LEGISLATIVE, FINANCE, AND ADMINISTRATION COMMITTEE

A G E N D A

September 28, 2009 - 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 Tmcdowell@dover.de.us) should you wish to be recognized.

AGENDA ADDITIONS/DELETIONS

1. Ambulance Service Needs

2. Letter of Support for Brownfield Grant *(Due to time constraints, this item has been placed on the Council agenda for the meeting being held later in the evening)*

3. MAG Study - Recommendation to Create Sub-committees to Complete Council Appointed Employees Evaluations

4. MAG Overview of Recommendations

5. St. Jones River Watershed Coordinator Grant

6. Sale of Excess Property - 101 Jefferson Court

7. Ordinance #2009-23 Amending Chapter 2 - Administration, Article IV - Officers and Employees, Divisions 1, 4 and 7; Chapter 102 - Taxation, Article III - Realty Transfer Tax; and Chapter 110 - Utilities, Article I - In General (Related to Charter Amendments)

8. Adjournment by 7:00 P.M.

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

ACTION FORM

PROCEEDING: Legislative, Finance and Administration Committee
DEPARTMENT OF ORIGIN: Mayor's Office **DATE SUBMITTED**: September 15, 2009
PREPARED BY: Carleton E. Carey, Sr., Mayor
SUBJECT: Addition of Eight Hour Shift
REFERENCE: Ambulance Service Needs
RELATED PROJECT: N/A
APPROVALS: City Manager, Controller/Treasurer
EXHIBITS: N/A
EXPENDITURE REQUIRED: $122,000.00 **AMOUNT BUDGETED**: $0.00 **FUNDING SOURCE (Dept./Page in CIP & Budget)**:
TIMETABLE: ASAP
RECOMMENDED ACTION: Have City Manager analyze fiscal year 2008-2009. Carry forward to determine if funds are available.

BACKGROUND AND ANALYSIS

In FY 2008-09 the city funded an 8 hour ambulance shift from July 2008 through February 2009, operating from midnight to 8:00am. In March 2009 it was shifted to 3:00pm – 11:00pm for better utilization. In July 2009 it was discontinued due to budget constraints. Please see below the number of calls from outside agencies during the coverage months (March through June) and after the coverage months (July & August). Response time statistics for the 3:00pm – 11:00pm shift are being requested from Kent 911, but have not yet been received.

3:00pm – 11:00pm coverage by outside agencies:

March	69 calls
April	74 calls
May	73 calls
June	75 calls
July	119 calls
August	123 calls

Ms. Kathy Stiller
Department of Natural Resources and Environmental Control
Site Investigation and Restoration Branch
391 Lukens Drive
New Castle, Delaware 19720

Re: USEPA Brownfield Coalition Assessment Grant Application for Dover, Delaware
Confirmation of Coalition Membership

Dear Ms. Stiller,

I am writing to confirm that the City of Dover is proud to be a coalition member for the USEPA Brownfield Coalition Assessment Grant. We understand that Delaware Department of Natural Resources and Environmental Control (DNREC) will be lead Agency for this Coalition. The City of Dover and the Downtown Dover Partnership and DNREC have formed this Coalition to apply for a $1,000,000 assessment grant to assist in the identification and assessment of properties in the Dover area to support redevelopment initiatives, economic growth and to protect public health and the environment.

As lead Agency, we understand that DNREC will assume the administrative and financial tracking responsibilities required under the Grant and Cooperative Agreement with the USEPA and for appropriately reporting to the USEPA. As Coalition members we have all proven our dedication to improving the living conditions of so many in the Dover community and in DNREC's case, protecting the public health, welfare and the environment in the State of Delaware. The City of Dover looks forward to working with the Coalition members to continue to address environmental issues in the Dover study area and to continue our efforts in redevelopment, job creation and improving the lives of our citizens.

We strongly believe that our Coalition, if awarded the USEPA Brownfield Assessment Grant, will be able to address long standing environmental issues and concerns that have been affecting our citizens and our community and hindering positive redevelopment. We are prepared to enter into the Brownfield Assessment Coalition Memorandum of Agreement with our Coalition partners. Please feel free to contact this office if you have any questions regarding our participation in this Coalition.

Sincerely,

William G. Neaton
Economic Development Director

DRAFT

BROWNFIELDS ASSESSMENT COALITION
MEMORANDUM OF AGREEMENT
BETWEEN THE FOLLOWING PARTIES:
DELAWARE DEPARTMENT OF NATURAL RESOURCES & ENVIRONMENTAL CONTROL,
CITY OF DOVER AND DOWNTOWN DOVER PARTNERSHIP

PLEASE NOTE: The following eight items are the MINIMUM elements that must be included in an Assessment Coalition Memorandum of Agreement (MOA). Applicants are responsible for adhering to these elements and signing this MOA prior to the expenditure of any assessment funds. Members may choose to add elements to this MOA. The MOA is required per the Brownfields Assessment Grant Terms and Conditions and must be reviewed by the EPA Project Officer to ensure (1) all required MOA elements are included; (2) all coalition members have signed the MOA; and (3) any additional MOA elements are legal under the Brownfields Law and do not contradict Assessment Grant Terms & Conditions.

This Memorandum of Agreement documents the roles and responsibilities of the various parties involved in the Assessment Coalition with regard to EPA Cooperative Agreement No: BFxxxxxxxxx.

1. On _____EPA awarded the Cooperative Agreement to the Lead Coalition Member, Delaware Department of Natural Resources and Environmental Control (DNREC). The grant period is _____. DNREC is responsible to EPA for management of the cooperative agreement and compliance with the statues, regulations, and terms and conditions of the award, and ensuring that all members of the coalition are in compliance with the terms and conditions.

2. It is the responsibility of DNREC to provide timely information to the other Coalition Partners regarding the management of the cooperative agreement and any changes that may be made to the cooperative agreement over the period of performance.

3. The Coalition Partners are the City of Dover (City) and the Downtown Dover Partnership (DDP). The contact information is as follows:

   City of Dover
   William G. Neaton
   14 The Plaza, Dover DE 19901
   302-678-4858
   wneaton@dover.de.us

   Downtown Dover Partnership
   William G. Neaton
   14 The Plaza, Dover DE 19901
   302-678-4858
   wneaton@dover.de.us

4. Activities funded through the cooperative agreement may include inventory preparation, site selection criteria development, assessments, planning (including cleanup planning) relating to brownfield sites, and outreach materials and implementation, and other eligible activities.

DRAFT

DNREC may retain consultant(s) and contractors under 40 CFR 30.36 to undertake various activities funded through the cooperative agreement and may award subgrants to other coalition members under 40 CFR 31.37 for assessment projects in their geographic areas. Subgrantees are accountable to DNREC for proper expenditure of funds.

5. The Lead Coalition Member will procure the consultant(s) in compliance with 40 CFR 31.36 requirements. The Lead Coalition Member will issue the Request for Proposals or Request for Qualifications and will be the entity responsible for receipt of the submitted proposals and selection and award of contracts. DNREC will consult with other coalition members in making selections of consultants and contractors and negotiating the terms of agreements.

6. The Lead Coalition Member in consultation with the Coalition Partners, will work to develop a site selection process based on agreed upon factors and will ensure that a minimum of five sites are assessed over the life of the cooperative agreement. Selected sites will be submitted to EPA for prior approval to ensure eligibility. Note: *Lead Coalition Member and each of the Coalition Partners may agree upon a minimum number of sites assessed per member at the start of the cooperative agreement to ensure equitable distribution of funds across all members' jurisdictions.*

7. Upon designation of the specific sites, it will be the responsibility of DNREC to work with the coalition member in whose geographic area the site is located to finalize the scope of work for the consultant or contractor. It will be the responsibility of this member to obtain all required permits, easements, and/or access agreements as may be necessary to undertake assessments at the selected site. If this member does not have the capacity to perform these activities, DNREC may assist in securing necessary site access agreements and permits.

8. The Lead Coalition Member is responsible for ensuring that other activities as negotiated in the workplan, such as community outreach and involvement, are implemented in accordance with a schedule agreed upon by DNREC and the coalition member in whose geographic area the site to be assessed is located.

Agreed:

_____
DNREC/Date

_____
City of Dover/Date

_____
Downtown Dover Partnership/Date

ACTION FORM

PROCEEDING: Legislative and Finance Committee
DEPARTMENT OF ORIGIN: Human Resources **DATE SUBMITTED**: 9/15/09
PREPARED BY: Kim Hawkins, Human Resources Director; Anthony DePrima, City Manager
SUBJECT: Council Appointed Employee's Evaluation
REFERENCE: Management Advisory Study (MAG) Section 4
RELATED PROJECT: Management Advisory Study
APPROVALS: City Council
EXHIBITS: MAG Study previously provided
EXPENDITURE REQUIRED: N/A **AMOUNT BUDGETED**: N/A **FUNDING SOURCE (Dept./Page in CIP & Budget)**:
TIMETABLE:
RECOMMENDED ACTION: Approval to develop review committees for employees that report directly to Council.

BACKGROUND AND ANALYSIS

This matter of Council Appointee Evaluations was discussed at the Legislative and Finance Committee meeting held on July 10, 2009 during the review of the entire MAG Study. During that meeting I was advised to bring forth a separate committee action form for this matter. There are five (5) positions within the City that report directly to City Council.

In Section 4 of the 2009 MAG Study, Recommendation #8 states "Create a committee structure to evaluate Council appointed positions that would make recommendations on compensation adjustments for the evaluated employee." MAG recommended that specific evaluation committees be created to evaluate positions that report directly to Council. These include the City Manager, City Clerk, Planning Director, Finance Director, and Tax Assessor. The evaluation completed by the committee would be forwarded to City Council for review and final approval since City Council, as a whole, is responsible for providing performance evaluations.

