LEGISLATIVE, FINANCE, AND ADMINISTRATION COMMITTEE
A G E N D A

September 12, 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. Law Enforcement Training for Fire Marshal *(Deferred by Committee on August 22, 2011 Due to Time Constraints) (Due to Time Constraints, This Item Has Been Placed on the Council Agenda for the Meeting Being Held Later in the Evening)*

2. 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)*

3. Proposed Ordinance #2011-15 - Appendix A - Subdivisions - Regarding Homeowners' Associations *(Tabled by Committee on June 27, 2011)*

4. Evaluation of Bids - Municipal Street Sweeper

5. Review of Policy for Physical Posting of Properties Proposed for Rezoning

6. Financial Policy - Carry-Forward Balances

7. Elimination of Delinquent (Blue) Notices

8. Implementation of Social Media Policy *(Deferred by Committee on August 22, 2011 Due to Time Constraints)*

9. Public Comment Period

10. 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.

ACTION FORM

PROCEEDING: Legislative and Finance Committee
DEPARTMENT OF ORIGIN: Fire Marshal's Office DATE **SUBMITTED**: August 1. 2011
PREPARED BY: David Truax - Fire Marshal
SUBJECT: Law Enforcement Training
REFERENCE: N/A
RELATED PROJECT: N/A
APPROVALS: Director of Planning & Community Development, Interim City Manager, City Controller
EXHIBITS: Letters from Office of the Attorney General and Dover Police Chief, Summary of Cost Savings
EXPENDITURE REQUIRED: $ 2,500 for training & $1,300 for equipment **AMOUNT BUDGETED**: $ 0 **FUNDING SOURCE (Dept. /Page in CIP & Budget)**: Staff proposes that funds be transferred within the FY 2012 Life Safety operating budget. Funds would be transferred from Safety & Security 110-1600-531.20-32 to Training 110-1600-531.30-28
TIMETABLE: As soon as an academy class opens up (Fall 2011).
RECOMMENDED ACTION: Staff recommends that the Committee support sending a deputy fire marshal to Police Academy Training.

BACKGROUND AND ANALYSIS

For the past 15 years the Fire Marshal's office has relied on Dover Police Department to assist with fires that have been determined to be of a criminal nature. The reason for this is that Fire Marshals for the City do not have law enforcement powers. State Fire Marshals and City of Wilmington Fire Marshals do have these powers. The first paid Fire Marshal for the City of Dover Jack Rowe was with the city police prior to being appointed Fire Marshal and Fire Marshal Jimmy Melvin was given police powers though a Dover Police training academy in 1991.

Although the present joint investigation method has served the city well in past years, the complexity and time needed to make an arrest for the crime of arson is making this system cumbersome. Based on the cost of overtime for a Dover police detective, with approximately 8 to 10 responses to fire calls each year, we estimate a savings of approximately $3,000 per year in Police Department overtime should a deputy fire marshal be granted police power.

The training cost is estimated at $2,500, and the equipment cost is estimated at $1,300. The deputy fire marshal with police training would be able to participate in training offered by the Police Department to maintain the police certification with no additional cost to the City. There are no promotions, upgrades, or anticipated increases in salary associated with this training.

In addition to the overtime savings, Fire Marshals having law enforcement powers would allow for the Fire Marshal's Office to conduct a criminal fire investigation through to the end, free up Dover Police Department from having to conduct criminal fire investigations, and ensure public safety by conducting thorough investigations.

FIRE MARSHAL

Dave Truax

Fire Marshal

PHONE: (302) 736-7011
FAX: (302) 736-4217

DEPUTY FIRE MARSHALS
Sam Gonzalez
Ed Graves
Tim Mullaney

Here is the number of times Dover PD Patrol assisted the FMO during a fire investigation. They are the first to arrive on scene and start gathering witnesses and suspect's information in not so nice areas of the City. They remain on scene as security for the Fire Marshals as they are not armed. A Patrol Officer with 2 years of experience makes $22 an hour. The average time spent assisting us on a fire scene is about 1 hour.

2006	87x $22 =$1,914
2007	88x $22 =$1,936
2008	87x $22= $1,914
2009	66x $22= $1,452
2010	66x $22+ $1,452

The CI "Criminal Investigations" Unit assists the FMO about 8 to 10 times a year. This is never the same each year as the FMO is busier some years than others. The lowest Detective paid is around $50 an hour. The average amount of time that a Detective puts into the average case is about 4-6 hours; 6x$50= $300 per case. $300 x 10=$3,000.

The average money spent per year for assists by Patrol Units is $1,733.60 + $3,000= $4,733.60.

I have tried to use the lowest numbers for pay. The bigger the fire, the more time Patrol and CI have to invest; however, I think it would be safe to say that by providing Fire Marshal Law Enforcement Training, it could save about $4,000 a year. The cost of the training is an average of $2,500 and includes the following:

Training Cost

Physician	$ 500
Psychiatric Test	$ 180
Food (State Police Academy)	$1,100
PT Clothing	$ 320
Uniform	$ 400
Total	$2,500

JOSEPH R. BIDEN, III
ATTORNEY GENERAL

DEPARTMENT OF JUSTICE
KENT COUNTY
102 WEST WATER STREET
DOVER, DELAWARE 19904

CIVIL DIVISION (302) 739-7641
FAX (302) 739-7652
CRIMINAL DIVISION (302) 739-4211
FAX (302) 739-6727
TTY (302) 739-1545

February 15, 2011

David Truax
Office of the Fire Marshal
City of Dover
18 Loockerman Plaza
Dover, DE 19901

Dear Dave,

I am writing as a follow-up to our recent discussion. You mentioned that you are seeking to have one of the Deputies in your office attend the police academy so that he will have full police powers like those possessed by Deputies in the State Fire Marshal's Office. This seems to me to be an excellent idea. As you know, I prosecute most of the arson cases in Kent County. It is very helpful, in cases involving the State Fire Marshal's Office, to have arson investigators who are also, in effect, police officers. They can conduct investigations and make arrests without having to rely on the State Police to write their reports and arrest warrants for them. Their reports are on LEISS and I can deal directly with the Deputies when prosecuting cases, rather than having to deal with them and also with a police officer who functions as the chief investigator. It seems to me that giving police powers to at least one of your Deputies would also free up resources for Dover P.D. – i.e., it would be a "win-win" situation.

Please let me know if I can do anything to support your effort in this regard.

Sincerely,

Stephen R. Welch, Jr.
Deputy Attorney General

DEPARTMENT OF POLICE

James E. Hosfelt, Jr.
Chief of Police
F.B.I.N.A.

400 South Queen Street
Dover, Delaware 19904
302/736-7111
Fax 302/672-1842

March 10, 2011

Honorable Carleton E. Carey, Sr., Mayor
Members of Dover City Council
City Hall
Dover, DE 19901

Mayor Carey and Council Members:

On behalf of the City of Dover Police Department, I am writing this letter in support of law enforcement certification and arrest powers for the City of Dover Fire Marshall. The City will benefit by having a Fire Marshall trained not only to investigate arson complaints, but to also follow through with the entire arrest process. Currently, complaints of this nature are investigated by both departments because the Fire Marshall does not have arrest powers due to lack of certification and the police department does not have the expertise to investigate these types of crimes. The Dover Police Department will continue to support the Office of the Fire Marshall now and at all times following completion of the police academy. This support will include ongoing training in areas mandated by the Council on Police Training and is currently provided by the Dover Police Department. Should you have any questions, please feel free to contact me at (302) 736-7100.

Sincerely,

James E. Hosfelt, Jr.
Chief of Police

ACTION FORM

PROCEEDING: Legislative, Finance, and Administration Committee	**AGENDA OF:** 09-12-2011
DEPARTMENT OF ORIGIN: City Council	**DATE SUBMITTED**: 08-12-2011
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 09-12-2011	
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.

/tm
S:\CAFS\08-22-2011-LF&A CAF - Charter Amendment- M&C Term Length.wpd

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.

ACTION FORM

PROCEEDING: Legislative, Finance and Administration Committee
DEPARTMENT OF ORIGIN: Planning & Community Development **DATE SUBMITTED**: 8/31/2011
PREPARED BY: Ann Marie Townshend, AICP, Director of Planning & Community Development & Scott D. Koenig, P.E., Public Services Manager
SUBJECT: Draft Ordinance Regarding Homeowners Association Responsibilities
REFERENCE:
RELATED PROJECT: "Performance and Maintenance Bonding Concerns" – Utility Committee agenda of 1/24/11
REVIEWED BY:
EXHIBITS: Draft Ordinance, Table of Affected Subdivisions, Memo of January 3, 2011 to Utility Committee, Minutes from Utility Committee Meeting of January 24, 2011, *Zoning Ordinance* - Article 5, Section 10. 4 - Management and Maintenance of Common Open Space and Recreational Areas
EXPENDITURE REQUIRED: N/A **AMOUNT BUDGETED**: N/A **FUNDING SOURCE (Dept./Page in CIP & Budget)**: N/A
TIMETABLE: First Reading on September 26, 2011, Referral to Planning Commission on October 17, 2011, Final Action by City Council on November 14, 2011
RECOMMENDED ACTION: Staff recommends that the proposed ordinance be forwarded to City Council with the above timeline for action.

