LEGISLATIVE, FINANCE, AND ADMINISTRATION COMMITTEE

A G E N D A

August 22, 2011 - 6:00 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. Review and Recommendation - Filling Critical Positions

2. Review of Draft Analysis of Impediments to Fair Housing Choice

3. Discussion - Hotel/Motel Tax

4. Law Enforcement Training for Fire Marshal

5. Discontinuation of Pay for Performance (PFP) Evaluation Form

6. Proposed Resolution No. 2011-11 - Request to General Assembly to Amend the City of Dover Charter - Length of Terms for Mayor and Council

7. Implementation of Social Media Policy

8. Public Comment Period

9. 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: Planning & Community Development **DATE SUBMITTED**: 8/12/11
PREPARED BY: Tracey Harvey, Community Development Manager
SUBJECT: Analysis of Impediments to Fair Housing Choice
REFERENCE: N/A
RELATED PROJECT: CDBG Consolidated Plan/ Annual Action Plan
REVIEWED BY: Ann Marie Townshend, Director of Planning and Community Development
EXHIBITS: Executive Summary and Fair Housing Action Plan for Dover
EXPENDITURE REQUIRED: N/A **AMOUNT BUDGETED**: N/A **FUNDING SOURCE (Dept./Page in CIP & Budget)**: N/A
TIME TIMETABLE: September 12th City Council Meeting
RECOMMENDED ACTION: Staff recommends that the Committee forward the report recommendations to City Council with a recommendation for approval.

BACKGROUND AND ANALYSIS

Delaware State Housing Authority, Wilmington, Dover, and New Castle County have collaborated to prepare an Analysis of Impediments to Fair Housing Choice. As a federal entitlement community that receives Community Development Block Grant (CDBG) funding from the Department of Housing and Urban Development (HUD), the City is required to certify that: funds will be carried out and administered according to the Fair Housing Act; and that we make due diligence to Affirmatively Further Fair Housing.

HUD defines an impediment to fair housing choice as any actions, omissions, or decisions that restrict, or have the effect of restricting, the availability of housing choices, based on race, color, religion, sex, disability, familial status, or national origin.

The consulting firm of Mullin & Lonergan Associates (M&L) was contracted to conduct the Analysis of Impediments in which a review was completed of each entitlement community's laws, regulations, and administrative policies and procedures affecting the location, availability and accessibility of housing.

M&L has developed a Fair Housing Action Plan which outlines the impediments for Dover and provides recommendations and strategies in order for the City to meet fair housing goals. Although Dover Housing Authority is a separate entity from the City, they have been included in this study because they are a federal entitlement community located within our jurisdiction and will be ultimately responsible for addressing their impediments. Approval and implementation of the Fair Housing Action Plan will preserve the City's eligibility for funding from HUD and protect the City in the event of litigation relating to fair housing.

Analysis of Impediments to Fair Housing Choice

EXECUTIVE SUMMARY

Delaware State Consortium

City of Wilmington
New Castle County
City of Dover
Kent County
Sussex County

July 2011

This summary highlights key findings from the *Analysis of Impediments* document. The full *Analysis of Impediments* provides an extensive discussion of the data and analysis that place key findings in proper perspective and context.

Prepared by

Mullin & Lonergan Associates

DELAWARE STATEWIDE
ANALYSIS OF IMPEDIMENTS TO FAIR HOUSING CHOICE
EXECUTIVE SUMMARY

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1. INTRODUCTION

The **State of Delaware**, the cities of **Wilmington** and **Dover**, and **New Castle County**, have collaborated to prepare an Analysis of Impediments to Fair Housing Choice (AI). As federal entitlement communities that receive funds from the U.S. Department of Housing and Urban Development (HUD), we are required to certify that: the funds will be carried out and administered according to the Fair Housing Act; and, that we work diligently to Affirmatively Further Fair Housing (AFFH). HUD defines the AFFH obligations as:

- Conducting an Analysis of Impediments to Fair Housing Choice;
- Developing actions to overcome the effects of identified impediments to fair housing; and,
- Maintaining records of the actions taken to this regard.

This Analysis is a review of each entitlement community's laws, regulations, and administrative policies, procedures, and practices affecting the location, availability, and accessibility of housing, as well as an assessment of conditions, both public and private, affecting fair housing choice. This AI serves as the basis for fair housing planning, provides essential information to policy makers, administrative staff, housing providers, lenders, and fair housing advocates, and assists in building public support for fair housing efforts.

2. FAIR HOUSING CHOICE

Equal and free access to residential housing (housing choice) is fundamental to meeting essential needs and pursuing personal, educational, employment or other goals. Because housing choice is so critical, fair housing is a goal that government, public officials, and private citizens must achieve if equality of opportunity is to become a reality.

Under federal law, fair housing choice is defined as the ability of persons, regardless of race, color, religion, sex, disability, familial status, or national origin, of similar income levels to have available to them the same housing choices. Persons who are protected from discrimination by fair housing laws are referred to as members of the protected classes.

HUD defines an impediment to fair housing choice as any actions, omissions, or decisions that restrict, or have the effect of restricting, the availability of housing choices, based on race, color, religion, sex, disability, familial status, or national origin.

3. METHODOLOGY

The consulting firm of Mullin & Lonergan Associates, Inc. (M&L) was contracted to conduct the Analysis of Impediments to Fair Housing Choice. M&L utilized a comprehensive approach to complete the analysis. The following sources were utilized:

- The most recent demographic data

- The most recent five-year Consolidated Plan for each entitlement community
- The most recent AI for each entitlement community
- Public policies affecting the siting and development of housing, including comprehensive plans and municipal zoning ordinances
- Administrative policies concerning housing and community development
- Admission and Continuing Occupancy Policy documents from public housing authorities
- Section 8 Housing Choice Voucher Administrative Plans from public housing authorities
- Financial lending institution data from the Home Mortgage Disclosure Act (HMDA) database
- Previous Annual Plans (AP) and Consolidated Annual Performance and Evaluation Reports (CAPER) for each entitlement community
- Local plans and studies provided by participating jurisdictions
- Interviews and focus group sessions conducted with agencies and organizations that provide housing and housing related services to members of the protected classes

A. Use of Census Data

Two major sources of data were used for this report. Census data from 1990, Census 2000, and the 2008 American Community Survey (ACS) were supplemented with 2009 estimates obtained from DemographicsNow. The ACS data is available only for geographic units with a population of 65,000 or more. As a result, ACS data is available for a city, but is not available for smaller geographic units within a city such as census tracts. For census tract level data more recent than 2000, DemographicsNow data was used. In most cases, the most recent data available was used.

