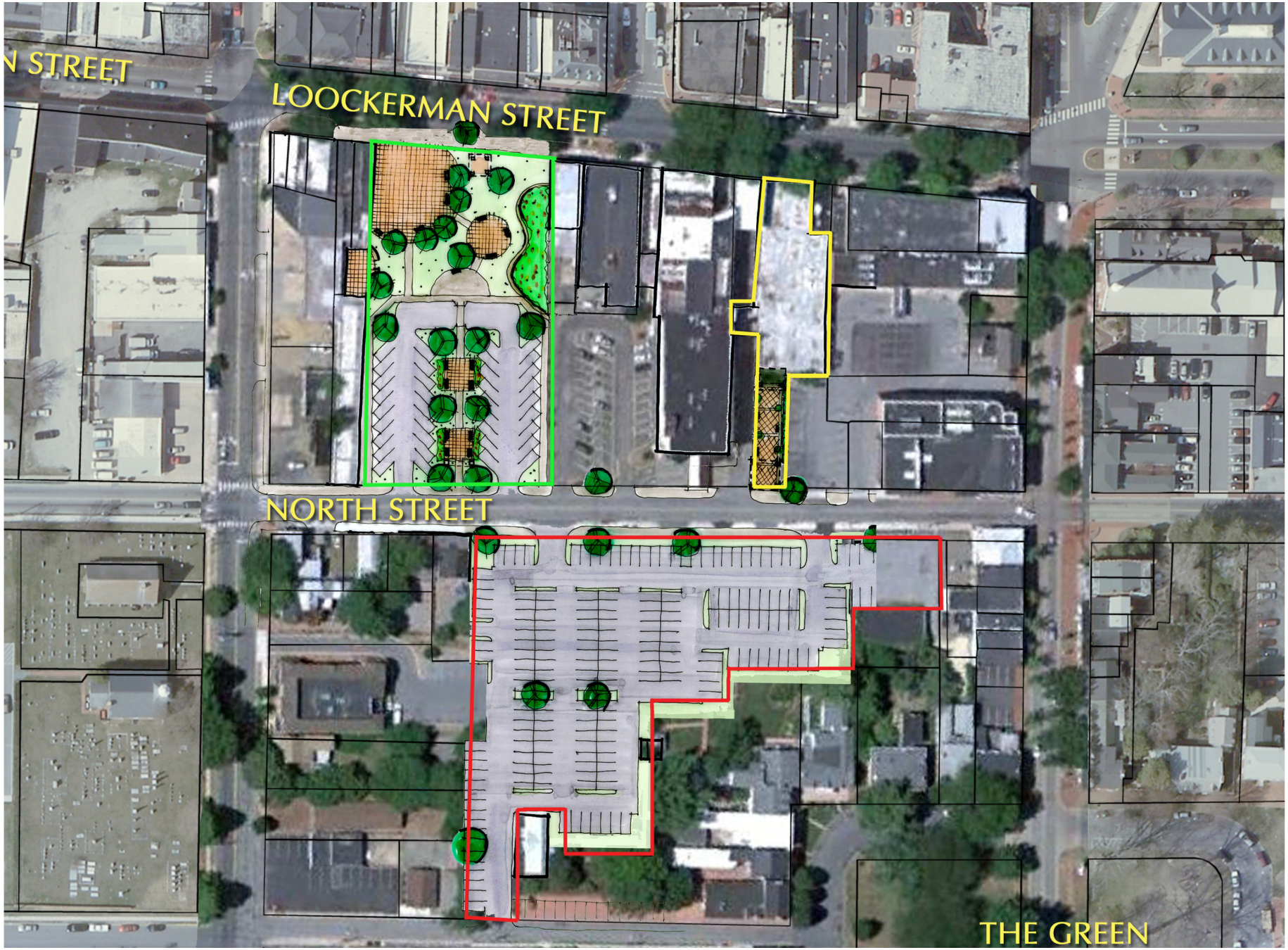
SYNOPSIS

This act would increase the term lengths for the Mayor and City Council of the City of Dover from two (2) years to four (4) years.



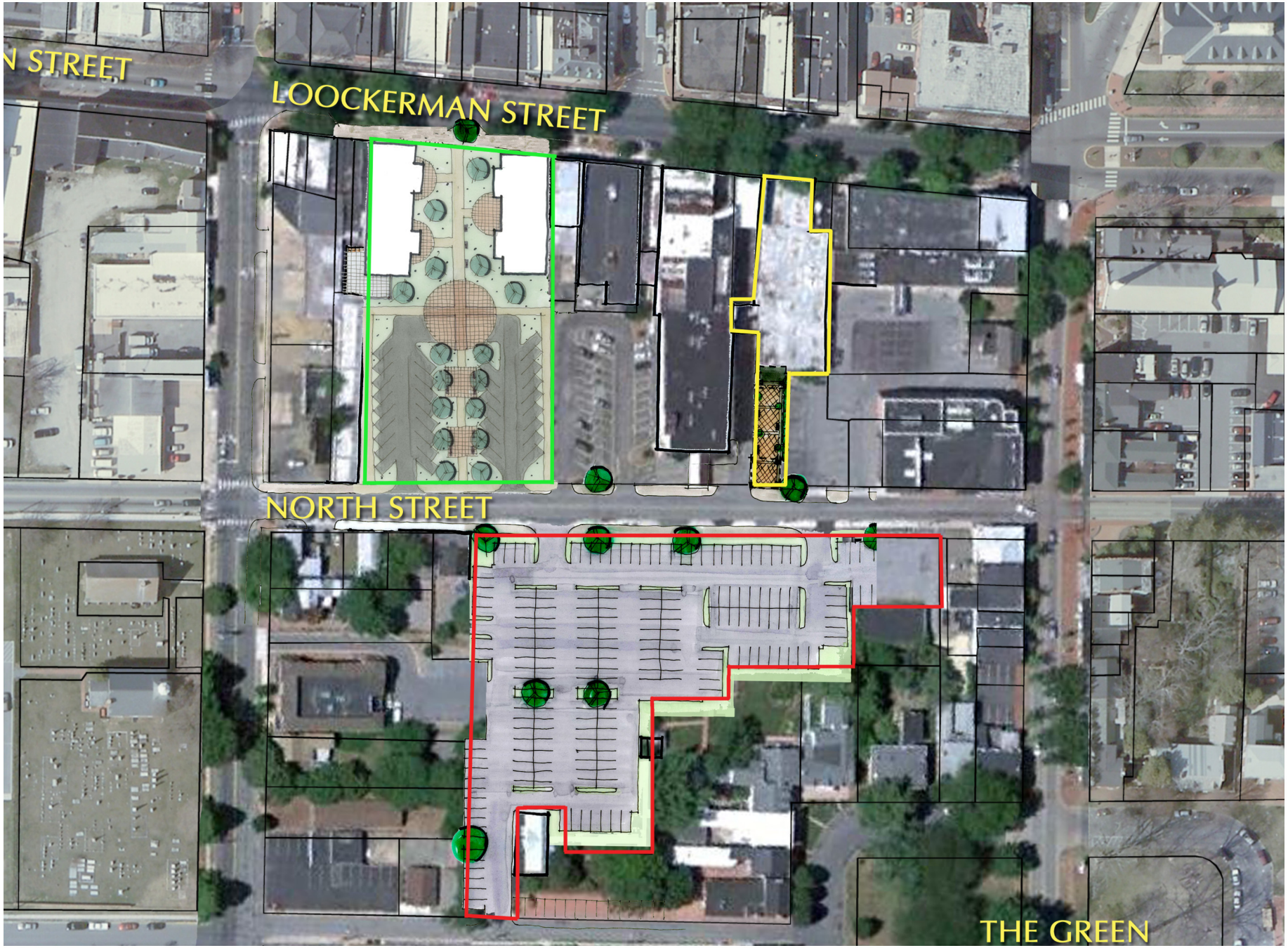
BECKER MORGAN GROUP
ARCHITECTURE
ENGINEERING

COLLEGIATE SITE - CONCEPT 1



BECKER MORGAN GROUP
ARCHITECTURE ENGINEERING

COLLEGIATE SITE - CONCEPT 2



BECKER MORGAN GROUP
ARCHITECTURE
ENGINEERING

COLLEGIATE SITE - CONCEPT 3

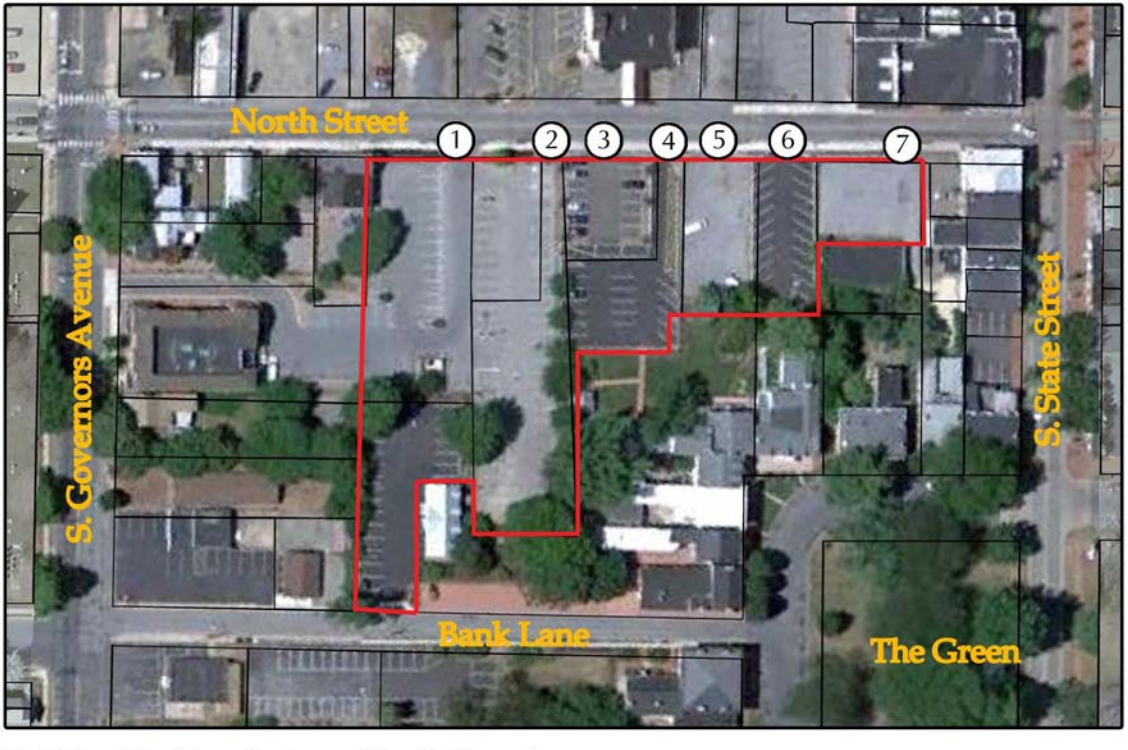
BECKER MORGAN GROUP

ARCHITECTURE
ENGINEERING

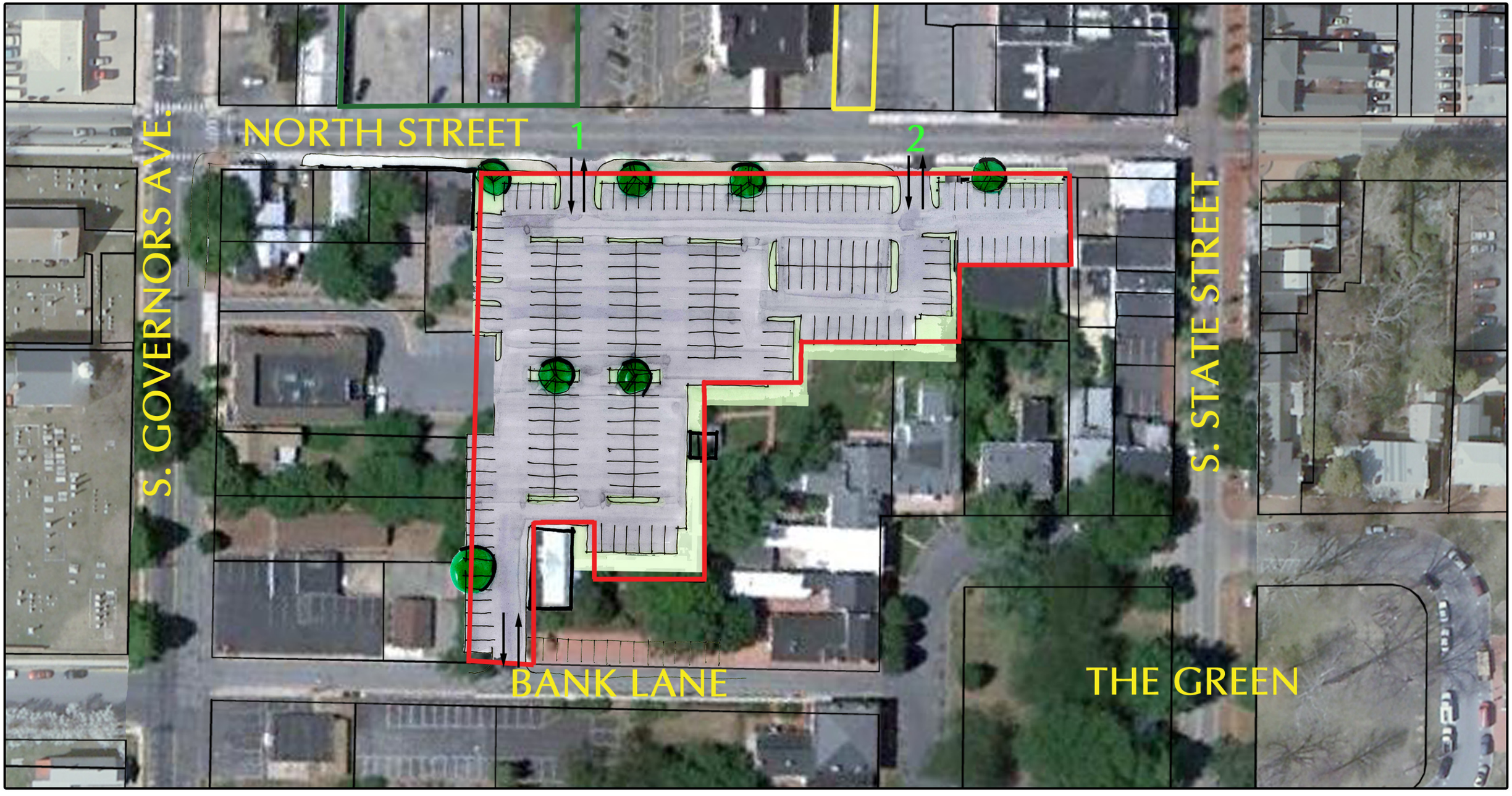
PRELIMINARY COST ESTIMATE FOR LOOCKERMAN PLAZA

	UNIT COST	UNIT	QUANTITY	TOTAL
PLANNING				
DESIGN, LEGAL, SOFT COSTS	$110,000	LUMP SUM	1	$110,000.00
PROPERTY ACQUISITION				
LAND PURCHASE (2 LOTS)	$250,000	UNIT	2	$500,000.00
CONSTRUCTION COST				
DEMO	$50,000	LUMP SUM	1	$50,000.00
CONSTRUCTION COSTS				
EARTHWORK	$75,000	LUMP SUM	1	$75,000.00
PAVEMENT				
PATCHING ETC.	$25,000	LUMP SUM	1	$25,000.00
PARKING LOT	$5,000	UNIT	36	$180,000.00
SIDEWALK (BRICK PAVERS)	$15	SF	6000	$90,000.00
CURB	$25	LF	800	$20,000.00
MISC				
LANSCAPING	$80,000	LUMP SUM	1	$80,000.00
LIGHTING	$60,000	LUMP SUM	1	$60,000.00
				$0.00
TOTAL CONSTRUCTION ESTIMATE				$1,190,000.00
CONTENGENCIES			15%	$178,500.00
TOTAL ESTIMATE				**$1,368,500.00**

Since Becker Morgan Group Inc has no control over the cost of labor, materials or equipment, or over the contractor's method of determining process or over competitive bidding or market conditions, the opinions of probable construction cost provided for herein are made on the basis of our experience and qualifications. These opinions represent our best judgment as Engineers familiar with the local construction industry. However, the Engineer cannot and does not guarantee the proposals, bids, or the construction cost will not vary from opinions of probable cost prepared. If the Owner wishes greater assurance as to the construction cost, an independent cost estimator should be employed.



Existing Parking Lots on North Street
Existing Parking Provided - 172 Spaces



BECKER MORGAN GROUP
ARCHITECTURE ENGINEERING

DOWNTOWN DOVER PARTNERSHIP

NORTH STREET PARKING LOT CONSOLIDATION - CONCEPT DESIGN

BECKER MORGAN GROUP

ARCHITECTURE ENGINEERING

PRELIMINARY COST ESTIMATE FOR NORTH STREET CONSOLIDATED PARKING LOT

	UNIT COST	UNIT	QUANTITY	TOTAL
PLANNING				
DESIGN, LEGAL, SOFT COSTS	$126,000	LUMP SUM	1	$126,000.00
CONSTRUCTION COST				
DEMO				
CURB ISLANDS / SIDWALKS	$18.0	LF	300	$5,400.00
PAVEMENT	$10.0	SY	7900	$79,000.00
SITE IMPROVEMENTS				
CURBING	$30.0	LF	1000	$30,000.00
STORMSEWER IMPROVEMENTS	$30,000.0	LUMP SUM	1	$30,000.00
PAVEMENT	$5.0	CY	72000	$360,000.00
BRICK PAVER SIDEWALK	$15.0	SF	1900	$28,500.00
MISC				
LANSCAPING	$40,000	LUMP SUM	1	$40,000.00
LIGHTING	$175,000	LUMP SUM	1	$175,000.00
TOTAL CONSTRUCTION ESTIMATE				$873,900.00
CONTENGENCIES			15%	$131,085.00
TOTAL ESTIMATE				**$1,004,985.00**

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BECKER MORGAN GROUP

ARCHITECTURE
ENGINEERING

PRELIMINARY COST ESTIMATE FOR NORTH STREET (1 BLOCK)

	UNIT COST	UNIT	QUANTITY	TOTAL
PLANNING				
DESIGN, LEGAL, SOFT COSTS	$100,000	LUMP SUM	1	$100,000.00
CONSTRUCTION COST				
DEMO			1	$0.00
CURB	$5	LF	1500	$7,500.00
SIDEWALK	$2	SF	7500	$15,000.00
PAVEMENT	$4	CF	2700	$10,800.00
UTILITIES				
STORM SEWER IMPROVEMENTS				
CATCHBASIN	$3,200	EACH	4	$12,800.00
REINFORCED CONCRETE PIPE	$50	LF	300	$15,000.00
BURY UTILITIES / UTILITY RELOCATION	$250,000	LUMP SUM	1	$250,000.00
SEWER / WATER IMPROVEMENTS	$125,000	LUMP SUM	1	$125,000.00
ROAD				$0.00
CURB	$30	LF	1500	$45,000.00
PAVEMENT				
PATCHING	$10,000	LUMP SUM	1	$10,000.00
BLACKTOP	$7	SF	1866	$13,062.00
SIDEWALK (BRICK PAVERS)	$12	SF	14000	$168,000.00
MISC				
LANDSCAPING	$30,000	LUMP SUM	1	$30,000.00
LIGHTING	$175,000	LUMP SUM	1	$175,000.00
TOTAL CONSTRUCTION ESTIMATE				$977,162.00
CONTINGENCIES			15%	$146,574.30
TOTAL ESTIMATE				**$1,123,736.30**
			3 BLOCKS EST.	$3,371,208.90

Since Becker Morgan Group Inc has no control over the cost of labor, materials or equipment, or over the contractor's method of determining process or over competitive bidding or market conditions, the opinions of probable construction cost provided for herein are made on the basis of our experience and qualifications. These opinions represent our best judgment as Engineers familiar with the local construction industry. However, the Engineer cannot and does not guarantee the proposals, bids, or the construction cost will not vary from opinions of probable cost prepared. If the Owner wishes greater assurance as to the construction cost, an independent cost estimator should be employed.