The Committees would be made up of varies Committee Chairman who inter-act the most with the employee and the Council President. If approved, the implementation would occur during the 2010 evaluation period.

Below is the excerpt from Section 4 that provides the observation for the rational for this recommendation and the recommended Committee Structure.

Observations

There is an inherent challenge for Council Members to evaluate the work performance of the management employees reporting directly to the whole Council. A primary concern is that Council Members are not typically in daily contact with the reporting employee to the same extent as a supervisor is with an employee. The interactions and therefore the observations are infrequent and often occur during periods of stress (public meetings or other times when significant issues are at stake). To compound the challenge, some Council Members, due to their time commitments and also the committees in which they are most active, may or may not have sufficient opportunity to observe and evaluate the work performance of the employee. As an added point, if Council Members are not able to attend the training provided annually on the PFP system, they may not be

familiar with the forms and nuances of the system to enable full and appropriate consideration of all facets of the work being completed. It was noted in Section 2.0 that Council Members should attend the annual training to ensure their full understanding of this (complex) system of evaluation. While the process established for the evaluation of Council appointed positions has some good elements (requiring initial self evaluations, meeting first without the employee, using core competencies and a scoring system similar to other employees, dropping off the high and low scores), a slight adjustment in process may be helpful.

Committee Structure for Council Direct Reports

The City should consider establishing a three (3) or four (4) person committee structure for evaluations that would assign Council Members with the most familiarity with the work performance of the employee to that particular committee. For example, the Council Members who work most closely on financial affairs and budgetary matters would be assigned to a four (4) person committee to initially evaluate the performance of the Finance Director. The Council Members who work most closely on planning and community development issues and committees would take the lead on the evaluation of the Planning Director position. MAG further suggests that the Council President be assigned to each of these committees. As an example, for the Planning Director position, the committee might include the following committee chairs:

- *Parks, Recreation, and Community Enhancement*
- *Safety Advisory and Transportation*
- *Planning Commission Chair*
- *Council President*

For the Tax Assessor position, the committee might include the following committee chairs:

- *Legislative, Finance, and Administration*
- *Chair of the Tax Appeal Board*
- *Council President*

For the Finance Director, the committee might include the following committee chairs:

- *Legislative, Finance, and Administration*
- *Chair of the Pension Committee*
- *Utility Committee*
- *Council President*

For the City Clerk, the committee might include the following committee chairs:

- *Legislative, Finance, and Administration*
- *Parks, Recreation, and Community Enhancement*
- *Utility Committee*
- *Council President*

For the City Manager, while it is ultimately the entire Council that is responsible for this evaluation, the full Council should rely upon the approach established in the contract for the City Manager. It indicates that the review would be completed by five (5) Council Members, including the Council President and the chairs of the standing committees. The five (5) person committee should therefore include:

- *Legislative, Finance, and Administration*
- *Parks, Recreation, and Community Enhancement*
- *Safety Advisory and Transportation*
- *Utility Committee*
- *Council President*

This committee would conduct the initial meeting with the City Manager to review the self evaluation and provide a recommendation to the full Council. This action could make the full evaluation meeting with Council a more productive and focused meeting.

This process adjustment would allow Council Members to discuss performance in greater detail and have a more meaningful set of interactions with the employee. The outcome of the initial evaluation would then be presented to the whole Council as a recommendation, with the whole Council then confirming the recommendation or making any adjustments deemed appropriate.

ACTION FORM

PROCEEDING: Legislative, Finance and Administration Committee **AGENDA ITEM NO.:**
DEPARTMENT OF ORIGIN: Human Resources **DATE SUBMITTED**: 4/1/09
PREPARED BY: Anthony DePrima, City Manager and Kim Hawkins, Human Resources Director
SUBJECT: Implementation of Management Advisory Group (MAG) Phase 2 –Pay for Performance Evaluation System
REFERENCE: Phase 2 of MAG report
RELATED PROJECT: Phase 1 of MAG report
APPROVALS: City Council
EXHIBITS: **Exhibit 1**: 21 Recommendations from MAG **Exhibit 2**: Employee Recommendations **Exhibit 3**: Performance Scores Definition **Exhibit 4**: PFP Instructions **Exhibit 5**: PFP Policy **Exhibit 6**: MAG Phase 2 Report **Exhibit 7**: MAG Study Recommendation/Explanation of Awarding Salary Increases
EXPENDITURE REQUIRED: **AMOUNT BUDGETED**: **FUNDING SOURCE (Dept./Page in CIP & Budget)**:
TIMETABLE: Some aspects will be completed immediately while others will be presented by February 2010.
RECOMMENDED ACTION: Implementation of Recommendations as Outlined in Exhibits

BACKGROUND AND ANALYSIS

In September 2007 City Council indicated a desire to have the Pay for Performance Policy and its implementation to be evaluated to determine whether it is meeting its original purpose. Interviews were held with two consultants in November /December 2007. At the January 28, 2008 Leg and Fin meeting, the request to award the bid was tabled awaiting mid-year review of the budget for funding purposes. At the March 10, 2008 Leg and Fin meeting it was recommended to approve the awarding of the bid to Management Advisory Group (MAG). Council approved this recommendation on March 24, 2008. In May 2008 the scope of the contract expanded to review the salaries of non-bargaining employees and the salary ranges of all non-bargaining positions.

MAG obtained our current PFP documents from the City Manager and Human Resources Director. MAG conducted two sets of mandatory on-site meetings with all non-bargaining employees. One set of meeting was held in October and the other in December. The meetings were intended to obtain the employee's perceptive of the weaknesses and strengths of the PFP system and solutions to their concerns. The meetings were also held with City Council members. At the conclusion of the second meeting, employees were encouraged to submit a confidential survey regarding the PFP evaluation system. MAG issued the final report on February 13, 2009 and presented its findings to LFA on February 23, 2009.

Based upon the conclusions that MAG developed, the following is their recommendations, as well as the City Manager's and Human Resources for your consideration.

Indicated in Exhibit 1 are MAG's 21 recommended changes to the current evaluation system. In addition, Exhibit 2 provides a summary of the comments from the employees that will be implemented or further studied. As previously mentioned, all non-bargaining employees and City Council had an opportunity to provide input to the strengths, weakness and solutions of the PFP evaluation system.

One of MAG's recommendations (recommendation #5-#7) was to change the title of three performance ratings. Exhibit 3 illustrations these suggested changes.

As a result of MAG's recommendation as well as the employee's comments, the PFP instructions and policy needed to be updated to reflect the recommendations. The updated instructions are provided in Exhibit 4 and the policy is Exhibit 5.

While the MAG Phase 2 report was provided at the February 23rd Leg and Fin meeting is it being provided once again in electronic format.

Exhibit 1

Management Advisory Group (MAG) Phase 2 Recommendation April 13, 2009

Rec. #	Page # in Phase 2 Report & Related Exhibit Attached	MAG's Recommended Action	City's Recommended Action	Estimated Completion Date
1	2-4 Exhibit 5, page 5 Exhibit 5-Appendix A	Change the PFP policy to require training for supervisors once per year. If training is not attended, deny any salary increase for which the supervisor may be eligible.	Update language: Change the PFP policy to require training for supervisors once per year. If training is not attended, deny any salary increase for which the supervisor may be eligible. **The City Manager may excuse a supervisor from the training.**	Immediately
2	2-5 Exhibit 4, page 1	Establish a more precise time frame within the set of Instructions so as to clearly define the time allotted for each step in the performance review cycle.	This recommendation is in reference to allowing sufficient time for the HR Director to review evaluations. The instructions have been updated to include a time frame of five days.	Immediately
3	2-5 Exhibit 4, page 2	Written quarterly reviews should be done by Department Heads, and documented in the evaluation by entering into the PFP software.	Required quarterly reviews will begin July 1, 2009 as this review cycle is ending.	Implement July 1, 2009
4	2-5 Exhibit 4 page 3	All evaluated employees should conduct self evaluation, with the purpose of then comparing them at the formal performance evaluation meeting.	The PFP instructions will be updated accordingly.	Effective with reviews to be completed by May 31, 2009.
5	2-6 Exhibit 3 Exhibit 4, page 4	Change the current performance form label of "Good" to "Meets Expectations" on the evaluation form.	The PFP evaluation will be updated.	Effective with reviews to be completed by May 31, 2009.
6	2-6 Exhibit 3	Change the current performance form label of "Acceptable with Some Improvements Needed" to Improvement Needed" on the evaluation form.	The PFP evaluation will be updated.	Effective with reviews to be completed by May 31, 2009.
7	2-7 Exhibit 3 Exhibit 4, page 4	Change the current performance label of "Outstanding" to "Results Rarely Achieved by Others."	The PFP evaluation will be updated.	Effective with reviews to be completed by May 31, 2009.