B. Areas of Racial or Ethnic Concentration

HUD defines areas of racial or ethnic concentration as geographic areas where the percentage of a specific minority or ethnic group is 10 percentage points higher than a city's overall percentage. While segregation may exist, it alone is not definitive proof of discrimination in the housing market; it may indicate discrimination or else suggest that other factors are at work limiting housing choices of racial and ethnic groups.

C. Public Comment

The Draft AI was released to the general public May 6, 2011 and a public hearing was held on Thursday, May 12, 2011 at the John W. Pitts Center in Dover. Public notices announcing the public hearing were advertised through various media. The public hearing minutes are included as Appendix D and the summary of citizen comments, received over a 30-day comment period, as Appendix E of the full document.

4. THE RELATIONSHIP BETWEEN FAIR HOUSING AND AFFORDABLE HOUSING

As earlier stated, fair housing choice is defined as the ability of persons, regardless of race, color, religion, sex, disability, familial status, or national origin, of similar income levels to have available to them the same housing choices. In Delaware, this protection is also extended to the following classes: creed, marital status, sexual orientation, and age.

This AI analyzes a range of fair housing issues that may affect housing choice. To the extent that members of the protected classes tend to have lower incomes, then access to fair housing is related to affordable housing. In many areas across the U.S., a primary impediment to fair housing is a relative absence of affordable housing. Often, however, the public policies implemented in towns and cities create, or contribute to, the lack of affordable housing in these communities.

This document goes well beyond an analysis of the adequacy of affordable housing in the State of Delaware. This AI defines the relative presence of members of the protected classes within the context of factors that influence the ability of the protected classes to achieve equal access to housing and related services.

5. OBSERVATIONS

The following are observations noted during the primary research analysis, numerous interviews, and focus group sessions conducted for the report. While none of these observations rose to the level of an impediment to fair housing choice, they help to establish context for the identified impediments.

- Minorities have continued to increase as a percentage of total population.
- There are 60 census tracts in the State of Delaware that meet the criterion for an area of minority concentration, also known as impacted areas.
- Degrees of segregation vary by locality throughout the State, as determined by dissimilarity indexing. Using this method, Wilmington is highly segregated and Sussex County is the most integrated.
- Members of the protected classes have significantly lower incomes.
- Many areas identified as impacted areas of racial or ethnic concentration are also areas of concentration of low- and moderate-income (LMI) persons.
- Minority households were more likely to be unemployed than Whites in 2008.
- The State gained over 110,000 housing units from 1990 to 2010 (a 38.2 percent increase since 1990), with most of this growth occurring in Sussex County and the Urban County of New Castle County.
- Blacks and Hispanics are far less likely to become home owners than Whites.
- The affordable housing market is much more restrictive for members of the protected classes.

- While foreclosure rates varied by locality, the overall foreclosure rate in Delaware is low at 3 percent.
- Minority households were more likely to experience housing problems and far less likely to become home owners than White households.
- The number of public housing units across the State is inadequate, especially for members of the protected classes.

6. IMPEDIMENTS

- The increasingly diverse minority population may require language accommodations to ensure that all residents can access programs and services.
- Minority households have a greater difficulty becoming home owners because of lower incomes.
- The existing supply of housing that is affordable to households up to 80 percent of median housing income is not meeting demand.
- The supply of each entitlement community's affordable and accessible units is inadequate to meet demand.
- Processes for allocating and reporting Community Development Block Grant (CDBG) and Home Investment Partnerships Program (HOME) program funds could be improved from a fair housing perspective.
- Policy documents for each entitlement community could be improved from a fair housing perspective.
- Various zoning ordinance should be amended to promote greater fair housing choice, particularly for persons living in group homes.
- There exists a continuing need for quality fair housing education, outreach, training, and real estate testing throughout the State that extends beyond area landlords and property management companies. Elected officials, appointed board and commission members, real estate agents, and government staff dealing with zoning, code enforcement, housing, and community development programs should be encouraged to attend fair housing training.
- The City of Wilmington's Fair Housing Ordinance is currently not enforced, which limits fair housing choice, particularly for residents who perceive they have been discriminated against on the basis of age, sexual orientation, and/or source of income.
- City and County Plans should better reflect their responsibility to Affirmatively Further Fair Housing.
- Members of the protected classes could be more fully represented on City and County boards and commissions dealing with housing issues.
- Mortgage loan denials and high-cost lending disproportionately affect minority applicants.
- Foreclosures appear to disproportionately affect minority households.

- The State's Qualified Allocation Plan (QAP) and related policies should be revised to reflect Delaware's commitment to affirmatively further fair housing.
- The requirements outlined in State Senate Bill (SB 400) represent an impediment to fair housing choice.
- A uniform definition of areas of concentration should be adopted and utilized by all entitlement communities throughout the State.
- Impact fees, also referred to as sewer and water connection fees, discourage new housing construction, particularly affordable housing projects that are undertaken by non-profit housing developers and community development corporations.
- The difference policies and procedures established by each of the five Section 8 Housing Choice Voucher Programs in the State make it very difficult for a voucher holder to port between the cities and counties, thereby restricting fair housing choice.
- Regional collaboration among the various entitlement communities throughout the State is needed in order to remedy segregation and concentration issues that persist in the City of Wilmington.
- There is an overall lack of data available to support the need for more affordable, accessible housing throughout the State.
- Public transit service is largely limited to higher density areas and does not accommodate persons working evening, night and weekend shifts.
- Several policies and programs of statewide advocacy organizations could be improved from a fair housing perspective.
- Several newspapers, including The News Journal, Dover Post, the Cape Gazette, and Delaware State News - the State Capital Daily do not comply with Federal Fair Housing requirements.

7. STRATEGIES TO ADDRESS IMPEDIMENTS

There are many specific strategies outlined in the full document to address the identified impediments. Because these strategies often addressed more than one impediment, they are not listed under each impediment. Instead, the following is a summary of key strategies listed regionally and by entitlement community.