BACKGROUND AND ANALYSIS

On June 6, 2011, staff presented a draft ordinance to the Legislative, Finance and Administration Committee that would amend the Subdivision Regulations to require that homeowners associations be formed, membership mandatory, and that they assume and continue the maintenance responsibilities for common open space. Under the proposed ordinance, if the City needs to perform maintenance of these common areas due to code violations not addressed by the homeowners association, the City would bill the property owners of the lots within the subdivision to recover the costs, and place these charges on the tax bill of the property owners. After a number of concerns and questions were raised by the Committee, the proposal was tabled and staff directed to talk with members of the Committee and Council who expressed concerns.

Staff met with Councilman Anderson who expressed concerns about the mandatory membership in a homeowners association and requested that the ordinance be amended to include protection of First Amendment rights of property owners. After consultation with the City Solicitor, Nick Rodriguez, staff recommends not including the amendment requested due to concerns regarding the legality of such an amendment, as well as the amendment being well beyond the scope of the ordinance. Staff also met with Councilman Lynn, who shared some concerns and questions during the Legislative, Finance and Administration Committee's discussion of the proposal.

Staff notes the following as this proposed ordinance is considered by the Committee:

- Homeowners associations are already mandatory for residential developments with private open space, under the State Sediment and Stormwater Regulations and the City of Dover *Zoning Ordinance*.
- The proposed ordinance would allow the City to recover costs incurred by failure of homeowners associations to maintain private open space. It would ensure that residents in communities with active homeowners associations that proactively maintain private open space would not be penalized by the City absorbing the costs of those who fail to meet their obligations.
- Failure to develop a mechanism for the City to recover costs for maintaining private open space that homeowners associations fail to maintain will cause an unsustainable increase in operations costs to the City.

For reference, we have included a list of residential developments that would be subject to the requirements of the proposed ordinance. Further, additional information about the background and need for this ordinance is included to provide the context of the proposed amendment.

CITY OF DOVER
ORDINANCE #2011-15

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

That Appendix A – Subdivisions, Article VII – Special Provisions be amended by adding a new re-lettering Section B as Section C and adding a new Section B as follows:

C. Homeowners associations.

1. The owner and/or developer shall create a homeowners association for the proposed development where private open space and stormwater management facility ownership and maintenance responsibility exist. The homeowners association shall be organized and established as a legal entity prior to or as a part of the final plat approval and recording process and all documents related to the homeowners association shall be submitted in draft form at the time of application for the subdivision plan review (whether minor or major). Such documents shall be acceptable to the city as a condition of subdivision plan approval.

2. The owner and/or developer should pay for the preparation of the legal document necessary to create the association, have same approved by the city solicitor and council and record same in the recorder of deeds office for Kent County.

3. The legal documents prepared will give the city the authority to require the homeowner's association to perform routine maintenance and minor/major repairs as necessary to keep the property in good condition, and eliminate any health or safety issues.

If the homeowners association does not respond to the city citation within 14 calendar days, the city shall have the right to perform the work itself or hire a contractor to perform the work and assess each property owner of the homeowner association and/or each owner of property within the final plat for the subdivision a fee to recover its cost. Such fee shall include an administrative charge equal to 15% of the cost of the work performed. This fee will be added to the real estate tax bill as a special assessment to these lot owners.

4. Homeowners association requirements. If the applicant is required to establish a homeowners association for purposes of ownership and maintenance of common areas, common facilities and/or open spaces, such association documents shall require, at minimum:

a. *Membership mandatory.* All owners of property within the subdivision must be members of the homeowners association. The members of the homeowners association shall share equitably in the costs of maintaining all open space, common areas and facilities, recreation areas and facilities, and stormwater management areas and facilities which are not accepted by the city in writing in accordance with the provisions of all deed restrictions and maintenance agreements, all applicable property maintenance codes, all record plan notes, and in accordance with procedures established by the homeowners association. The deed restrictions shall require, at minimum, that the costs of such

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maintenance shall be collectable from the owner of the lot(s) to which such costs are assessed; and that such costs shall be and constitute a lien upon such lot(s).

b. *Responsibilities.* The homeowners association shall be responsible for all maintenance, insurance, taxes, fees, and other burdens customary to the ownership of real property and all improvements and construction thereon, including, but not limited to all recreation amenities, walkways, storm water facilities, ponds, landscaping, and other facilities not owned or accepted by the City of Dover.

c. *Deed restrictions.* Restrictive covenants shall provide that in the event the association fails to maintain the common areas, common facilities, and open areas according to the adopted codes of the City of Dover, in accordance with the recorded plan, and in accordance with the requirements of recorded restrictions, the city may:

1. Demand that the deficiency of maintenance be corrected. If the homeowners association shall fail to correct the deficiency, after reasonable notice, the city may enter the common area to inspect and correct the deficiency. The cost of such maintenance shall be charged to the association in accordance with the provisions of Section C (3).

5. Homeowners association reporting responsibilities.

a. Each homeowners association established pursuant to Appendix A, Subdivisions shall, not later than December 31 of each year, provide to the City Clerk of the City of Dover a listing of the officers of such homeowners association, including their addresses and telephone numbers, and the date of the annual meeting.

b. The homeowners association shall list the terms of office of each officer and the date of the annual election. The homeowners association shall provide the name, address, phone number and contact information for any firm providing services in behalf of or acting as agent for the homeowners association in carrying out its responsibilities

BE IT FURTHER ORDAINED:

That the provisions of this ordinance shall be in effect upon its adoption and shall apply to all existing subdivisions where the homeowners association has maintenance responsibilities for open space and stormwater management areas. The city manager shall send a letter to all property owners within the City of Dover who have HOA maintenance responsibilities under this ordinance informing them of these responsibilities and the City's right to bill property owners within the homeowners association for any maintenance performed by the City of Dover due to lack of maintenance on the part of the homeowners association.

BE IT FURTHER ORDAINED:

That all homeowners associations with maintenance responsibilities for open space and stormwater areas that existed prior to the adoption of this ordinance shall report to the city

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manager by December 31, 2011 those items required in subsection 5 Homeowners Association Reporting Responsibilities.

SYNOPSIS

The proposed amendment would clarify the requirement that for developers of subdivisions with common open space, including active recreation areas, woodlands, and stormwater managements form homeowners associations where membership is mandatory. It would allow the City to perform work that is the responsibility of the homeowners association if such work is not performed in accordance with code requirements. Such work would be billed to the property owners on their tax bill, including an administrative charge. The proposed amendment would require that homeowners associations with management responsibility for common open space submit annually a listing of officers of the association. The proposed amendment also clarifies that these requirements are retroactive to all subdivisions with common open space in existence prior to adoption of the ordinance.

ACTIONS HISTORY: June 6, 2011 – Tabled at Legislative, Finance & Administration Committee

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Dover Private Open Space Inventory
August 31, 2011

Name	Dedicated?	Open Space Owner	Comments
Acorn Farms	Yes	ACORN FARMS LTD.	
Cannon Mill	No	MOORE-CANNON MILL LLC	Open space and HOA functions are the responsibility of the developer until the subdivision is dedicated and the HOA turned over to the homeowners.
Clearview Meadow	No	FIRST DEVELOPMENT GROUP LLC	Open space and HOA functions are the responsibility of the developer until the subdivision is dedicated and the HOA turned over to the homeowners.
Cranberry Run	Yes	CRANBERRY RUN MAINTENANCE CORP	
Eden Hill Farm	No	HILL FARM ASSOCIATES LLC	Open space and HOA functions are the responsibility of the developer until the subdivision is dedicated and the HOA turned over to the homeowners.
Emerald Pointe	No	EMERALD POINTE INC	Open space and HOA functions are the responsibility of the developer until the subdivision is dedicated and the HOA turned over to the homeowners.
Farthing Woods	Yes	ASHBURN HOMES INC	
Four Seasons	Yes	FOUR SEASONS HOMEOWNERS ASSOC	HOA has been inactive since initial formation. Residents frequently call the City for maintenance of areas that are HOA responsibility. Private open space on delinquent tax list. A builder who owns multiple lots has been maintaining the grass in the open areas.
Fox Hall West Addition	Yes	FOX HALL WEST ADDITION	
The Greens of Dover	Yes	THE GREENS TOWN MEETING ASSOC	
The Hamlet	Yes	HAMLET HOMES ASSOCIATION	HOA owns pool and tennis courts.
Hidden Creek	Yes	HIDDEN CREEK HOMEOWNERS	
Lexington Glen	No	LEXINGTON GLEN INC	Open space and HOA functions are the responsibility of the developer until the subdivision is dedicated and the HOA turned over to the homeowners.