Exhibit 1

Management Advisory Group (MAG) Phase 2 Recommendation April 13, 2009

Rec. #	Page # in Phase 2 Report & Related Exhibit Attached	MAG's Recommended Action	City's Recommended Action	Estimated Completion Date
8	4-5	Create a committee structure to evaluate Council appointed positions that would make recommendation on compensation adjustments for the evaluated employee.	***If Council wants to pursue further, a separate Committee Action Form will be prepared and presented.***	FY10
9	4-5	Apply the changes noted in Section 5.0 to the development of Core Competencies for the Council positions. See recommendation #15 - *Streamline and enhance Core Competency and Element statements.*	This will become a goal for the HR Director for FY10. A committee will be formed to formally discuss.	Present to City Council by February 2010.
10	5-3	Base the movement within the pay grade on the concept of a "normal progression" career plan for employees who "Meet Expectations" to reach midpoint in 10 years.	According to MAG, this will be achieved by implementing Recommendation #11.	
11	5-4 Exhibit 5 page 1 & 2 Ex. 5 Appexd. A	Use the arithmetic midpoint of the position's assigned pay grade as the basis for calculating potential performance adjustments.	Use the described method for calculating July 1, 2009 pay increases.	July 1, 2009
12	5-6 Exhibit 5 – Appendix A	Establish a simple and straightforward program for potential adjustments of zero (0) through an annually determined percentage amount, based on budget availability.	Create a matrix for awarding July 1 pay increases. Appendix will be created based upon budget and market conditions.	July 1, 2009
13	5-8	Automate the statistical normalization of rater comparisons.	This will become a goal for the HR Director for FY10.	Present to City Council by February 2010.
14	5-8 Exhibit 4, page 1	Hold up salary adjustments until all evaluations are complete; publish stragglers on the City's intranet.	Not recommended for implementation. We wish to continue our current practice of extending the specific tardy department head's salary increase. "Stragglers" will be handled by the supervisor.	Immediately

Exhibit 1

Management Advisory Group (MAG) Phase 2 Recommendation April 13, 2009

Rec. #	Page # in Phase 2 Report & Related Exhibit Attached	MAG's Recommended Action	City's Recommended Action	Estimated Completion Date
15	5-12	Streamline and enhance Core Competency and Element statements. *See Rec. #9*	This will become a goal for the HR Director for FY10. A committee will be formed to formally discuss.	Present to City Council by February 2010.
16	6-1 Exhibit 4, page 2	Continue to complete performance evaluations annually as dictated by current policy.	No additional action needed.	
17	6-2 Exhibit 4, page 2	Require quarterly review of all employees being evaluated.	Additional monitoring of quarterly reviews will be maintained.	Implement July 1, 2009.
18	6-3	Add responsible participation in the PFP as a Supervisory Core Competency	The core competency for Supervisory Skills will be updated accordingly.	Effective July 1, 2009
19	6-3	Add monitoring and reminder goals to the Core Competency of the HR Director – *Include monitoring goals for the HR Director to ensure consistency with the City's Strategic Plan, reminding departments of the need for quarterly reviews, setting up annual training on the program, and identifying unusual scoring patterns to the City Manager, the Department Head and the rater. This should be reflected in the Supervisory Core Competency.*	Rather than modify the PFP evaluation for this one recommendation, this suggestion will become a standing goal for the HR Director.	Effective July 1, 2009
20	6-4 Exhibit 5, page 4	Continue the current process for appeals.	No action needed.	
21	6-5 Exhibit 5, page 2 Exhibit 5 – Appendix A	Any pay out for performance over the maximum of the range is a lump-sum one-time payout that does not roll into the base salary.	In addition to the proposed language, add, "the city reserves the right not to award any pay increase for employee's whose salary is over the maximum of the range."	Effective with pay increases awarded on July 1, 2009.

Exhibit 2

Management Advisory Group (MAG) Phase 2 Employee Comments April 13, 2009

Section 3 and Appendix 2 of Management Advisory Group's (MAG) Phase 2 report provides the anonymous views of employees and supervisors who attended workshops conducted by MAG in October and December 2008. The views are in response to a series of questions posed to employees who are evaluated under the PFP Evaluation System.

Employees were also asked to review the entire MAG Phase 2 report and submit any additional comments to either the City Manager or the Human Resources Director. While employees were provided approximately two and half weeks to submit additional comments, no additional comments were received.

In analyzing Section 3 and Appendix 2, the City Manager and Human Resources Director extensively reviewed all the comments. While all the comments were considered valuable and will be reviewed frequently, eight recommendations will be further addressed. They are indicated in the table.

Blank Intentionally

Exhibit 2

Management Advisory Group (MAG) Phase 2 Employee Comments April 13, 2009

Rec.	Employee Suggestion	Intended City's Recommendation	Date of Completion
1	Goals don't flow down in a timely manner Exhibit 4, page 5	City Council/City Manager and Mayor to establish goals for Department Heads by March 31 of each year.	Implemented in FY 10.
2	Goals are not realistic under current work load Exhibit 4, page 5 & 6 Exhibit 5, page 2	All supervisors are to be mindful of the number of goals being assigned. Employees can create their own goals for review by their supervisor. The HR Director will be more astute to the number being assigned.	Effective with evaluations for FY 10.
3	All evaluations are due at the same time thus causing a heavy work load in a short amount of time Exhibit 4, page 2	This issue is being addressed by requiring quarterly reviews. Thus as the fiscal year ends three fourths of the evaluation should be complete.	July 1, 2009
4	Implement weighting of goals	This option will be considered an evaluation committee that will be created.	If implemented, it will become effective in FY 10.
5	Do not require an explanation for a performance score of three and four Exhibit 4, page 4	Explanation for a score of three will not be required.	Effective for evaluations being completed for FY09.
6	High performers are not awarded	The salary matrix provides for additional compensation for employees who receive a higher than average performance score. An improved effort will be provided by supervisors in rewarding high performers with non-monetary incentives and actions.	Immediately
7	Provide educational training to employees on the PFP system and process Exhibit 5, page 5	Training will begin being offered to employees.	Immediately
8	Do not assign goals during probationary period Exhibit 4, page 2	It is realized that the probationary period is a time for learning. Only when necessary will goals be assigned.	Immediately

Exhibit 3

Management Advisory Group (MAG) Phase 2 Recommendations
Performance Rating Definitions April 13, 2009

PERFORMANCE RATING DEFINITIONS

~~OUTSTANDING~~:

RESULTS RARELY ACHIEVED BY OTHERS Performance Points 5

MAG Rec. #7, page 2-7 of MAG Phase 2 report

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

COMMENDABLE: Performance Points 4

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

~~GOOD~~: MEETS EXPECTATIONS Performance Points 3

MAG Rec. #5, page 2-6 of MAG Phase 2 report

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

~~ACCEPTABLE WITH SOME IMPROVEMENT NEEDED~~:

IMPROVEMENT NEEDED Performance Points 2

MAG Rec. #6, page 2-6 of MAG Phase 2 report

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

UNSATISFACTORY: Performance Points 1

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

Exhibit 4

Management Advisory Group (MAG) Phase 2
Revisions to PFP Instructions April 13, 2009

Instructions for the Performance Review Cycle

Please realize that annual reviews are due to the Human Resources Director by May 31. A supervisor shall arrange to meet with the employee to discuss the employee's evaluation no later than June 25 of each year.

Failure to provide a completed evaluation for an employee in a timely manner, no later then July 1, will cause the effective date of the Department Head's pay-for-performance pay increase, if one was granted, to be extended by the number of days the evaluation was not received if the failure to submit a completed evaluation harms the evaluated employee. For example, if pay-for-performance increases are effective July 1 and the Department Head submits the evaluation on July 5 (five days late), the Department Head's pay-for-performance increase would be granted, if he or she was entitled to one, on July 5. The employee's increase, if one was granted, would be retroactive to July 1. MAG Rec. #14, page 5-8 of MAG Phase 2 report ***Sufficient time for review by the Human Resources Director shall be considered when determining a timely manner. ~~For example, submission of the evaluation on June 30 may not provide ample time for the Director to review and return to the evaluator. This may cause harm to the evaluated employee.~~*** **A minimum of five days should be allowed for review by the Human Resources Director.** MAG Rec. #2, page 2-5 of MAG Phase 2 report

Before conducting a performance evaluation, a supervisor must give an employee a reasonable time to demonstrate performance.

THROUGHOUT THE YEAR

Observe and document the employee's performance and give immediate feedback whenever possible. ~~Documentation at this point can be somewhat informal, but try to keep a record of what the employee does, both good and bad.~~ This record will be very helpful in completing the remarks/example section of the evaluation as well as ensuring the employee is not being evaluated on a short timeframe.

Ask the employee for input about their performance during the year. This is important because the performance review should be based on two-way communication, so that it is not merely a "report card." The employee's input can be any combination of the following:

- A draft performance appraisal prepared by the employee
- A list of accomplishments and significant events
- An informal discussion between the employee and supervisor

It is important to keep in mind that the supervisor should collaborate and seek advice from others in evaluating the employee throughout the year. Other supervisors, employees, customers, division and department heads may be able to provide important insights.

QUARTERLY REVIEW (generally October, December and March)

Meet ~~informally~~ **formally** MAG Rec. #3 & #17, page 2-5 and 6-2 of MAG Phase 2 report ~~-~~with the employee to discuss progress toward the goals and objectives as outlined in Part 3 of the Pay-for-Performance Evaluation for the previous year. Update, add or remove goals as necessary since the last review **in the PFP software**. MAG Rec. #3 & #17, page 2-5 and 6-2 of MAG Phase 2 report and Employee Rec. #3 ~~-~~Unexpected and unplanned assignments may arise. As new goals are added, it is important to evaluate the employee's capacity to accomplish already established goals. By keeping goals and objectives current, the necessity of documenting unplanned assignments in "Part 1" during the Annual Review will be minimized.

~~Indicate any additional comments by the supervisor or employee in the supervisor's log/journal.~~

PROBATIONARY REVIEW

All new employees shall receive a formal probationary review for no less than six months of active service and no more than seven months of active service. **It is understood that the probationary period is a learning period. Goals are not required during the probationary period however if appropriate, goals could be assigned.** Employee Rec. #8 (Exhibit 2) ~~Goals are to be established for the new employee to complete during the probationary period.~~ See next section, Annual Review, for additional information.