A. Common to all Entitlement Jurisdictions

- Expand access to community programs for persons with limited English proficiency.
- Increase and enhance opportunities for fair housing outreach, education, training, and real estate testing throughout the state.
- Develop a regional strategy to address the historic pattern of segregation in the City of Wilmington.

- Expand the supply of accessible housing for persons with mobility and sensory impairments – begin by updating each Public Housing Authority's Section 504 Needs Assessments and Transition Plans.
- Promote inter-jurisdictional mobility of Section 8 Housing Choice Voucher holders throughout the State to expand fair housing choice.
- Educate state senators and representatives on the potential impediments to fair housing choice associated with SB 400.
- Expand fair housing choice by encouraging the development/preservation of affordable housing in non-impacted areas.
- Adopt a statewide definition of areas of concentration to be utilized by all HUD entitlement communities in their Consolidated Plans.
- Establish fair housing as a priority in the Cities' and Counties' long-range plans.
- Expand participation of members of the protected classes on appointed boards and commissions.
- Identify ways to increase home ownership among minorities, residents of LMI census tracts, and LMI residents.
- Public Housing Authorities should collaborate more fully with advocacy organizations to assist persons with disabilities that are threatened with eviction.
- Amend Public Housing Authorities' policy documents to better reflect compliance with applicable federal laws.
- Give first consideration to the use of federal and state funds for new family rental and for-sale housing developments in non-impacted areas.
- Require all HOME-assisted new construction to meet visitability standards.
- Adopt and enforce HUD's site and neighborhood standards at 24 CFR 983.6.
- County and local government entities throughout the State should reduce and/or waive their respective sewer, water, and/or public facilities and services impact fees for area developers and non-profit organizations seeking to build affordable housing units, both renter and owner units.
- Collaborate with DART to identify opportunities for the development of affordable family housing along existing transit routes.
- Improve various policies and programs of statewide advocacy organizations.
- Eliminate discriminatory language in real estate advertisements.
- Map the location of all new CDBG- and HOME-assisted housing projects, as to whether they are located in impacted or non-impacted areas, in Consolidated Plans.

B. City of Wilmington

- Replace demolished public housing units with new units in locations that expand fair housing choice.

- Encourage and assist Section 8 Housing Choice Voucher holders in making affirmative moves to non-impacted neighborhoods both in the City and in areas outside of the City.
- Encourage landlords registered through the City's Rental Property Licensing program to attend fair housing training.
- Track the movement and contact information of public housing residents that have been displaced as a result of demolition activities.
- Enforce or update the City's Fair Housing Ordinance.

C. New Castle County

- Encourage landlords registered through the County's rental program to attend fair housing training.
- Define specific geographical areas suitable for multi-family housing and work to overcome regulatory barriers to affordable housing in these areas.
- Should expand initiatives and incentives to build new affordable rental and owner units in non-impacted areas.
- Amend the County's zoning ordinance to reduce minimum lot sizes.
- Ensure that local units of government that receive CDBG and HOME funds understand their individual obligation to affirmatively further fair housing.
- Play a more proactive role in seeking out and encouraging developers to participate in the Workforce Housing Program.
- Conduct a demonstration program under the County's workforce housing program

D. City of Dover

- Expand initiatives and incentives to build new affordable rental and owner units in non-impacted areas.
- Facilitate and promote land use policies and regulations that enable an increase in the supply of affordable rental housing in areas with adequate infrastructure.
- Encourage landlords registered through the City's Rental Dwelling Housing Inspections program to attend fair housing training.
- Amend the City's zoning ordinance to update the definition of "family" and to remove undue restrictions on group homes.

E. Delaware State Housing Authority (DSHA)-includes Kent and Sussex Counties

- DSHA should amend the QAP and related documents to more accurately reflect Delaware's commitment to affirmatively further fair housing.
- DSHA, Kent County and Sussex County should expand initiatives and incentives to build new affordable rental and owner units in non-impacted areas.

- Kent County and Sussex County should facilitate and promote land use policies and regulations that enable an increase in the supply of affordable rental housing in areas with adequate infrastructure.
- DSHA conduct a statewide study to determine the supply/demand characteristics of housing for persons with mobility and sensory impairments.
- Sussex County should play a more proactive role in seeking out and encouraging developers to participate in it MPHU and SCRP programs
- Amend Sussex County's zoning ordinance to update the definition of "family" and to remove undue restrictions on group homes.
- Amend Kent County zoning ordinance to remove undue restrictions on group homes.
- Ensure that local jurisdictions that receive CDBG and HOME funds understand their individual obligation to affirmatively further fair housing.
- DSHA should market and provide outreach on its' Online Affordable and Accessible Housing Locator to area service providers and disability advocates.

Goals	Strategies to Meet Goals	Responsible Entities	Benchmark	Year to be Completed	Proposed Investment	Date Completed
Impediment #1: The City's increasingly diverse minority population may require language accommodations to ensure that all residents can access programs and services.						
Increase access to City programs for persons with limited English proficiency (LEP)	A. Upon release of updated data from the 2010 U.S. Census, review and analyze the data to determine if any of the languages spoken exceed 1,000 persons with LEP. B. Provide other language services (i.e. translators, interpreters, etc.) on an as-needed basis.	A. City of Dover B. City of Dover, Dover Housing Authority (DHA)		A. 2012 B. Ongoing	A. TBD B. TBD	A. B.
Goals	**Strategies to Meet Goals**	**Responsible Entities**	**Benchmark**	**Year to be Completed**	**Proposed Investment**	**Date Completed**
Impediment #2: Minority households have greater difficulty becoming home owners in Dover because of lower incomes.						
Provide home ownership opportunities to minority households throughout the City through increased employment opportunities, home ownership counseling, and homebuyer education	A. Enforce the City's Section 3 policy to ensure that employment opportunities generated by HUD assistance are directed towards public housing residents and LMI residents. B. Strengthen partnerships with local lenders that will offer homebuyer education and other incentives to purchase a home in the City. C. Identify effective ways to increase home ownership among minorities, residents of LMI census tracts, and LMI residents. D. Map the location (impacted areas vs. non-impacted areas) of all new CDBG-assisted housing projects as part of the Consolidated Planning process.	A. City of Dover, DHA B. City of Dover C. City, non-profits, local lenders, and counseling agencies D. City of Dover		A. Ongoing B. 2012 C. 2012 D. Ongoing, annually	A. $0 B. $0 C. $0 D. $0	A. B. C. D.
Goals	**Strategies to Meet Goals**	**Responsible Entities**	**Benchmark**	**Year to be Completed**	**Proposed Investment**	**Date Completed**
Impediment #3: The City's supply of housing that is affordable to households up to 80% of median household income is inadequate.						