CITY OF DOVER
DEPARTMENT OF FINANCE
PROCEDURE MANUAL

TITLE: **City or Employee Owned Cellular Phone Assignment and Usage**

PROCEDURE # F320
DATE: February 3, 2009

I. PURPOSE:

The use of cellular telephones provides improvement to customer service, is helpful when other means of communication is not readily available, and enhances department's efficiencies and safety. Possessing a cellular telephone may be a job requirement when the employee must be available to respond to issues when he/she is not physically located at his/her workstation.

The purpose of this procedure is to provide for the uniform administration of City owned cellular telephone assignment and usage, and governing the use and reimbursement for employee owned cellular telephones to conduct City business within each department. The City of Dover reserves the right to make changes to these procedures as circumstances warrant.
This procedure is meant to provide a uniform mechanism for the review and certification:

- of cellular telephone charges
- the reimbursement of non-business call charges to the City
- annual reimbursement for employee owned cell phones.

II. CELLULAR TELEPHONE ASSIGNMENT:

Cellular telephones are not a personal benefit and will only be provided to those employees who have demonstrated need. All employees who are issued cellular telephones are expected to use them responsibly.

The discretion over cellular telephone assignments is delegated to the respective Department Director. The assignment of cellular telephones is to be documented on the approved Communication Devices Service Request form (Attachment 1 – FORM56) with City Manager approval required.

Employees to whom a cellular telephone is assigned are to be provided a copy of this procedure. Employees to whom a cellular telephone is assigned must formally accept responsibility for the device and the attendant responsibilities imposed by this procedure as represented by his or her signature on the Communication Devices Service Request form, Section IV.

The Communication Devices Service Request form is to be retained in the section files with an electronic copy to the Accounts Payable office.

On an annual basis, the Department Director or designee shall review the list of authorized cellular telephone users, complete the Annual Department Director Cell Phone Review Report form (Attachment 4 – FORM57) due to the Finance Department on June 1 annually for the employees or positions authorized to use cellular telephones, and review the usage of each cellular telephone within his/her department to determine whether the assigned calling plan (including number of minutes associated with the plan) is appropriate for each employee. At that time, any changes to the calling plan will be made, to ensure that each employee is participating in the most economical plan.

This will permit calling plans to be expanded or reduced, based on job requirements and actual usage. When ensuring the employee has the most economical plan, personal telephone use minutes shall not be included in that analysis.

The Finance Department will conduct periodic reviews of cellular phone usage and send the results of their analysis to the Department Director and City Manager.

III. EMPLOYEE OWNED CELLUAR TELEPHONE QUALIFICATIONS:

The Department Director will determine which employees qualify for the reimbursement. The following criteria will be used to make this determination:

- Employee is a key staff member needed in the event of an emergency.
- Employee is frequently away from access to traditional land-based phone service.
- Employee is involved in frequent off on-call activity where contact by cell phone is essential.
- Nature of employee's work is critical to the operation of the City's business and immediate response is required.
- Employee's assigned work requires substantial travel and contact by cell phone is essential.
- Level of business use is significant.
- Necessary for the employee to be in direct communication with contractors, customers, and state agencies.

IV. CELLULAR TELEPHONE USAGE:

Cellular telephones are a convenience and a time saver. Cellular telephones are to be used only when access to conventional landlines is not readily available and the urgency of the call outweighs the time necessary to locate another telephone instrument.

City provided cellular telephones are not intended for personal use; however, extended work schedules, emergencies or other special circumstances may, on occasion, necessitate non-City business calls to make family arrangements. Personal cellular telephone use is permitted but shall be limited to infrequent, incidental, and/or emergency use, in situations directly related to City business.

Non-City business calls are to be reimbursed by the employee to whom the telephone is assigned, in accordance with Section V of this procedure. When personal cellular telephone usage is justified as work related or necessary because of unusual circumstances, the employee is not required to reimburse the cost of cellular telephone calls to City as long as the calls are within the total plan minutes. If calls exceed the plan minutes, City employees are required to pay for all personal cellular telephone calls incurred during the billing cycle.

Text messaging and photographic features are to be authorized by the Department Director. This procedure applies to all features allowable for use with a cellular telephone.

V. SECURITY;

Cellular telephones are not a secure form of communication. Sensitive conversations must be either postponed until a conventional landline can be used or sufficiently "guarded" to inhibit understanding by possible interlopers.

Reasonable precautions must be used to guard against conversation trespass and "cloning" fraud to include the use of Personal Identification Numbers (PIN) or authenticated equipment as warranted.

Cellular telephone accounts that have been "cloned" must be reported to the carrier within 24 hours of the time the fraud is identified. Any cellular telephone which has been "cloned" must have a PIN assigned when the account is cleared and service is reinstated.

Each employee issued a City-owned cellular telephone is responsible for its reasonable care. In the event of loss or damage to the telephone, the employee shall be held personally responsible for replacement or repair of the cellular telephone unless the employee can demonstrate that reasonable care to protect and safeguard the telephone was exercised. If the employee has exercised reasonable care, the City will repair or replace the telephone.

Employees are expected to exercise care when using cell phones so as not to endanger themselves or others. Use of cell phones while operating a motor vehicle is discouraged. Employees must adhere to all federal, state, and local rules, regulations and laws regarding the use of cellular telephones while driving.

VI. CERTIFICATION OF CHARGES:

Department Directors will designate a person or persons responsible for distributing copies of cellular telephone bills to employees each month. The cellular telephone bills will be distributed within seven days of receipt to each employee to whom a cellular telephone is assigned.
Cellular telephone bills are to be reviewed by the person to whom the device is assigned. The bills are to be examined to identify evidence of illegal cloning, usage or trespass. Employees to whom cellular telephones are assigned will certify each billing, by annotating and signing the service provider's billing statement or invoice. The employee's notes and signature on the telephone bill will be considered the employee's attestation of the following:

- They have examined the charges for accuracy.
- There is no apparent evidence of illegal usage or cloning.
- They have identified any non-business calls and have provided a reimbursement settlement when required, according to this policy.
- All other calls represented on the billing are appropriate and made in the conduct of, and pursuant to City business.

If the plan minutes are exceeded, employee reimbursements for personal cellular telephone calls are due on a monthly basis. The employee shall reimburse the City for personal use of the cellular telephone at the rate shown on the billing statement, plus roaming charges, if applicable. In the event that the billing statement does not list a specific amount for identified personal telephone calls, the employee shall reimburse the City at the per minute rate for calls exceeding the plan minutes, plus roaming charges, if applicable. If the billing statement does not include a record of incoming

telephone calls, the cellular telephone user shall estimate the number of minutes for incoming calls and reimburse the City at the per minute rate for exceeding the plan minutes.

The invoice review must be accomplished, and reimbursement received, within 30 days of the receipt of the subject billing.

VII. REIMBURSEMENT FOR QUALIFYING EMPLOYEE OWNED CELLULAR TELEPHONE

Qualifying employees will receive a one-time reimbursement check in the amount of $15.00 per month; reimbursement to be paid at the end of each fiscal year for the prior year's usage or pro-rated appropriately.

Reimbursement does not constitute an increase in base pay, and will not be included in the calculation of percentage increases to base pay due to annual salary increases, job upgrading, or other similar calculations. This reimbursement is not taxable income and is not subject to withholding.

To be considered for this type of cell phone use and reimbursement, an employee's supervisor shall consider whether the employee's business need for a cell phone meets the required criteria and then shall submit a *Cell Phone Reimbursement and Authorization Request* and *Agreement* signed by the employee and supervisor, then forwarded to the Department Director for consideration.

If approved, the Department Director shall submit a completed *Cell Phone Reimbursement and Authorization Request (see Attachment 2),* and proof of cell phone coverage to the Finance Department.

If there is a change in an employee's responsibilities that would disqualify them from continuing to receive the supplemental compensation, the supervisor must immediately take the necessary steps to terminate the supplemental compensation, effective with the date that the employee's responsibilities changed.

Supervisors shall conduct an annual review and document the continued qualification for the supplemental compensation. Regardless of when the supplemental compensation is established, it will cease at the end of the fiscal year (June 30). A new *Cell Phone Reimbursement and Authorization Request Form* shall be submitted to the Department Director for consideration. The cost of the reimbursement is a departmental expense.

Qualifying employees receiving reimbursement shall acquire and maintain an active cell phone service that provides national coverage and has an activated voicemail feature. Qualifying employees will provide their supervisors with a copy of one month's cell phone statement to document the specified coverage and ownership of account. Qualifying employees must be the primary owner of the cell phone plan to be eligible for reimbursement.

Qualifying employees shall notify the Department Director within 15 days of any changes in his/her cell phone service during the fiscal year. The employee's cell phone number shall be provided to the Department Director for placement on contact/directory lists. The employee shall be available by cell phone while on duty.

The Department Director will provide a list of authorized employees, reimbursement amount and a copy of each employee's cell plan for the current fiscal year to Finance by June 1.

VII. NON-COMPLIANCE:

Employee's assigned cellular telephones shall comply with this Procedure as a condition of continued usage of cellular telephone privileges. Misuse of a City issued cellular telephone will result in revocation of those privileges, possible disciplinary action up to and including discharge, and/or criminal charges.

IX. EFFECTIVE DATE

This procedure shall become effective February 3, 2009.

DISTRIBUTION: Department Directors
Central Services Procurement Manager
Mayor
City Manager
Finance Procedure Manual

ATTACHMENT 1

TELEPHONE & CELLULAR PHONE SERVICE REQUEST FORM

To be completed for all telephone and cellular phone purchase, changes, additional equipment purchase and/or cancellations. **RECEIPTS ARE REQUIRED FOR ALL PURCHASES**. Copy of completed form should be forwarded to Finance-AP.

THIS SECTION TO BE COMPLETED BY REQUESTING DEPARTMENT

Request made by: _____ Date: _____

Department: _____ Division: _____

Service for the Following Employee(s):
_____

Reason for Request:
_____

Type of Service Needed: ____ Phone Purchase ____ New Plan ____ Additional Equipment Purchase

____ Additions ____ Deletions ____ Cancel Plan ____ Changes

Plan Requested:
_____

Assigned New Phone to Existing Account:
_____

G/L Account to be Charged: _____ Contact Person: _____

_____ _____
Department Head Approval Date

THIS SECTION TO BE COMPLETED BY PURCHASER

Received by: _____ Date Received: _____

Costs for: Installation $_____ Equipment $_____ Other _____ $_____

TOTAL COSTS $_____

Remarks: _____

THIS SECTION TO BE COMPLETED BY CITY MANAGER AND FINANCE-CONTROLLER/TREASURER

_____ _____
City Manger Approval Signature Finance-Controller/Treasurer

_____ Approved _____ Not Approved

Form56

Cell Phone Reimbursement and Authorization Request Form

Complete this form to request reimbursement for cell phone expenses. The completed form must be signed and submitted to your immediate supervisor. The supervisor will submit to the Department Director for approval.

Qualifying employees will receive a one-time reimbursement check in the amount of $180.00 payable (15.00 per month) or the cost to the employee if less; reimbursement to be paid at the end of each fiscal year for the prior year's usage.

Employees are required to provide proof/documentation (copy of monthly cell phone invoice showing coverage and employees name as owner of account.)

Cell Phone Provider_____

Cell Phone Number_____ (will be published in contact listings)

Cell Phone Coverage:

Type of Plan: _____ Monthly Cost: $_____

- I confirm that I will use the above phone for work-related purposes. I agree to provide this cell phone number to appropriate people/organizations who may need to contact me on the job, or on call. I further agree to carry this cell phone and keep it turned on at all times while on duty. A copy of signed form should be forwarded to Finance - Accounts Payable.

Print Employee Name: _____

Employee Signature: _____

Supervisor Signature: _____

Department Director Recommending Signature: _____

___Approved ____Not Approved

If not approved, reason: _____

Date: _____

ATTACHMENT 3

City of Dover
Mobile Phone Reimbursement Agreement

This procedure is designed to govern the relationship between the city and an employee regarding reimbursement for business use of a personal mobile phone. Under the terms of this agreement, the city may elect to reimburse an employee for business use of a personal mobile phone in lieu of providing the employee with a city-owned mobile phone. The following clauses are agreed to by the city and the employee:

- The option of reimbursing an employee for mobile phone use rather than providing a city-owned phone is at the sole discretion of the city and the employee's supervisor. Reimbursement will be provided on a schedule determined by the Finance Department.
- Provision of a mobile phone is not an employee benefit. It is a business tool issued by the city for the purpose of conducting city business. Therefore, the reimbursement in lieu of a city-issued phone is offered under the same conditions and for the same purpose. It may be revoked at any time for any reason by the city, and is subject to annual budgetary approval.
- An employee's shared use of a personal phone for both city and personal business does not imply that personal use of the phone is acceptable during an employee's time at work. Personal use during working hours is only acceptable on an occasional basis for specific purposes, and can be curtailed or prohibited at a supervisor's discretion.
- The city will not compensate an employee for the cost of new equipment, and will not be held liable for damage or repair costs of equipment.
- The amount of reimbursement will not be influenced by the amount the service is used for business purposes. Unusually high activity on the line of service due in part to its use for business purposes will not entitle the employee to an increase in the reimbursement amount.
- The phone number to be used by the employee on their personal mobile phone must be a local phone call from the City of Dover. The phone number must not be changed throughout the term of employment unless approved by the Department Director.
- The phone number for the personal service may be distributed by the supervisor as he/she sees fit for the purposes of the city. The fact that the phone line is also the personal number for the employee will not be considered when deciding how to distribute the number.
- The employee will be expected to answer the phone in an appropriate fashion for business purposes. Likewise, voicemail greetings will acknowledge the full name of the employee and be appropriate for business purposes.
- The applicable provisions contained in the City's Cellular Phone Assignment and Usage, Procedure # F320, Dated February 3, 2009, or latest revision, shall apply to this procedure without restating.
- This agreement may be amended at anytime by the city.
- A copy of signed agreement should be forwarded to Finance - Accounts Payable.

I, the undersigned, have reviewed this policy and agree to abide by its terms.

_____ _____

Employee Signature Date

ATTACHMENT 4

City of Dover
Annual Department Director Cell Phone Review Report
(Due Annually to Finance on June 1)

To: Finance - Accounts Payable

I, _____ have reviewed the cell phone use of _____
(Department Director) (Department)

and determined the following:

_____ List of authorized users has been reviewed and approved (Attached).

_____ Determined that assigned calling plans are appropriate or have been Changed to an appropriate plan as needed.

_____ Spot reviews of monthly bills indicate that employees are following the policy.

_____
Department Head Signature

_____
Date

Form57

ATTACHMENT 5

CITY OF DOVER
CELL PHONE ASSIGNMENT NUMBER & SIGNATURE

To be signed upon receipt a list of authorized users for the City of Dover Cell Phone Device.

Cell Phone #	Employee Name (Print)	Employees Signature

CITY OF DOVER VERIZON WIRELESS CELL PHONES

VENDOR #	DEPARTMENT	USER	TITLE
6526	CUSTOMER SERVICES	JEFF PEARSON	FIELD SERVICE REP II
6526	CUSTOMER SERVICES	NANCY SWAGGARD	FIELD SERVICE REP III
6526	CUSTOMER SERVICES	TOM OLSEN	FIELD SERVICE REP
5769	CENTRAL SERVICES	ON CALL	WAREHOUSE
5769	CENTRAL SERVICES	PETE GREGG	PURCHASING AGENT
5769	CENTRAL SERVICES		DIRECTOR
7852	CITY CLERK	USB MODEM	
6364	INFO TECHNOLOGY	ANDREW SIEGEL	DIRECTOR
7319	ECONOMIC DEV	BILL NEATON	DIRECTOR
7811	FINANCE	DONNA MITCHELL	DIRECTOR
151	MAYOR	CARLETON E CAREY	MAYOR
2448	PARKS & REC	SHERWANDA RACHAL	RECREATION SPECIALIST
3753	PARKS & REC	ZACHERY CARTER	DIRECTOR
6139	PLANNING	ED GRAVES	INSPECTOR I
6139	PLANNING	GIS MOBILE	AIR CARD
6139	PLANNING	AIRCARD	AIR CARD
6139	PLANNING	**VACANT POSITION**	EMERGY MGT COORD
6139	PLANNING	BROADBAND	BROADBAND
6139	PLANNING	BROADBAND	BROADBAND
6139	PLANNING	BROADBAND	BROADBAND
6139	PLANNING	TIM TARAILA	INSPECTOR I
6139	PLANNING	DAVID MCGINNIS	INSPECTOR I
6139	PLANNING	AIRCARD	AIR CARD
6139	PLANNING	ANN MARIE TOWNSHEND	DIRECTOR
6013	PUBLIC SERVICES	WESLEY ROAN	PW OPERATIONS MGR
6013	PUBLIC SERVICES		SANITATION DEPT SUPERVISOR
6013	PUBLIC SERVICES	PERRY SAMMONS	STREET DEPT SUPERVISOR
6013	PUBLIC SERVICES	PAUL THOMPSON	PW INSPECTOR I
5259	PUBLIC SERVICES	BROADBAND	BROADBAND
5259	PUBLIC SERVICES	BROADBAND	BROADBAND
5259	PUBLIC SERVICES	SAM GONZALEZ	FIRE MARSHALL - I
5259	PUBLIC SERVICES	TIMOTHY MULLANEY	FIRE MARSHALL - II
5259	PUBLIC SERVICES	DAVE TRUAX	FIRE MARSHALL - III
5688	PUBLIC SERVICES	ED MARTIN	INSPECTOR I
5688	PUBLIC SERVICES	MIKE MCGREGGOR	INPSECTOR I
5688	PUBLIC SERVICES	GREG AKERS	CHIEF BLDG INSPECTOR