Maple Glen	Yes	MAPLE GLEN HOMEOWNERS	HOA is active.
Marsh Creek	Yes	PRESIDENTIAL ASSOC	
Meadows at Dover	Yes	MEADOWS HOMEOWNERS ASSOC INC	
Nottingham Meadows	No	STOVER HOMES LLC	Open space and HOA functions are the responsibility of the developer until the subdivision is dedicated and the HOA turned over to the homeowners.
Oak Shadows	Yes	OAK SHADOWS CONDO COUNCIL INC	
Patriot Village	No	CRAFT BUILT HOMES LLC	Open space and HOA functions are the responsibility of the developer until the subdivision is dedicated and the HOA turned over to the homeowners.
Persimmon Park Place	Yes	PERSIMMON PARK PLACE	Condominium Association serves as the HOA.
The Overlook on Silver Lake	Yes	THE OVERLOOK ON SILVER LAKE	
Seskinore	Yes	SESKINORE HOME BUILDERS, INC	
Silver Lake Townhouses	Yes	SILVER LAKE PROPERTIES LLC	
Stoney Creek	Yes	COUNTRY LIVING HOMES LLC	
Turnberry	Yes	TURNBERRY MAINTENANCE ASSOC	
Village of Westover	Phases I-V Dedicated - Phase VI Undedicated	WESTOVER LLC VILLAGE OF WESTOVER HOMEOWNERS	HOA has responsibility for open space in Phases I-V. HOA is currently functioning; however, many owners do not pay their dues, and long-term viability of HOA and maintenance of open space is a concern.
Westfield	Yes	WESTFIELD MAINTENANCE CORP	

Memorandum

Public Services Manager
P. O. Box 475
City Hall/ The Plaza
Dover, Delaware 19903-0475
Phone: (302) 736-7026
Fax: (302) 736-7177
E-mail:skoenig@dover.de.us

TO: Utility Committee Members

FROM: Scott D. Koenig, P.E., Public Services Manager
Anthony J. DePrima, AICP, ICMA-CM, City Manager
Ann Marie Townshend, AICP, Director of Planning & Community Development

DATE: January 3, 2011

SUBJECT: **Development Projects – Performance & Maintenance Bonding Concerns**

As part of a shared performance goal, the City Manager, the Public Services Manager and the Director of Planning & Community Development conducted a series of four (4) internal meetings to brainstorm various ideas regarding concerns raised about Performance & Maintenance Bonding in subdivisions, site plan compliance, ensuring the functionality of homeowners associations (HOAs), and other development project problems. These meetings were held in October, November and December of 2010.

Eight (8) specific problems/concerns were identified. Each problem is listed below along with one or more suggestions to improve the area of concern.

Problem #1 – Active Recreation Areas in some Subdivisions / Site Plans (Apartments) are not being completed in proportion to the lots constructed. Article 5, Section 10.6 of the *Zoning Ordinance* is weak and difficult to enforce. It is difficult to build the recreation areas in proportion to the lots / building permits, as specified by code; therefore, an alternative solution must be developed.

Possible Solutions:

1. Require specific phasing plan for the Active Recreation Plan.
2. Require a Performance Bond / Letter Of Credit (LOC) equal to 150% of the value (or add the active recreation improvements to current infrastructure LOC). LOC is preferred over a bond as the LOC creates more leverage.

Note: A Code amendment is required to accomplish this.

Problem #2 – Some projects are partially built and the construction or the site work has been abandoned. (Examples: Enterprise Business Park, Tall Pines, Dove View)

Possible Solutions:

1. Fund a Demolition Reserve that can be sustained with monies collected from liens and be used to demolish or safely seal construction.
2. Amend Tall Grass & Weed Ordinance (Chapter 114, Article II) to allow the City to regrade or restore the property and place a lien against the property to collect the costs.
3. Amend state law for Demolition Liens to allow for the City to recover costs through sheriff's sale.
4. A Dangerous Building (DB) declaration accelerates tax sale (for delinquent taxes). This is an administrative action that is already in place.

Problem #3 – Failure of HOA to take over initial responsibilities or HOA does not form or stay formed and therefore fails to function. Common Areas are not maintained. (Example: Four Seasons)

Possible Solutions:

1. Amend assessment section of the code to allow city to bill and lien individual property owners for the common areas that the City is forced to maintain.
2. Amend subdivision ordinance to require an escrow start up account so HOA is capitalized from the beginning.
3. Buyers somehow are notified and certify / acknowledge that they are required to be part of the HOA and that there are maintenance responsibilities for which the HOA is responsible. Possible venues could include requiring that information be posted conspicuously in model homes or the City could send a letter after real estate transfer tax is received.
4. Require developer to meet guideline to turn over HOA at 75% of the initial phase of the development.
    - City could facilitate initial HOA meeting – Notice, Public Meeting at City Hall, City representative in attendance
    - Ensure elected official in attendance.
5. Amend subdivision ordinance to include a specific turnover requirement.
6. Amend subdivision ordinance to require a Certified Management Agency.

Problem #4 – Stormwater / Passive Open Space – Not Being Maintained

Possible Solutions:

1. Amend sections of the code addressing special assessment (Chapter 94) and/or amend tall grass and weeds (Chapter 114) to allow staff to hire contractors to maintain the passive open space and/or stormwater management areas and bill the property owners (developer or individual owners) and place a lien against the property to recover costs.
2. Create a Limited Stormwater Utility
    - Unilateral authority to take over facilities that are not being maintaned
    - Start with new developments

Problem #5 – Nuisance issues such as maintenance of buildable lots with homes, partially complete homes, partially complete subdivisions, roll-off trash containers for construction debris, soil stockpiles and material storage areas are degrading the overall quality of various subdivisions (in both dedicated and undedicated subdivisions).

Possible Solutions:

1. Require an upfront agreement and escrow deposit from the developer of the subdivision ($1,000 / lot) to address these issues if they arise.
2. Provide incentives to dedicate infrastructure – Bill developer for Street Light operating costs and pump station maintenance until subdivision is dedicated.

Problem #6 – Sidewalk network not complete and the developer wants to dedicate the rights-of-way and infrastructure.

Possible Solutions:

1. Require all sidewalk construction to be complete prior to dedication. This position would maintain the status quo.
2. Add option that developer can go to Safety Advisory & Transportation Committee with a special Letter of Credit for the uncompleted sidewalks on the streets to be dedicated. The uncompleted sidewalks are associated with lots that have not had building permits issued as of that date. Potential enhancement to this option is to require a Public Hearing with notice to all residents and/or property owners in the development.

Problem #7 – Snow Removal on uncompleted and/or undedicated streets represents a serious service delivery problem for the City of Dover and residents in these areas.

Possible Solutions:

1. Require a maintenance escrow to be set up by the developer that can be used for snow and ice removal.
2. Require a signed contract between the developer and a private contractor responsible for snow removal be shared with the City.

Problem #8 – The City does not provide a full range of services on undedicated streets since they are considered private property. (i.e. – snow removal, street sweeping, speed enforcement)

Possible Solutions:

1. Earlier dedication – city would accept dedication of uncompleted streets and follow up with completion of the infrastructure on a designated time line identified in the dedication action.
2. Require more extensive maintenance agreement with longer time period for coverage.

Based upon the above information, staff is proposing the following next steps:

1) Staff would like to receive feedback from members of the Committee and Council on the possible solutions presented above as well as other items you would like to consider to address the identified problems.
2) Prioritize the problems listed above.
3) Prepare a timeline to address the problems in priority order.
4) Hold focus group with stakeholders (HOAs, Civic Associations, Civic Leaders, the development community, KCD)
5) Develop ordinances / charter amendments / administrative changes

If you have any questions, please contact me.

SDK/sdk

Development Projects - Performance and Maintenance Bonding Concerns

During their meeting of January 10, 2011, members were advised that, as part of a shared performance goal, the City Manager, the Public Services Manager, and the Director of Planning and Community Development conducted a series of four (4) internal meetings to brainstorm various ideas to address concerns raised about performance and maintenance bonding in subdivisions, site plan compliance, ensuring the functionality of homeowners' associations (HOAs), and other development project issues. As a result of these meetings, which were held in October, November, and December of 2010, he stated that eight (8) specific issues/concerns were identified. Members requested that staff provide the list of Development Projects to members for their review and prioritization to be considered by the Committee during their next meeting.