Goals	Strategies to Meet Goals	Responsible Entities	Benchmark	Year to be Completed	Proposed Investment	Date Completed
Increase the supply of affordable housing in the City available to households making 80% or less of the median household income	A. Expand incentives for property owners and investors to build new affordable rental and owner units in the non-concentrated areas of the City. B. Facilitate and promote land use policies and regulations that enable an increase in the supply of affordable rental housing in areas with adequate infrastructure.	A. City of Dover B. City of Dover		A. Ongoing B. 2012-2013	A. $0 B. $0	A. B.
Goals	**Strategies to Meet Goals**	**Responsible Entities**	**Benchmark**	**Year to be Completed**	**Proposed Investment**	**Date Completed**
Impediment #4: The City's supply of affordable and accessible housing units is inadequate to meet demand.						
Increase the supply of accessible, affordable housing in the City	A. DHA should complete a Section 504 Self-Evaluation, Needs Assessment, and Transition Plan. Special interest groups should be invited to participate in the Section 504 planning process. B. Apply the minimum set-aside for accessible units and require accessible units in all housing projects. C. Collaborate with advocacy groups to assist persons with disabilities threatened with eviction. D. Encourage landlords that are registered through the City's Rental Dwelling Housing Inspections Program to attend fair housing training. Work collaboratively with other jurisdictions to facilitate, coordinate, and market fair housing trainings.	A. DHA B. DHA C. DHA D. City of Dover		A. 2012 B. Ongoing C. Ongoing D. Ongoing; Annually	A. TBD B. $0 C. $0 D. $0	A. B. C. D.
Goals	**Strategies to Meet Goals**	**Responsible Entities**	**Benchmark**	**Year to be Completed**	**Proposed Investment**	**Date Completed**

Goals	Strategies to Meet Goals	Responsible Entities	Benchmark	Year to be Completed	Proposed Investment	Date Completed
Impediment #5: The City's process for allocating and reporting CDBG funds could be improved from a fair housing perspective.						
Ensure City policies affirmatively further fair housing and meet all applicable HUD requirements.	A. In the CAPER, map the addresses of all new affordable housing initiatives (i.e. impacted areas vs. non-impacted areas) financed with public funds.	A. City of Dover		A. Ongoing	A. $0	A.
	B. Give first consideration to the use of federal and state funds for new family rental and for-sale housing developments in non-impacted areas.	B. City of Dover		B. Annually	B. $0	B.
	C. Amend the City's FY 2010-2014 Consolidated Plan and FY 2010 Annual Plan to include a definition of racially and ethnically concentrated areas that is consistent with the definition provided in the AI.	C. City of Dover		C. 2012	C. $0	C.
Goals	**Strategies to Meet Goals**	**Responsible Entities**	**Benchmark**	**Year to be Completed**	**Proposed Investment**	**Date Completed**
Impediment #6: Policy documents utilized by the Dover Housing Authority could be improved from a fair housing perspective.						
Amend DHA policy documents to be in compliance with all applicable federal laws and authorities	A. Amend the ACOP to provide applicants with the opportunity to refuse three units before being moved to the bottom of the waiting list.	A. DHA		A. 2012	A. $0	A.
	B. Amend the ACOP to include detailed policies for providing access to services for persons with limited English proficiency (LEP) and a detailed pet policy which permits service and/or companion animals for persons with disabilities.	B. DHA		B. 2012	B. $0	B.
	C. Amend the Section 8 Admin Plan to include detailed policies for providing access to services for persons with LEP.	C. DHA		C. 2012	C. $0	C.

Goals	Strategies to Meet Goals	Responsible Entities	Benchmark	Year to be Completed	Proposed Investment	Date Completed
Goals	Strategies to Meet Goals	Responsible Entities	Benchmark	Year to be Completed	Proposed Investment	Date Completed
Impediment #7: The 2008 Comprehensive Plan does not recognize the City's responsibility to affirmatively further fair housing.						
Establish fair housing as a priority in the City's long-range planning	A. Develop a statement summarizing the City's responsibility to affirmative further fair housing. Include this policy statement in the Comprehensive Plan Update. B. Include detailed strategies for enabling the following in the next Comp Plan Update: increasing the supply of affordable rental housing for families in non-impacted areas, a detailed strategy for expanding the supply of rental housing accessible to persons with mobility impairments, a leadership role should be established for the City in relation to the nature and extent of technical assistance, training, and funding that the City is prepared to provide to developers, and stated goals to expand the supply of affordable rental housing for families that is within proximity to entry level and/or lower skill jobs. C. Collaborate with affordable housing developers to select sites, construct infrastructure, provide financial subsidies, and otherwise support the expansion of affordable housing.	A. City of Dover B. City of Dover C. City of Dover		A. 2013-2014 B. 2013-2014 C. Ongoing	A. $0 B. $0 C. $0	A. B. C.
Goals	Strategies to Meet Goals	Responsible Entities	Benchmark	Year to be Completed	Proposed Investment	Date Completed
Impediment #8: The City of Dover's zoning ordinance limits fair housing choice for certain families and persons living in group homes.						