CITY OF DOVER VERIZON WIRELESS CELL PHONES

VENDOR #	DEPARTMENT	USER	TITLE
5688	PUBLIC SERVICES	CHRIS SCOTT	INSPECTOR I
2384	PUBLIC SERVICES	BILL COOPER	GROUNDS
4279	PUBLIC SERVICES	SCOTT KOENIG	PUBLIC SVC MANAGER
967	PUBLIC UTILITIES	STEVEN MOXLEY	T&D ENGINEER COORD
4212	PUBLIC UTILITIES	GARY LAWSON	ELEC FIELD ENGINEER
159	PUBLIC UTILITIES	ON CALL	W/W ON CALL PHONE
1230	PUBLIC UTILITIES	ROBERT SEE	P/U INSPECTOR
1230	PUBLIC UTILITIES	LEE RIDGWAY SR	P/U CONSTRUCTION II
967	PUBLIC UTILITIES	SHARON DUCA	W/WW MANAGER
967	PUBLIC UTILITIES	RALPH MCDOUGALL	W/WW SUPERVISOR
967	PUBLIC UTILITIES	SYSTEM OPERATIONS	EMERGENCY CALLS
967	PUBLIC UTILITIES	STEVE ENSS	ENG SUPERINTENDENT
967	PUBLIC UTILITIES	AREN WRIGHT	ENGINEER CREWLEADER
967	PUBLIC UTILITIES	SCOTT FOWLER	OPER/CONST MANAGER
967	PUBLIC UTILITIES	RON LUNT	DIRECTOR
967	PUBLIC UTILITIES	ON CALL	ELECTRIC RELAY
967	PUBLIC UTILITIES	JOHN MUMFORD	P/U INSPECTOR
4860	POLICE	CDMA LINE	IN CAR COMPUTER LINE
4860	POLICE	CDMA LINE	IN CAR COMPUTER LINE
4860	POLICE	CDMA LINE	IN CAR COMPUTER LINE
4860	POLICE	CDMA LINE	IN CAR COMPUTER LINE
4860	POLICE	CDMA LINE	IN CAR COMPUTER LINE
4860	POLICE	CDMA LINE	IN CAR COMPUTER LINE
4860	POLICE	CDMA LINE	IN CAR COMPUTER LINE
4860	POLICE	CDMA LINE	IN CAR COMPUTER LINE
4860	POLICE	PAUL COOKSON	
4860	POLICE	TIMOTHY STUMP	CAPTAIN
4860	POLICE	VEHICLE PHONE CNT	VEHICLE PNONE CNT
4860	POLICE	BLUE LIGHT PROGRAM	SCHUTTE PARK/PITTS CTR
4860	POLICE	BLUE LIGHT PROGRAM	WHITE OAK PLAYGROUND
4860	POLICE	BLUE LIGHT PROGRAM	WHITE OAK SOCCER FLD
4860	POLICE	JAMES HOSFELT	CHIEF OF POLICE
4860	POLICE	DIANE GLENN	VICTIM SVC CORRDINATOR
4860	POLICE	BEN COUNSELMAN	ADMIN DIV COMMANDER
4860	POLICE	CDMA LINE	IN CAR COMPUTER LINE
4860	POLICE	BLUE LIGHT PROGRAM	SILVER LAKE PARK BEACH
4860	POLICE	CDMA LINE	IN CAR COMPUTER LINE
4860	POLICE	PAUL BERNAT	MCPL
4860	POLICE	BLUE LIGHT PROGRAM	SILVER LAKE BOAT RAMP
4860	POLICE	STEVEN GETEK	MAJOR
4860	POLICE	CDMA LINE	IN CAR COMPUTER LINE
4860	POLICE	CDMA LINE	IN CAR COMPUTER LINE

CITY OF DOVER VERIZON WIRELESS CELL PHONES

VENDOR #	DEPARTMENT	USER	TITLE
4860	POLICE	CDMA LINE	IN CAR COMPUTER LINE
4860	POLICE	CDMA LINE	IN CAR COMPUTER LINE
4860	POLICE	CDMA LINE	IN CAR COMPUTER LINE
4860	POLICE	CDMA LINE	IN CAR COMPUTER LINE
4860	POLICE	CDMA LINE	IN CAR COMPUTER LINE
4860	POLICE	CDMA LINE	IN CAR COMPUTER LINE
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4860	POLICE	CDMA LINE	IN CAR COMPUTER LINE
4860	POLICE	CDMA LINE	IN CAR COMPUTER LINE
4860	POLICE	CDMA LINE	IN CAR COMPUTER LINE
4860	POLICE	CDMA LINE	IN CAR COMPUTER LINE
4860	POLICE	CDMA LINE	IN CAR COMPUTER LINE
7730	POLCE	DET ROBERT ROSWELL - CI	FEDERAL FORTEITURE FUND
7730	POLCE	SGT JASON PIRES - DVOC	FEDERAL FORTEITURE FUND
7730	POLCE	DET KEVIN STREAOWICK - CI	FEDERAL FORTEITURE FUND
7730	POLCE	CAPT TIMOTHY STUMP	FEDERAL FORTEITURE FUND
7730	POLCE	SGT ERIC RICHARDSON - CI	FEDERAL FORTEITURE FUND
7730	POLCE	DET LAWRENCE SIMPKISS - CI	FEDERAL FORTEITURE FUND
7730	POLCE	TRANSFERRED TO PATROL	FEDERAL FORTEITURE FUND
7730	POLCE	DET CHRISTOPHER BUMGARNER - TAC	FEDERAL FORTEITURE FUND
7730	POLCE	DET DAVID SPICER - CI	FEDERAL FORTEITURE FUND
7730	POLCE	DET JEFFREY GOTT - CI	FEDERAL FORTEITURE FUND
7730	POLCE	DET JENNIFER KING - CI	FEDERAL FORTEITURE FUND
7730	POLCE	DET JEFFREY MELVIN - CI	FEDERAL FORTEITURE FUND
7730	POLCE	DET SCOTT HURD - DVOC	FEDERAL FORTEITURE FUND
7730	POLCE	DET JORDAN MILLER - DVOC	FEDERAL FORTEITURE FUND
7730	POLCE	LT DANIEL MCKEOWN - CI	FEDERAL FORTEITURE FUND
7730	POLCE	MCPL PAUL BERNAT	FEDERAL FORTEITURE FUND

2011 EMPLOYEE CELL PHONE REIMBURSEMENT AGREEMENT

REIMBURSEMENT TO BE PAID AT THE END OF EACH FISCAL YEAR FOR THE PRIOR YEAR'S USAGE

A NEW CELL PHONE REIMBURSEMENT & AUTHORIZATION FORM SHALL BE SUBMITTED AT THE BEGINNING OF EACH FISCAL YEAR

EMPLOYEE	DEPARTMENT	TYPE OF PERSONAL PLAN	MONTHLY COST OF PLAN	MONTHS OF REIMB ($15 PER MNTH)	AMOUT OF REIMB.
CHERYL RUSSELL	ASSESSOR OFFICE	AT & T FAMILY PLAN NATION & INTERNET	$150.00	12	$180.00
JAMES C. KEENER	ASSESSOR OFFICE	VERIZON 450 MONTHLY - 250 MESSAGES	$44.99	12	$180.00
RAY WHEATLEY	PUBLIC UTILITIES	VERIZON FAMILY SHARE PLAN 1400	$120.69	12	$180.00
BILL HEWLETT	PUBLIC UTILITIES	AT & T FAMILY PLAN & BUSINESS	$88.00	12	$180.00
RICHARD GARDNER	PUBLIC UTILITIES	VERIZON FAMILY SHARE PLAN 1400	$48.00	12	$180.00
JAMIE ROY	INFORMATION TECH	SPRINT UNLIMITED	$85.00	7	$105.00
ANDREW SIEGEL	INFORMATION TECH	VERIZON FAMILY SHARE PLAN	$126.37	7	$105.00
ALAN RACHKO	POLICE	VERIZON NATIONWIDE TALK	$107.67	12	$180.00
ROBERT SCOTT	POLICE	VERIZON NATIONWIDE TALK	$133.00	12	$165.00
YTD TOTAL REIMB					**$1,455.00**

CITY OF DOVER DEPARTMENT MONTHLY CELL PHONE SUMMARY
FISCAL YEAR 2010

MONTH	CUSTOMER SERVICES	CENTRAL SVCS	CITY MANAGER	INFO TECH	MAYOR	PARKS & REC	FIRE MARSHALL	PLANNING & INSPECTION	P & R DPN	POLICE	PUBLIC UTILIITES	PUBLIC WORKS	TAX ASSESSOR	ECONO DEV
JULY	164.50	66.01	68.44	155.43	68.89	20.31	156.95	517.37	49.28	2,058.04	500.92	310.91	2.76	68.89
AUGUST	164.50	63.28	68.44	156.14	68.89	20.31	174.01	438.76	49.82	1,599.21	646.69	172.97	23.07	68.89
SEPTEMBER	164.50	63.86	68.90	156.14	68.89	20.31	267.39	532.59	49.28	1,796.48	429.26	315.04	(7.19)	68.89
OCTOBER	164.20	63.18	69.42	155.97	68.83	20.28	106.28	495.29	49.39	1,807.24	448.45	462.57	CANCELLED CELLPHONES	68.83
NOVEMBER	207.75	68.67	69.94	155.97	77.54	20.28	156.25	469.17	49.31	1,605.24	457.61	363.13	CANCELLED CELLPHONES	68.83
DECEMBER	207.75	71.79	68.88	155.97	77.54	20.28	158.29	471.65	49.21	1,628.00	457.21	362.38	CANCELLED CELLPHONES	68.83
JANUARY	208.50	71.02	69.48	156.33	77.69	20.35	156.77	472.01	49.95	1,982.29	447.40	362.56	CANCELLED CELLPHONES	224.34
FEBRUARY	208.50	69.26	69.94	156.33	307.68	20.35	156.52	478.73	49.45	1,876.00	401.80	243.48	CANCELLED CELLPHONES	172.71
MARCH	208.50	69.83	286.25	152.69	77.69	20.35	156.77	471.37	49.53	1,915.43	402.97	373.74	CANCELLED CELLPHONES	66.99
APRIL	208.95	68.84	60.19	154.32	77.78	20.39	157.27	472.63	49.69	1,861.02	406.63	245.99	CANCELLED CELLPHONES	92.78
MAY	122.89	69.26	60.29	154.32	77.88	20.49	157.47	508.53	49.53	1,820.21	384.63	374.40	CANCELLED CELLPHONES	93.57
JUNE	125.67	69.39	60.29	154.32	77.88	20.49	158.73	471.43	49.61	0.00	394.02	377.90	CANCELLED CELLPHONES	92.88
YTD TOTAL	**$2,156.21**	**$814.39**	**$1,020.46**	**$1,863.93**	**$1,127.18**	**$244.19**	**$1,962.70**	**$5,799.53**	**$594.05**	**$19,949.16**	**$5,377.59**	**$3,965.07**	**$18.64**	**$1,156.43**

GRAND TOTAL $46,049.53

2010 EMPLOYEE CELL PHONE REIMBURSEMENT AGREEMENT

EMPLOYEE	DEPARTMENT	TYPE OF PLAN	MONTHLY COST OF PLAN	PAY DATE OF REIMBURSEMENT	AMOUT OF REIMB.
CHERYL RUSSELL	ASSESSOR OFFICE	AT & T FAMILY PLAN NATION & INTERNET	$150.00	June 23, 2010	$180.00
JAMES C. KEENER	ASSESSOR OFFICE	VERIZON 450 MONTHLY - 250 MESSAGES	$44.99	June 23, 2010	$180.00
RAY WHEATLEY	PUBLIC UTILITIES	VERIZON FAMILY SHARE PLAN 1400	$120.69	June 23, 2010	$165.00
BILL HEWLETT	PUBLIC UTILITIES	AT & T FAMILY PLAN & BUSINESS	$88.00	June 23, 2010	$165.00
RICHARD GARDNER	PUBLIC UTILITIES	VERIZON FAMILY SHARE PLAN 1400	$48.00	June 23, 2010	$165.00
ROBERT SCOTT	POLICE	VERIZON FAMILY SHARE CONNECT PLAN	$119.99	July 7, 2010	$105.00
YTD REIMBURSEMENT					**$960.00**

CITY OF DOVER
DEPARTMENT OF FINANCE
PROCEDURE MANUAL

TITLE: Municipal Vehicle Use Procedure **PROCEDURE # F-362**
DATE: March 1, 2009

PURPOSE: Establishes the official vehicle use procedures for the employees and officials of the municipal government of Dover, Delaware. Vehicles exempt from this policy are listed in Appendix C.

SCOPE: The procedure applies to any person operating a vehicle for the purpose of conducting official functions of the municipal government.

PROCEDURE ARTICLES:

1. City vehicles will be parked at the employee's residence during the off-duty period. During the off-duty period, the assigned vehicle will not be used for personal convenience.
2. Employees may be assigned after hour duties in accordance with the contents of their assigned job description, or employment contract.
3. Employees assigned a city vehicle by employment contract are required to maintain a monthly log of vehicle mileage with a break out of business and personal usage for tax purposes. The mileage logs must be reported to the Finance Department by December 1st each year as outlined below for compliance with the Internal Revenue Service regulations.
4. Use of City general-purpose vehicles will be in accordance with applicable federal, state, and local statutes, regulations, and city municipal codes. Employees assigned a general-purpose vehicle while on call is required to live in Kent County.
5. No employee shall request or be permitted the use of City general-purpose vehicles for personal convenience when such vehicles are provided for use in the conduct of official business as a matter of policy.
    A. Each employee shall endeavor to pursue a course of conduct, which will not raise suspicion among the public that they are engaging in acts which are in violation of the public trust and which will reflect unfavorably upon the City. No employee or official shall use his public office to secure unwarranted privileges or perquisites during the use of City general-purpose vehicles, or use the vehicle for political purposes.
    B. No City general-purpose vehicle shall be operated for the purpose of travel to a residence, store or restaurant for any meal, unless it is in route to the job site.
    C. No City general-purpose vehicle shall be operated for providing travel for passengers in such vehicle for the purpose of any meal at a residence or restaurant. This principal does not apply to public works and utility vehicles that are utilized to transport work crews to and from job sites.
    D. City general-purpose vehicles may be authorized, on a case-by-case basis, for the operator and passengers to travel to and from appropriate meals when performing official municipal government business. Prior approval of the operator's immediate supervisor is required.

E. Any personal convenience use of a city general-purpose vehicle will be reimbursed to the city. The manner of the valuation of such expense shall be determined by Controller/Treasurer

F. City general-purpose vehicles authorized for commuting shall be charged at the rate of $1.50 for each one-way commute trip.

1. Authorized commuting charges will be a taxable compensation and included in the employee's gross salary.

2. Employees performing on-call duties will incur the commute charge when a general-purpose vehicle is used to commute, unless required in their job description.

6. The Finance Department will prepare an annual analysis of the expenses of City general-purpose vehicles used for commuting purposes for cost comparison purposes (see Appendix D).

A. The analysis shall set forth a standard cost rate per mile of travel encompassing all expenses incurred in the operation of general-purpose vehicles.

B. The standard rate will be the comparative rate used for cost analysis to qualify alternative proposals to achieve the most cost effective solution of general-purpose vehicle proposals and considerations.

C. No costs associated with an employee's wages or benefits will be included in the calculation for the standard cost rate per mile of travel.

7. The Finance Department has prescribed a form to record the detail factors associated with the daily use and monthly use of general-purpose vehicles to conduct city business including Commute Trip Mileage in Appendix E. Appendix F is the form prescribed by the Internal Revenue Service for daily use. The employee may choose which form is conducive to their personal use, and return the form to the Finance Department.. The forms are implemented to insure proof of compliance with applicable federal regulations.

A. As an alternative, the approved form may be contained in a computerized format and printed at the time of need.

B. The records of general-purpose vehicle travel will be maintained by the Payroll Office and will be readily available to City Auditors, City Council, City management staff, and the general public.

C. Employees failing to submit properly completed vehicle travel forms timely will be taxed at the current mileage reimbursement rate as outlined in the City's travel policy times an estimated mileage as determined by the Finance Department.

8. When not in use or assigned a City vehicle, all general purpose vehicles will be parked at a municipal government parking location.

9. City general-purpose vehicles may be authorized for commuting use when:

A. A general-purpose vehicle will be authorized for commuting purposes when the employee has been assigned responsibility for on-call duties or emergency response. On-call and emergency response use does not constitute a federal or state taxable benefit.

B. The City Manager may authorize vehicle use for Non-Emergency Use provided the employee can demonstrate that the actual number and nature of call-ins during the previous year warrants such approval for the benefit of the citizens and not the personal convenience of the municipal person. An authorization form must be completed and signed by the City Manager. Non-Emergency use constitutes taxable wages to the employee and federal and state taxes for both the employee and the City.

C. The Director of the employee(s) being assigned on-call or emergency status is responsible for maintaining and providing updated lists of all personnel assigned City vehicles to the Human Resources Director by November 1st each year. The list shall contain the following elements:

1. identification of the municipal person authorized to commute,
2. the one way mileage between the municipal person's residence and normal place of work,
3. the control information of the authorized general purpose vehicle,
4. the normal duty hours of the authorized municipal person, reason or need for an on-call vehicle.
5. the telephone contact information of the authorized municipal person,
6. the designation of the employee's use – on-call, emergency, or commute.

D. The Finance Department shall receive from Human Resources a master list of all employees and the vehicle assigned that are authorized use of City vehicles before November 30th each year. For those employees applicable, the payroll office will complete the calculation to determine the taxable commuting wages for each employee.

The Payroll office will then send notification to each employee with approved use of a city general-purpose vehicle for commuting. The notification will include the amounts to be charged to gross salary, the rule allowing the charge, and the method of determining the charged value.

10. Employee(s) assigned City general purpose vehicles will care for vehicles in a responsible manner.

A. Failure to provide responsible care can result in disciplinary action.

B. The use of any tobacco products is prohibited when accompanied by non-smoking passengers in any take-home vehicle.

C. All persons shall wear seat belts while operating or riding in any City vehicle.

D. The employee shall provide written disposition of the assigned vehicle while on extended vacation to their immediate supervisor.

E. When operating a City vehicle, the employee must have in his/her possession or the vehicle the vehicle registration, insurance card, a City issued identification card, and a valid driver's license.

F. Employees are required to close vehicle windows and lock doors when the vehicle is not in use. This measure will help ensure that the vehicle is not stolen as well as safeguarding the contents of the vehicle. Vehicle keys must be removed and properly

secured when the vehicle is in use. The City is not responsible for personal property in the vehicle.

11. All City over-the-road vehicles, except those used as surveillance cars, shall have permanently affixed to each front door an official City emblem.

12. To provide internal control and audit documentation with policies and procedures, each employee that is assigned a city vehicle for commute purposes will have on file in the Payroll Office the following:

    A. "Authorization to Use a City Vehicle" (see Article 6) to be used by the Finance Department to report on W-2 forms the value of daily commuting as an employee fringe benefit.

    B. "Statement of Personal Usage for City Provided Vehicles" (see Article 7) to validate personal mileage and insure compliance with federal and state regulations.

    C. These forms are to be provided to the Finance Department on or before December 1st each year. This will provide the payroll department time to make any necessary adjustments to the estimated vehicle usage amount entered at the start of the calendar year. For federal and state tax purposes, vehicle use is calculated on a calendar year.

    D. **For those employees that follow the commute rule:** The City has elected to tax the benefit and pay the respective taxes on each bi-weekly payroll period, based on the calculation in the Authorization Form (see Appendix D). Changes to the estimated vehicle usage amount entered at the start of the year should not be expected unless significant changes occurred in your driving pattern.

    E. **For those employees that follow the per mile or lease value rule:** An employer may treat the value of the benefits provided during the last two months of the calendar year as paid during the subsequent calendar year. The City has adopted this policy. The value of the benefit is calculated for the period of November 1 (of previous year) to October 31 (of current year).

13. Policy exemptions and exceptions:

    A. Robbins Hose Company No. 1 vehicles are not owned by the City of Dover, and therefore the City is not required to ensure compliance with the Internal Revenue Code.