ANNUAL REVIEW

Annual reviews are required for all employees. MAG Rec. #16, page 6-1 of MAG Phase 2 report

Employees hired between July 1 and November 30 of each year shall receive a probationary review for no less than six months of active service and no more than seven months of active service in addition to an annual review in May. On July 1, the employee would be eligible for a pay-for-performance increase.

Employees hired between December 1 and June 30 shall not receive an annual review in May; however, they would receive a probationary review upon completion of six months of active service and no more than seven months of active service. Employees would be eligible for a pay-for-performance increase at their one-year employment anniversary. These employees would then receive an annual review in May of the following year and be eligible for a pay-for-performance increase on July 1 of the following year.

The pay-for-performance evaluation instructions are available on Public Docs in the Pay for Performance folder while the evaluation is available on the City's intranet, ~~http://intranet/projects/pfpfb/.~~ **http://intranet/new.** For assistance, please contact the Human Resources Department. It is important to inform the employee that his or her yearly evaluation is due. The supervisor shall set a meeting date and time with the employee to review the evaluation. This will ensure that everyone has ample time to prepare for the evaluation.

It is important to keep in mind that the supervisor should collaborate and seek advice from others in developing the evaluation. Other supervisors, employees, customers, division and department heads may be able to provide important insights into the evaluation process.

SELF EVALUATION

A self-evaluation is ~~not~~ required by the employee ~~unless requested by the supervisor~~. A self-evaluation ~~is strongly encouraged since it is~~ **provides** an opportunity for ~~an~~ **the** employee to inform the evaluating supervisor of surrounding circumstances or extraordinary efforts that were involved in the completion of the goals. MAG Rec. #4, page 2-5 of MAG Phase 2 report Evaluators will be specifically seeking the employee's synopsis of the results achieved on his or her planned and unplanned goals. The employee shall be given a copy of a blank evaluation **in July** by his or her evaluator so that he or she may ~~prepare a self-evaluation prior to the formal discussion of the evaluation~~. **maintain the evaluation for quarterly and yearly reviews.** MAG Rec. #4, page 2-5 of MAG Phase 2 report

The employee may also wish to indicate goals they would like to achieve in the next review period. Goals should be related to the overall vision and mission of the City as well as the employee's department.

Professional development opportunities are not considered goals and should not be noted in the goal section of the evaluation. For example, complete an Excel class.

JOB DESCRIPTION

Obtain the current job description for the employee's position to be reviewed by the employee and supervisor during the annual budget process. In general this review will occur in December or January each year. The job description shall be reviewed by the employee and the supervisor individually. Reviewing the job description annually will ensure that the job description remains up to date with current job duties. All changes must be submitted to the Human Resources Director for consideration and final approval. If appropriate, the HR Director may recommend the position be re-graded.

COMPLETING THE PAY FOR PERFORMANCE EVALUATION FORM

Page One

The intranet system will automatically complete Page 1 of the evaluation. Please realize that each non-bargaining position has been assigned a weight for goals and objectives and one for core competencies. If you think that the weights need to be changed, please contact the Human Resources Director. ~~If you need assistance, please contact the Human Resources Department.~~

PART 1: Planned Goal and Unplanned Assignment Results

This section is to include comment**s** on the degree and qualities of the results achieved and note any extenuating circumstances affecting the results. It should also be noted how well an

employee did in accomplishing the objectives and if they were completed in a timely manner. **A status report on each goal and unplanned assignment is required.** Assign performance points based upon the Performance Rating Definitions and the Key as noted in the Performance Rating tab of the Pay for Performance intranet system. The performance score shall be indicated

in the Performance Rating box. Narrative information is very important in the review process **and is required in Part 1 of the evaluation**; therefore, include remarks and whenever possible, specific examples. It is very important to consider the difficulty of the goals and objectives when scoring. Goals and objectives can have different degrees of difficulty. The completion of a relatively easy goal and objective should not be scored the same as completing a difficult goal and objective. An easily attainable goal that is completed should be rated "~~good~~ **meets expectations**," MAG Rec. #5, page 2-6 of MAG Phase 2 report-a more difficult goal should be rated "commendable," and achieving a very difficult goal should be "~~outstanding~~ **results rarely achieved by others**." MAG Rec. #7, page 2-7 of MAG Phase 2 report A very difficult goal or objective that may be only partially completed may score the same as an easily attainable goal that is completed. It is very important that the difficulty of the goal and objective not be gauged on the employee's ability, but on its relative difficulty when compared to goals and objectives assigned to others.

After completing the Planned Goals and Objectives section, proceed to the Major Unplanned Assignments contained in Part 1. This section should be completed in the same manner as Planned Goals and Objectives. Major unplanned assignments are assignments which either were not included on the previous year's evaluation or were added during the quarterly review and were not scheduled for completion throughout the fiscal year and required at least 40 hours to complete.

The performance score is determined by dividing the sum of the points by the number of Planned Goals and Unplanned Assignments. The result is then rounded to the nearest tenth. This figure will be automatically calculated once the evaluation is saved. Please refer to page one of the evaluation.

PART 2: Core Competency Elements

Each employee shall be evaluated on all the core competencies indicated in Part 2 with the exception of categories that pertain to employees who supervise. This category is indicated. The supervisor should review the Performance Rating Definitions on page 2 of the evaluation or contained in the Performance Rating tab of the Pay for Performance intranet system prior to completing this section.

Specific examples are to be provided in addition to remarks in the space provided. **It is required to provide documentation for a performance score of 1 and 2 as well as a performance score of 5. A performance rating of three does not require an explanation.** Employee Rec. #5 (Exhibit 2) **Specific examples and documentation is recommended for a performance score of 4. Employees need to be aware how they are deficient as well as how they performance is at or above the desired level.** The examples provided for each competency on

the evaluation form should be used as guidelines in developing the narrative in the remarks/example section rather than merely copied.

Upon the completion of evaluating all core competencies, save the evaluation. By saving the evaluation the score will automatically be calculated.

Once the weighted scores for planned goal and unplanned assignment results and core competencies have been calculated the employee's overall score will automatically be calculated by the intranet system. This is calculated by adding the two weighted scores together.

Overall Comments

A detailed narrative is be included in the Overall Comments section (located at the end of Part 2, Core Competencies) of the evaluation. This section should be used for the supervisor to express any comments or concerns that were not addressed previously in the evaluation.

PART 3: Major Responsibilities for Next Year

List goals and objectives for the coming year that are to be evaluated during the next evaluation. **Evaluators are to be mindful of the number of goals that are assigned to employees.** Employee Rec. #2 (Exhibit 2) **Each year Department Heads are to receive their goals by March 31.** Employee Rec. #1 (Exhibit 2)**This will assist the departments in preparing goals for their employees. It is encouraged that employee be involved in the development of the departments fiscal year strategic goals.** Employee Rec. #2 (Exhibit 2) **All** goals are to be written in the S.M.A.R.T. (**S**pecific, **M**easurable, **A**ttainable, **R**ealistically high, and **T**arget date) format. These goals are to be discussed with the employee during the formal evaluation process and reviewed quarterly to determine the employee's progress toward reaching them. For information regarding S.M.A.R.T., please contact the Human Resources Department.

PART 4: Employee's Professional Development Plan

Establish a Development Plan listing actions that the employee can take to improve performance for the coming year. This may include suggestions for education and training, reading material, research, job shadowing, counseling and other self-improvement programs. The Development Plan should include specific actions that the employee can take to enhance performance. This section of the evaluation affords the evaluator and the employee an opportunity to collaborate on how the employee's performance can be improved both as an individual and as a part of a team. This section should be taken very seriously and should be considered one of the most important parts of the evaluation.

Submission for ~~Additional Approval~~ *Human Resources Quality Control Review*

Upon completing the evaluation, please electronically "Forward" the evaluation. This function is within the Pay for Performance intranet system. This function indicates to the next approving supervisor/department head that the evaluation has been completed and is ready for their review. The intranet system allows the evaluation to be forwarded as well as "Returned". The proper

chain of command must be followed in order for the evaluation to reach the Human Resources Director for final ~~approval~~ **review**. Throughout the ~~approval~~ **review** process, a supervisor may return the evaluation to the previous level. This process should be continued until the final ~~approval~~ **review** is ~~received from~~ **completed by** the Human Resources Director.

The evaluation is not to be presented to the employee until it has been ~~approved~~ reviewed by the Human Resources Director. If the evaluation is presented to the employee before the Human Resources Director ~~approves~~ reviews it, the evaluator may be subject to presenting the evaluation again to the employee.

Review with the Employee

Once final ~~approval~~ **review** is ~~received from~~ **completed by** the Human Resources Director, the supervisor shall meet with the employee at the time and date originally scheduled at the beginning of the evaluation process. The supervisor ~~may~~ **shall** provide a copy of the **completed** evaluation ~~up to~~ **at a minimum of** two days prior to the meeting **to the employee**. **This will allow** ~~for~~ the employee **an opportunity** to ~~preview~~ **review the evaluation prior to the meeting**. At ~~this~~ **the same** time, the employee ~~may~~ **shall** give the supervisor a ~~preview~~ **copy** of ~~the~~ **his or her** self-evaluation. **Included in the self-evaluation should be at a minimum two SMART goals that the employee developed. The department head/supervisor can consider the goals for inclusion in the evaluation.** Employee Rec. #2 (Exhibit 2)During the review, the individual's performance, strengths, and developmental needs are to be discussed. Explain the reasons for the review. For example, probationary, annual, special or for another reason. During the review, an open line of communication should be maintained. This is when the employee~~'s~~ **and the supervisor will compare the employee's** self-evaluation ~~should be compared~~ with the supervisor's evaluation. The supervisor as well as the employee being evaluated should be open-minded toward comments made. After the formal review with the employee, the supervisor may need to modify the original evaluation to include information the employee presented during the review process.