Goals	Strategies to Meet Goals	Responsible Entities	Benchmark	Year to be Completed	Proposed Investment	Date Completed
Ensure that the City's zoning ordinance is consistent with the Fair Housing Act and promotes greater fair housing choice	A. Amend the City's zoning ordinance to include a more modern definition for the term "family." B. Amend the City's zoning ordinance to remove undue restrictions on group homes.	A. City of Dover B. City of Dover		A. 2012 B. 2012	A. $0 B. $0	A. B.
Impediment #9: Members of the protected classes could be more fully represented on City boards and commissions dealing with housing issues.						
Ensure that members of the protected classes are represented on appointed volunteer boards	Obtain information from current board members to document race, gender, ethnicity, disability status, and familial status.	City of Dover		Ongoing	TBD	
Goals	**Strategies to Meet Goals**	**Responsible Entities**	**Benchmark**	**Year to be Completed**	**Proposed Investment**	**Date Completed**
Impediment #10: Mortgage loan denials and high-cost lending disproportionately affect minority applicants.						
Increase and enhance fair housing outreach and education efforts throughout the City	A. Lenders should undertake initiatives aimed at expanding home ownership opportunities for minorities. B. Engage HUD-certified housing counselors to target credit repair education through existing advocacy organizations that work extensively with minorities. C. Conduct a more in-depth analysis of HMDA data to determine if discrimination is occurring against minority applicant households. D. Engage in a communication campaign that markets home ownership opportunities to all minorities.	A. Area lenders B. Area lenders, City of Dover, area advocacy organizations C. City of Dover D. Area lenders, City of Dover, area advocacy organizations		A. Ongoing B. Ongoing C. 2012 D. Ongoing	A. TBD B. TBD C. TBD D. TBD	

ACTION FORM

PROCEEDING: Legislative, Finance, and Administrative Committee
DEPARTMENT OF ORIGIN: City Council **DATE SUBMITTED**: 08/12/2011
PREPARED BY: Terry Tieman & Scott Koenig on behalf of Councilman David L. Bonar
SUBJECT: Discussion of Hotel/Motel Tax
REFERENCE: Revenue Enhancement Measure
RELATED PROJECT: FY-2013 Budget
REVIEWED BY: Interim City Manager & Controller
EXHIBITS: 1) Business License Fees 2) Kent County Lodging Report 2006 – 2011 3) Travel Taxation Consumer Survey
TIMETABLE: Undetermined at this time.
RECOMMENDED ACTION: Obtain consensus from the Committee about which option, if any, should be pursued to implement a Hotel/Motel Tax. Direct staff to meet with all interested parties and develop a proposed implementation schedule.

BACKGROUND AND ANALYSIS

Currently the State of Delaware, Rehoboth Beach, Lewes, Wilmington, Fenwick Island, Bethany Beach and Dewey Beach have implemented some form of hotel/lodging tax.

Under State Code Title 30 Chapter 61, Lodging Tax, the State imposes an excise tax at the rate of 8% of the rent upon every occupancy of a room or rooms in a hotel, motel, or tourist home within the State. The proceeds from this tax are distributed as follows: 5% to the State General Fund, 1% to the Beach Preservation Program of the Department of Natural Resources and Environmental Control of the State, 1% annually shall be designated in the proportion of which collected, to the duly established convention and visitors bureau in each county and 1 % to the Delaware Tourism Office.

Under Title 22 Chapter 9 Municipal User Tax, the State authorizes any municipality with a population greater than 50,000 to impose a lodging tax of no more than 3% of the rent in addition to the amount imposed by the State, for any room or rooms in a hotel, motel, or tourist home, as defined in SS6101 of Title 30, which is located within the boundaries of the municipality. Wilmington uses this statute to levy a 2% tax. Discussions with the Budget Director in Wilmington, Mr. Robert Greco, indicate that implementing the tax did not have an impact on occupancy rates in the five (5) hotels in Wilmington. Occupancy rates actually increased after the tax was implemented. Revenue from this tax is approximately $500,000 per year.

The other municipalities recover the tax through a gross receipts business license tax. The table below indicates the percentage of tax and the revenue collected from three of the cities listed above:

City	Tax	Revenue
Rehoboth Beach	3%	$720,000
Bethany Beach	3% -6%	$892,977
Fenwick Island	3%	N/A

There are 22 hotels/motels within Dover corporate limits. Complete information pertaining to the number of rooms and rates was obtained for 16 hotels/motels. In order to estimate the revenue that would be generated from a one or two percent hotel tax, staff polled the internet for room rates of the hotels/motels known to be in Dover's corporate limits. Staff averaged the room rates for each hotel/motel. Full occupancy for one day was calculated. According to information from the Pricewaterhouse Coopers LLP (1958 to 1986) and Smith Travel Research (1987 to 2007), the average hotel occupancy rate in 2009 was projected to be over 58 percent. Staff estimated both a 50 % and 25% occupancy rate for the city's hotels/motels. Based on a 50% occupancy rate for the 16 hotels/motels, a one (1) percent tax could yield approximately $426,000 in revenue for the City. A two (2) percent tax could yield approximately $853,000. Based on a 25% occupancy rate, the estimated revenue is as follows: a one (1) percent tax could yield approximately $213,000; a two (2) percent could yield approximately $426,000.

The City Manager's office would also recommend that a certain percentage of revenues received be dedicated to the Kent County Tourism Office. The percentage should be proportional to the reservation of revenue to the Delaware Tourism Office under the state excise tax.

Potential Options for Implementing a Proposed Tax:

OPTION 1: Adopt the fee through ordinance as the beach area towns have. It appears that this may be considered a business license based on gross receipts. An option to consider may be changing the way Dover charges for hotel business licenses. Under our current method we charge a flat fee of $7 per room and $9 per suite. Based on our current revenue method we receive approximately $15,869.90 annually. As stated above, our revenue estimates using a gross receipts tax method and depending on occupancy and a percentage of tax, would be between approximately $853,000 and $213,000. Adopting this method would not allow taxable entities to pass this charge onto lodgers without raising advertised fees.

OPTION 2: Seek a change under State Code Title 22 through state legislation by removing the population requirement of 50,000. This would allow the tax for all municipalities in the State. The charge could be passed on to lodgers without raising hotel rates. This option would need to be pursued though our State representation.