    B. The City currently has three employees with Fire Marshal duties. All three employees are assigned a clearly marked emergency response vehicle for rotation of on-call duties. When one or more Fire Marshal employees are not on call, the City owned vehicle is not to be used for commuting purposes, except for the Chief Fire Marshal. Any other exceptions must be substantiated with historical records of experience.

14. In consideration of these guidelines and policies, one's interpretation should be on a strict, rather than loose, construction basis, and obviously, the objective should not be to rationalize ways and means for circumvention of this policy.

ATTACHMENTS:

Appendix A – Definitions

Appendix B – City of Dover Related Policies

Appendix C – Explanation of Regulations

Appendix D – Authorization of Vehicle Use Form

Appendix E – Statement of Personal Usage for City Provided Vehicles Form (Monthly Use Log)

Appendix F – Vehicle Mileage Log (Daily Use Log)

APPENDIX A

DEFINITIONS:

Primary Place of Employment

the official work location a municipal person is normally assigned to or working at

General Purpose Vehicle

a vehicle that is not specifically designed and used for specialized applications and may be used for personal convenience.

Commuting

taking an employer-provided vehicle to or from a work site and the employee's residence. The reporting of commuting miles should be based on the distance from an employee's home to their work site and not to a city vehicle storage facility.

Commute Trip Mileage

the mileage to/from a municipal person's residence to their office or site to perform normally scheduled work.

Personal Convenience

anything fitting or suited to the municipal person's beneficial welfare, which shall also mean any money, thing of value, or any other economic benefit of any kind or nature whatsoever.

Official

shall mean any elected or appointed official of the City of Dover and all members of any committee, commission or board appointed by the Mayor of the City of Dover or appointed by the City Council.

Official Responsibility

shall mean any direct administrative or operating authority at any level, either exercisable alone or with others, either personally or through subordinates to approve, disapprove, recommend or otherwise direct action on behalf of the City of Dover.

APPENDIX B

CITY OF DOVER RELATED POLICIES

The following in an excerpt from the City of Dover Employee Handbook:

USE OF CITY SUPPLIES AND EQUIPMENT

City equipment, materials, tools and supplies shall not be available for personal use nor be removed from City property except in the conduct of official City business.

Vehicles owned by the City shall be cared for by an employee in the same responsible way that an employee would care for their personal vehicle. Lack of care can result in disciplinary procedures. Such vehicles are to be used exclusively for official City business, except when by special approval. Use of vehicles for commuting to and from work shall usually be limited to an employee who is subject to an emergency call back to work.

No individual shall operate or ride in a City vehicle except as is required for the conduct of City business.

The following is an excerpt of Division 4 – Code of Conduct, Section 2-10, Prohibitions Relating to Conflicts of Interest, Subsection (f) – Abuse of Office, Paragraph (3), of the Dover Code:

(3) No city official or employee shall request or permit the use of city owned vehicles, equipment, materials, or property for personal convenience or profit, except when such services are available to the public generally or are provided for the use of such official or employee in the conduct of official business as a matter of municipal policy.

APPENDIX C

EXPLANATION OF APPLICABLE REGULATIONS

FEDERAL LAW

Under IRS (IRC ss 274(d)) regulations, the imputed value of personal use of an employer-provided vehicle must be included in the employee's gross pay and is taxable for income and social security purposes. Employees and employers are required to keep records substantiating the personal use of an employer-provided vehicle and the business use of the vehicle.

Even if an individual is exempt under state law from the state reimbursement requirement, the amount of the benefit that is added to an employee's gross pay is still considered a taxable fringe benefit for IRS purposes. However, the reimbursement to the City can reduce the imputed value of personal use of the employer-provided vehicle by the amount of reimbursement.

The Internal Revenue Service has issued rules and regulations detailing how employees will be taxed on employer provided vehicles used for commuting purposes.

The value of employer-provided road vehicles used by State employees for commuting and personal use are fringe benefits and must be included in wages for Income Tax and Social Security tax purposes. However, when the employee pays the employer the fair market value for the personal use of the vehicle, no income results to the employee. Partial payment reduces the employee's income by the amount of the payment. The amount added to wages is not considered salary for the purposes of computing retirement benefits. The term "road vehicle" means any motorized wheeled vehicle manufactured primarily for use on public streets, roads, and highways.

The following employer-provided vehicles are to be excluded:

a) Clearly marked police and fire vehicles;
b) Delivery trucks with seating only for the driver, or only for the driver plus a folding jump seat;
c) Flatbed trucks; any vehicles designed to carry cargo with a loaded gross vehicle weight over 14,000 pounds;
d) Passenger buses used as such with a capacity of at least 20 passengers
e) Ambulances used as such or hearses used as such;
f) Bucket trucks ("cherry pickers");
g) Cranes and derricks;
h) Forklifts;
i) Cement mixers;
j) Dump trucks (including garbage trucks);
k) Refrigerated trucks;
l) Tractors and other special purpose farm vehicles;
m) Combines
n) School buses used as such;
o) Qualified moving vans;
p) Qualified specialized utility repair trucks (other than a van or pick-up truck)
q) Officially authorized uses of unmarked vehicles by law enforcement officers or arson investigators who are full-time employees, authorized to carry fire arms, execute search warrants and make arrests.
r) Such other vehicles the (IRS) commissioner may, from time to time, designate.

Under the regulations, the employer is exempt from withholding taxes, other than Social Security, if the employer notifies the employee that the employer is not withholding and the employer includes the value in the employee's W-2. The regulations also allow payment of Social Security Taxes annually.

An employer may treat the value of the benefits provided during the last two months of the calendar year as paid during the subsequent calendar year.

RECORDKEEPING REQUIREMENTS

The law implements the record-keeping standard of "adequate records or sufficient evidence" to support any credit or deduction claimed for business use for an employer-provided vehicle. Examples of acceptable substantiation would be account books, diaries, logs, receipts, bills, trip sheets, expense forms or statements by disinterested witnesses. Records must substantiate the time, date, place, purpose and cost of travel with written evidence having more probative value than oral substantiation.

The city has a policy that city-owned vehicles cannot be used for personal use except for commuting purposes.

TAXATION RETURN QUESTIONS

Compliance is tracked by the IRS through a series of questions included on tax return forms. Taxpayers are required to state the amount of personal use of an employer-provided vehicle and that business use can be substantiated. Employees must provide this information to their employers who in turn are required to keep those reports on file for corroborative purposes. Audits are also conducted by the IRS to track compliance.

CALCULATING VALUE AND REPORTING FOR GOVERNMENT CONTROL EMPLOYEES

Governmental control employees = elected officials or any employee whose compensation equals or exceeds $110,700.

These officials may not use the commuting value method but can determine the value of the benefit using the annual lease value rule or the vehicle cents-per mile rule.

CALCULATING VALUE AND REPORTING FOR GOVERNMENT NON-CONTROL EMPLOYEES

A City employee who is (1) provided a City-owned vehicle to drive to and from work for valid business reasons (ability to respond to emergency calls); (2) prohibited from using the vehicle for personal use; except for commuting, and (3) not a governmental control employee as defined above may use the vehicle cents-per-mile method, the $1.50 per commute method, or the annual lease value method.

Once either method is adopted, the employer and the employee must use this valuation technique for all subsequent periods until circumstances change. The types of excluded vehicles listed on pages 1 and 2 of this appendix are exempt from taxation. An employee provided with any other type of vehicle is subject to taxation on the commuting value.

See the Finance Department for examples of each method of calculation.

Appendix D

City of Dover
Authorization of Vehicle Use

Employee's Name	Department/Division	License Number/State/Expiration
Vehicle #	**Year/Make/Model**	

	Calculation of City Cost		Calculation of Fringe Benefit	
Maintenance Costs: gasoline, oil, tires, batteries, parts, service, labor, and depreciation expressed as a cost per mile in accordance with federal regulations	0.611	Rate per Mile	260	Total workdays
	785.40	Projected Annual Mileage	(12)	Less Holidays
	479.88	Total Maintenance (A)	(10)	Less Vacation Days
Overhead: Insurance and administrative expressed as a cost per mile at 15% of maintenance rate	0.0249	Rate per Mile		
	785.40	Projected Annual Mileage		Total days for calculated fringe
	19.56	Total Overhead (B)	238	benefits
Social Security & Medicare taxes paid on the greater of cost per mile calculation or daily commute calculation at 7.65%	54.62	Additional cost of City contribution for FICA (C)	$ 3.00	Times $1.50 Commute Rate (at two daily commutes)
	$ 554.06	Total City Cost (A,B & C)	$ 714.00	Annual Benefit
Decision Factor The selection method will be based on the most advantageous financial position for the City of Dover.			$ 27.46	Bi-weekly Pay Adjustment/26 wks

City Code Section 2 - 10 (f) (3)

No City official or employee shall request or permit the use of city owned vehicles, equipment, materials, or property for personal convenience or profit, except when such services are available to the public generally or are provided for the use of such official or employee in the conduct of official business as a matter of municipal policy.

City Manager's Signature

I certify that I have read the above and understand my responsibilities for use of a City vehicle. A copy of the City of Dover Vehicle Use Policy has been provided to me.

Employee Signature

Form# 101-1

Appendix E

City of Dover

Statement of Vehicle Personal Usage

Employee's Name: _____ **Calendar Year:** _____

Vehicle #: _____ **Vehicle Year/Make/Model:** _____

	Beginning Mileage	Ending Mileage	Total Miles	Personal Commute	Business Commute	# of Commutes
January			0.0			-
February						
March						
April						
May						
June						
July						
August						
September						
October						
November						
December						

Form# 101-2

_____
Signature of Employee/Official

Employee Name_____ Daily Vehicle Mileage Log Appendix F

Assigned Vehicle #_____
Year_____ Make _____
Model _____

Month		Year			Odometer Reading					
Day	Desinations	Bus	Pers	Purpose	Begin	End	Trip	MPG's & Cost	Parking & Toll Costs	Misc. Expense
Forward the balances from the previous page if it is for the same month										
					Subtotal of the page					
					Total for the month					

BUS/PERS: Please check the appropiate box as to whether this trip is Business (BUS) or Personal (PERS).
Trip: This is the difference between "Begin" and "End" Odometer Readings.
MPG's & Cost: This column is to be used for gasoline purchased from somewhere other than at the City of Dover Warehouse, that you would put in for reimbursement.

City of Dover (IRS approved form)

Form# 101-3

City of Dover
Vehicle Usage
Authorized On-Call/Emergency Employees
Calendar Year 2011

Department: _____

City Manager Approval: _____

Submitted by: _____

Date: _____

Employee's Name	One Way Mileage from Employee's Residence to Work	Vehicle Number	Normal Duty Hours of Employee	Employee's Telephone Number	Designation of Use: On-Call or Emergency
1					
2					
3					
4					
5					
6					
7					
8					
9					
10					
11					
12					
13					
14					
15					
16					
17					
18					
19					
20					
21					
22					
23					
24					
25					
26					
27					
28					
29					
30					

City of Dover
Vehicle Usage
Authorized On-Call/Emergency Employees
Calendar Year 2011

Department: _____

City Manager Approval: _____

Submitted by: _____

Date: _____

Employee's Name	One Way Mileage from Employee's Residence to Work	Vehicle Number	Normal Duty Hours of Employee	Employee's Telephone Number
1				
2				
3				
4				
5				
6				
7				
8				
9				
10				
11				
12				

Calendar Year 2011
Tax Documentation

Mitchell, Donna

From: Mitchell, Donna
Sent: Thursday, January 06, 2011 6:04 PM
To: DePrima, Tony
Cc: Hawkins, Kim; Teal, Peggy; Lunt, Ron; Koenig, Scott; Baker, Ed; Carey Sr., Carleton
Subject: Vehicle Usage Logs
Attachments: Info fr Faw Casson.pdf

Tony,

As a follow up to my email a couple of weeks ago, I have now spoken with our Audit Firm's Tax Accountant and he has confirmed that we need to have employee's maintain vehicle usage logs for all employee's that are not "On-Call" employee's and receive on-call pay. This includes employee's who take home a vehicle in case of an emergency. These employee's are to log all dates and mileage each time they are called in for an emergency. The attached file was sent to me after my discussion with Faw Casson.

The log has to be maintained as the vehicle is used. It should include the beginning and ending odometer reading for each use. If the vehicle is used for commuting only, then the usage can be done weekly. The calculations used for the taxable benefit are based on the cost standards we establish and we can take into consideration the employee's annual accrual of vacation and holidays when considering work days for the upcoming year.

Beginning next week we will need anyone who is not "on-call" (will not be paid on-call pay) and takes home a City vehicle to maintain this log. The log will be provided to the Finance Department upon their departure or the end of the calendar year. We will send out a reminder at the end of each year.

Our records indicate the following persons should be maintaining a vehicle use log (sample logs are attached to the Vehicle Use Procedure I sent out to all department heads in December). The log should include the odometer reading on the first of January and the end of December.

Mayor Carey – The Mayor provides us with a log and is in compliance.
Anthony DePrima
Wesley Roan
Ed Baker
Pete Gregg – no longer takes vehicle home. DSM 1/7/11
Ron Lunt
Stephen Enss
Ralph McDougall

I don't believe Scott Koenig and Ann Marie take home a City vehicle so they are not listed. If I have missed anyone, please let me know. As soon as we are done with the ADP payroll conversion, we will complete the vehicle usage calculations and get them out to the applicable individuals.

This email will be on file to demonstrate that we have requested compliance.

Thank you,

Donna S. Mitchell, CPA
Controller/Treasurer
City of Dover
5 E. Reed Street
Weyandt Hall, Suite 300
Dover, DE 19901
Office (302) 736-7018
Fax (302) 760-4930

11-22-10
FW:
TONY
CITY MGR

City of Dover
Vehicle Usage
Authorized On-Call/Emergency Employees
Calendar Year 2011

Department: Central Services

City Manager Approval:

Submitted by: Ed Baker

Date: November 22, 2010

V#128
2004 FORD CROWN VICTORIA
TAG # 985731

Employee's Name	One Way Mileage from Employee's Residence to Work	Vehicle Number	Normal Duty Hours of Employee	Emp Telephone Number	On Call or Emergency
1. ED BAKER	1 MILE	128	7-3:30	736-1296	CITY-WIDE NON-/EMERGENCY
2. PETE GREGG	3.5 MILES	124	7-3:30	735-8904	WHSE/NORTH STREET/EMERGENCY
3. FLOYD ANDERSON	1 MILE	124/125 123	7-3:30	678-9129	WHSE/NORTH STREET/EMERGENCY
4. WENDY VOSSBERG	10 MILES	124/125 123	7:30-4:00	535-2492	WHSE/NORTH STREET/EMERGENCY
5. SCOTT TUSON	5 MILES	124/125 123	7-3:30	678-8058	WHSE/NORTH STREET/EMERGENCY
6. BARRY WOLFGANG	8 MILES	124/125 123	7-3:30	670-4756	WHSE/NORTH STREET/EMERGENCY
7.					
8.					

City of Dover
Vehicle Usage
Authorized On-Call/Emergency Employees
Calendar Year 2011

Department: Public Services

City Manager Approval:

Submitted by: Scott D. Koenig, Public Services Manager

Date: November 17, 2010

Employee's Name	One Way Mileage from Employee's Residence to Work	Vehicle Number	Normal Duty Hours of Employee	Employee's Telephone Number	Designation of Use: On-Call or Emergency
1. Wesley Roan	3	332	7:00 a.m. to 3:30 p.m.	264-9590 270-9137	Supervisor
2.					
3.					
4.					
5.					
6.					
7.					
8.					
9.					
10.					
11.					

V# 332

2003 CHEVROLET SILVERADO PICKUP

TAG# C105709

Rec'd 12/6/10

Vehicle Log

On-Call/Emergency
Calendar Year 2011

Approved 11/30/10

Department: Public Utilities Department
Submitted by: Lisa C. Gardner, Departmental Budget & Staff Supervisor
Date: November 23, 2010

Employee's Name Electric	One Way Mileage from Employee's Residence to Work	Vehicle Number	Normal Duty Hours of Employee	Employee's Telephone Number	Designation of Use: On-Call Emergency
1. Dave Boyd	17.0	Varies	7 – 3:30 pm.	284-9593	On Call
2. Randy Boyd	25.0	Varies	7 – 3:30 pm.	398-4198	On Call
3. Dave Carden	17.0	Varies	7 – 3:30 pm.	653-4134	On Call
4. Matthew Clendaniel	16.0	Varies	7 – 3:30 pm.	335-2874	On Call
5. Ronald Cotton	8.0	Varies	7 – 3:30 pm.	698-3522	On Call
6. Matthew Espil	21.0	Varies	7 – 3:30 pm.	284-4493	On Call
7. John Grinstead	2.0	Varies	7 – 3:30 pm	678-9253	On Call
8. Bill Hewlett	18.0	Varies	7 – 3:30 pm.	284-2202	On Call
9. Dave Hiser	1.5	Varies	7 – 3:30 pm.	698-9063	On Call
10. Greg Hiser	3.0	Varies	7 – 3:30 pm.	734-7092	On Call
11. Chad Larimore	26.0	Varies	7 – 3:30 pm.	398-6213	On Call
12. Mark Lloyd	4.0	Varies	7 – 3:30 pm.	387-1236	On Call
13. Ronald Lunt	8.0	701	7 – 3:30 pm.	382-7846	Non-Emergency
14. Dave Morgan	23.0	Varies	7 – 3:30 pm.	398-0760	On Call
15. William Myers	1.0	Varies	7 – 3:30 pm.	674-2098	On Call
16. Tim Porter	5.0	Varies	7 – 3:30 pm.	697-1875	On Call
17. Brian Robbins	12.0	Varies	7 – 3:30 pm.	284-2220	On Call
18. Rodney Rodrigue	4.0	Varies	7 – 3:30 pm.	241-1893	On Call
19. Stephen Sapp	13.0	Varies	7 – 3:30 pm.	233-2708	On Call
20. Curtis Scott	6.0	Varies	7 – 3:30 pm.	674-9095	On Call
21. James Vinson	18.0	Varies	7 – 3:30 pm.	284-9049	On Call

One More

22. Dennis Wimer	26.0	Varies	7 – 3:30 pm.	422-2380	On Call
23. Tom Embert	5.0	Varies	7 – 3:30 pm.	284-3276	On Call
24. Scott Jones	10.0	Varies	7 – 3:30 pm.	492-0878	On Call
25. Eric Long	9.0	Varies	7 – 3:30 pm.	698-1742	On Call
26. Ernie Long	9.0	Varies	7 – 3:30 pm.	698-1942	On Call
27. John Thompson	7.0	Varies	7 – 3:30 pm.	698-0496	On Call
28. Stephen Enss	12.0	#770	7 – 3:30 pm.	492-0176	Non-Emergency
Water/Wastewater/Construction	One Way Mileage from Employee's Residence to Work	Vehicle Number	Normal Duty Hours of Employee	Employee's Telephone Number	Designation of Use: On-Call Emergency
29. Carl Acton, Jr.	7.0	695	7 – 3:30 pm.	943-8330	On Call
30. Victor Brown	12.0	695	7 – 3:30 pm.	674-5859	On Call
31. Robert Carson	1.0	695	7 – 3:30 pm.	674-3567	On Call
32. John Durk, Jr.	.5	695	7 – 3:30 pm.	734-1577	On Call
33. Raughley Lloyd	11.0	695	7 – 3:30 pm.	492-0221	On Call
34. Joel Martin	9.0	695	7 – 3:30 pm.	736-1326	On Call
35. Ralph McDougall	8.0	668	7 – 3:30 pm.	697-9436	Non-Emergency
36. Andrew McNatt	17.0	695	7 – 3:30 pm.	450-2275	On Call
37. John Mumford	23	695	7 – 3:30 pm.	398-9766	On Call
38. George O'Neal	9.0	695	7 – 3:30 pm.	697-3156	On Call
39. Wayne Oeller	12	695	7 – 3:30 pm.	284-8071	On Call
40. Gordon Ridgeway	5.0	695	7 – 3:30 pm.	653-4995	On Call
41. Shawn Ridgeway	9.0	695	7 – 3:30 pm.	730-8149	On Call
42. Emanuel Ridgway	6.0	695	7 – 3:30 pm.	734-5488	On Call
43. Emanuel Ridgway, Sr.	6.0	695	7 – 3:30 pm.	736-5011	On Call
44. Michael Robbins	14.0	695	7 – 3:30 pm.	335-0767	On Call
45. Keith Sanders	4.0	695	7 – 3:30 pm.	674-1953	On Call
46. Michael Scheers	9.0	695	7 – 3:30 pm.	242-2945	On Call
47. Dale Scotton, Jr.	4.0	695	7 – 3:30 pm.	734-9187	On Call
48. Donald Scotton	8.0	695	7 – 3:30 pm.	653-7218	On Call

RECEIVED JAN 27 2011 Appendix D

City of Dover
Authorization of Vehicle Use

Employee's Name	Department/Division	License Number/State/Expiration
Edwin Baker	Central Services 110-2500-552	985731/DE/12/31/11
Vehicle #	**Year/Make/Model**	**Calendar Year Benefit**
#128	2004 Ford Crown Victoria	2011

From: 1526 Forest Street
To: 135 Electric Ave = 1.0 miles

Maintenance Costs: gasoline, oil, tires, batteries, parts, service, labor, and depreciation expressed as a cost per mile in accordance with federal regulations

Overhead: Insurance and administrative expressed as a cost per mile at 15% of maintenance rate

Social Security & Medicare taxes paid on the greater of cost per mile calculation or daily commute calculation at 7.65%

Decision Factor
The selection method will be based on the most advantageous financial position for the City of Dover.