Signatures

The employee and the supervisor must sign the evaluation once it has been reviewed together. The employee's signature does not necessarily indicate agreement with the evaluation. If the employee refuses to sign a performance evaluation, the supervisor must make a notation on the evaluation to indicate that the employee refused to sign the evaluation. The employee and supervisor may attach an addendum. The evaluation shall be presented to the Department Head for review and signature. The Department Head shall then forward the evaluation to the Human Resources Director.

Once the evaluation has been finalized, make a copy of the evaluation for the employee. Once the evaluation is submitted to Human Resources, the Human Resources Director will sign the evaluation. Human Resources will then forward to the department a copy of the signature page.

The employee shall be informed that the evaluation will be placed in the employee's personnel file maintained in the Human Resources Department. Evaluations become a permanent record in the employee's file.

Exhibit 5

Management Advisory Group (MAG) Phase 2
PFP Policy April 13, 2009

City of Dover

Performance Based Pay Policy
For Non-Bargaining Employees

~~**April 19, 2005**~~ **April 13, 2009**

I. Purpose

The City of Dover Performance Based Pay Policy is intended to provide equitable compensation based on performance for all exempt and non-exempt positions when considered in relation to each other and to general pay ranges for similar employment elsewhere. This policy rewards excellence in core competencies, as well as the ability to get results.

This will allow the City to maintain an effective, responsible and loyal work force, and allow us to recruit and retain high quality employees. The Policy establishes pay ranges and maintains an effective ongoing pay system for appropriate compensation recognizing the importance of results-based performance.

II. Pay Plan Maintenance

New market-based salary ranges shall be adopted every year after consideration of a market survey that considers both external and internal movement in market salaries. The ranges shall establish an entry-level rate~~, market rate~~ **a mid-point** MAG Rec. #11, page 5-4 of MAG Phase 2 report and a maximum rate. **The purpose of the market survey is to ensure our salaries are moving appropriately based upon the market. The key is to remain consistent in the yearly evaluation. Sources will include, however not limited to the following:**

- **Employment Cost Index (ECI)**
- **Local government organization:**
  - **Kent County**
  - **State of Delaware**
  - **City of Newark**
  - **City of Salisbury, Maryland**
  - **Any other government organizations that is deemed comparable**
- **The Bureau of National Affairs, (BNA) will to utilized to research percentage of increased awarded to bargaining units in the state and local government section.**
- **Salary increases awarded to City of Dover bargaining units**

Every five years the City will retain the services of a professional labor market researcher to determine if the City's ranges are being adjusted accordingly. The City Manager will forward the results of the market survey and his recommendations to Council for consideration during the annual budget

process. The increases in salary ranges shall not be considered as cost of living increases, but shall serve to keep ranges up to date so that employees' performance is properly evaluated within the context of where their salary lies within the market place.

III. Performance Evaluations and Advancement Guidelines

Performance evaluations must be completed annually, prior to any consideration for an increase in pay. No supervisor shall receive an increase in pay until subordinate evaluations are complete. The evaluation will include measurement of the results of predetermined goals and objectives, unplanned assignment results and core competencies. The evaluations shall give goals and objectives for the coming evaluation year.

The amount of the proposed pay increase will be determined by the overall Performance Score as applied to the Pay-for-Performance Worksheet in accordance with the table found on the worksheet. The Pay-for-Performance Worksheet shall be approved by City Council with the annual budget. Appendix A is the model Pay-for-Performance Worksheet; the areas where percentage increases will be placed have been left blank.

Each year, salary increases will be determined by a percentage of the mid-point of each salary range. Once the percentage of mid-point is determined, percentage decreases or increases will be awarded based upon the employee's individual score. MAG Rec. #11, page 5-4 of MAG Phase 2 report **Any salary increase granted to an employee whose salary is above the maximum of the labor range shall receive a one-time lump sum payment that does not roll into the employee's base salary.** MAG Rec. #21, page 6-5 of MAG Phase 2 report **The city reserves the right not to award any pay increase for employee's whose salary is over the maximum of the range.**
~~In general, the percentage increase for employees scoring between 21 and 30 evaluation points whose current salary is within the market range (within the 2nd third of their salary range) will receive an increase equivalent to market increases as determined by the annual market survey. In general, employees with lower scores will receive lower percentage increases, and those with higher scores will receive higher percentage increases. To advance employees to the market rate, employees who are compensated at levels below market will receive increases that are higher than those who are at and above the market with similar performance scores. In some cases with low scores or salaries above maximum, there may be no increases.~~ While it is the intent of the City to keep salaries competitive within the market place, the City Council reserves the right to set percentage increases based on what it determines the City can afford regardless of changes in the market.

IV. Evaluation Quality Control Systems

To ensure quality control, the Human Resources Department will review ~~the latest~~ employee performance evaluations ~~in August of~~ each year **prior to presentation to the employee** to ensure that they have clear and concise goals and objectives with expected results that are aligned with the City's Strategic Organizational Plan. Goals are to be **S.M.A.R.T.** (**S**pecific, **M**easurable, **A**ttainable, **R**ealistically High, **T**arget Date). **In addition, to review if ample or insufficient goals have been assigned to the employee.** Employee Rec. #2 (Exhibit 2)

The comments supporting the results achieved must be specific to the goals and/or competencies and not just a repetition of the goal or objective. Achievement or lack thereof of results and progression in core competencies are to be outlined in these comments.

The Human Resources Department will also review the evaluators for unusual patterns such as consistently high/low patterns of scoring, as well as incomplete or unrelated comments to support the performance points associated with the goals and objectives. While there are no formal quotas, there is an expectation that scoring will naturally fall into a normalized pattern, particularly as evaluations are considered over time and in groups. Feedback will be given to evaluators and their department heads to give them the opportunity to justify the perceived inequities or patterns and if necessary correct the problem(s).

V. Procedures for New Job Titles/Grades and Re-grading and Retitling Existing Positions

To establish new job titles, grade new positions, or re-grade and re-title existing positions where job responsibilities have changed, the following procedure must be followed **(Please note that the procedure could be modified by the City Manager during the budget process.)**:

1. Department heads must submit a proposed job description along with a completed Position Analysis Factor (PAF) Guide to the Human Resources Department with an explanation outlining the reasons for the new title, re-grade or new position. The Human Resources Department will enter the Position Analysis into the Job Analysis Qualification (JAQ) software to determine the salary grade. The Human Resources Director shall compile all of the new positions, new titles and new grades and forward them to the City Manager for consideration within the annual budget.

2. To ensure that existing job titles and grades are kept current, as part of the budget process each Department Head/supervisor will give the employee a copy of their current job description and ask the employees to review the description for accuracy. The employees will return the job descriptions

within one (1) week of receiving them from the Department Head/supervisor and discuss the changes (if any) with the Department Head/supervisor. The Human Resources Department will review the submitted information within one (1) week from receiving it from the Department Head for appropriateness and use the Position Analysis Factor Guide to reevaluate the position. When reclassification is initiated, all incumbents holding the same job title should complete a JAQ. A desk audit usually at the job site would then be conducted with the individual being considered for reclassification or with a representative number of people if the reclassification request affects a number of people with the same title. Key questions concerning the job should be answered to assist in determining the proper level within the overall pay and classification system. The analysis of all the information is then compared to the current position description for the various classifications' levels and weighted, using the same quantitative point-factor rating criteria used to establish the level of all positions in the City pay plan. The Human Resources Department will notify the Department Head and City Manager of the outcome of the review and recommendations. The employee shall be informed of the outcome by the Department Head. Proposed reclassifications will be included in the budget proposal of the City Manager.

3. Hiring, promoting and re-grading an employee to a new or open position will be done in accordance with established procedures outlined in the Employee Handbook.

4. Establishing the hiring salary or salary increase associated with a promotion or re-grading will be derived as follows:

   a. Employees will be placed within the approved salary range at the entry level. On occasion for highly skilled, technical, or managerial positions, it would be necessary to hire above the minimum rate in the range, but not above the ~~market rate~~ **mid-point**. In these cases, consideration will be given to the applicant/employee's education, equivalent experience, related experience and past performance. Recognizing that the current salary ranges are based on a 20-year period between the entry salary and maximum salary the individual may be placed within the salary range using the following guidelines: (1) The employee will be given credit for equivalent experience year for year; (2) Credit for related experience will be ½ year for year; (3) Year for year equivalent experience credit will be given for college experience beyond the minimum required where a related Master's or related Bachelor's Degree has been obtained. A recommendation to hire above the minimum rate in the range should be documented by the supervisor, reviewed and endorsed by the Human Resources Director and approved by the City Manager.

VI. Personnel *Performance* Evaluation Appeal Process MAG Rec. #20, page 6-4 of MAG Phase 2 report

Employees dissatisfied with **performance** evaluations are entitled to dispute the evaluation through the following appeal process.

1. Employees may request an appeal of the evaluation within seven (7) days of receiving the evaluation.

2. The appeal must be filed with the employee's immediate supervisor, in writing, stating the reason(s) for the dispute. The contents of the appeal request must include the specific categories being appealed, the rating sought, and the justification for the change. The immediate supervisor's decision will be rendered to the employee, in writing, within seven (7) days.