Mr. Scott Koenig, Public Services Manager/Director of Public Works, advised members that he, Mr. Ruane, Mr. McGiffin, Mrs. Townshend, and Mr. DePrima ranked the projects and written comments were submitted by Major Kosior. He stated that the highest-ranked projects are as follows:

1) Problem #2 - Some projects are partially built and the construction or the site work has been abandoned.

2) Problem #5 - Nuisance issues such as maintenance of buildable lots with homes, partially complete homes, partially complete subdivisions, roll-off trash containers for construction debris, soil stockpiles, and material storage areas are degrading the overall quality of various subdivisions (in both dedicated and undedicated subdivisions).

3) Problem #4 - Stormwater / Passive Open Space – Not Being Maintained.

Mr. Koenig stated that these three (3) problems ranked significantly higher than the others, based on the feedback received.

Staff recommended that a timeline be developed to begin resolving the three (3) highest-ranked problems and that recommendations be developed in the form of proposed ordinances or procedural amendments to be presented to the Committee for review. Responding to Mr. Ruane, Mr. Koenig advised members that administrative action is being taken on all problems and assured members that the goal is to resolve them. With regards to snow removal (Problem #7) at Nottingham Meadows, Mr. Koenig stated that the bank has hired a contractor to oversee both the "punch list items" and snow removal for this season at Nottingham Meadows.

He stated that the developers or the banks are hiring contractors for removal of snow in other abandoned areas; therefore, he assured members that, to his knowledge, all undedicated developments have some method of snow removal in place during the current winter season.

At the request of Mr. Ruane, Mr. Koenig read the comments submitted by Major Kosior in response to Mr. Koenig's memorandum of January 3, 2011, Subject: Development Projects – Performance and Maintenance Bonding Concerns (***Attachment #3 - Major Kosior's comments are depicted in***

red font).

Council President Hogan stated that he had prepared a ranking, apologized for not submitting it to staff, and noted that he also ranked Problem #2 as the top priority.

Mr. McGiffin moved to recommend acceptance of the designation of Problems #2, #5, and #4 as the highest-ranked concerns related to Development Projects - Performance and Maintenance Bonding, with the expectation that a timeline would be developed to begin resolving these problems, as recommended by staff. The motion was seconded by Mr. Snaman and unanimously carried.

***Zoning Ordinance*, Article 5 – Supplementary Regulations, Section 10 – Open Space, Recreation and Other Public Facilities**

10.4 Management and maintenance of common open space and recreational areas.

10.41 Management and maintenance required. There shall be provisions which ensure that the common open space land and all public facilities not dedicated to the City of Dover shall continue as such and be properly maintained. These provisions shall be in a form acceptable to the City of Dover. The developer shall either (a) retain ownership and responsibility for maintenance of such open land; or (b) provide for and establish one or more organizations for the ownership and maintenance of all common open space. In the case of (b) above, each organization shall be a nonprofit homeowners' corporation, unless the developer demonstrates that a community open space trust is a more appropriate form of organization.

10.42 Homeowners' association requirements. If a homeowners' association or open space trust is formed, it shall be governed according to the following:

10.421 Membership mandatory. Membership in the organization is mandatory for all purchasers of homes therein and their successors. The members of the organization shall share equitably the costs of maintaining and developing common open space and recreation areas, in accordance with procedures established by them.

10.422 Responsibilities. The organization shall be responsible for maintenance, insurance and taxes on common open space, recreation facilities and open public facilities, including but not limited to roads, gutters, sidewalks, curbs, drainage systems, water distribution systems and sewer facilities not dedicated to the City of Dover.

ACTION FORM

PROCEEDING: Legislative, Finance & Administration Committee **AGENDA ITEM**:
DEPARTMENT OF ORIGIN: Public Services **DATE SUBMITTED**: 08/30/2011
PREPARED BY: Scott D. Koenig, P.E., Public Services Manager
SUBJECT: Evaluation of Bids – Municipal Street Sweeper
REFERENCE: N/A
RELATED PROJECT: N/A
APPROVALS: Interim City Manager, Controller
EXHIBITS: None.
EXPENDITURE REQUIRED: $164,700.00 **AMOUNT BUDGETED**: $170,027.00 **FUNDING SOURCE (Dept./Page in CIP & Budget)**: Page 169, Fiscal 2011-2012 Annual Operating Budget
TIMETABLE: Issue purchase order immediately after Council action. Delivery expected in 60-90 days.
RECOMMENDED ACTION: Recommend to City Council the purchase of the Tymco Model 600 Street Sweeper from Mid-Atlantic Waste System in the amount of $164,700.00 based on the review by staff.

BACKGROUND AND ANALYSIS

The Department of Public Services prepared a bid package and solicited sealed bids through the City's Contract and Procurement Manager to replace a street sweeper (Vehicle #357). Bids were opened on Wednesday, August 3, 2011 at 2:00 p.m. The following vendors submitted bids:

Company	Location	Model	Bid Amount	Delivery
Mid-Atlantic Waste Systems	Easton, MD	Tymco Model 600	$164,700.00	60-90 days
Atlantic Machinery, Inc.	Silver Springs, MD	Schwarze A7000	$159,273.00	150-210 days

Staff has reviewed both bid packages. The machine offered by Mid-Atlantic Waste Systems meets 100% of the bid requirements. The machine offered by Atlantic Machinery, Inc. has some minor specification non-compliance issues that are due in part to the manufactures body style and design. In addition, the Schwarze A7000 machine has several major non-compliance issues that include no belly broom and no auxiliary hydraulic system.

In 2006, the City of Dover opted to purchase the Schwarze A7000 Sweeper, the same unit offered under this bid package by Atlantic Machinery Inc. Immediately after taking possession of this unit, we started having operational problems. No technical support was offered by the vendor, no representatives were ever available to discuss our problems, and getting any warranty work completed was always troublesome. When parts are needed for repair, there is a 10-14 day waiting period for delivery.

The TYMCO Model 600 offered by Mid-Atlantic Waste Systems is a maintenance friendly street sweeper. City staff has a good working relationship with the vendor and the TYMCO technical support staff. Parts are available on a 3-5 day timetable.

The Public Works Operations Manager has spoken in-depth with our Fleet Maintenance staff regarding their recommendations for this bid. Their recommendation is 100% in favor of the TYMCO Model 600. The Fleet Maintenance staff believes that the City could save the $5,427.00 price difference in maintenance costs in the first two (2) years alone. Based on a review of the bids, the Department of Public Services is recommending the acceptance of the second low bid.

ACTION FORM

PROCEEDING: Legislative, Finance & Administration Committee
DEPARTMENT OF ORIGIN: Planning Office DATE **SUBMITTED**: August 30, 2011
PREPARED BY: Ann Marie Townshend, AICP, Director of Planning & Community Development
SUBJECT: Policy for Physical Posting of Properties for Rezoning
REFERENCE: Ordinance 2011-14 – Amendments to Article 10 of the Zoning Ordinance
RELATED PROJECT: N/A
REVIEWED BY: Director of Planning & Community Development
EXHIBITS: See Attached
EXPENDITURE REQUIRED: N/A **AMOUNT BUDGETED**: N/A **FUNDING SOURCE (Dept. /Page in CIP & Budget)**: N/A
TIMETABLE: N/A
RECOMMENDED ACTION: Staff recommends that the Legislative, Finance & Administration Committee recommend approval of the policy.

BACKGROUND AND ANALYSIS

On August 8, 2011, City Council adopted a series of amendments to Article 10 of the Zoning Ordinance, that codify the process and procedures for planning and development applications. The adopted ordinance requires that properties proposed for rezoning post a physical notice with the date and location of the public hearing and the nature of the rezoning request. According to the ordinance, a policy regarding the posting requirements must be approved by the Planning Commission and City Council. On August 15, 2011, the Planning Commission approved the draft policy for physical posting of properties for Conditional Use applications, Site Development Plan applications, and Rezoning applications. The policy needs City Council approval in regards to the portions of the policy that relate to Rezoning applications.

The attached policy includes the size, placement and maintenance requirements for the physical posting of properties. A template sign for Rezoning applications is also included for review by the Committee.

City of Dover

Physical Posting Requirements

The Physical Postings detailed in this policy statement are the responsibility of the Applicant to provide and maintain. Details on the requirements for public notice can be found in the City of Dover *Zoning Ordinance*, Article 10.

The following guidelines pertain to the required Physical Posting of Public Notice for Site Plans, Conditional Use Site Plans, Historic District Applications, and Rezoning Applications.

1. Size and construction
    - The dimensions of the posting must be a minimum of 22" x 28" and no greater than 36" x 36".
    - The posting must be no taller than four feet in height above the ground and no shorter than three feet in height above the ground.
    - The posting must be affixed to the ground by a minimum of two posts of a minimum size 2" x 2" in dimension.
    - The posting must be printed on a durable print material and of a bright yellow color.
    - City of Dover Physical Posting templates must be used; hand written postings are not permissible.