Calculation of City Cost		
0.166		Rate per Mile
444.00		Projected Annual Mileage
73.70		Total Maintenance (A)
0.0249		Rate per Mile
444.00		Projected Annual Mileage
11.06		Total Overhead (B)
50.95		Additional cost of City contribution for FICA (C)
$ 135.71		Total City Cost (A,B & C)

Mileage determined via Mapquest or other internet available software, rounded down to nearest 10th. Same method applied to all.

Calculation of Fringe Benefit	
260	Total workdays
(11)	Less 2011 Holidays
(27)	Less Vac/Pers Days Eligible for in 2011
222	Total days for calculated fringe benefits
$ 3.00	Times $1.50 Commute Rate (at two daily commutes)
$ 666.00	Annual Benefit
$ 25.62	2011 Bi-weekly Pay Adjustment/26 wks 2010 = $25.62

City Code Section 2 - 10 (f) (3)

No City official or employee shall request or permit the use of city owned vehicles, equipment, materials, or property for personal convenience or profit, except when such services are available to the public generally or are provided for the use of such official or employee in the conduct of official business as a matter of municipal policy.

City Manager's Signature

I certify that I have read the above and understand my responsibilities for use of a City vehicle. A copy of the City of Dover Vehicle Use Policy has been provided to me.

Edwin Baker
Employee Signature

Prepared by: D Mitchell 1/24/11

Form# 101

RECEIVED JAN 28 2011

Appendix D

City of Dover
Authorization of Vehicle Use

Employee's Name	Department/Division	License Number/State/Expiration
Ron Lunt	Public Utilities 480-8400-564	PC454470/DE/12/31/11
Vehicle #	**Year/Make/Model**	**Calendar Year Benefit**
#701	2008 Ford Escape	2011

From: 171 Apoorva Lane, Smyrna
To: 860 Buttner Pl = 8.0 miles

Maintenance Costs: gasoline, oil, tires, batteries, parts, service, labor, and depreciation expressed as a cost per mile in accordance with federal regulations

Overhead: Insurance and administrative expressed as a cost per mile at 15% of maintenance rate

Social Security & Medicare taxes paid on the greater of cost per mile calculation or daily commute calculation at 7.65%

Decision Factor
The selection method will be based on the most advantageous financial position for the City of Dover.

Calculation of City Cost		
0.166		Rate per Mile
1,872.00		Projected Annual Mileage
310.75		Total Maintenance (A)
0.0249		Rate per Mile
1,872.00		Projected Annual Mileage
46.61		Total Overhead (B)
52.56		Additional cost of City contribution for FICA (C)
$ 409.92		Total City Cost (A,B & C)

Mileage determined via Mapquest or other internet available software, rounded down to nearest 10th. Same method applied to all.

Calculation of Fringe Benefit	
260	Total workdays
(6)	Less 2011 Holidays
(25)	Less Vac/Pers Days Eligible for in 2011
229	Total days for calculated fringe benefits
$ 3.00	Times $1.50 Commute Rate (at two daily commutes)
$ 687.00	Annual Benefit
$ 26.42	2011 Bi-weekly Pay Adjustment/26 wks 2010 = $26.42

City Code Section 2 - 10 (f) (3)

No City official or employee shall request or permit the use of city owned vehicles, equipment, materials, or property for personal convenience or profit, except when such services are available to the public generally or are provided for the use of such official or employee in the conduct of official business as a matter of municipal policy.

City Manager's Signature

I certify that I have read the above and understand my responsibilities for use of a City vehicle. A copy of the City of Dover Vehicle Use Policy has been provided to me.

Employee Signature

Prepared by: D Mitchell 1/24/11

Form# 101

RECEIVED JAN 28 2011

Appendix D

City of Dover
Authorization of Vehicle Use

Employee's Name	Department/Division	License Number/State/Expiration
Steve Enss	Public Utilities - Electric Engineering 480-8300-563	341406/DE/12/31/11
Vehicle #	**Year/Make/Model**	**Calendar Year Benefit**
#7	2008 Dodge Avenger	2011

From: 244 Enss Road
To: 860 Buttner Place = 12.1 miles

Maintenance Costs: gasoline, oil, tires, batteries, parts, service, labor, and depreciation expressed as a cost per mile in accordance with federal regulations

Overhead: Insurance and administrative expressed as a cost per mile at 15% of maintenance rate

Social Security & Medicare taxes paid on the greater of cost per mile calculation or daily commute calculation at 7.65%

Decision Factor
The selection method will be based on the most advantageous financial position for the City of Dover.

Calculation of City Cost		
0.166	Rate per Mile	
5,372.40	Projected Annual Mileage	
891.82	Total Maintenance (A)	
0.0249	Rate per Mile	
5,372.40	Projected Annual Mileage	
133.77	Total Overhead (B)	
50.95	Additional cost of City contribution for FICA (C)	
$ 1,076.54	Total City Cost (A,B & C)	

Mileage determined via Mapquest or other internet available software, rounded down to nearest 10th. Same method applied to all.

Calculation of Fringe Benefit	
260	Total workdays
(6)	Less 2011 Holidays
(32)	Less Vac/Pers Days Eligible for in 2011
222	Total days for calculated fringe benefits
$ 3.00	Times $1.50 Commute Rate (at two daily commutes)
$ 666.00	Annual Benefit
$ 25.62	2011 Bi-weekly Pay Adjustment/26 wks 2010 = $25.96

City Code Section 2 - 10 (f) (3)

No City official or employee shall request or permit the use of city owned vehicles, equipment, materials, or property for personal convenience or profit, except when such services are available to the public generally or are provided for the use of such official or employee in the conduct of official business as a matter of municipal policy.

City Manager's Signature

I certify that I have read the above and understand my responsibilities for use of a City vehicle. A copy of the City of Dover Vehicle Use Policy has been provided to me.

Employee Signature

Prepared by: D Mitchell 1/24/11

Form# 101

RECEIVED JAN 28 2011

Appendix D

City of Dover
Authorization of Vehicle Use

Employee's Name	Department/Division	License Number/State/Expiration
Ralph McDougall	Public Utilities - Electric Engineering 412-6800/6900-568/569	C59360/DE/12/31/11
Vehicle #	**Year/Make/Model**	**Calendar Year Benefit**
#698	2008 Ford F250	2011

From: 88 Hazlettville Road
To: 710 William Street = 8.1 miles

Maintenance Costs: gasoline, oil, tires, batteries, parts, service, labor, and depreciation expressed as a cost per mile in accordance with federal regulations

Overhead: Insurance and administrative expressed as a cost per mile at 15% of maintenance rate

Social Security & Medicare taxes paid on the greater of cost per mile calculation or daily commute calculation at 7.65%

Decision Factor
The selection method will be based on the most advantageous financial position for the City of Dover.

Calculation of City Cost		
0.166	Rate per Mile	
3,596.40	Projected Annual Mileage	
597.00	Total Maintenance (A)	
0.0249	Rate per Mile	
3,596.40	Projected Annual Mileage	
89.55	Total Overhead (B)	
50.95	Additional cost of City contribution for FICA (C)	
$ 737.50	Total City Cost (A,B & C)	

Mileage determined via Mapquest or other internet available software, rounded down to nearest 10th. Same method applied to all.

Calculation of Fringe Benefit	
260	Total workdays
(11)	Less 2011 Holidays
(27)	Less Vac/Pers Days Eligible for in 2011
222	Total days for calculated fringe benefits
$ 3.00	Times $1.50 Commute Rate (at two daily commutes)
$ 666.00	Annual Benefit
$ 25.62	2011 Bi-weekly Pay Adjustment/26 wks 2010 = $25.62

City Code Section 2 - 10 (f) (3)

No City official or employee shall request or permit the use of city owned vehicles, equipment, materials, or property for personal convenience or profit, except when such services are available to the public generally or are provided for the use of such official or employee in the conduct of official business as a matter of municipal policy.

City Manager's Signature

I certify that I have read the above and understand my responsibilities for use of a City vehicle. A copy of the City of Dover Vehicle Use Policy has been provided to me.

Employee Signature

Prepared by: D Mitchell 1/24/11

Form# 101

Annual Lease Value Calculation

Employee Name	**Mayor Carleton Carey Sr.**
Assigned Vehicle #	**2**
Year/Make/Model	**2000 Ford Taurus 4 Dr**
Calendar Year of:	**2011**

Fair Market Value (FMV) of vehicle			$	4,575.00
Annual lease value per IRS Table 3-1		A	$	1,600.00
Total miles Driven				6,286
Subtract: Total business miles driven				5,259
Total Personal Miles Driven				**1,027**
Personal Use % (personal miles divided by total miles)	**1,027**	**B**		**16%**
Personal Annual Lease Value $1,600 @ 16%		**C**	**$**	**261.46**
If employer pays for fuel **Multiply # of Personal miles driven by 5.5 cents per mile**	**1,027 x .055 =**	**D**	**$**	**56.50**
Total Employee Taxable Income (C+D)			**$**	**317.96**
Bi-weekly Pay Adjustment/26 weeks			**$**	**12.23**

Beginnng Odometer Reading	37,146.3
Ending Odometer Reading	43,432.2
Total Miles Driven	6,285.9

Personal Mileage per logs	
4.8 miles commuting @ 214 trips per log	1,027.2

Mayor's daily mileage logs maintained in Payroll office

Prepared by: D Mitchell 1/24/11

The Power of Vehicle Information
NADAguides.com

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1/24/2011

2000 Ford Taurus

Sedan 4D SE

NADAguides.com Price Report

	Rough Trade-In	Average Trade-In	Clean Trade-In	Clean Retail
Base Price	$900	$1,500	$2,000	$3,650
Mileage: 43,432 miles	$1,000	$1,000	$1,000	$1,000
Options:				
W/out Pwr Door Locks	-$75	-$75	-$75	-$75
Aluminum/Alloy Wheels	Std.	Std.	Std.	Std.
TOTAL PRICE	$1,825	$2,425	$2,925	$4,575

Standard Equipment

Standard Equipment Details

Engine Specifications
Type: Gas V6
Size: 3.0L/181
Horsepower: 155 @ 4900 RPM
Torque: 185 @ 3950 RPM

Drive Train
Drive Train: Front Wheel Drive
Transmission: 4 speed Automatic w/OD, Electronic

Safety
Air Bag-Driver-Front
Air Bag-Passenger-Front
Air Bag-Side-Body-Front
Brakes-ABS-4 Wheel
Brakes-Type-Front Disc/Rear Drum
Engine Immobilizer/Vehicle Anti-Theft System
Headlights-Daytime Running lights
Locks-Child Safety Rear Door
Traction Control
Trunk-Emergency Release

Comfort & Convenience
Air Cond-Front
Cruise Control
Keyless Entry
Locks-Pwr
Mirrors-Pwr Driver
Mirrors-Pwr Passenger
Mirrors-Vanity-Driver
Mirrors-Vanity-Passenger
Pedals-Adjustable
Rear Seat Heat Ducts
Seat Trim-Cloth
Seat-Pwr-Driver

CHESAPEAKE UTILITIES CORPORATION

RECEIVED DEC 22 2010

DIVISION _____ Mileage Reports 2010

NAME Carlton L Cargle Jr. VEHICLE # _____ EMPLOYEE # _____ Rec'd 12/21/10

DATE	COMMUTING	OTHER PERSONAL MILES	COMPANY MILES	ON CALL MILES	OTHER MILES	OTHER DESCRIPTION	ENDING ODOMETER READING
1-1	0						37,146.3
1-2	0						
1-3	0						
1-4	0						
1-5	4.8						37,160.0
1-6	4.8						37,192.2
1-7	4.8						37,202.2
1-8	4.8						37,222.0
1-9	0						
1-10	0						
1-11	4.8						37,242.2
1-12	4.8						37,352.2
1-13	4.8						37,370.2
1-14	4.8						37,384.2
1-15	4.8						37,449.1
1-16	0						"
1-17	0						"
1-18	0						"
1-19	4.8						37,456.2
1-20	4.8						37,425.0
1-21	4.8						37,487.2
1-22	4.8						37,500.4
1-23	0						"
1-24	0						"
1-25	4.8						37,515.2
1-26	4.8						37,529.2
1-27	4.8						37,546.2
1-28	4.8						37,632.2
1-29	4.8						37,662.2
1-30	0						
1-31	0						
	19						

Annual Lease Value Calculation

Employee Name		**Anthony DePrima**	
Assigned Vehicle #		**1**	
Year/Make/Model		**2005 Ford Escape**	
Calendar Year of:		**2011**	
Fair Market Value (FMV) of vehicle	Odometer 34,851		$ 14,775.00
Annual lease value		A	$ 4,100.00
Total miles Driven			6,448
Subtract: Total business miles driven			-
Total Personal Miles Driven			**6,448**
Personal Use %	**6,448**	**B**	**100%**
(personal miles divided by total miles)			
Personal Annual Lease Value 6600x.46		**C**	**$ 4,100.00**
If employer pays for fuel			
Multiply # of Personal miles driven			
by 5.5 cents per mile	**6,448 x .055 =**	**D**	**$ 354.64**
Total Employee Taxable Income			**$ 4,454.64**
(C+D)			
Bi-weekly Pay Adjustment/26 weeks			**$ 171.33**

Prepared by: D Mitchell 1/24/2011

I agree with calculation of having 100% of the value added to my pay. ~~No~~ 10's will be necessary

Anthony S. DePrima

11/24/11

The Power of Vehicle Information
NADAguides.com

Close Window

2005 Ford Escape

1/24/2011

Utility 4D Hybrid (4WD, 4 Cyl.)

NADAguides.com Price Report

	Rough Trade-In	Average Trade-In	Clean Trade-In	Clean Retail
Base Price	$7,125	$8,225	$9,125	$12,075
Mileage: 34,851 miles	$2,700	$2,700	$2,700	$2,700
Options:				
Aluminum/Alloy Wheels	Std.	Std.	Std.	Std.
4 Cyl. Engine	Std.	Std.	Std.	Std.
TOTAL PRICE	$9,825	$10,925	$11,825	$14,775

Standard Equipment

Standard Equipment Details

Engine Specifications
Type: Gas/Electric I4
Size: 2.3L/140
Horsepower: 133 @ 6000/94 @ 5000 RPM
Torque: 124 @ 4250 RPM
Max Towing Capacity: 1000

Drive Train
Drive Train: 4-Wheel Drive
Transmission: 1 speed CVT Automatic

Safety
Air Bag-Driver-Front
Air Bag-Passenger Switch (On/Off)
Air Bag-Passenger-Front
Air Bag-Side-Body-Front
Air Bag-Side-Head-Front
Alarm System
Brakes-ABS-4 Wheel
Brakes-Type-4 Wheel DISC
Headlights-Daytime Running lights
Locks-Child Safety Rear Door

Comfort & Convenience
Air Cond-Front
Cruise Control
Keyless Entry
Locks-Pwr
Mirrors-Pwr Driver
Mirrors-Pwr Passenger
Mirrors-Vanity-Driver
Mirrors-Vanity-Passenger
Navigation System
Reading Lamps-Front
Rear Seat Heat Ducts

Memorandum

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

To: **Donna Mitchell**

From: **Anthony J. DePrima, AICP**
City Manager

Date: **December 14, 201**

Subject: **2010 Vehicle usage**

This is the standard format for mileage information that I have been providing to payroll in the past:

Total miles in 2010 (Dec 1 to Dec 1) = 6448

Weekend Personal Miles - 6448*21.91% (based on 2004 usage analysis)	= 1413
Weekday Commute – 7 times a week *48 weeks*3.6miles per trip	= 1210
University Delaware trips 100 miles *15 trips	= 1500
Total Personal Miles	= 4123
% of total miles	63%

Per audit on 1/6/11 Need to maintain log. Cannot use 2004 usage. Calendar 2011 to be done via log. City Manager agreed.

Cc: Kim Hawkins

c:Tony/City Manager\Admin\Vehiclemileagereport2010

ACTION FORM

PROCEEDING: Legislative, Finance, and Administration Committee	**AGENDA OF:** 09-26-2011
DEPARTMENT OF ORIGIN: City Council	**DATE SUBMITTED**: 09-19-2011
PREPARED BY: Traci A. McDowell, City Clerk on Behalf of Council President Leary	
SUBJECT: Review, Consolidation and/or Elimination of City Committees, Commissions, and Boards - Dover Human Relations Commission	
EXHIBITS: Human Relations Commission History	
TIMETABLE: Recommendation to City Council on 10-10-2011	
RECOMMENDED ACTION: Recommend Approval of Committee's Recommendation	

BACKGROUND AND ANALYSIS

With increasing staff vacancies, and in consideration of current hiring limitations, Council President Leary has requested members of Council and City Staff to explore possible efficiencies within the City of Dover committees, commissions, and boards. Some boards appear to serve like purposes and others have become obsolete; therefore, the Committee will consider whether any groups can be consolidated or eliminated. Several recommendations have been received and will be considered by the committee in the following weeks and months.