3. If an employee is dissatisfied with the immediate supervisor's decision, then the appeal will be forwarded within seven (7) days to the next level of supervision for that division along with a copy to the Human Resources Director.

4. If the employee is still dissatisfied with the decision, the process will continue through each level of supervision up to the City Manager or the Mayor and Council depending on the reporting relationship. City Manager and Council Appointee Department Heads shall have final decision on employees within their departments. Mayor and Council shall hear any appeals by the City Manager or Council Appointed Department Heads. Any appeal going as far as the City Manager, Council Appointed Department Heads, or Mayor and Council will be first submitted to the Human Resources Director.

VIII. Instructions for Using the Pay-for-Performance Evaluation

Detailed instructions are located on Public Docs in the Pay-for-Performance folder.

IX. Evaluator Training

All evaluators will receive detailed training in setting S.M.A.R.T. goals and objectives, preparing for and giving Pay-for-Performance evaluations, using the Pay-for-Performance Worksheet and completing the Position Analysis Factor Guide ~~prior to implementation of this new system~~. Ongoing and refresher training will take place as needed ~~but not less than two (2) times~~ each fiscal year**, however never less then once**. **Failure to attend the training will result in no salary increase awarded.** Training will be mandatory**, unless excused by the City Manager.** MAG Rec. #1, page 2-4 of MAG Phase 2 report ~~and~~ **Training** will include the following subjects: introduction of policy, purpose, guidelines, components of policy, evaluation, appeal process, S.M.A.R.T. goals and

objectives, JAQ scoring system and plan administration. **Each topic is to be addressed as it relates to the employee as an evaluator.**

X. Employee Training

Employee Rec. #7 (Exhibit 2)

All employees will be extended an invitation to attend annual training of the Pay for Performance system. Subjects to be discussed are as followings: introduction of policy, purpose, guidelines, components of policy, evaluation, appeal process, S.M.A.R.T. goals and objectives, JAQ scoring system and plan administration. Each topic is to be addressed as it relates to the employee.

***XI*. Weights for Each Position**

Each non-bargaining position was evaluated and weights were assigned that determined the degree of responsibility and control it contained versus recurring or scheduled tasks as identified in the position description. For example, if a position was determined to have fairly low responsibilities and required the same duties on a recurring basis, the core competencies weight will be greater than the planned goals and unplanned assignment results weight. Conversely, a department director's position would receive the highest weight for planned goals and unplanned assignment results and the lowest weight for core competencies since the position has a much higher level of autonomy and responsibilities.

Appendix A

P.F.P. Salary Calculation Worksheet (Adopted by City Council _____)		
Instructions: **Percentage of increase is determined based on the midpoint of the labor grade for the position in which the employee occupies. Fluctuation from the mid-point is based upon the employee's overall Pay for Performance score. Any salary increase granted to an employee whose salary is above the maximum of the labor range shall receive a one-time lump sum payment that does not roll into the employee's base salary.** MAG Rec. #21, page 6-5 of MAG Phase 2 report **The city reserves the right not to award any pay increase for employee's whose salary is over the maximum of the range.**		
OVERALL SCORE		MAG Rec. #11 and 12, page 5-4 and 5-6 of MAG Phase 2 report
FROM	**TO**	**ADJUSTMENT**
		For example:
10	19	0%
20	29	2% of mid-point
30	35	***3% of mid-point*** ***(Market research recommended movement)***
36	41	4% of mid-point
42	50	5% of mid-point

REVIEW AND EVALUATION OF THE PFP EVALUATION SYSTEM

FOR

THE CITY OF DOVER



FEBRUARY 13, 2009

PART TWO OF TWO:
PAY FOR PERFORMANCE EVALUATION SYSTEM

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MANAGEMENT ADVISORY GROUP, INC.

HUMAN RESOURCES CONSULTING SERVICES

February 13, 2009

Members of City Council
c/o City Manager Tony DePrima
City of Dover
710 William Street
Dover, DE 19904

Dear Council,

Management Advisory Group, Inc. (MAG) is pleased to present this Phase II report for the Review and Evaluation of the *PFP Evaluation System* to the City of Dover (City), in reference to the City's RFP # R8006-JW-09/21/2007.

This initial report is labeled as Part Two of Two for the project. It focuses on the elements that were agreed to in revisions to the original work plan, including the review of the performance evaluation aspect of the project. Part One focused on the classification and compensation elements.

This report reflects input from the City Council, department heads, and employees during a series of meetings conducted on-site.

Please feel free to contact me if you have any questions, or require clarification on any aspect of this report (703) 590-7250 and by facsimile at (703) 590-0366. We appreciate the opportunity to be of service to the City.

Sincerely,

Donald C. Long

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THE CITY OF DOVER

REVIEW AND EVALUATION OF THE PFP EVALUATION SYSTEM

PHASE II

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Transmittal Letter

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SECTION 1.0

GOALS AND OBJECTIVES

This section identifies the goals and objectives for the review of the Pay for Performance System.

1.0 Goals and Objectives

Project Understanding

The City of Dover (City) has sought a review of its total compensation as it relates to the City's Pay *for Performance Evaluation System*. The proposed services have been conducted during two major time frames, including prior to October 2008 and after October 2008. The Phase I report was provided to the City Council September 29, 2008. This enclosed report focuses on Phase II issues related to performance evaluation.

Work Plan: Phase II

In this report, the following questions are relevant and reviewed:

- Are performance evaluations and advancement goals being met?
- Are the "Quality Control" systems working?
- Are "below market" employees advancing to "at market" at the expected rate?
- Has the system reduced or eliminated the number of employees above the maximum and prevented employees from advancing above the maximum?
- Is the appeal process working?
- Have there been a high number of appeals?
- Do appellants feel that they have been treated fairly?
- Are we properly training evaluators?
- Are we following the training guidelines?
- Do evaluators feel as though they are being properly trained?
- Is the system working to retain quality employees or are we losing them to competitors?
- Are the new recruits staying with the city?
- Are we getting results based performance due to rewarding better performance? Are employees more goal oriented under this system of evaluation? Are employees more motivated to perform better under this system?

SECTION 2.0

CURRENT PFP SYSTEM

This section describes the major elements of the current Pay for Performance System, and includes some key recommendations.

2.0 Current Pay for Performance System

Review of Major Elements of the Pay for Performance (PFP) System

The City has established four (4) major elements that constitute the current Pay for Performance System. They include:

- Performance Based Pay Policy for Non-Bargaining Employees (April 2005);
- Instructions for the Performance Review Cycle (supporting documentation);
- Pay for Performance Evaluation Form for Non-Council Appointed Positions;
- Pay for Performance Evaluation Form for Council Appointed Positions.

The actual descriptions of these elements for the Pay for Performance System are included in Appendix I. The form for Council appointed positions is included for reference in Appendix II.

The system devised and used by the City is quite comprehensive, documented, and detailed. It is a more detailed and involved system than most municipal employers utilize. In the public sector, there is a broad mix of systems and programs used. Agencies often go through cycles of use and non-use of performance evaluation. The application and implementation of a performance evaluation system is a function of the management and leadership of the governmental organization. If the practice is embraced by the leadership, it is put in place. If it is not viewed as a viable mechanism for evaluating, documenting, and determining compensation adjustments, the default is that all employees receive the same level of adjustments.

Performance evaluation is a complex undertaking, which is why some agencies take the easy road and do not bother with implementing a performance evaluation program. The City of Dover has chosen to meet the challenge directly, by not only implementing a comprehensive and well documented system, but also seeking an evaluation of its relevance, appropriateness, and implementation.

Performance Based Pay Policy for Non-Bargaining Employees (April 2005)

The Performance Based Pay Policy document provides the background, guidelines, definitions, procedures, and appeal process for the Pay for Performance System. It indicates that the purpose of the program is to provide equitable compensation based on performance for all non-bargaining positions when considered in relation to each other. The goal is to reward excellence in core competencies and to obtain positive results. This general purpose applies to the entire compensation system. Part III of the City's policy document focuses on Performance Evaluation and Advancement.

The tone of the evaluation program is established when it states that performance evaluations must be completed (annually) before any consideration can be given to an increase in compensation. Further, no supervisor may receive an adjustment until subordinate evaluations are completed. This is a critical rule that appears to have been upheld to ensure the integrity of the system.

The potential increases that are available to employees are a function of their score and their current compensation relative to the market rate or market point. The calculation is based on a percentage presented in the budget. This percentage is then multiplied by the incumbent's base salary. If an employee is below the market rate for his or her pay grade, the adjustment would typically be larger than an employee whose current compensation is above the market rate. This approach is based on the theory that the market rate is provided to a fully competent incumbent. The rate of compensation growth is accelerated in the early stages of incumbency to move to the market rate faster. The compensation growth is slowed down after the employee has entered the market range of pay, and is further slowed when the salary is above market. The potential adjustments under this approach are established in a Salary Calculation

Worksheet which are the result of the actual scoring and where the employee's salary is in relation to the market point.

The Salary Calculation Worksheet does not appear to be fully understood at all levels of the organization and is not fully embraced at all levels. It is somewhat complex, has changed from year to year, and based on budgetary decisions may not be fully integrated with the City's stated policy of a normal progression framework to the market point of the range. Its basis (use of market rate in combination with score) is not unique, but can be achieved through a simpler technique recommended in Section 5.0 of this report.