2. Placement
    - Required Physical Postings must be located within the front-yard setback of the property for which they are required.
    - The Physical Posting shall have a maximum set-back of ten feet from the front property line.
        - For properties where ground-based posting is not possible or where the sign will not physically fit in the space allowed, the Applicant must post the Physical Posting in a window or affixed to the wall facing the street on which the property fronts.
    - Where corner properties are concerned, the Applicant shall place the Physical Posting on the street frontage where the property is addressed.
    - In instances where more than one parcel is involved in the application, only one posting shall be required except where:
        - The parcels involved in the application are separated by a road or street or;
        - A single parcel is divided by a road or street or;
        - The parcels are not adjacent to one another.
    - No project application that is submitted as a Master Plan shall be required to post more than three Physical Postings.

3. Maintenance, Replacement, and Removal
    - Date stamped photography must be provided to the Planning Office (along with other proof of Public Notice) showing the location of the Physical Posting by noon on the day of the scheduled meeting.
    - During the required 15 day period for which the Physical Posting is to be established, the Applicant is responsible for re-posting the Physical Posting two times should it be destroyed by natural causes or through vandalism. If the Physical Posting is destroyed more than two times, the Applicant is not responsible for replacing the posting but instead must document the destruction and report on it to the Commission during their application's public hearing before the Commission.
    - Physical Postings must be removed by the end of the seventh calendar day after the public hearing.
        - For rezoning applications, physical postings must be removed by the end of the seventh calendar day after the public hearing before City Council.
        - Physical Postings not removed in a timely manner shall be treated as an abandoned sign as referenced in the *Zoning Ordinance.*
    - When the Planning Commission delays action on an application, the Applicant is still responsible for removal of the Physical Posting within seven calendar days of the referenced meeting.

NOTICE

Proposed REZONING

Action

A request to rezone

PROPERTY ADDRESS

from ORIGINAL ZONING to PROPOSED ZONING

Has been filed with the City of Dover Planning Department

Public comment will be received by Planning Commission at a Public Hearing on Month, DATE 00, YEAR at 7:00 PM and by City Council on Month, DATE 00, YEAR, at 7:30 PM in the Council Chambers at City Hall at 15 Loockerman Plaza, Dover, DE 19901

Additional information regarding this application is available at the Dover Planning Office, located in City Hall.
(302) 736-7196

DO NOT REMOVE THIS SIGN FROM THESE PREMISES UNTIL AFTER THE ABOVE-LISTED DATE UNDER PENALTY OF LAW

Legislative, Finance & Administrative Committee – September 12, 2011
Agenda Item #

CITY OF DOVER
FINANCIAL POLICIES

07/01/11

CITY OF DOVER, DELAWARE
FINANCIAL POLICIES

The purpose of these policies is to present a standardized set of principles that the City follows in managing its financial and budgetary affairs. These are general statements of policies, which represent long-standing principles, traditions, and practices that will be used to guide the City in maintaining financial stability. It will be the responsibility of the Finance Department to ensure the financial objectives of these policies are maintained.

Revenue Policy

1. The City will strive to maintain a broad and diversified revenue base that will equitably distribute the burden of supporting City services and will protect the City from short-term fluctuations in any one revenue source.

2. The City will actively support economic and industrial development recruitment and retention efforts to provide for a solid revenue base.

3. The City will maintain timely collection systems and implement necessary enforcement strategies to collect revenues from available sources.

4. The City will establish user fees and charges for services, when feasible, at levels related to the cost of providing the services. The City will review the fees and charges every three to five years to determine modifications needed to keep pace with the cost of providing the services. Property Tax Rates are set annually

5. The City will review its incentive programs every three years and provide City Council with the amount of foregone revenues and any recommended changes.

6. The City will establish, when feasible, self-supporting enterprise funds and intergovernmental service funds in which a relationship between revenues and expenditures clearly exists.

7. The City will project current revenues on a conservative basis so the actual revenues will consistently meet or exceed budgeted revenues. Revenues greater or less than the original budget will flow through to the final Ending Budget Balance.

8. The City will maintain a budgetary control system and will prepare reports, which compare actual revenues to budgeted amounts.

9. The City will limit the designation of General Fund revenues for specified purposes to maximize flexibility in budgeting and revenue utilization.

10. The City will review annually and revise, where necessary, its cost allocation formulas, i.e. internal service departments.

11. Upon satisfying all rate covenants the City will provide operating transfers to the General Fund. From the Water/Wastewater Utility no greater than 4.5% of operating revenues and from the Electric Utility no greater than 8.0% of operating revenues. Both transfer calculations will exclude the carry forward budget balance, County Sewer Fees, and State Utility Tax. The Utility transfers will not exceed 25% of the General Fund Revenues.

Expenditure Policy

1. Basic and essential services provided by the City will receive first priority for funding, i.e. Public Safety & Health, Utilities, Streets, & Sanitation. The City will establish performance measurements for all program areas, when feasible. These measures will reflect the demand, workload capability, and projected outcomes for the program to accomplish its objectives.

2. The City will adopt a balanced budget, by fund, for all funds maintained by the City, in which total anticipated revenues must equal or exceed the budgeted expenditures for each fund. The Beginning Budget Balance will not be considered a revenue source. (Existing wording)

3. The City will maintain a budgetary control system to ensure adherence to the original adopted budget and will prepare reports, which compare actual expenditures to budgeted amounts. Expenditures greater or less than the original adopted budget will flow through to the final Ending Budget Balance.

4. The City will refrain from budgeting revenues derived from infrequent and unanticipated transactions for ongoing expenses. These revenues will be set aside for asset replacement or as otherwise directed by Mayor and Council.

5. The City will provide access to medical, dental, vision, life, AD & D, and short-term disability insurance for its employees. The cost for these benefits will be a shared responsibility between the City and its employees as outlined in the City Personnel Handbook or collective bargaining agreements

6. The City will provide access to medical and dental insurance for its retirees and their families. The cost for these benefits will be a shared responsibility between the City and its retirees as outlined in the City Personnel Handbook or collective bargaining agreements.

7. The City will provide access to appropriate retirement plans for its employees. The City will make contributions for eligible employees at the actuarial determined percentage defined for each of the respective retirement plans.

8. The City will establish an Other Post-Employment Benefit Fund (OPEB) and provide available funding for early implementation of a new accounting standard promulgated by the Government Accounting Standards Board. ~~When the standard officially takes effect,~~ t The City will make contributions for eligible employees and retirees at the actuarial determined rates or percentages to fund future retiree medical benefits.

Debt Policy

1. The City will maintain a debt management policy and full disclosure on financial reports.

2. The City will maintain communications with bond rating agencies and continue to strive for improvements in the City's bond rating.

3. The City will adhere to its debt covenants.

4. The City will review its debt capacity every three years.

5. The City will pay for all capital projects and capital improvements on a pay-as-you-go basis using current revenues whenever possible. If a project or improvement cannot be financed with current revenues, long-term debt or use of reserves will be recommended.

6. The City will refrain from issuing long-term debt for a period in excess of the expected useful life of the capital project.

7. The City will use special assessment revenue or other self-supporting bonds instead of general obligation bonds, when practical.

8. The City will seek refinancing of outstanding debt if it is determined that the City will benefit by reduced interest expense over the remaining life of the bonds.

Budget Balance/Reserve Policy – General Fund

1. The City will strive to maintain a minimum Budget Balance, of at least 8% and no greater than 12% of the current year operating revenues for the General Fund, excluding the carry forward balance. The purpose of the budget balance is to meet temporary fluctuations in cash flows and to provide a cushion for loss of revenues until operating changes can be implemented. If the final ~~existing~~ Budget Balance exceeds the amount as approved in the budget ordinance ~~required level~~, such funds shall ~~may~~ be used to provide for unfunded retirement liabilities ~~non-recurring expenditures when the purchases cannot be accommodated through current year savings~~ or as otherwise designated by City Council. The City may use monies in the Budget Balance only in times of fiscal and economic hardship.

2. Once achieved, at no time should the City's budget balances fall below their specified percentages. If a shortfall occurs in the budget balance and immediately restoring the balances to the specified percentage would cause an extreme burden on the taxpayers, the budget balance may, with the Mayor's and City Council's approval, be restored to the specified percentage within one year, but in any case, no longer than three years.

3. The City will maintain a minimum reserve, in a contingency account, of at least 2% of the current year operating revenues for the General Fund. The City may only use monies in the contingency accounts to cover emergencies of a non-recurring nature that are over and above the normal course of operations. Examples are uninsured losses, storms or hurricane damages. The Contingency Reserve will not be used to balance the operating budget.