City of Dover

Support Schedule for Hotel/Motel Tax Discussion

Business License Fees

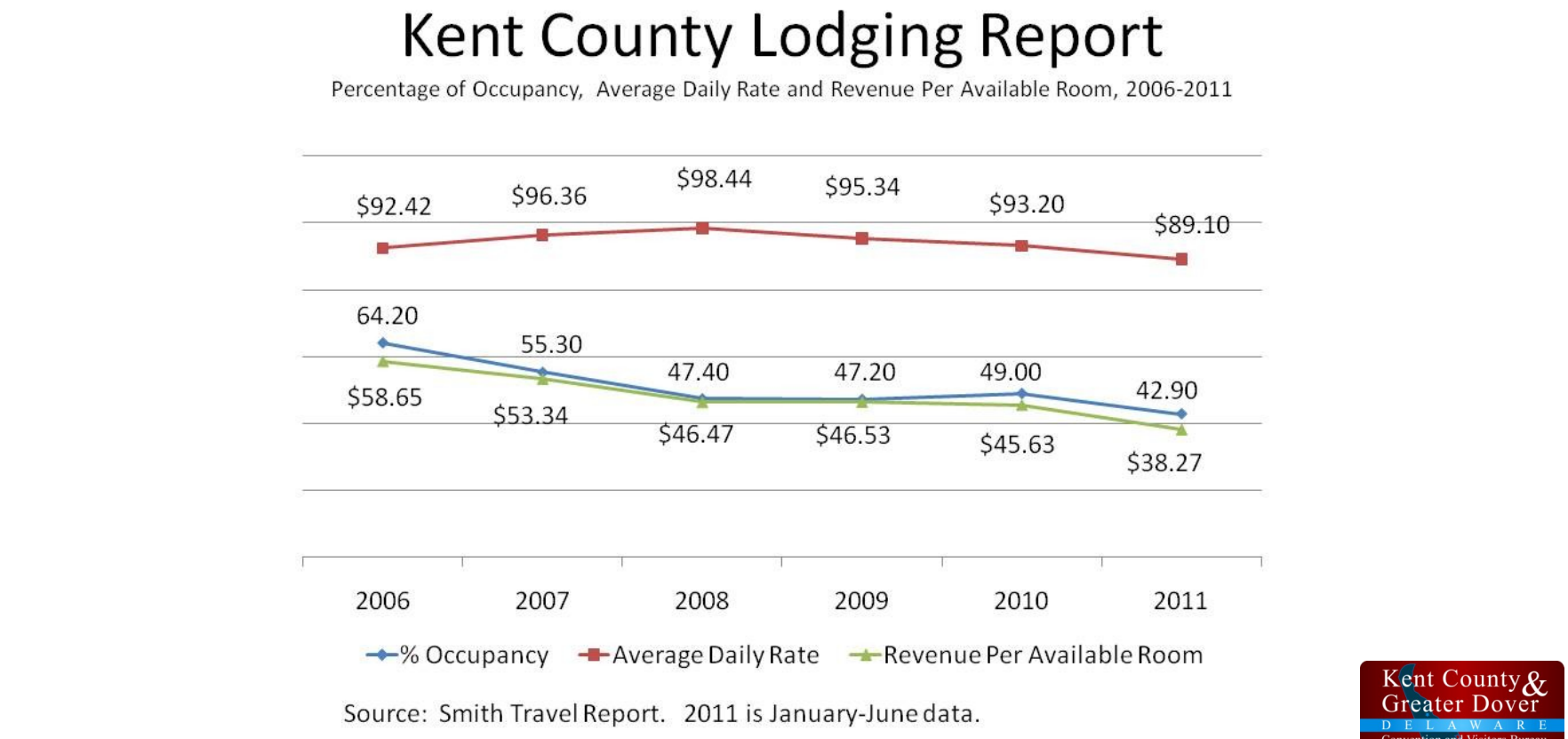
Business Entity	Current License Fee	Proposed License Fee @ 1%	Proposed License Fee @ 2%
Country Inn Suites	$920.50	$17,950.44	$35,900.88
Dover Downs Hotel & Conference	$2,279.00	$156,000.00	$312,000.00
Fairfield Inn and Suites	$793.00	$17,107.20	$34,214.40
Hilton Garden Inn	$944.50	$26,334.00	$52,668.00
Super 8	$570.00	$11,178.00	$22,356.00
Sleep Inn & Suites	$676.00	$10,414.56	$20,829.00
Main Stay Suites	$907.00	$22,705.44	$45,410.88
Red Roof Inn	$553.50	$7,078.32	$14,156.76
Residence Inn	$1,225.00	$26,283.60	$52,567.20
Sheraton Inn & Conference	$1,443.50	$26,908.20	$53,816.40
Comfort Inn	$679.62	$11,674.80	$23,349.60
Comport Suites	$462.72	$11,927.04	$23,854.08
Days Inn	$592.86	$12,830.40	$25,660.80
Hampton Inn	$585.63	$20,016.00	$40,032.00
Holiday Inn	$983.28	$26,487.00	$52,974.00
Holiday Inn Express	$585.63	$21,877.20	$43,754.40
Annual Fees	$14,201.74	$426,772.20	$853,544.40

Proposed fees were calculated using a 50% occupancy rate;

Capital Inn of Dover	$498.87	Staff was not able to obtain the
Dover Inn	$390.42	number of rooms for these entities,
First State Inn	$187.98	therefore they are not included in
Kent Budget Motel	$173.52	the above calculations.
Relax Inn	$137.37	
Super Lodge Capitol City	$280.00	
Total Current License Fees	$15,869.90	

Kent County Lodging Report 2006-2011

Calendar Year	Occupancy Percentage	Average Daily Rate	Revenue Per Available Room
2006	64.2	$92.42	$58.65
2007	55.3	$96.36	$53.34
2008	47.4	$98.44	$46.47
2009	47.2	$95.34	$46.53
2010	49	$93.20	$45.63
2011 (January through June)	42.9	$89.10	$38.27