Part IV of the City's Performance Based Policy outlines a quality control mechanism that includes a review by the Human Resources Department to ensure that the goals and objectives of individual evaluation plans are consistent with the City's Strategic Organizational Plan, and that SMART goals are established. Human Resources is also charged with reviewing the evaluators for unusual patterns of scoring, or incomplete or unrelated comments. The policy indicates an expectation that scoring will fall into a somewhat "normalized" pattern. While normalized is not defined in the City's policy, this typically means a bell curve pattern, in which most scores will be in the mid range, while some people will score low and some will score at the higher levels. The Human Resources Department is to provide feedback to evaluators and department heads to justify inequities or patterns, and if necessary, correct the problem. Some discussion of this "quality control" approach will be made in Section 5.0 of this report, and recommendations made to ensure an appropriate organization wide quality control mechanism is in place.

Part VI of the City's Performance Based Pay Policy describes the appeal process. The appeal of an evaluation is directed up the chain of command, which is a standard

approach for an appeal. There appear to be very few appeals made, which is discussed more fully in Section 6.0.

Part IX of the City's Performance Based Pay Policy describes the requirement for training of evaluators in all aspects of the program. This is required two (2) times per year. In practice, in recent years, this type of training has been provided once each year, so the practice does not match the policy in this instance. Training on the elements of the system once per year is standard and sufficient for most agencies.

It is noted that not all evaluators are actually attending the "required" training. The policy should also be adjusted to put "teeth" in the training program. If evaluators do not attend the required training, they would not be able to receive any adjustment to their own salary level for which they may be eligible.

Council Members also have responsibility for evaluating five (5) positions that are "direct reports" to the Council. As a matter of fairness to the evaluated employees, Council Members should also attend the annual training program. If a Council Member does not have time to attend the training, he/she should consider recusing him or her self from the evaluation process.

Recommendation # 1: ***Change the policy on training in the PFP System to match the practice, by requiring training for supervisors once per year. If training is not attended, deny any salary increase for which the supervisor may be eligible.***

Instructions for the Performance Review Cycle (supporting documentation)

The instructions for the performance review cycle are comprehensive. The impact of not getting evaluations done in a timely manner is clearly placed on the Department Head. If not done in a timely manner, their own potential increase will be delayed by the same number of days the evaluation is late. The instructions (second paragraph of the instructions) indicate that "sufficient time" must be given to enable the Human Resources Director to complete a review of the scoring, but that time is not fully defined.

Recommendation #2: Establish a more precise time frame and accountability within the set of Instructions so as to clearly define the time allotted for each step in the performance review cycle.

Quarterly Reviews

Language is included in the Instructions about documenting work behaviors throughout the year. This is an excellent policy and should be monitored. Requiring a "quarterly review" is also a fine policy, and requires substantial attention to ensure their completion on a regular and routine basis. The set of instructions strongly encourages that quarterly reviews be completed. Under the current City policy, quarterly reviews do not have to be submitted to HR for review. The advantage of conducting quarterly reviews is to keep employees abreast of their performance and focused on their goals. There is no record of the quarterly reviews being accomplished and, in practice, some departments do quarterly reviews and some don't.

Recommendation #3: Written quarterly reviews should be done by Department Heads on a schedule outlined in the City's policy, and documented in the evaluation by entering into the PFP software.

Self Evaluations

A "self-evaluation" component is described in the Instructions, in which an employee is not required to complete one unless requested by the supervisor. The intent is to have a basis for the formal discussion of the evaluation at a later point. In practice, some department heads ask employees to complete self evaluations and some do not. This is an uneven practice within the departments. The policy should dictate one way or the other as to whether self-evaluations shall be done. While supervisors may focus on one set of behaviors, they may find that employees have identified achievements that have been overlooked.

Recommendation #4: All evaluated employees should conduct self evaluations, with the purpose of then comparing them at the formal performance evaluation meeting.

Pay for Performance Evaluation Form for Non-Council Appointed Positions

This evaluation form includes definitions of performance ratings, including Outstanding, Commendable, Good, Acceptable with Some Improvement Needed, and Unsatisfactory. For the most part, the definitions are appropriate and reflect standard definitions within a typical performance evaluation format. However, there is a disconnect in the labeling and definitions for the "Good" level and the "Acceptable with Some Improvement Needed" level.

The definition for "Good" is more consistent with the label of "Meets Expectations" as defined in most systems. It is the third level down in the relative ranking of performance, and in a five (5) rank level system, is typically assigned the label of "Meets Expectations". That is essentially what the definition in the form describes. The incumbent is to meet the expected standards of the job. The definition describes what the City should expect of an incumbent receiving compensation for work.

Recommendation #5: ***Change the current performance form label of "Good" to "Meets Expectations" on the evaluation form.***

For the level that is labeled "Acceptable with Some Improvement Needed", the label itself is deceiving. The definition describes performance that is clearly not acceptable within a work environment. Labeling the described performance as "Acceptable" creates an impression that "not consistently demonstrating the required knowledge, skills, abilities, and/or effort for the position" is indeed acceptable (when in fact, it is not, or should not be).

Recommendation #6: Change the current performance form label of "Acceptable with Some Improvements Needed" to "Improvement Needed".

MAG further offers an observation and recommendation in reference to the label assigned to level 5 of the evaluation system, that of "Outstanding". The PFP policy itself has indicated that the evaluation system is a relative ranking system. In other words, how well (or not) employees are performing relative to others in the organization is a key component. Under the current labeling system, it is feasible that all employees could obtain "Outstanding" scores. In a relative ranking system, that scenario is not feasible. In order to match the reality of scoring with the defined policy and policy intent, an adjustment to the label for the highest score is needed to re-emphasize the relative ranking intent of the policy and the program.

Recommendation #7: Change the current performance label of "Outstanding" to "Results Rarely Achieved by Others".

The evaluation form also includes both planned goals and unplanned assignments. This demonstrates the flexibility of the system as it recognizes that goals and objectives may change during the course of a performance cycle. The prioritization aspect of the format is commendable as well. A unique dimension to the establishment of goals and objectives is that of requiring goals to meet the SMART criteria (Specific, Measurable, Attainable, Realistically High, Target Date). The evaluator and the employee have some parameters guiding the development of goals and objectives.

The inclusion of a professional development plan for the coming year is also a desirable component of a performance evaluation program. It demonstrates that the evaluation is not only looking backward on previous performance, but is also forward looking as well.

SECTION 3.0

EMPLOYEE VIEWS ON THE PFP SYSTEM

This section summarizes the views expressed by supervisors and employees attending training sessions in October 2008 and December 2008.

3.0 Summary of Employee Views on the PFP System

Employee Meetings Conducted

Meetings were held with groups of employees and supervisors in both October and December 2008. In the October meetings, attendees were asked to identify strengths, weaknesses, and possible solutions to the Pay for Performance System. The extensive comments are summarized here, with duplicative comments removed.

Strengths of the PFP System Noted by Employees and Supervisors

- Online capability *(use year after year, saves time, better than paper);*
- The PFP system is standardized across departments;
- The system requires establishing goals;

- Separates achievers from underachievers – rewards achievers;
- There is potential for a larger increase;
- The system documents poor performers;

- Documents *actions/goals and work behaviors;*
- Keeps you focused *and provides c*onstant feedback;
- Defines expectations *and k*eeps employees on track;

- There is an incentive to excel in performance;
- Employee morale is positively affected, generally;
- There is better retention of skilled staff;

- Goals are clear and they are good in theory/principle;
- There is opportunity for employee development;
- Goal setting – goals are flexible;

- Enhances communication between supervisor and employee;
- The use of self evaluation is good;
- Increases productivity;

- Grading based upon performance rather than random views;
- Dialogue between supervisor and manager;
- There is a continuity for goals if done properly;

- The system benefits “under market” employees;
- Credit can be given for unplanned assignments;
- The system allows you to set goals for next year.

Weaknesses of the PFP System Noted by Employees and Supervisors

- There is a lack of understanding of the PFP system by Council;
- Scores can be subjective;
- Goals and objectives can be redundant and don't flow down in timely manner;

- A lot of approval levels can take months;
- No incentive once you get to "above market";
- "Below market" concept can sometimes reward poor performers

- Supervisors not always qualified to evaluate the employee;
- Weak training on standards/standardizing on grading;
- The required paperwork can be cumbersome and process time consuming;

- The scoring system is sometimes seen as unfair and not understandable;
- Calculation manipulation and influence from outside of the department;
- Distrust of HR – denial of high scores, lack of communication;

- Matrix should be consistent each year – no changing at budget;
- Can be abandoned without notice – Council can eliminate after goals are met;
- Substantial sacrifice does NOT equal pay for performance;

- Union employees getting better raises & step increases than PFP;
- Matrix is misleading;
- Brings down morale and incentive is minimal;

- No credit is given for experience that one brings to the job;
- Weighted scoring;
- Unfair to long-time employees, less of an increase;

- Core Competency is too wordy/repetitive;
- Performance goals take precedence over core competencies;
- It takes too long to complete each evaluation;

- Evaluations are all due at the same time;
- There is a tendency to trend toward the middle;
- Union employees get better raises/step increases than supervisors;

- Budget drives the compensation – not enough difference in actual pay between an "average" and an "outstanding";

- "Down-sizing" of actual performance ratings to meet budget constraints;
- Process takes too much time from evaluation to results;

Solutions for the PFP System Noted by Employees and Supervisors

- Goals should have more weight than objectives;
- Unplanned goals should have more weight than scheduled goals;
- Hold off goals during the probationary period;

- Final approval should be with Dept. Head – not HR;
- More support/understanding of the program by Council;
- Accountability, follow up on findings;

- Training should be a "on-going" process;
- Proper/consistent training for supervisors doing evaluations;

- Need less reliance on HR to monitor the system;
- Need more time to talk with supervisors about goals;
- Funding – have to fully fund the system;

- Stop hiring people at "below market";
- Eliminate decreased "increases" for above market;

- Simplify evaluations;
- Council needs to identify goals earlier to incorporate in evaluations;

- Define Council appointee goals in March;
- Define department head goals in April;
- Develop weight system for goals;

- Delete <u>below</u> & above market;
- Better define priorities/weight goals;
- Don't require explanations for 3's + 4's;

- Place more authority with Dept. Heads;
- Evaluate PFP software for user-friendliness;

- Simplify core competencies;
- Add flat cost-of-living increase and make PFP an additional %;

- Base evaluation dates on anniversary date;
- Supervisor raises should not be less then union (good evaluations);
- Allow more 5's;

- Develop a plan to get people to market;
- Limit goals.