4. The total of the General Fund budget and contingency balances shall not exceed 17% (~ 2 months) of Budgeted Operating Revenues.

5. The City will create a Capital Asset Replacement account for Governmental Fund asset procurements. Optimally, the amount set aside for future asset replacements should equal the annual depreciation of the current assets. The City will appropriate excess (amounts greater than budgeted) revenues to fund this account, or if the balance is less than the $500,000 minimum, $200,000 per annum until such time the minimum balance is replenished.

6. The City will create a General Capital Project Fund to account for all General Government asset procurements and projects. The City will provide operating fund transfers and/or debt proceeds for each fiscal year's Capital Investment Plan. All vehicle and equipment purchases under $25,000 will be budgeted on a pay as you go basis.

Budget Balance/Reserve Policy – Water/Wastewater Fund

1. The City will strive to maintain a minimum Budget Balance, of at least 8% and no greater than 17% (two months) of the current year operating revenues for each of the Water & Wastewater Utility Funds, excluding the carry forward balance. The purpose of the budget balance is to meet temporary fluctuations in cash flows and to provide a cushion for loss of revenues until operating changes can be implemented. If the final ~~existing~~ Budget Balance exceeds the amount as approved in the budget ordinance ~~required level~~, such funds shall ~~may~~ be used to provide for unfunded retirement liabilities ~~non-recurring expenditures when the purchases cannot be accommodated through current year savings~~ or as otherwise designated by City Council. The City may use monies in the Budget Balance only in times of fiscal and economic hardship.

2. Once achieved, at no time should the City's budget balances fall below their specified percentages. If a shortfall occurs in the budget balance and immediately restoring the balances to the specified percentage would cause an extreme burden on the ratepayers, the budget balance may, with the Mayor's and City Council's approval, be restored to the specified percentage within one year, but in any case, no longer than three years.

3. The City will maintain a minimum reserve, in a contingency account, of at least 2% of the current year operating revenues for each the Water & Wastewater Fund. The City may only use monies in the contingency accounts to cover emergencies of a non-recurring nature that are over and above the normal course of operations. Examples are uninsured losses, storms or hurricane damages. The Contingency Reserve will not be used to balance the operating budget.

4. The total of the combined Water & Wastewater Fund budget and contingency balances shall not exceed 25% (3 months) of Budgeted Operating Revenues.

5. The City will maintain a Capital Asset Replacement account to cover replacement or procurement of assets of the utility. Optimally, the amount set aside for future asset replacements should equal the annual depreciation of the current assets. The City will maintain a minimum balance of $500,000 for each utility for Capital Asset Replacements. The City will appropriate excess revenues to fund this account, or if the balance is less than the minimum $100,000 per annum for each utility until such time the minimum balance is achieved.

6. The City established by ordinance on December 17, 1996 the Wastewater Impact Fee Reserve to provide for future expansion of the City's wastewater system due to increased demand. The ordinance further provides for debt service payments attributed to wastewater expansion projects to be funded by the current year's collection of Impact Fees and the remainder to be deposited into the reserve account. The City shall maintain a minimum of 20% of wastewater revenues in the Impact Fee Reserve account. Amounts used to finance projects shall be replenished by the operating revenues of the Wastewater Fund over the succeeding seven years of any project completion.

7. The City established by ordinance on February 1, 2008 the Water Impact Fee Reserve to provide for future expansion of the City's water system due to increased demand. The ordinance further provides for debt service payments attributed to water expansion projects to be funded by the current year's collection of Impact Fees and the remainder to be deposited into the reserve account. The City shall maintain a minimum of 20% of water revenues in the Impact Fee Reserve account. Amounts used to finance projects shall be replenished by the operating revenues of the Water Fund over the succeeding seven years of any project completion.

8. The Water & Wastewater Improvement & Extension Fund budget balance shall be no less than $200,000 of the current fiscal year's appropriation for water and wastewater projects to allow for project variances and change orders; a 10% contingency shall be included in project budgets greater than $250,000 if the Department Head determines it to be appropriate. All vehicle and equipment purchases under $25,000 will be budgeted on a pay as you go basis. The City Manager shall make the necessary budget amendments in accordance with the City of Dover Purchasing & Budget Amendment Policies.

Budget Balance/Reserve Policy – Electric Revenue Fund

1, The City will strive to maintain a minimum Budget Balance, of at least 8% and no greater than 12% of the current year operating revenues for the General Fund, excluding the carry forward balance. The purpose of the budget balance is to meet temporary fluctuations in cash flows and to provide a cushion for loss of revenues until operating changes can be implemented. If the final ~~existing~~ Budget Balance exceeds the amount as approved in the budget ordinance ~~required level~~, such funds shall ~~may~~ be used to provide for unfunded retirement liabilities ~~non-recurring expenditures when the purchases cannot be accommodated through current year savings~~ or as otherwise designated by City Council. The City may use monies in the Budget Balance only in times of fiscal and economic hardship.

2. Once achieved, at no time should the City's budget balances fall below their specified percentages. If a shortfall occurs in the budget balance and immediately restoring the balances to the specified percentage would cause an extreme burden on the taxpayers, the budget balance may, with the Mayor's and City Council's approval, be restored to the specified percentage within one year, but in any case, no longer than three years.

3. The City will maintain a minimum reserve, in a contingency account, of at least 1% of the current year operating revenues for the Electric Revenue Fund. The City may only use monies in the contingency accounts to cover emergencies of a non-recurring nature that are over and

above the normal course of operations. Examples are uninsured losses, storms or hurricane damages. The Contingency Reserve will not be used to balance the operating budget.

4. The total of the combined Electric Revenue Fund budget and contingency balances shall not exceed 25% (3 months) of Budgeted Operating Revenues.

5. The City has established by bond covenant an account to cover insurance deductibles on the electric transmission and distribution system or the generating plants. The City shall maintain a minimum balance of $350,000 to cover various deductibles.

6. Recognizing price fluctuations in the wholesale power markets the City has established a rate stabilization reserve. The purpose of using such a reserve is to level off the fluctuations in the wholesale power supply market and in turn provide stable rates to our customers. In those instances where the actual cost of power supply and generation are less/more than the budgeted cost of power supply and generation, the City will transfer the difference to/from the Rate Stabilization Reserve. The balance shall be maintained at a minimum of 3% not to exceed 10% of the purchase power cost in any given year. If the reserve balance exceeds the 10% maximum, a credit will be applied to the power cost adjustment.

7. The Electric Improvement & Extension Fund budget balance shall be no less than $200,000 of the current fiscal year's appropriation for electric system projects to allow for project variances and change orders; a 10% contingency shall be included in project budgets greater than $250,000 if the Department Head determines it to be appropriate. All vehicle and equipment purchases under $25,000 will be budgeted on a pay as you go basis. The City Manager shall make the necessary budget amendments in accordance with the City of Dover Purchasing & Budget Amendment Policies.

8. The City has established an account to provide for capital financing of Future Capacity or system expansion. The City shall maintain a balance equivalent to the value of 10% growth in capacity at any given time, or no less than $10,000,000. Amounts used to finance projects shall be replenished by the operating revenues of the Electric Revenue Fund over the succeeding seven years of any project completion.

9. The City has established an account to provide for replacement or procurement of utility system assets, otherwise known as Depreciation Reserve. Optimally, the amount set aside for future asset replacements should equal the annual depreciation of the current assets. The City will maintain a minimum balance of $10,000,000. The primary purpose of this account is to provide partial or all financing of major capital projects and minimize debt service payments. The account is also intended to cover unforeseen capital replacements due to equipment breakdowns, storms or hurricane damages. Amounts used to finance projects shall be replenished by the operating revenues of the Electric Revenue Fund over the succeeding seven years of any project completion

10. The total of the combined Electric Revenue and Electric Improvement & Extension Fund budget and reserve balances shall be benchmarked at 50% Budgeted Operating Revenues. Operating Fund Budget Balance and Reserves shall be adjusted to appropriate levels through adjustments in the operating budget. Improvement & Extension Fund Budget Balance and Reserves shall be adjusted in accordance with the Capital Improvement Plan.

Investment and Cash Management Policy

1. The City will deposit all receipts on a timely basis in interest bearing accounts.

2. The City will strive to maximize the return on its investment portfolio without jeopardizing principal amounts.

3. The City will limit its investments to the types of securities provided for by Delaware statutes.

4. The City will diversify its investments by maturity date to protect against market fluctuations.

5. The City will purchase securities from qualified institutions based on competitive bids in an effort to obtain the highest available rates.

6. The City will maintain an Investment Policy based on prudent investment practices and will monitor all investment managers' compliance with policy objectives.

Capital Improvement Policy

1. The City will prepare and update, as needed a five-year Capital Improvements Program (CIP) which will provide for the orderly maintenance, replacement, and expansion of capital assets.