/tm

S:\CAFS\09-26-2011-LF&A CAF - Review, Consolidation or Elimination of City Committees, Commissions, and Boards - Dover Human Relations Commission.wpd

Dover Human Relations Commission History

Excerpt from Legislative, Finance, and Administration Committee Meeting - January 15, 2002

Proposed Ordinance Amendment - Establishment of Human Relations Commission by Creating a new Division 6 - Human Relations Commission in Chapter 2 - Administration , Article I - In General, of the Dover Code

For the past several months, a group of community members (Community Harmony Group) have worked diligently to begin dialogue and develop objectives and strategies to restore and rebuilding the community. The State Human Relations Commission felt that, due to the climate in the Dover community, it was important to take necessary steps to develop strategies to avoid potential escalating tension within the community. During the Regular Council Meeting of October 22, 2001, Ms. Juana Fuentes-Bowles, Director of the Delaware State Division of Human Relations, gave an update on the State Human Relations Commission and recommendations.

Mr. Ruane stated that we live in a City with tremendous diversity which gives us both opportunities and challenges. He felt the establishment of the Human Relations Commission would assist in addressing issues in a proactive manner. The Commission will be comprised of fifteen (15) members and will assist the City in promoting and developing an environment of fairness and respect among its citizens.

Mr. Cecil Wilson, President of the Central Delaware Branch of the NAACP, felt that this was a historical moment for the City of Dover and indicated that the commission would represent the voice of the community during critical times. He thanked all those who were involved in developing and supporting the legislation.

Reverend James Hill, 102 Meeting House Lane, recognized that the City of Dover would continue to grow and felt the Human Relations Commission would greatly benefit the City and its citizens.

On behalf of Council, Mayor Hutchison and Council President McGlumphy also expressed their gratitude to Ms. Fuentes-Bowles and to all those who assisted in developing the proposed legislation.

Mr. Ruane moved to recommend adoption of the proposed ordinance amendment (Attachment #1), seconded by Mr. Salters and unanimously carried.

Excerpt from City Council Meeting - December 22, 2001

HUMAN RELATIONS COMMITTEE UPDATE

Ms. Juana Fuentes-Bowles, Director of the Delaware State Division of Human Relations advised members that a group of community members have worked diligently to begin dialogue, and develop objectives and strategies to restore and rebuild the community. As an enforcement agency of the State Human Relations Commission, she stated that there are many tasks one of which is to promote amicable relationships among all racial ethnical groups in the State of Delaware. During the past six (6) months, the State Human Relations Commission felt that due to the climate in the Dover community, it was important to take necessary steps to develop strategies to avoid potential escalating tension within the community.

Ms. Fuentes-Bowles relayed appreciation for those members of Council and staff that have been participating in the meetings that have occurred for the past several months. As a result, she stated that the group has identified seven (7) priority issues that need to be addressed, as follows: 1) concerns of citizens; 2) how citizens are viewed by local officials; 3) how citizens view the Dover Police Department; 4) isolation; 5) Dover Police Department recruitment, promotions, retention, new hires, minority group members, etc.; 6) role of the Capital School District; and 7) the media.

Referring to the first issue being citizens' concerns, Ms. Fuentes-Bowles explained that citizens feared that if they made a complaint, there would be adverse actions towards them, and that many were not aware of how to make a complaint to the City or the Police Department. A Task Force was developed in formulating a process to address these issues. On behalf of the Task Force, she presented a new Citizen Complaint Form and Citizen Complaint Process Brochure to Chief Horvath developed to be used by the City of Dover Police Department. It is hoped that the Chief, as well as Mayor and Council will welcome and implement the form and brochure as a part of City policy.

On behalf of the Dover Police Department, Chief Horvath commended all those that worked on this project and relayed assurance that the new form and brochure will be utilized, stating his feeling that it will enhance the department's public service.

Ms. Fuentes-Bowles advised members that the next Human Relations Commission's meeting is scheduled to be held on November 20, 2001 at 6:30 p.m. at the State DelDOT facility. The topic for discussion is to consider the establishment of a local Human Relations Commission.

Council President McGlumphy thanked Ms. Fuentes-Bowles and the members of the Human Relations Commission and other community participants for beginning the building of harmony in the City and for taking positive action in this regard.

Excerpt from Dover Community Meeting Minutes - December 4, 2001

Councilman Ruane submitted an extended draft of Human Relations Ordinance.

No minutes from November 20, 2001. Meeting canceled?

Excerpt from Dover Community Meeting Minutes - September 25, 2001

Councilman Ruane asked the group to review the responsibilities of a commission for discussion at the next scheduled meeting November 20, 2001 at 6:30 p.m.

Excerpt from Dover Community Meeting Minutes - August 28, 2001

The group decided to look into developing a local Human Relations Commission. They felt that this idea would benefit the whole community. They requested the Human Relations Commission find other local government that have Human Relations Commissions and get information forwarded to them for review. Juana Fuentes-Bowles indicated there are many local governments that have Human Relation Commissions. She will follow-up and see what information she can gather to forward to the group.

DOVER HUMAN RELATIONS COMMISSION
FEBRUARY 2011 - FEBRUARY 2012 STATISTICS

As of May 26, 2011

Reappointments

Reappointments Recommended by Mayor Carey

Mr. Roy Sudler, Jr.
Date of Original Appointment: 07/26/2004
Date of Reappointment: 02/14/2011
Term Expires: 02/2014

Reappointments Recommended by Council President Hogan

Ms. Dawn Allen-Pyne
Date of Original Appointment: 10/13/2008
Date of Reappointment: 02/14/2011
Term Expires: 02/2014

Ms. Anlee Baccio-Walker
Date of Original Appointment: 07/26/2010
Date of Reappointment: 02/14/2011
Term Expires: 02/2014
Previously Served: 10/13/2008 to 02/2010; 07/26/2010 to 02/14/2010

Members Who Resigned

Reverend Charles Lee MacCallum *(Filled the unexpired term of Paul Fleming)*
Appointed By: Council President
Date of Appointment: 10/25/2010
Term Expires: 02/2013
Resigned: 05/11/2011

Canceled Meetings

01/26/2011 (Due to inclement weather)

Special Meetings

03/17/2011

Community Meetings

02/23/2011

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DOVER HUMAN RELATIONS COMMISSION
FEBRUARY 2010 - FEBRUARY 2011 STATISTICS

New Members Appointed

Appointments Recommended by Mayor Carey

Dr. Maisha D. Britt *(Filled the expired term of Brian Lewis)*
Date of Appointment: 07/26/2010
Term Expires: 02/2013
Previously Served: 04/08/2002 to 05/2004

Mr. G. Thomas Steele *(Filled the unexpired term of Anlee Baccio-Walker)*
Date of Appointment: 01/10/2011
Term Expires: 02/2012

Appointments Recommended by Council President Hogan

Ms. Anlee Baccio-Walker *(Filled the expired term of Saundra Sutton)*
Date of Appointment: 07/26/2010
Term Expires: 02/2011 **(See Reappointments Below)**
Previously Served: 10/13/2008 to 02/2010

Mrs. Catherine Gregory *(Filled the expired term of Dr. Samuel Hoff)*
Date of Appointment: 07/26/2010
Term Expires: 02/2013
Previously Served: 01/26/2009 to 02/01/2010

Mr. Willie Jones *(Filled the expired term of Gregory Bunkley)*
Date of Appointment: 07/26/2010
Term Expires: 02/2013

Reverend Charles Lee MacCallum *(Filled the unexpired term of Paul Fleming)*
Date of Appointment: 10/25/2010
Term Expires: 02/2013

Reappointments

Reappointments Recommended by Mayor Carey

Mr. Roy Sudler, Jr.
Date of Original Appointment: 07/26/2004
Date of Reappointment: 02/14/2011
Term Expires: 02/2014

Reappointments (Continued)

Reappointments Recommended by Council President Hogan

Dr. Phyllis Edamatsu
Date of Original Appointment: 04/08/2002
Date of Reappointment: 07/26/2010
Term Expires: 02/2013

Mr. Paul Fleming
Date of Original Appointment: 03/22/2004
Date of Reappointment: 07/26/2010 **(See Members Who Resigned Below)**
Term Expires: 02/2013

Ms. Dawn Allen-Pyne
Date of Original Appointment: 10/13/2008
Date of Reappointment: 02/14/2011
Term Expires: 02/2014

Ms. Anlee Baccio-Walker
Date of Original Appointment: 07/26/2010
Date of Reappointment: 02/14/2011
Term Expires: 02/2014
Previously Served: 10/13/2008 to 02/2010; 07/26/2010 to 02/14/2010

Members Who Resigned

Mr. Brian Lewis
Appointed By: Mayor
Date of Appointment: 10/13/2008
Term Expires: 02/2010
Resigned: 02/01/2010

Ms. Katrina Brumble
Appointed By: Council President
Date of Appointment: 08/13/2007
Term Expires: 02/2010
Resigned: 02/01/2010

Mr. Paul Fleming
Appointed By: Council President
Date of Appointment: 03/22/2004
Term Expires: 02/2013
Resigned: 08/23/2010

Mr. Ivan Finney
Appointed By: Mayor
Date of Appointment: 10/09/2006
Term Expires: 02/2012
Resigned: 10/28/2010

Members No Longer Eligible to Serve

Mr. Mark Monroe (Ineligible to serve due residency requirement)
Appointed By: Mayor
Date of Appointment: 10/13/2008
Term Expires 02/2012

Canceled Meetings

07/28/2010
10/06/2010 (due to lack of quorum)
11/24/2010
12/15/2010 (due to lack of quorum)
01/26/2011 (due to inclement weather)

Meetings Lacking a Quorum

06/30/2010
09/22/2010

Special Meetings

08/04/2010
11/17/2010

Community Meetings

05/26/2010 - Mental Health Forum
02/23/2011 - Concerns and Needs of Dover Citizens

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DOVER HUMAN RELATIONS COMMISSION
ANNUAL REPORT OF ACTIVITIES
February 2009-February 2010

The Dover Human Relations Commission (DHRC) had a very busy and productive year from February 2009 through January 2010. This report details the activities and achievements of the DHRC over the latter period.

The DHRC continued its advocacy role by revisiting the Slavery Apology Resolution, which was originally passed unanimously by the Commission in April 2007. Thanks to the initiative of Commissioner Mark Monroe, the DHRC undertook an extensive study of similar resolutions passed by the U.S. Congress and by at least six states throughout America. As a result of this study, and with the renewed interest in the topic by members of the Commission and citizens alike, the DHRC held public forums in November 2009 and January 2010, both of which garnered overwhelming support for the resolution. After revising the original Slavery Apology Resolution, the DHRC passed the resolution unanimously for the second time in less than three years. The resolution was forwarded to Dover City Council for action.

While the latter issue resulted in strong support among members of the Dover community, the Gay Marriage Resolution did not. This resolution was initiated by Chairman Dr. Sam Hoff at the request of persons living and working in Dover. After a very well attended community forum on the topic, it was apparent that a vast majority of citizens opposed granting full marriage rights to gay men and women. The Commission subsequently rejected the latter resolution. However, the DHRC's attention to the issue may have influenced the direction of General Assembly passage of anti-discrimination legislation designed to prevent bias in the public sector within the State of Delaware.

The DHRC continued its commitment to assisting the homeless population within the City of Dover. In March 2009, two members of the Commission shared dinner with homeless men at one of the shelters established by the Interfaith Task Force, itself an outgrowth of the DHRC. The Commission followed immediately with a meeting at the shelter, where problems and challenges confronting the homeless were expressed. Subsequently, the Interfaith Task Force was able to acquire a separate building for use by homeless men together with other resources which will help to alleviate this recurrent problem.

During 2009, the DHRC began a review of its mission and bylaws. The purpose was to make sure that all members of the Commission understood and agreed with the objectives of the group. Further, because a comprehensive review of the bylaws had not taken place since 2004, it was deemed necessary to by Commissioners update the rules. This process will continue during 2010.

At the request of DHRC member Brian Lewis, the Commission passed a motion requesting the Dover City Council to change its charter to permit sitting Commissioners to remain on the DHRC if they decide to pursue elective office. In unanimously endorsing the latter motion, the Commission understood that while it has a quasi-judicial function with the intake process, the DHRC should not be singled out for such treatment. Further, the case was made that the run-and-resign rule had already led to the removal of two Commissioners, thereby negatively affecting the membership stability of the DHRC. Despite a compromise offered by Chairman Hoff—which would require a DHRC member to suspend membership during a campaign for elective office but rejoin the group after the election—the Dover City Council rejected the motion by a 7-2 vote.

The Commission was indebted to DHRC member Ellen Wasfi, who led a five-week Study Circle training session for Commissioners on the topic of race. These meetings, which were held at Dover Police Headquarters and Kent General Hospital among other venues, encouraged DHRC members to explore their views and emotions on the topics of bias, prejudice, and racism.

The Commission was aided in its training by Dr. Donald Blakey, a Delaware State University professor and member of the State House of Representatives.

In January 2010, Chairman Dr. Sam Hoff traveled to Newark, Delaware at the request of the City Council there in order to outline the steps necessary for establishing a local Human Relations Commission. The presentation featured a review of how the DHRC was created and evolved.

At present, the DHRC has five active committees, which are listed below with the chairs of each:

--Intake Screening: Gregory Bunkley, Chair
--Community Programs: Roy Sudler, Jr., Chair
--School Programs: Ellen Wasfi, Chair
--Assessment: Dr. Phyllis Edamatsu, Chair
--Election Committee: Mark Monroe, Chair

Other members of the Commission, all of whom have taken an active part in meetings and activities of the group, are Catherine Gregory, Dawn Allen-Pyne, Paul Fleming, Ivan Finney. As of the end of January 2010, the Commission had five vacancies. DHRC members Brian Lewis and Katrina Brumble stepped down at the end of their regular term. Three other members who served on the Commission for most or all of 2009—Nauleen Perry, Dr. Saundra Sutton, and Anlee Baccio-Walker—resigned as well.

The Commission will work with the Mayor and City Council President to ensure that these openings are filled so that the DHRC may fully represent the citizens of Dover in 2010 and beyond.

>Composed and submitted by Dr. Sam Hoff, DHRC Chair, on
February 15, 2010.

ARTICLE II. - HUMAN RELATIONS COMMISSION

Sec. 58-31. - Purpose.
Sec. 58-32. - Established; composition; appointment; representation; holding other office; removal from office; terms of office; vacancies; reappointments.
Sec. 58-33. - Organization; quorum; meetings; rules of procedure; limitation of functions; agreements; compensation; legal counsel; reports.
Sec. 58-34. - Expenses.
Sec. 58-35. - Conflicts of interest.
Sec. 58-36. - Powers and duties.

Sec. 58-31. - Purpose.

The city council has deemed it to be in the best interest of the city to establish a human relations commission to include members who are broadly representative of the entire community and who are committed to a philosophy of inclusion, intergroup cooperation, and fair treatment that will effectively help the city meet the following needs:

(1) *Fairness, respect.* Promote and develop an environment of fairness and respect among its citizens;

(2) *Monitoring.* Develop ways to measure and monitor community relations, particularly those that are sources of intergroup conflict;

(3) *Intergroup relations.* Involve all segments of the community in understanding and appreciating the benefits of positive intergroup relations;

(4) *Issues.* Offer a range of programs and services that will help its residents and neighborhoods prevent and resolve issues of human relations; and

(5) *Intergroup conflict.* Develop ways of anticipating, preparing for, and relieving community tensions arising from intergroup conflict.

(Code 1981, § 2-16; Ord. of 2-11-2002)

Sec. 58-32. - Established; composition; appointment; representation; holding other office; removal from office; terms of office; vacancies; reappointments.

(a) *Established.* There is hereby established an advisory commission to be known as the "City of Dover Human Relations Commission," to carry out the objectives as described in this article.

(b) *Composition; appointment.* The commission shall consist of 15 members, all residents of the city. Five of these members shall be appointed by the mayor and confirmed by the city council. Ten of these members shall be appointed by the president of the council, based upon recommendations from the council and confirmed by the council.

(c) *Representation.* In selecting the membership of the commission, the mayor and president of the council and the council shall take particular care to ensure that the commission is broadly representative of racial, religious, gender and ethnic groups residing in the city.

(d) *Holding other office; removal.* No member of the commission shall hold any elected or appointed office under the government of the United States or the state, county, or city. The mayor or the city council president may remove members of the commission, with the concurrence of the city council, for substantial neglect of duty, or gross misconduct in office.

(e) *Terms of office; vacancies.* A member of the commission shall be appointed for a term of office of three years and until his successor has been appointed and has qualified. The appointees shall be appointed for staggered terms of office. When a vacancy occurs in the membership of the commission, it shall be filled by appointment for the unexpired portion of the term in the same manner as the original appointment.

(f) *Reappointments.* Members may be reappointed.

(Code 1981, § 2-17; Ord. of 2-11-2002; Ord. No. 2010-23, 8-23-2010)

Sec. 58-33. - Organization; quorum; meetings; rules of procedure; limitation of functions; agreements; compensation; legal counsel; reports.

(a) *Organization.* The human relations commission shall annually elect its own chairperson to preside over its meetings and may create and fill such other offices and committees among its members as may be found necessary and proper for its effective organization.

(b) *Quorum.* A majority of the membership of the commission shall constitute a quorum and, if a quorum is present, a vacancy on the commission shall not impair the right of the remaining members to exercise all the powers of the commission.

(c) *Meetings.* The commission shall hold such meetings as may be deemed necessary for the completion of its purposes, responsibilities and functions. Regular meetings shall be held at least once per month unless there is no business to be considered by the commission. Special meetings may be called by the chairperson or three members of the commission.

(d) *Rules of procedure.* The commission is also authorized to adopt rules of procedure for the conduct of its meetings.

(e) *Functions limited.* The commission shall not involve itself in activities or functions already assigned by law or decree to other governmental bodies.

(f) *Agreements.* The commission may enter into agreements and build partnerships with other entities and organizations for the purpose of more efficiently and effectively carrying out its responsibilities.

(g) *Compensation.* Members of the commission shall receive no compensation.

(h) *Legal counsel.* The city solicitor shall provide legal counsel to the commission and shall be the legal representative of the commission in connection with its duties hereunder, on a case-by-case basis, or determine that outside counsel is needed and obtain such outside counsel for a particular matter.

(i) *Reports.* The commission shall make such reports to the mayor and city council as shall be periodically necessary. An annual report of its accomplishments and a summary of its recommendations, as appropriate, shall be sent to the mayor and the city council.

(Code 1981, § 2-18; Ord. of 2-11-2002)

Sec. 58-34. - Expenses.

(a) *Budget.* The city council may appropriate a budget for the city human relations commission to provide for necessary expenses and expenditures.

(b) *Other funding.* The commission may also receive funding from other governmental, philanthropic or private organizations for the exclusive purpose of carrying out its responsibilities.

(Code 1981, § 2-19; Ord. of 2-11-2002)

Sec. 58-35. - Conflicts of interest.

If any member of the human relations commission concludes that he has a conflict of interest with respect to a matter which is pending before the commission, that member shall disqualify himself from participating in any deliberations, discussions and decision making processes of the commission.

(Code 1981, § 2-20; Ord. of 2-11-2002)

Sec. 58-36. - Powers and duties.