Kent County & Greater Dover
DELAWARE
Convention and Visitors Bureau

Travel Taxation Consumer Survey

TOP-LINE FINDINGS

APRIL 6, 2011

U.S. TRAVEL

TAX INSTITUTE

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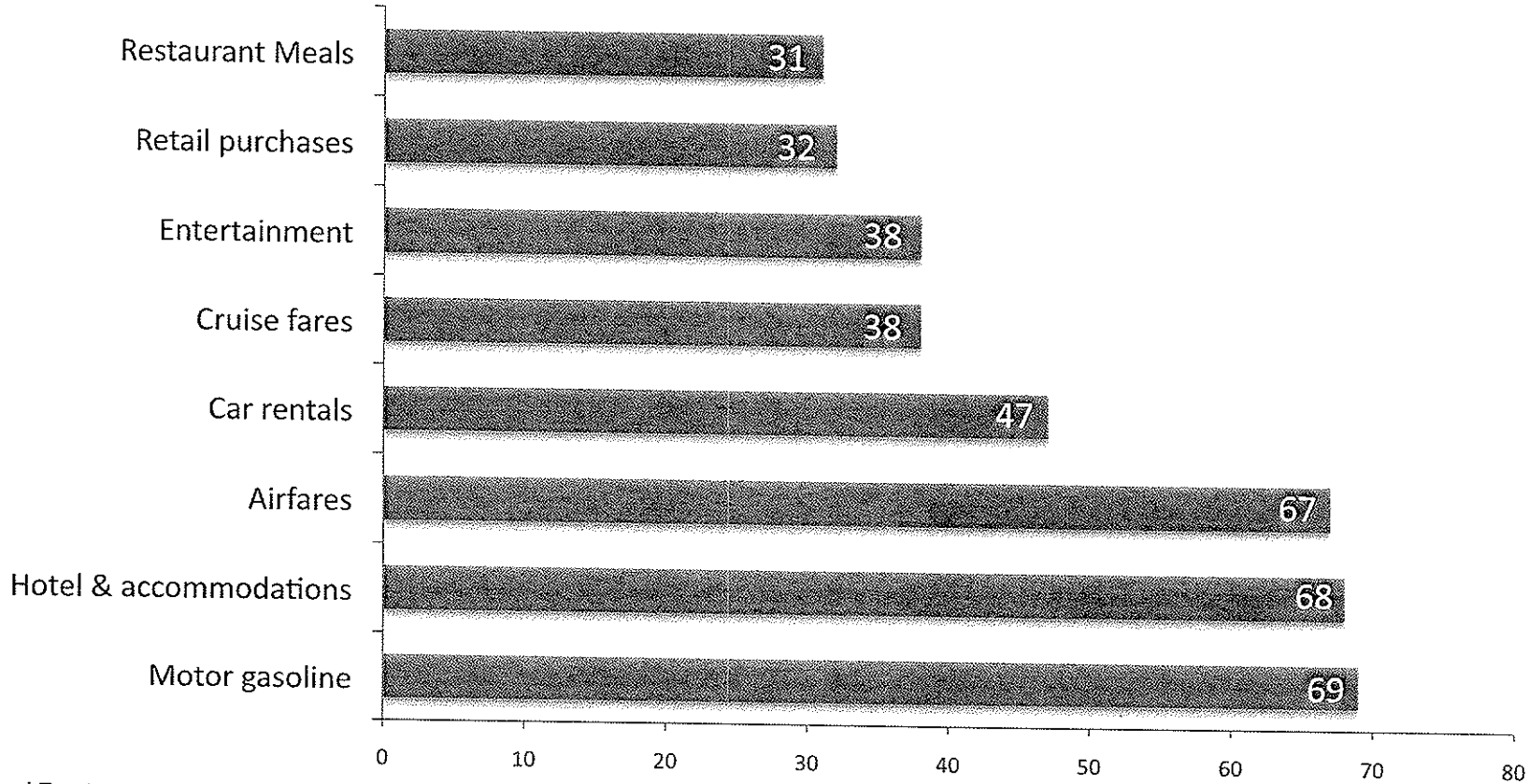
Methodology

- Survey fielded to Synovate's online panel
- Survey sample was pre-screened for adults who have completed overnight travel in the last 12 months
- Total sample size: n = 1004 (balanced by gender)
- Survey sample weighted to U.S. demographic characteristics to assure nationally projectable results
- Margin of error: 3.09% (95% confidence level)

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Consumer Perception of Tax Burden