2. The CIP will identify long-range capital projects and capital improvements of all types, which will be coordinated with the annual operating budget to maintain full utilization of available revenue sources.

3. When preparing the CIP, the City will seek to identify all viable capital projects and capital improvements required during the subsequent five-year period. These projects and improvements will be prioritized by year and by funding source.

4. Every attempt will be made to match projects and improvements with available funding sources. Future operating costs and savings associated with a project or an improvement will also be given consideration in the establishment of priorities.

5. The City will seek Federal, State, and other funding to assist in financing capital projects and capital improvements.

6. The City will incorporate the reasonable findings and recommendations of other cities' Boards, Commissions, Committees, and Citizen Task Forces, as they relate to capital projects and improvements.

7. The City will seek input from the public by holding public hearings in relation to the establishment of projects and project priorities.

Financial Reporting Policy

1. The City's accounting system will maintain records in accordance with accounting standards and principles outlined by the Governmental Accounting Standards Board (GASB), Financial Accounting Standards Board (FASB), and the State of Delaware.

2. The City will employ an independent accounting firm to perform an annual audit of the City's finances and make the annual audit available to all required and interested parties.

3. The City will produce monthly and quarterly financial statements reporting the current periods' activity for all funds maintained by the City.

4. The City will prepare an annual budget document that provides a basic understanding of the City's planned financial operations for the coming fiscal year. Copies of the proposed and final budget will be made available to all interested parties and opportunities will be provided for citizen input prior to final decisions on the budget.

5. The City will place continued emphasis on review and maintenance of an accounting system which provides strong internal budgetary and accounting controls designed to provide reasonable assurance, but not absolute, assurance regarding:

   (a) the safeguarding of assets against loss from unauthorized use or disposition and,
   (b) the reliability of financial records for preparing financial statements and reports, and the maintaining accountability for assets.

6. The City will seek annual renewal of the Government Finance Officers Association's (GFOA) Certificate of Achievement for Excellence in Financial Reporting and the Distinguished Budget Presentation Award.

Adoption:

1. Approval by City Council: January 28, 2002
2. Amended by City Council: November 25, 2002
3. Amended by City Council: May 10, 2004
4. Amended by City Council: February 26, 2007
5. Amended by City Council: July 28, 2008
6. Amended by City Council: February 14, 2011
7. Amended by City Council: June 27, 2011

ACTION FORM

PROCEEDING: Legislative, Finance & Administration Committee
DEPARTMENT OF ORIGIN: Customer Services **DATE SUBMITTED**: 08/30/2011
PREPARED BY: Kathleen Divver, Customer Service Manager
SUBJECT: Elimination of the utility delinquent notice mailed to customers
REFERENCE: N/A
RELATED PROJECT: N/A
REVIEWED BY: Interim City Manager & Controller
EXHIBITS: Exhibit #1, Exhibit #2 & Exhibit #3
EXPENDITURE REQUIRED: N/A **AMOUNT BUDGETED**: N/A **FUNDING SOURCE (Dept./Page in CIP & Budget)**: N/A
TIME TIMETABLE: Present proposal to Council-September 2011- Notify utility customers of change by insert with the October 2011 bill, and eliminate notice effective November 1, 2011.
RECOMMENDED ACTION: Staff recommends adding the delinquent notification to the utility bill in order to eliminate a separate mailing of the delinquent notice.

BACKGROUND AND ANALYSIS

The existing delinquent notification process generates a separate notice to utility customers. The separate notice is commonly known as the "blue" notice. Currently, utility bill payments are due twenty-one (21) days after the bill date. On the twenty-third (23) day, a delinquent notice is generated and mailed to the customer. There are approximately 6,000 – 7,000 notices mailed each month.

Using the new utility bill format, we are able to provide utility customers with the **"Notice of Disconnection"** as a direct notation on the bill. Our software programs will ensure the notification will appear only on a utility bill with a delinquent balance. Staff estimates this change in procedure will result in a cost savings of approximately $30,000.00 in postage, $5,000.00 in office supplies, and an overall staff time savings of one (1) hour a day for two hundred sixty (260) work days a year. Currently, the preparation and mailing of the delinquent notice requires the combined efforts of staff from Customer Service and Central Services.

Attachments provided include:

Exhibit #1 - Current delinquent notice
Exhibit #2 - Billing timeline
Exhibit #3 - Sample of new utility bill containing "Notice of Disconnection"

Exhibit #1

CITY OF DOVER
P.O. BOX 475
DOVER DE 19903-0475

08/18/11

JUSTIN CASE
1 N MAIN ST
DOVER DE 19901-2698

If your payment and this notice have passed in the mail or you have made payment arrangements please disregard this notice.

RE: Customer/Location #: 98675-1658

Dear JUSTIN CASE:

We at the City of Dover appreciate your business. However, our records show that your utility account at 1 N MAIN ST is overdue in the amount of $162.16. We understand that mistakes happen and sometimes payments are overlooked. However, it is important that we receive your payment by 1:00 p.m. on 9/01/11.

Please be aware that an outstanding balance could result in an interruption of your service. If disconnection of your utility service will endanger anyone's life, please contact our office for further instructions. We offer payment arrangements to qualified applicants.

We recommend making payments in person to *Customer Service* at Weyandt Hall, 5 E Reed St, Dover, Delaware. Payment in full must be received by 1:00 P.M. on or before 9/01/11 to avoid any interruption of service. Our office hours are 8:30A.M.-5:00P.M., Monday through Friday.

Once service is scheduled to be disconnected and a staff person is dispatched, you will be required to pay the outstanding amount of $190.62 and a $50.00 service charge weekdays from 7:00A.M.-9:00P.M. On weekdays from 9:00P.M.-7:00A.M., and on weekends, and holidays the service charge is $100.00.

Please give this notice your immediate attention.
A new Utility Bill does not void this notice.

Thank you,
Customer Services
(302) 736-7035
DELQACT

Exhibit #2

CURRENT TIMELINE

Bill	Generated	
Due date	Day 21	
Delinquent Notice	Day 23	Gives customers a 14 day notice to pay to avoid disconnection. During the 14 days customers may request an extension up to 6 times a year.
Penalty of 1.5%	Day 30	Penalty charge appears on next bill.
Subject to disconnection	Day 37	

PROPOSED TIMELINE

Bill	Generated	
Due Date	Day 21	
Past Due after	Day 21	Penalty charge appears on next bill
Penalty of 1.5%	Day 30	Gives customers 10 day notice to pay to avoid disconnection. During the 10 days customers may request an extension up to 6 times a year.
Subject to disconnection	Day 43	

Exhibit #3

City of Dover

Account Information

Customer: JUSTIN CASE
Service Address: 1 MAIN ST
Account #: 98675-1658 40-40
Bill Date: 08/26/2011
Due Date: 09/16/2011

Contact Information

8:30 a.m. - 5:00 p.m. Monday—Friday
Customer Service: 302-736-7035
Emergency after 5 p.m.: 302-736-7086
Website: www.cityofdover.com

Other Payment Options

Automatic Bank Draft from checking or savings account— sign up needed.
Equalized Payment Plan - a fixed budget amount each month for residential customers—sign up needed.
Online Payment with a credit card by visiting www.cityofdover.com or call 1-866-780-5451, a fee provided service.

Customer News & Information

98

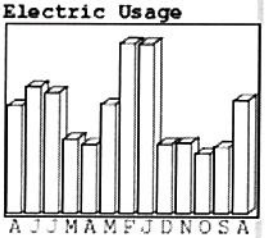
Balance From Last Bill:	$	162.16
Thank you! Last payment received: 50.00 on 08/17/2011		
Payments and adjustments made after this Bill Date 08/26 will appear on next bill.		
Current Charges:	$	204.33
A late payment charge of 1.5% will be added to any balance remaining 30 days after billing.		
Total Amount Due:	$	366.49

Meter Information - Residential

Meter #	Days	Service	Period	Previous	Present	Mult	Usage	Svc Units
11288845E	32	7/21/11	8/22/11	49166.00	50389.00	1.00	1223.00	EL KWH
53004154W	32	7/21/11	8/22/11	697.00	703.00	1.00	6.00	WA TGAL

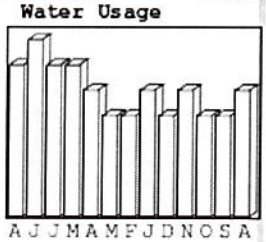
Consumption History

Electric Usage



Avg daily kwh: 38.2

Water Usage



Charges for current cycle

Service		Consumption	Rate	Charge
EL	RES CUSTOMER CHG			5.00
EL	ENERGY CHG	1223.00	.145000	177.34
EL	PURCHASE POWER COST	1223.00	.008570-	10.48-
EL	GREEN ENERGY CHARGE	1223.00	.000178	.22
TOTAL	ELECTRIC			172.08
WA	WATER TGAL FLOW CHG	6.00	4.500000	27.00
WA	WATER CUSTOMER CHG			1.25
TOTAL	WATER SERVICE			28.25
EP	ELE LATE PMT PENALTY			3.14
WP	WAT LATE PMT PENALTY			.86
TOTAL	MISC CHARGES			4.00
TOTAL	CHARGES FOR PERIOD			204.33

Notice of Disconnection

Disconnection of service without further notice may occur *if balance due from last bill has not been paid by* 09/05/11. If the account is scheduled for disconnection, a service fee must be paid along with the entire amount owed. An additional deposit may be required.