The powers and duties of the human relations commission shall be to:

(1) *Recommendations.* Review city programs, activities, functions and ordinances, and make recommendations to the city council for new, amended or changed programs, functions, activities or ordinances which would support inclusiveness and civility among city residents and enhance communication and understanding among residents of the city;

(2) *Intergroup conflicts.* Inquire into incidents of intergroup conflicts and disputes within the city and take such action as may be designed to alleviate such conflicts and disputes;

(3) *Intergroup cooperation.* Promote and encourage communications between and cooperation of all groups interested in bettering human relations in the city;

(4) *Complaints.* Seek the active assistance of the state human relations commission in the solution of complaints of alleged discrimination which fall within the jurisdiction of the state commission;

(5) *Research, education, etc.* Engage in such research, education and advocacy as, in the judgment of the commission or the city council, may be needed to improve human relations in the city;

(6) *Programs.* Develop and maintain programs that build positive relations among communities and enhance problem-solving skills among residents throughout the city;

(7)

Other functions. Do all other acts and deeds necessary and proper to carry out and effectively accomplish the objectives, functions and services contemplated by the provisions of this article.

(Code 1981, § 2-21; Ord. of 2-11-2002)



HOME > TITLE 31

§ 3001 § 3002 § 3003 § 3004 § 3005 § 3006

TITLE 31

Welfare

Welfare Agencies

CHAPTER 30. STATE HUMAN RELATIONS COMMISSION

§ 3001. Creation; composition; vacancies; compensation.

(a) There is created a State Human Relations Commission which shall consist of 28 members. Each county of the State shall be represented by 7 members, and 7 members shall be selected without regard to the county in which they reside. The members shall be appointed by the Governor and shall be broadly representative of various racial and cultural groups of the State. Seven of the original members shall be appointed for a term of 1 year, 7 for a term of 2 years, 7 for a term of 3 years and 7 for a term of 4 years. Thereafter, all appointments shall be made for terms of 4 years.

(b) In the event of death, removal or resignation of a member, a successor shall be appointed to serve for the unexpired term.

(c) Members shall serve without compensation but shall be reimbursed for actual and necessary expenses; provided, however, that those Commissioners designated by the Chairperson to serve on hearing panels shall be compensated the sum of $50 per day up to a maximum of $500 in a calendar year for each day spent in attendance of a hearing.

(d) Any member of the Commission who fails to attend 3 consecutive meetings, without reasonable excuse to the Chairperson, or fails to attend at least half of all regular business meetings during any calendar year, shall automatically upon such occurrence be deemed to have resigned from office and the Chairperson shall immediately notify the Governor that a vacancy on the Commission exists and that a replacement must be appointed. The notice shall identify the member deemed to have resigned and the reason therefore.

(e) The Commission shall adopt bylaws that provide for operating procedures such as: election of officers, appointment of committees, designation of a quorum, conducting of meetings, and other matters that will promote the efficient operation of the Commission in the performance of its duties under this chapter.

31 Del. C. 1953, § 3001; 53 Del. Laws, c. 261, § 1; 65 Del. Laws, c. 377, §§ 7, 8; 70 Del. Laws, c. 186, § 1; 75 Del. Laws, c. 356, §§ 3, 4.;

§ 3002. Chairperson and executive committee; meetings.

(a) The Governor shall designate 1 of the members of the Commission to serve as its Chairperson.

(b) The Chairperson of the Commission may appoint an executive committee of not less than 7 members. The Chairperson shall serve as Chairperson of the executive committee.

(c) There shall be a meeting of the executive committee or of the Commission at least once a month.

31 Del. C. 1953, § 3002; 53 Del. Laws, c. 261, § 1; 70 Del. Laws, c. 186, § 1.;

§ 3003. Responsibilities.

The Commission shall be responsible for carrying out public information and education programs, for preparing reports and recommendations, and for making surveys and studies necessary for the performance of its duties under this chapter. The Commission may delegate 1 or more of its responsibilities under this section to the Division; provided, however, that such delegation shall specifically state the responsibility the Division must undertake.

31 Del. C. 1953, § 3003; 57 Del. Laws, c. 679, § 1; 75 Del. Laws, c. 356, § 5.;

§ 3004. Powers and duties.

The Commission shall cooperate with the Governor, the General Assembly, public agencies, officials, firms, corporations, civic groups and individuals in promoting amicable relationships among the various racial and cultural groups within the State. To this end the Commission may:

(1) Act as conciliator in matters involving race, age, marital status, color, sex, disability, creed, national origin or ancestry; provided, however, that the provisions of the Freedom of Information Act in Chapter 100 of Title 29 shall not apply to meetings that involve conciliation or mediation;

(2) Make such investigations, surveys and studies as are pertinent to the performance of its duties;

(3) Make recommendations to the Governor and General Assembly concerning needed legislation.

31 Del. C. 1953, § 3004; 53 Del. Laws, c. 261, § 1; 62 Del. Laws, c. 122, § 1; 62 Del. Laws, c. 330, § 1; 75 Del. Laws, c. 356, § 6.;

§ 3005. Special Administration Fund.

(a) Creation. -- There is created in the State Treasury a special fund to be known as the Special Administration Fund of the Human Relations Commission. This Fund shall consist of:

(1) All civil penalties assessed and collected pursuant to Chapter 45 or 46 of Title 6.

(2) Costs, attorneys' fees and expenses awarded to the Commission pursuant to Chapter 45 or 46 of Title 6.

(3) All Community Development Block Grant moneys designated for the administration and enforcement of Chapter 46 of Title 6.

(4) All other moneys specifically designated for this Fund.

(5) All interest on or profits earned by the Special Administration Fund.

(b) Administration. --

(1) All moneys collected pursuant to this section shall be deposited or paid into this Fund and shall be continuously available to the Commission for expenditure in accordance with this section and shall not lapse at any time or be transferred to any other fund. All moneys in this Fund shall be prudently invested to the credit of this Fund, administered and disbursed in the same manner as is provided by law for other special funds in the State Treasury and such moneys shall be maintained in a separate ledger account on the books of the Secretary of Finance.

(2) All moneys in the Fund which are received from the federal government or any agency thereof or which are appropriated by this State for purposes described in this chapter or Chapters 45 or 46 of Title 6, shall be expended solely for the proper and efficient administration of this chapter.

(3) The State Treasurer shall be the custodian of and shall be liable on the State Treasurer's official bond for the faithful performance of duties in connection with the Fund. Such liability on the official bond shall exist in addition to the liability on any separate bond which may be given by the State Treasurer. All sums recovered on any such official bond for losses sustained by the Fund shall be deposited in the Fund.

(c) Use. -- The moneys in the Special Administration Fund may be used by the Commission for:

(1) The payment of litigation expenses, costs and attorneys' fees in connection with the enforcement provisions of Chapters 45 and 46 of Title 6.

(2) The payment of the expenses of investigations conducted pursuant to Chapters 45 and 46 of Title 6, and this chapter.

(3) The payment of studies and surveys conducted pursuant to this chapter.

(d) Transfer. -- The Commission, whenever it determines that the money in the Special Administration Fund is more than adequate to pay for all foreseeable needs for which this Fund is created, may authorize the transfer therefrom to the General Fund of such amount as it deems proper.

68 Del. Laws, c. 311, § 2; 70 Del. Laws, c. 186, § 1; 70 Del. Laws, c. 350, §§ 2, 3.;

§ 3006. Subpoenas; compelling testimony.

(a) The Commission may issue subpoenas and order discovery in aid of the investigations, surveys and studies authorized under § 3004 of this title when the Attorney General has reason to believe that such subpoenas and discovery will enable the Commission to perform the duties imposed by this chapter.

(b) Any subpoena, process, order of the Commission, or other paper requiring service may be served by any sheriff, deputy sheriff, or constable, or by any employee of the Division of Human Relations.

(c) If a witness refuses to obey a subpoena lawfully issued by the Commission, or to give evidence properly requested by the Commission, the Commission may petition the Superior Court to compel the witness to obey the subpoena or give the evidence. The Court shall immediately issue process to the witness and shall hold a hearing on the petition as soon as possible. If the witness refuses, without reasonable cause or legal grounds, to obey the subpoena or to give the evidence, the Court shall punish the witness for contempt.

'75 Del. Laws, c. 356, § 7.;

ACTION FORM

PROCEEDING: Legislative, Finance, and Administration Committee	**AGENDA OF:** 09-26-2011
DEPARTMENT OF ORIGIN: City Council	**DATE SUBMITTED**: 09-19-2011
PREPARED BY: Traci A. McDowell, City Clerk on Behalf of Councilman Anderson	
SUBJECT: Proposed City of Dover Prescription Assistance Plan	
EXHIBITS: 1) United Networks of America Free Statewide Prescription Assistance Program Presentation Dated August 19, 2011	
TIMETABLE: Recommendation to City Council on 10-10-2011	
RECOMMENDED ACTION: Implementation of Prescription Assistance Plan	

BACKGROUND AND ANALYSIS

At the request of Councilman Anderson, information related to United Networks of America Free Statewide Prescription Assistance Program was obtained and is being provided for the Legislative, Finance, and Administration Committee's review.

/tm

S:\CAFS\09-26-2011-LF&A CAF - Proposed City of Dover Prescription Assistance Plan.wpd

United Networks of America

"FREE statewide prescription assistance program"

PRESENTATION

Friday August 19, 2011

CONTACT:

Allan Caan
Program Development
United NETWORKS OF AMERICA
E-mail: allanc@newjerseydrugcard.com
Phone: 201.410.5804
www.NewJerseyDrugCard.com

Also Includes the Following Programs:

USHEARINGPLAN.COM

25DOLLAREYEGLASSES.COM

DIABETIC SAVINGSplan

ChoicePlusDentalPlans.com

ProSmileUSA.com
Professional Teeth Whitening

QualSight™
Preferred LASIK Pricing

Free Health Savings Card

Introducing:

United Networks of America

UNA Drug Card is a **FREE** statewide prescription assistance program that provides the residents of Dover with free health savings cards. ***UNA Drug Card*** was launched to help the uninsured and underinsured residents of Dover afford their prescription medications. However, the program can also be used by people who have health insurance coverage with no prescription benefits, which is common in many health savings accounts (HSA) and high deductible health plans. Additionally, people who have prescription coverage can use this program for non-covered drugs. This includes people enrolled in Medicare Part D. Discounts are also provided for pet prescriptions.

Program Advantages

- Add benefits and value at **NO COST** to Dover.
- **FREE** to all Dover residents, businesses, employees, as well as their families and friends.
- ***Dover*** can "PRIVATE LABEL" the program.
- GENERATE REVENUE: Dover would generate revenue through a rebate sharing agreement. Your City would earn a rebate share on each paid prescription processed through the Dover ***Discount Health Savings Card*** program.
- This program has no restrictions, requires no enrollment/application, no age or income requirements, no waiting periods, no eligibility required, no exclusions, covers pre-existing conditions, no claim forms to file, no annual or lifetime maximums/limits, includes discounts on brand and generic medications, open formulary so all medications are eligible for discounts.
- The program provides an average savings of around 30% off U&C pricing with savings as high as 75% on some medications.
- This program has "LOWEST PRICE" logic to guarantee that members get the best pricing on prescriptions (Members pay the lower of a discount off Average Wholesale Price-AWP, discount off MAC Pricing, or Pharmacy Promotional/Retail price).
- The program can be used to supplement most health insurance plans including Health Savings Accounts (HSA), High Deductible Plans, and Medicare Part D.
- The program can be promoted as a standalone benefit and as a supplemental program which can be used to provide savings on prescriptions not covered by health insurance.
- This program offers confidentiality and a variety of applications.

- ***UNA Drug Card*** offers a variety of card fulfillment options. Distribution channels can offer custom hard cards, electronic cards generated on your website, and e-mail cards.
- ***UNA Drug Card*** is administered by United Networks of America (UNA). UNA is the nation's leading provider of value added benefits serving over 50 million members across the country.

Marketing Applications

This program should be offered to all Dover residents, businesses, employees, spouses, and dependents.

A card download system can be posted on the Dover website.

Pre-activated cards can be e-mailed to all residents and other interested parties.

UNA provides all custom marketing, website and media materials, and an extensive marketing outline to help you with the implementation strategy.

*The **UNA Drug Card** network includes most major pharmacy chains nationwide.*

This is a partial list of participating UNA Rx Card pharmacies:



Prescription Pricing Comparison

Medication	QTY	RETAIL PRICE	MEMBER PRICE	MEMBER SAVINGS
ADDERALL 30 MG CAP	30	$124.99	$96.91	22%
ALTACE 10 MG TAB	30	$105.99	$82.19	22%
AMBIEN 10 MG	30	$202.99	$170.95	16%
AMPHETAMINE SALTS 30 MG	30	$38.09	$12.35	68%
AZITHROMYCIN 250 MG TAB	6	$40.99	$11.91	71%
CELEBREX 100 MG	30	$84.59	$72.76	14%
DIAZEPAM 10 MG TAB	60	$22.89	$6.37	72%
DIOVAN 160 MG	30	$104.99	$79.30	24%
DOXYCYCL HYC CAP 100 MG	30	$23.19	$6.49	72%
EFFEXOR XR 150 MG	30	$167.00	$150.08	10%
FLOMAX .4 MG	60	$297.00	$247.92	17%
HYDROCHLOROTHIAZIDE 25 MG	30	$11.99	$2.74	77%
HYDROCODONE/APAP 10–325 MG	30	$22.09	$7.55	66%
LEVAQUIN 500 MG	10	$209.99	$172.48	18%
LIPITOR 10 MG	30	$105.99	$96.56	9%
LORAZEPAM 1 MG TAB	90	$53.99	$9.26	83%
NEXIUM 20 MG	30	$211.99	$172.52	19%
OXYCODONE W/APAP 5/325 MG	30	$17.89	$4.25	76%
SINGULAIR 10 MG	30	$151.99	$129.52	15%
SUBOXONE 8 MG–2 MG TAB	30	$258.99	$191.90	26%
SYNTHROID 100 MG	30	$27.69	$18.82	32%
TRAMADOL HCL 50 MG TAB	60	$37.39	$7.25	81%
VALIUM 10 MG	30	$190.99	$156.77	18%
VIAGRA 100 MG TAB	6	$124.99	$108.95	13%
WELLBUTRIN XL 150 MG	30	$224.99	$182.79	19%
XANAX 1 MG	30	$89.99	$69.66	23%
ZOLOFT 100 MG	30	$141.99	$112.45	21%

NOTE: Our Price is the average price members paid on that prescription during the month of December, 2010.
Retail price was obtained by calling CVS/pharmacy. Pricing varies by pharmacy and by region. Prices are subject to change.

Additional Programs

25 Dollar Eye Glasses offers a complete pair of prescription eyeglasses for $25.00 (plus shipping). The program includes a wide selection of name brand frames with prescription lenses for men, women, and children. Each order includes a hard carrying case, lens cloth, and one year frame guarantee.
www.25dollareyeglasses.net

U.S. Hearing Plan is a nationwide discount hearing program. The program provides savings as high as 50% and cover most major brands of hearing aids (GN Resound, Phonak, Siemens, Starkey, Nu-Ear, Sonic Innovations, Oticon, Beltone, etc). Our benefit packages include a 60-day trial, a 2-year repair warranty, a 1-year loss and damage policy, and a 1-year supply of batteries.
www.ushearingplan.com

Choice Plus Dental Plans offers a 30% discount on member fees and 3 additional months for FREE. Choose from over 30 plans including Aetna Dental Access, UNI-CARE, Dental Care Advantage, Patriot Plan, OrthoCare Orthodontic, and others. The plans provide savings of 10%–60%.
www.choiceplusdentalplans.com

Diabetic Savings Plan provides individuals, families and groups with discounts on diabetic testing supplies. Save over 50% off retail prices for test strips and lancing devices. Simply choose a discount plan from the website or our dedicated phone line (866-766-4610) or choose to purchase items individually.
www.diabeticsavingsplan.com

ProSmile Teeth Whitening offers savings of up to 70% on professional dental grade teeth whitening systems. Purchase a professional dental grade teeth whitening system for $14.99.
www.prosmileusa.com

QualSight offers savings of 40% to 50% off the overall national average price for LASIK surgery. National access to experienced Physicians and Board Certified Ophthalmologists using state-of-the-art, FDA approved LASIK vision correction technologies. You can call 877-507-4448 or visit our website to make an appointment.
www.qualsight.com

Mail Order Drug Savings Program

*This program locates and provides you with the best price on your **Mail Order** medication(s).*

If your resident is prescribed a medication, they can call:

(TOLL-FREE) 800-243-1905

Reference/Group#: (this will be provided to you)

Price Comparison

Drug	QTY	RETAIL PRICE	YOUR PRICE
ACIPHEX 20mg	30	$227.66	$51.81
ACTONEL 35mg	4	$190.89	$54.19
ACTOS 15mg	30	$186.76	$53.56
ADVAIR 250/50	60	$258.33	$57.42
ARICEPT 10mg	30	$274.33	$149.63
CELEBREX 200mg	30	$128.23	$44.95
CHANTIX 1mg	56	$161.99	$136.42
CIALIS 20mg	3	$70.99	FREE*
CYMBALTA 30mg	30	$160.49	$55.38
EFFEXOR XR 75mg	30	$157.83	$52.51
LEVITRA 20mg	3	$141.99	FREE*
LEXAPRO 10 mg	30	$109.29	$47.05
LIPITOR 10 mg	30	$103.53	$41.32
NEXIUM 40mg	30	$174.66	$57.69
NUVARING 11.4mg/2.6mg	1	$81.33	$29.22
PLAVIX 75mg	30	$169.46	$65.21
PROPECIA 1mg	30	$67.29	$39.63
VIAGRA 100mg	4	$86.99	$44.89
WELLBUTRIN 150mg	30	$137.96	$42.67
XENICAL 120mg	30	$131.13	$29.59
YASMIN 3mg	30	$88.96	$24.74
ZOLOFT 50mg	30	$143.21	$38.92
ZYBAN 150mg	30	$141.86	$57.50

PARTIAL LIST – This is only a partial list of available drugs.

Source Options

Here are some of the source options that are explored to find your best option for acquiring your medication(s):

- **Free Samples/Free Trial Kits**
- **Pharmaceutical Rebates**
- **Drug Coupons**
- **Generic Pharmacy Programs**
- **Statewide Rx Assistance Programs**
- **Pharma Patient Assistance Programs**
- **Instant Rebate Cards**
- **Drug Company Vouchers**
- **Retail Discount Drug Card Programs**
- **Pharmacy Promotional Programs**
- **Drug Company Assistance Programs**
- **Discount Mail Order Options**
- **Pharmaceutical Savings Cards**

NOTE: Drug pricing/*vouchers are subject to change without notice. Retail price was obtained through CVS Pharmacy on 1-6-11. Your price was obtained through our patented Non-Covered Rx Logic system that selects the best source. These prices were calculated on 90 day supply and adjusted to reflect 30 day order.

YOUR CITY WILL BE PAID DOUBLE COMMISSION WHEN SOMEONE USES THIS MAIL ORDER DRUG PROGRAM ON ANY PRESCRIPTION PROCESSED THROUGH YOUR GROUP NUMBER.