Percentage who Believe Taxes are High* on Specific Travel Goods & Services

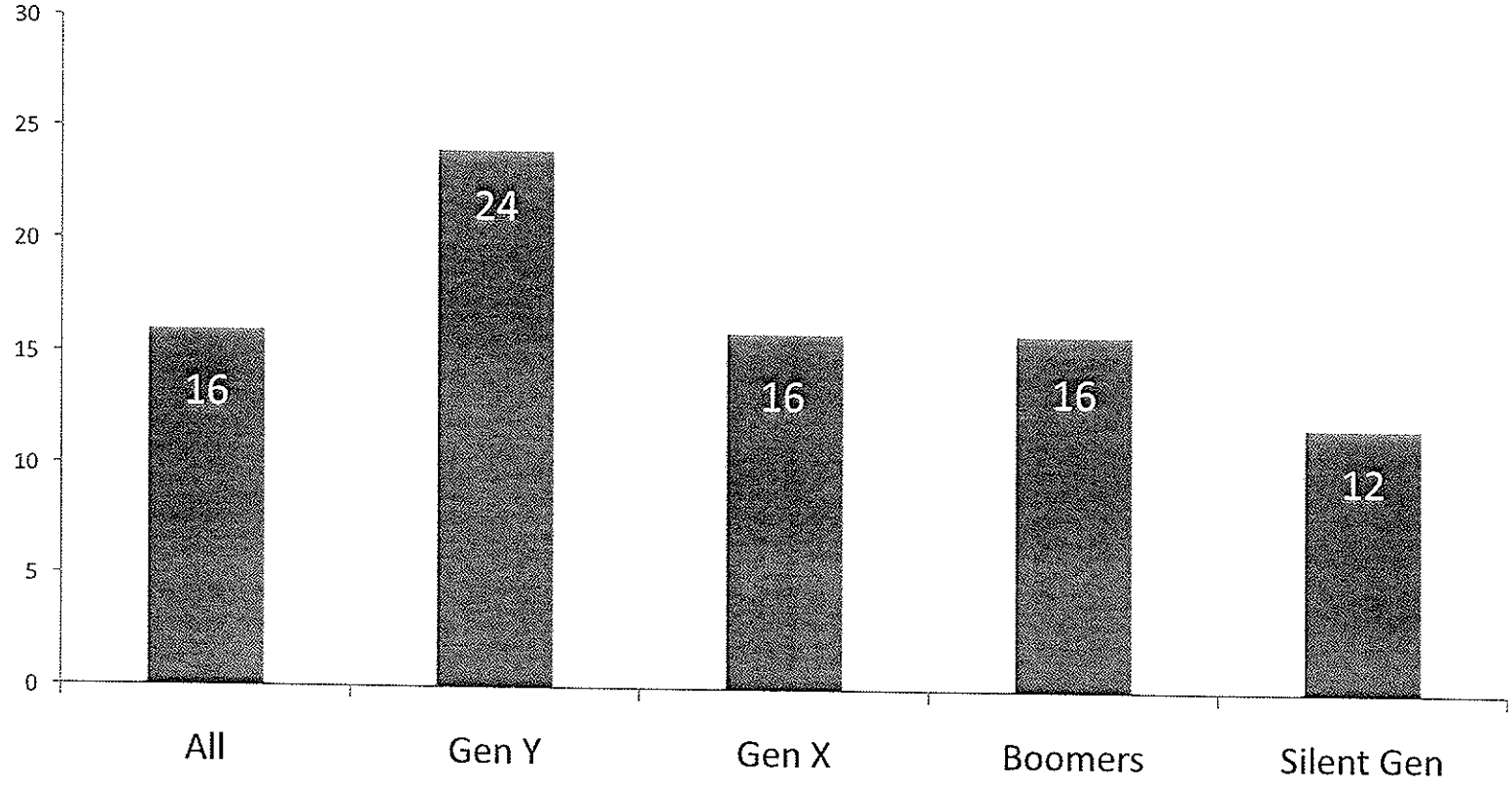


*5-pt. scale, Top two box

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Taxation's Influence by Age Cohort

Travel Taxes Have have a Significant* Influence on Your Trip Decisions?



*5-pt. scale, Top two box

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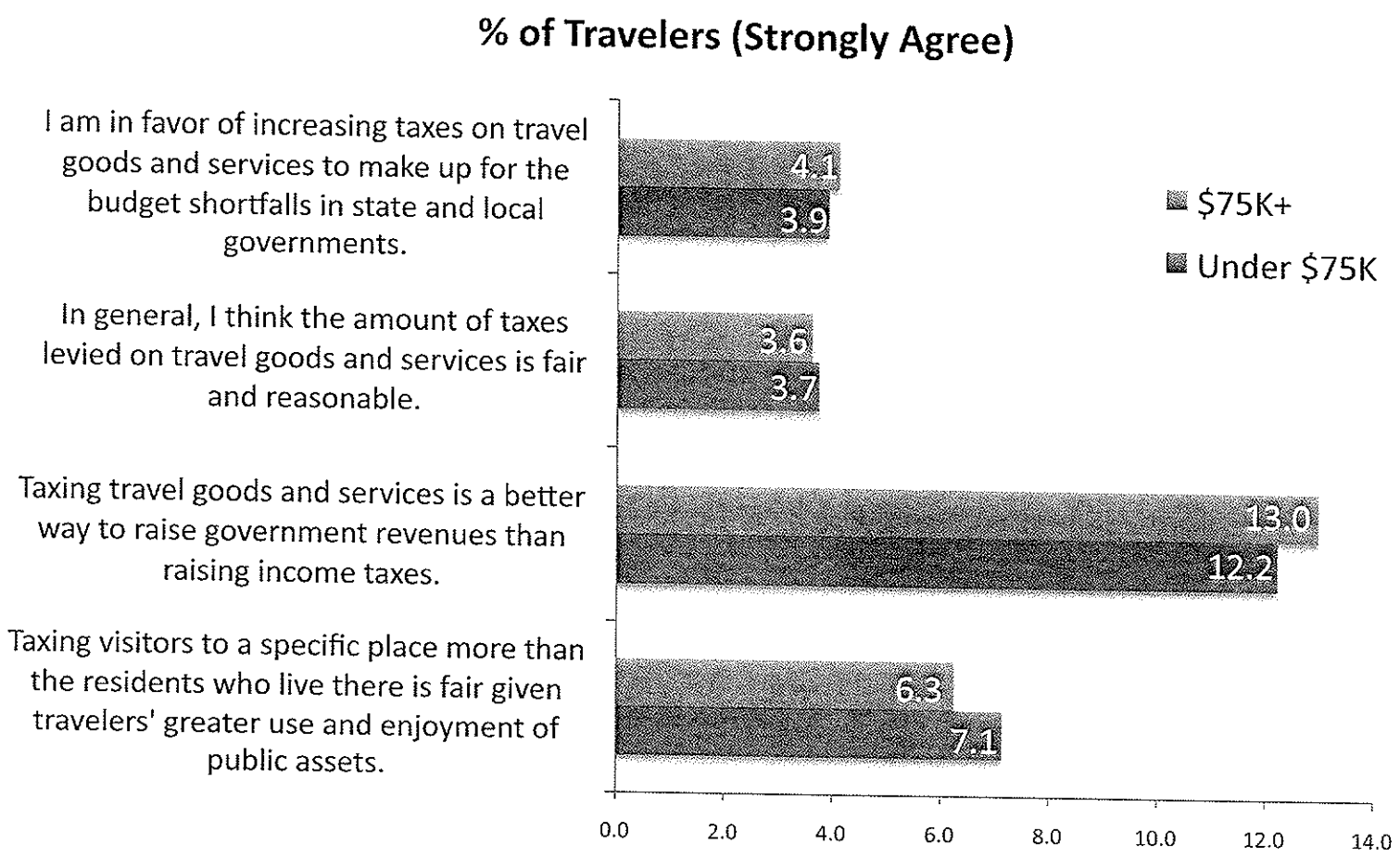
Travel Taxes Change Behavior

Half of travelers have changed their travel behavior because high levels of Taxation!

Consumer Reaction to Destinations with High Levels of Taxation	
	% of travelers
Decided Not to visit a particular destination	**10**
Stayed at a less expensive hotel/overnight accommodations	27
Dined in less expensive restaurants	26
Spent less on shopping and entertainment	26
Visited on the off-season when prices are lower	24
Dined out less frequently	19
Reduced the number of nights spent away from home on average trip there	15
Reduced number of leisure trips taken there	14
Rented a less expensive car	10
Seriously considered visiting someplace else with lower travel taxes	10
Changed mode of transportation from air to auto	9
Changed mode of transportation from auto to air	3
Took fewer household members with me on the trip	2

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Traveler Attitudes by HH Income



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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:** 08-22-2011
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.

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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: 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: _____