Please detach this portion and remit with payment made by mail or in person.

Mail all correspondence to utility billing office.

Notify customer service to update mailing address, phone number, or email.

City of Dover

JUSTIN CASE

98675-1658

Balance From Last Bill Due Immediately:	162.16	Total Amount Due 366.49
Current Charges Due :	204.33	Payment Enclosed:
Total Due:	366.49	

Make Payments to:

City of Dover Utility
Po Box 15040
Wilmington, DE 19886-5040

JUSTIN CASE
1 N MAIN ST
DOVER, DE 19901-2698

00009999000088888000000366496

ACTION FORM

PROCEEDING: Legislative, Finance and Administration Committee
DEPARTMENT OF ORIGIN: Human Resources **DATE SUBMITTED**: 8/12/2011
PREPARED BY: Kim Hawkins, Human Resources Director
SUBJECT: Social Media Policy
REVIEWED BY: Interim City Manager, Scott Koenig
EXHIBITS: Proposed Social Media Policy
RECOMMENDED ACTION: Staff recommends the implementation of the Social Media Policy as presented.

BACKGROUND AND ANALYSIS

As electronic media constantly changes, staff are recommending the implementation of the attached Social Media Policy. Social media is subject to the same standards of conduct that apply to in-person communications and activities. Therefore, all of the expectations and obligations contained in other City of Dover policies also apply online. Other policies that may be relevant include City of Dover's policies on Discrimination and Harassment, Disclosure of Confidential Information, Failure in Personal Conduct, Incompatible Activities and Disciplinary Action. Any personnel whose conduct violates this policy will be subject to the City of Dover's disciplinary measures. In addition, any employee, who becomes aware of inappropriate use of social media by coworkers or supervisors, must report their findings to the Human Resources Department immediately.

August 2011

City of Dover Social Media Policy

Purpose

This policy is intended to provide City of Dover personnel with an overview of what is considered appropriate use of social media. Because of the evolving nature of social media, personnel should be aware that this Policy is not intended to be comprehensive in scope. Instead, personnel are expected to apply the standards set forth in this Policy and the more general standards of good judgment and professionalism to all conduct, including their conduct online.

Applicability of Other Policies

This policy is intended to supplement—not replace—other City of Dover policies. Social media is subject to the same standards of conduct that apply to other activities. Therefore, all of the expectations and obligations contained in other City of Dover policies also apply online. Other policies that may be relevant include City of Dover's policies on Discrimination and Harassment, Disclosure of Confidential Information, Failure in Personal Conduct, Incompatible Activities and Disciplinary Action.

Any employee, who becomes aware of inappropriate use of social media by coworkers or supervisors, must report their findings to the Human Resources Department immediately.

And, as with other City of Dover policies, any personnel whose conduct violates this policy will be subject to the City of Dover's disciplinary measures.

Questions

Social media changes rapidly and there will likely be events or issues that are not addressed in this policy. If, at any time, you are uncertain about the application of this policy or if a question relating to the appropriate use of social media arises that is not fully addressed by this policy, you should seek the guidance of the appropriate person *before* posting or otherwise engaging online. When in doubt, personnel should ask for guidance first because, once the information is online it isn't easily retractable. Although employees may consult with their supervisor, Human Resources personnel, has been designated as the contact person for purposes of this policy and is most likely the best resource to answer questions relating to it. The Human Resources Director can be contacted at 736-7790.

Scope

Persons Covered

This policy applies to all online and social-media activity of all City of Dover personnel except City of Dover police department employees. This policy applies without regard to whether such activity occurs in the workplace or whether City of Dover equipment or technology is used.

Managers and executives have a special responsibility when blogging or otherwise communicating online. They must consider whether personal thoughts may be misunderstood as expressing City of Dover positions. Managers should assume their teams will read what they write.

Technologies Covered

"Social media" includes all forms of online applications, websites, tools, and platforms that enable communication between users. The specific types of social media change frequently but, as a general matter, include: (a) social-networking sites (e.g., Facebook, MySpace, LinkedIn) (b) blogs and micro-blogs (e.g., Wordpress, Blogger, Twitter, Tumblr); and (c) content-sharing sites (e.g., Flickr, YouTube, Vimeo, Scribd). Additionally, comments posted to a website or blog, and other user-generated content are subject to the standards set forth in this policy.

Core Principles

The City of Dover provides the following suggestions for good online citizenship.

Be Professional

Maintain professionalism in all online activity. Apply a good-judgment test for every activity relating to your employment. For example, what would your manager or subordinates think of your posting?

Be Cautious

Be smart about protecting yourself, your privacy, and any sensitive or restricted confidential and sensitive information. What is published is widely accessible, not easily retractable, and will be around for a long time, so consider the content carefully.

Be Transparent

Your honesty will be quickly noticed in the social media environment. If you are blogging about your work at the City of Dover use your real name, identify that you work for City of Dover and be clear about your role. If you have a vested interest in something you are discussing, be the first to point it out. If you make a mistake, admit it. Be upfront and be quick with your correction. If you are posting to a blog, you may choose to modify an earlier post. Make it clear that you have done so.

Internet Safety

Once posted online, information becomes public. It cannot be recalled or removed or even limited to certain users. Personnel should be extremely cautious about the information they post online, taking particular care to avoid disclosing personal information about themselves, their families, or the City of Dover Always consider the possibility that what you post online will become *public* and *permanent*.

Affiliation

Do Not Identify Yourself as City of Dover Personnel

As a general matter, personnel should not disclose their relationship with the City of Dover in online content. For example, personnel should not use a City of Dover issued e-mail address in a social-networking profile. Personnel should be particularly diligent to ensure they <u>do not</u> portray their online activities as being endorsed

by the City of Dover. Similarly, personnel should be cautious not to portray their personal opinions as opinions held by the City of Dover.

Use a Disclaimer When Appropriate

If it reasonable to conclude that others may associate you with the City of Dover, even in the absence of any specific identifying information, you may need to specifically disclaim the City of Dover's endorsement. A disclaimer is particularly important when commenting on sensitive or controversial issues and any time your comment may be seen as contradictory to a position or interest of the City of Dover. The following disclaimer is appropriate for this purpose:

> All content, including opinions and views expressed, are mine alone and does not necessarily represent the opinion of my employer, its staff, or its clients. My employer has not approved of and is not responsible for the content or posting of this page/profile/site.

Prohibited Conduct

Employees are prohibited from engaging in, accessing, or otherwise using social media during working time, unless the use is directly related to the employee's scope of work as it relates to his or her position at the City of Dover and is approved by the employee's Department Head.

As stated above, personnel's online activity, including participation in social media, is subject to the same standards of conduct applicable to in-person communications and activities. The following non-exclusive list is intended to address some issues that are of particular importance to the City of Dover.

Employees are prohibited from engaging in any of the following in their online activities and posts:

- Promoting illegal activity, including the use of illegal drugs;
- Promoting or endorsing violence;
- Disparagement of co-workers, supervisors, members of the public with whom you interact as a result of your employment (i.e., witnesses, crime victims, etc.); or affiliated agencies; ;
- Directing any negative comment towards or about any individual or group based on race, religion, gender, disability, sexual orientation, national origin, citizenship, or other characteristic protected by law;
- Disclosure of any confidential information;
- Posting, uploading, or sharing any recording or images (including audio, pictures, and videos), taken in the workplace or at any Employer-sponsored event without express advance authorization; and
- Has both a reference to the employee being affiliated with City of Dover and which contains content that is unprofessional, unbecoming or illegal, such as lewd sexual conduct, excessive alcohol consumption or similar behaviors.

Clarification on appropriate postings, if needed, shall be directed to Human Resources Director.

ACKNOWLEDGMENT STATEMENT

City of Dover – Social Media Policy

City Employee

This is to certify that I have read and understand the guidelines set forth within the City of Dover Social Media Policy. If I have any questions about the policy, I understand that I need to ask my supervisor or Human Resources for clarification.

Printed Name: _____

Signature: _____

Department: _____

Date: _____