Some of the many programs administered by UNA:

- American Farm Bureau Federation
- Universal Fidelity Life Insurance Company
- Kent County Rx Card - Michigan
- National Thoroughbred Racing Association
- Radio Exito Latino
- WebMedsTogo.com
- The Asian Chamber of Commerce
- First Educators Credit Union
- Auburn University
- City of Orlando: Strengthen Orlando
- The Greater El Paso Chamber of Commerce
- Ottawa County Health Department
- California Rx Card
- Realtor Association of Franklin & Gulf Counties
- UAW Local 974
- Greater Baton Rouge Surgical Hospital
- UnionSmart.org
- The Aspen Clinic
- Kentucky Association of Realtors
- Epilepsy Foundation: Central & South Texas
- Essex County Wellness Discount Program
- Children's Volunteer Health Network, Inc.
- Key Largo Chamber of Commerce
- Disabled American Veterans
- New Hampshire Rx Card

UNA programs have been featured on:



This Program is Powered By:

United Networks of America

RESTAT
PRESCRIPTION BENEFIT MANAGERS

Two of America's leading benefits providers have joined forces to create the most competitive, most comprehensive, and fastest growing discount prescription drug program in the country.

United Networks of America

VISION: To develop and deliver quality products and services through an integrated delivery system.

MISSION: To provide our clients with superior solutions and service and deliver the best pricing and rebate model by leveraging high member volumes and lower margins.

United Networks of America, Inc. is one of the largest providers of value added discount products and services in the United States. **UNA** currently has more than 240,000 participating Providers serving more than 40 million members nationwide. Last year alone **UNA** saved members an estimated $525,000,000. UNA is a privately held company operating with no debt.

UNA is synonymous with exceptional service and innovative solutions. We offer a quick, courteous and accurate response to our customers through knowledgeable customer service representatives. We leverage technology to enhance our servicing capabilities and to provide "real-time" solutions to our customers. We are committed to expanding our membership base by providing greater flexibility and superior service! That's our commitment to you! That's **UNA**!

You can find additional information on **UNA** at www.unitednetworksofamerica.com

RESTAT

VISION: To maximize health benefit value through evolving technology, innovation, and service.

MISSION: To provide our clients with quality, cost-effective pharmacy benefit, data management and communication services that improve the overall health of their member communities.

RESTAT, LLC. is a prescription benefit manager (PBM) which provides cost-effective prescription benefit services. **RESTAT** began processing claims and managing pharmacy benefits in 1985. **RESTAT** currently services 3,000 clients representing 3,024,800 lives nationwide. In 2004 **RESTAT** generated $849,884,914 in revenues. Additionally, **RESTAT** is a privately held company with no outstanding debt. **RESTAT** clients include insurance companies, managed health care organizations, TPAs, pharmacy provider groups, and self funded employers. **RESTAT** currently ranks as the 4th largest PBM in the U.S. as illustrated in the February 2005 edition of the Business Insurance publication.

You can find additional information on **RESTAT** at www.restat.com.

United Networks of America References

"Maryland State Medical Society has teamed up with United Networks of America to launch the Maryland Rx Card Program. The goal was to provide a free discount prescription assistance program to help the uninsured and underinsured residents of Maryland. Our partnership with United Networks of America and the Maryland Rx Card Program has been extremely productive."

Gene M. Ransom III
CEO/Executive Director
Maryland State Medical Society
410.539.0872 x 3305
gransom@medchi.org

"We chose to partner with United Networks of America for several reasons—significant prescription discounts, the extensive network of participating pharmacies, customer service and assistance in promoting the program to Farm Bureau® members. We believe the prescription discount program provides a welcome, tangible, money-saving benefit to members."

Richard W. Newpher
Executive Vice President
Farm Bureau
202.406.3708
richardn@fb.org
www.fb.org

"United Networks of America (UNA) combines excellent products with superior service. Our Chamber has received a great deal of positive media exposure as a result of the program launched through UNA. Furthermore, we have enjoyed tremendous feedback and support from the community. We are starting to see excellent financial returns that continue to grow each month. UNA is truly an industry leader and we encourage any business or organization to take advantage of the innovative programs they have developed."

Marlon Richardson
Executive Vice President
Greater Philadelphia Chamber of Commerce
215.790.3640
mrichardson@greaterphilachamber.com
www.greaterphilachamber.com

"Volunteers of America has a founding principal that says, "...to go wherever we are needed and do whatever comes to hand", and the free drug program that UNA offers turned out to be a terrific fit for our organization. It has enabled us to help fill a gap in so many American's lives - the lack of access to affordable medications. There are many applications so all organizations should find some value with this free program. We are thrilled to be a partner with United Networks of America."

Allison Traxler
Vice President/Chief Development Officer
Volunteers of America
Greater Baton Rouge Region
225.408.3793
atraxler@voagbr.org
www.voagbr.org

"The Kent County Rx Card has helped residents reduce prescription costs during difficult economic times. A year after it debuted, the number of card uses has doubled. Responses have been overwhelmingly positive. We are so pleased to be able to help our community reduce their prescription costs and better utilize their limited dollars. United Networks of America (UNA) has been a great vendor and a valuable partner in this initiative."

Jackie O'Connor
Assistant Director
Area Agency on Aging of Western Michigan
616.222.7002
jackie@aaawm.org
www.aaawm.org

"The Indiana Association of Cities and Towns (IACT) and United Networks of America (UNA) share positive similarities. Our organizations each desire to make Indiana communities stronger through our commitment, purpose and service. IACT is committed to working with UNA to promote the prescription discounts and also the other healthcare savings packages to all Indiana cities and towns. The partnership between our two organizations will help us continue to build stronger and healthier communities. UNA continues to consistently deliver on all the commitments they made to our organization."

Ann Cottongim
Associate Executive Director
Indiana Association of Cities and Towns
acottongim@citiesandtowns.org
www.citiesandtowns.org

"The New Hampshire Rx Card and United Networks of America offer our members real value and savings toward prescription drug purchases. Our members appreciate the Rx Card and our partnership with UNA is a great one. It enhances our value proposition and brings additional, tangible benefits to our members. Affinity programs such as this one are increasingly important to a chamber's success."

Jim Roche
President
New Hampshire Business & Industry Association
603.224.5388
jroche@nhbia.org

"The Capital Area United Way appreciates what the UNA RX Card does for us in advancing our mission of Helping People – Improving Communities. Through UNA, we can give help to those in need, the uninsured and the underinsured. Through UNA, we can be part of a solution that helps to change lives. No one should have to choose between paying for their medicine or paying their electric bills. But every day, people are faced with this decision. The UNA RX Card from Capital Area United Way offers people a way to afford their necessary prescriptions. We are glad to partner with UNA RX Card."

Kara Still
Director - Community Investment
UNITED WAY – Capitol Area United Way
225.382.3510
karas@cauw.org

"Tennessee Drug Card was launched as an immediate response to the loss of TennCare. United Networks of America (UNA Rx Card Division) was the only company who provided a complete solution to this complex problem. UNA orchestrated everything from setting up the website URL to the high tech member card fulfillment system. No other vendor came close to the services they provided. As a result, Tennesseans have saved over $7.2 million on their prescriptions since the program's inception, and that is in large part to the innovative solutions UNA offers and their ability to think outside the box. UNA is simply the best affinity benefits administrator in the country!!!!"

Harry E. Sayle
Program Director
Tennessee Drug Card
901.292.9339
hsayle@tennesseedrugcard.com

"United Networks of America has been a wonderful partner for BlueCross BlueShield of South Carolina for several years now. As a plan we have a long history of offering value-added discount programs for our members and being a leader among plans nationwide. We look forward to continued success with United Networks of America and all of their outstanding companies."

Phil Midden
Manager of Complementary Health Programs
BlueCross BlueShield of South Carolina
803.264.9382
PHIL.MIDDEN@bcbssc.com

"When Hurricanes Katrina and Rita hit Louisiana in 2005 you can imagine the impact on business organizations like the Louisiana Business Group on Health who depended upon membership to sustain the organization. Even though we lost about a third of the membership and almost 40 percent of our revenue we found we had a sudden and unexpected ally for survival, United Networks of America. They helped us develop and launch a private labeled "FREE" benefits program. In a short period of time the revenue generated by the program quickly rose to a six figure annual revenue stream. I can truly say, had it not been for United Networks of America, this organization may not exist today. "

Joseph "Butch" Passman
President/CEO
Louisiana Business Group on Health /
Louisiana Health Care Alliance
225.291.0085 x 102
butch@thelhca.org

"As a way of responding to the rising costs of healthcare, the Greater Richmond Chamber helped to launch the Virginia Drug Card in April of 2008. We have been very pleased with the support received from United Networks of America in terms of fulfillment and service, as well as the benefits our member businesses and the community receives through use of the card. We are committed to getting the card into the hands of those who need it most and are encouraged to hear stories of people in our community who are benefiting from the discounts that are available through this program."

Mandy Burnette
Director of Marketing
Greater Richmond Chamber of Commerce
804.783.9344
Mandy.Burnette@grcc.com

NOTE: Additional references available upon request.

2011 LETTER OF AGREEMENT

UNITED NETWORKS OF AMERICA
UNA Rx CARD DIVISION

UNA Health Discount Card Program Agreement

THIS LETTER OF AGREEMENT, to be effective _____, is between UNITED NETWORKS OF AMERICA, INC. with corporate headquarters at 3636 Sherwood Forest, Sherwood Tower 440, Baton Rouge, LA 70816 (hereinafter referred to as **"United Networks of America"** and City Of Dover with headquarters at 15 Loockerman Plaza, Dover, De, 19901 (hereinafter referred to as **"SPONSOR"**).

WITNESSETH

WHEREAS, SPONSOR wishes to provide a free discount prescription drug card to members and is willing to let United Networks of America be the exclusive provider for these benefits,

WHEREAS, United Networks of America has developed a discount prescription drug program and will provide SPONSOR with access to this program,

United Networks of America agrees to provide SPONSOR with a free discount drug card program at no cost. SPONSOR is responsible for any expenses related to promoting the program. However, SPONSOR is not obligated to promote the program. SPONSOR must abide by all state laws and be properly licensed in each state they conduct business in; failure to do so may result in immediate cancellation of agreement.

This exclusive agreement shall remain in full force and effect, unless otherwise terminated, for a term of two (2) years. The term of this agreement shall be automatically renewed for successive additional two (2) year terms unless written notice to the contrary is given by either party to the other not less than sixty (60) days prior to the end of the then current two (2) year term. Either party may terminate this agreement, without cause, by providing a thirty (30) day written notice. SPONSOR will not utilize any other vendor for these services throughout the term of this agreement and during the two (2) month run-out period after termination of this contract.

United Networks of America has developed "LOWEST PRICE" logic to guarantee that members get the best available price on UNA Rx Card prescriptions (members pay the lower of a discount off Average Wholesale Price-AWP, discount off MAC Pricing, or Pharmacy Promotional/Retail price).

Rebate/Transaction Fees:
United Networks of America shall pay to SPONSOR a portion of the Rebate/Transaction fees collected on prescriptions processed through the UNA RX CARD program. In

Seal of United Networks of America

accordance with the schedule outlined below. The Rebate/Transaction fee only applies to prescriptions that are adjudicated at the negotiated rates. Prescriptions that adjudicate at the Retail-U&C (Usual and Customary) price DO NOT qualify for Rebate/Transaction payments. United Networks of America is under no obligation to pay Rebate/Transaction fees to SPONSOR if for any reason these funds are not made available to United Networks of America by pharmacy/drug companies. Transaction fees will be paid within 60 days of the end of each calendar month. SPONSOR understands that the payment will only be made on scripts that are processed at a discount and only if transaction fees/rebates are paid by pharmacy/drug companies and received by United Networks of America. Prescriptions processed at U&C do not qualify for reimbursement.

Transactions Fees Payable to SPONSOR

$ 0.50 PER PAID SCRIPT

Included Program Features	
On the Fly Enrollment	**Included**
Provider Network Management	**Included**
Material Review	**Included**
Pharmacy / Member Help Desk	**Included**
Member Services (Toll-Free)	**Included**
Value Added Benefits Programs (subject to change)	
Vision Program	**Included**
Nutritional Supplement Program	**Included**
Help Lines	**Included**
Pro-Smile Teeth Whitening Program	**Included**

Member Co-Payments – United Networks of America Network Pharmacies	
If a brand name drug is dispensed:	100% of calculated co-pay amount
If a generic drug is dispensed:	100% of calculated co-pay amount

SPONSOR REQUIREMENTS:
SPONSOR must have all program materials pre-approved by United Networks of America prior to printing/ distributing. No one is allowed to contact or visit pharmacies without prior written approval from United Networks of America. Failure to meet either of these requirements will result in immediate termination of agreement.

In Witness Whereof, the parties here have to execute this agreement as of the date first above written.

SPONSOR

_____ _

Name
Title

Date: _____

United Networks of America, Inc.

_____

Francesco Ciccone
EVP

Date: _____

Seal of United Networks of America

City Of Dover Contact Sheet

INFORMATION/CONTACT:
(Primary Contact)

Name:

E-mail:

Phone:

Address:

IT/WEBSITE CONTACT:

Name:

E-mail:

Phone:

Website Address:

OUTREACH CONTACT:

Name:

E-mail:

Phone:

Form **W-9**
(Rev. October 2007)
Department of the Treasury
Internal Revenue Service

Request for Taxpayer Identification Number and Certification

Give form to the requester. Do not send to the IRS.

Print or type See **Specific Instructions** on page 2.

Name (as shown on your income tax return)

Business name, if different from above

Check appropriate box: ☐ Individual/Sole proprietor ☐ Corporation ☐ Partnership
☐ Limited liability company. Enter the tax classification (D=disregarded entity, C=corporation, P=partnership) ▶ .....
☐ Other (see instructions) ▶

☐ Exempt payee

Address (number, street, and apt. or suite no.)

Requester's name and address (optional)

City, state, and ZIP code

List account number(s) here (optional)

Part I Taxpayer Identification Number (TIN)

Enter your TIN in the appropriate box. The TIN provided must match the name given on Line 1 to avoid backup withholding. For individuals, this is your social security number (SSN). However, for a resident alien, sole proprietor, or disregarded entity, see the Part I instructions on page 3. For other entities, it is your employer identification number (EIN). If you do not have a number, see *How to get a TIN* on page 3.

Note. If the account is in more than one name, see the chart on page 4 for guidelines on whose number to enter.

Social security number

or

Employer identification number

Part II Certification

Under penalties of perjury, I certify that:

1. The number shown on this form is my correct taxpayer identification number (or I am waiting for a number to be issued to me), and
2. I am not subject to backup withholding because: (a) I am exempt from backup withholding, or (b) I have not been notified by the Internal Revenue Service (IRS) that I am subject to backup withholding as a result of a failure to report all interest or dividends, or (c) the IRS has notified me that I am no longer subject to backup withholding, and
3. I am a U.S. citizen or other U.S. person (defined below).

Certification instructions. You must cross out item 2 above if you have been notified by the IRS that you are currently subject to backup withholding because you have failed to report all interest and dividends on your tax return. For real estate transactions, item 2 does not apply. For mortgage interest paid, acquisition or abandonment of secured property, cancellation of debt, contributions to an individual retirement arrangement (IRA), and generally, payments other than interest and dividends, you are not required to sign the Certification, but you must provide your correct TIN. See the instructions on page 4.

Sign Here Signature of U.S. person ▶ Date ▶

General Instructions

Section references are to the Internal Revenue Code unless otherwise noted.

Purpose of Form

A person who is required to file an information return with the IRS must obtain your correct taxpayer identification number (TIN) to report, for example, income paid to you, real estate transactions, mortgage interest you paid, acquisition or abandonment of secured property, cancellation of debt, or contributions you made to an IRA.

Use Form W-9 only if you are a U.S. person (including a resident alien), to provide your correct TIN to the person requesting it (the requester) and, when applicable, to:

1. Certify that the TIN you are giving is correct (or you are waiting for a number to be issued),

2. Certify that you are not subject to backup withholding, or

3. Claim exemption from backup withholding if you are a U.S. exempt payee. If applicable, you are also certifying that as a U.S. person, your allocable share of any partnership income from a U.S. trade or business is not subject to the withholding tax on foreign partners' share of effectively connected income.

Note. If a requester gives you a form other than Form W-9 to request your TIN, you must use the requester's form if it is substantially similar to this Form W-9.

Definition of a U.S. person. For federal tax purposes, you are considered a U.S. person if you are:

- An individual who is a U.S. citizen or U.S. resident alien,
- A partnership, corporation, company, or association created or organized in the United States or under the laws of the United States,
- An estate (other than a foreign estate), or
- A domestic trust (as defined in Regulations section 301.7701-7).

Special rules for partnerships. Partnerships that conduct a trade or business in the United States are generally required to pay a withholding tax on any foreign partners' share of income from such business. Further, in certain cases where a Form W-9 has not been received, a partnership is required to presume that a partner is a foreign person, and pay the withholding tax. Therefore, if you are a U.S. person that is a partner in a partnership conducting a trade or business in the United States, provide Form W-9 to the partnership to establish your U.S. status and avoid withholding on your share of partnership income.

The person who gives Form W-9 to the partnership for purposes of establishing its U.S. status and avoiding withholding on its allocable share of net income from the partnership conducting a trade or business in the United States is in the following cases:

- The U.S. owner of a disregarded entity and not the entity,

2007
BERGEN COUNTY BOARD OF CHOSEN FREEHOLDERS
RESOLUTION

MEMBERS	AYE	NAY	ABSTAIN	ABSENT
CALABRESE	✓			
CARROLL	✓			
GANZ	✓			
MCPHERSON	✓			
O'BRIEN	✓			
WAGNER	✓			
PADILLA CHAIRMAN	✓			
TOTALS	7	—	—	—

Offered by: Ganz
Seconded by: Padilla
Approved by:

Resolution No. 869
Date: June 20, 2007
Page: 1 of 11
Subject: United Networks of America (UNA)
Purpose: To Provide Discounted Prescription Drug Program For All Bergen County Residents
Account No.
Contract No.
Dollar Amount:

Prepared by: JSC/am

Certified as a true copy of a Resolution adopted by the Board of Chosen Freeholders on above date at a Regular Meeting by: Valerie Coniglio

Valerie Coniglio, Clerk, Board of Chosen Freeholders, Bergen County, New Jersey

WHEREAS, United Networks Of America (UNA) has presented a proposal (attached hereto) to the Bergen County Board of Chosen Freeholders under which discounted prescription drugs, eyeglasses, contact lenses, hearing aids, diabetes supplies, and such can be purchased by Bergen County residents and,

WHEREAS, with regard to prescription drugs, Bergen County residents will be eligible to purchase same at discounted prices at more than 1,700 pharmacies throughout New Jersey, and more than 55,000 pharmacies nationwide; and

WHEREAS, to effect the proposal and make it applicable to the residents of Bergen County, said proposal requires the approval of the Bergen County Board of Chosen Freeholders.

NOW, THEREFORE BE IT RESOLVED, on the recommendation of Robert E. Laux, Esq., County Administrator, that the Bergen County Board of Chosen Freeholders does hereby agree to enter into an agreement with UNA to provide, at no charge to the County of Bergen, a discounted prescription drug plan, along with UNA's other discounted programs, to participants on the following terms and conditions:

1. These discounted programs shall be available to all Bergen County, New Jersey residents.
2. Bergen County will be the exclusive sponsor in New Jersey of UNA.
3. The County Counsel shall prepare and approve a letter of agreement, or other such form of agreement, using the standard terms of the County to indemnify and protect the County from any claims that may arise by virtue of the agreement authorized hereby.
4. The County Executive is authorized to sign an agreement reflective of the foregoing; and

BE IT FURTHER RESOLVED, that the County Executive is authorized to negotiate, through the County Administrator, such other reasonable terms and conditions as may be appropriate with regard to the aforestated agreement.