While not all views are reflected in the series of recommendations, they have all been considered. For example, broad comments on the need for supervisory training on the PFP system are reflected in the recommendations, the role of HR has been further defined and clarified, and the system scoring is simplified. Some suggestions may be based on incomplete information or rumor (final scoring approval is with DH, not HR), or may not be feasible at this time (such as evaluations on anniversary dates, which is a major change). Employees may be assured that all suggestions were reviewed in the context of other needed system adjustments.

Employee Views Regarding Specific PFP Related Questions

In addition to the strengths, weaknesses and possible solutions identified by employees in October 2008, a series of meetings was conducted in December 2008 to focus on specific questions. All of the responses are listed in Appendix 2. They are summarized here for the reader.

1. **You have been a provided a copy of the PFP policy and instructions. Do you believe the evaluations are being completed in accordance with the Policy and Instructions? If not, what specific policies are not being met?**

   Of the 74 responses to whether the evaluations are being completed in accordance with the Policy and Instructions, 57 people answered "Yes", while six (6) people answered "No". Of the remaining respondents, seven (7) people indicated that they had not been evaluated yet as newer employees, while four (4) responses were non-committal.

2. **Does your supervisor collaborate with you on developing your goals for the coming year? Do those goals use the SMART criteria (Specific, Measurable, Attainable, Realistically High, Target Date)?**

   Of the 80 responses to this question, 65 people answered "Yes", while 12 people answered "No". Three (3) responses were unclear or non-committal. Some of the "No" responses were due to the view that the goals are either very clear or pre-determined, so no collaboration was needed.

3. **Do you feel that establishing goals is relevant to your job (if not, could you identify your job title)?**

   Of the 78 responses to this question, 64 people answered "Yes", while five (5) people answered "No". Nine (9) of the responses were non-committal or unclear.

4. **Is the "core competency" of the evaluation relevant to your job?**

   Of the 78 responses to whether the core competencies are relevant to the employee's job, 65 people answered "Yes", while two (2) people answered "No". Eleven respondents were unsure, non-committal, or indicated "somewhat".

5. **Do you feel your job is weighted appropriately between goals and competency?**

   Of the 72 responses to this question, 41 answered "Yes", while 19 people answered "No". Twelve respondents were unclear or uncertain.

6. Do you believe the scoring system is fair?

Of the 76 responses to this question, 38 people answered "Yes", while 22 people answered "No". Sixteen (16) respondents were either unclear, non-committal, or had not been evaluated yet and had no comment.

7. Is high performance rewarded?

Of the 71 responses to this question, only 13 people answered "Yes", while 43 people answered "No". Fifteen (15) people were not certain or were non-committal.

8. Are evaluations done consistently across departments?

Of the 74 responses, 14 people answered "Yes", while 14 people answered "No". Most respondents (46) did not know or could not answer the question.

9. Supervisors: do you feel as though you have enough knowledge of how to use the performance evaluation system?

Of the 53 responses to this question, 34 people answered "Yes", while only three (3) people answered "No". Sixteen (16) people answered n/a, and other non-supervisory people simply did not answer.

10. Does the system help retain high performing employees?

Of the 73 responses to this question, 15 people answered "Yes", while 39 people answered "No". Nineteen (19) people answered unsure or don't know.

11. Are employees generally more goal oriented under this system of evaluation? Why or why not?

Of the 77 responses to this question, 44 people answered "Yes, while 17 people answered "No". Sixteen (16) people were unsure or non committal.

12. Once the evaluation is complete, does the employee receive timely feedback on the results? Why or why not?

Of the 70 responses to this question, 41 people answered "Yes", while 15 people answered "No". Fourteen (14) people were unsure or non committal.

13. **Have you ever appealed an evaluation? If yes, did you feel it was handled adequately? Why or why not? (was it fair?)**

Of the 73 responses to this question, six (6) people indicated that they have appealed an evaluation, while 62 respondents indicated they had not ever made an appeal. Five (5) people indicated no response or unrelated information. Of the six (6) people who appealed, two (2) indicated a satisfactory response, while three (3) were not satisfied. One (1) appellant did not discuss the outcome.

14. What single action would you recommend to improve the system?

As one might imagine, with open ended responses from 75 employees, the answers are highly variable. The responses varied from "get rid of it" to "don't change anything". Some recommendations noted several times included:

- ensure Council commitment to the program (since it was suspended recently, this has been a matter of concern);
- make the evaluations more department specific;
- reduce the role of Human Resources to that of process monitoring rather than reviewing or changing scores (although no documented evidence was presented);
- shorten the format, particularly with the redundancies in the core competencies;
- require more meetings between supervisors and employees;
- make the matrix consistent and do not manipulate;
- let department heads decide increases;
- let supervisors decide increases;

The more frequent employee recommendations focused on making the PFP simpler, limiting the role of HR, shortening the format, and ensuring Council commitment and acceptance.

SECTION 4.0

CITY COUNCIL EVALUATIONS

This section focuses on the evaluation form and process used by City Council to evaluate five (5) Council appointed positions.

4.0 City Council Evaluations

Council Appointed Evaluations

There are five (5) positions within the City that report directly to the City Council. These include the City Manager, City Clerk, Planning Director, Finance Director, and Tax Assessor. For these positions, the City Council as a whole is responsible for providing performance evaluations.

Evaluation Process

In terms of process, these incumbents conduct self evaluations (using the prescribed form in Appendix 2). Then, the evaluations are given to Council Members for review and consideration. The Council will meet as a group, without the employee present, to discuss the performance issues and concerns. Following this step, the employee meets with the full Council to discuss the performance evaluation document and views of Council Members. The City Clerk creates a score sheet upon which each Council Member's scores are recorded for the goals and the core competencies. The City Clerk does the calculations, which includes dropping off the high score and the low score for each item evaluated. The Council Members review the form and scores and then the City Clerk enters the scores into the PFP electronic system. The evaluation is then printed out.

The City Manager provides input into the evaluations for the Planner and the Tax Assessor positions.

Format and Form

In terms of the form used, it is essentially the same format as that which is used for non-Council appointed positions. The major difference is in the sub-elements of the core competencies. The items within the core competencies are specific to the higher level nature of the positions and their work relationship to Council.

Planned Goals and Unplanned Assignments

This section of the forms for Council appointees appears to be well done and focused. The tight definition of the planned goals and/or unplanned assignments lends itself to a somewhat objective review and assessment.

Core Competency Elements

This section of the form is not well described and as a result is difficult, if not impossible to result in an objective evaluation of the incumbent. While MAG has selected (for the sake of brevity) to use a single review form as an example, (see Section 5.0) it should be noted that this area of the form was also voiced as a concern by other non-bargaining employees. The "elements" portion of the Core Competency section was described as "overlapping", "redundant" and "overly complex". These comments appear to be supported by MAG's review of this area of the evaluation form (See Section 5.0)

Performance Rating Definitions

The performance rating definitions used for Council appointed positions is the same as that which is used for non-Council appointed positions. The evaluation in Section 2.0 includes a review of the definitions, and MAG has the same recommendation for the Council appointed positions.

Observations

There is an inherent challenge for Council Members to evaluate the work performance of the management employees reporting directly to the whole Council. A primary concern is that Council Members are not typically in daily contact with the reporting employee to the same extent as a supervisor is with an employee. The interactions and therefore the observations are infrequent and often occur during periods of stress (public meetings or other times when significant issues are at stake). To compound the challenge, some Council Members, due to their time commitments and also the committees in which they are most active, may or may not have sufficient

opportunity to observe and evaluate the work performance of the employee. As an added point, if Council Members are not able to attend the training provided annually on the PFP system, they may not be familiar with the forms and nuances of the system to enable full and appropriate consideration of all facets of the work being completed. It was noted in Section 2.0 that Council Members should attend the annual training to ensure their full understanding of this (complex) system of evaluation.

While the process established for the evaluation of Council appointed positions has some good elements (requiring initial self evaluations, meeting first without the employee, using core competencies and a scoring system similar to other employees, dropping off the high and low scores), a slight adjustment in process may be helpful.

Committee Structure for Council Direct Reports

The City should consider establishing a three (3) or four (4) person committee structure for evaluations that would assign Council Members with the most familiarity with the work performance of the employee to that particular committee. For example, the Council Members who work most closely on financial affairs and budgetary matters would be assigned to a four (4) person committee to initially evaluate the performance of the Finance Director. The Council Members who work most closely on planning and community development issues and committees would take the lead on the evaluation of the Planning Director position. MAG further suggests that the Council President be assigned to each of these committees.

As an example, for the Planning Director position, the committee might include the following committee chairs:

- Parks, Recreation, and Community Enhancement
- Safety Advisory and Transportation
- Planning Commission Chair
- Council President

For the Tax Assessor position, the committee might include the following committee chairs:

- Legislative, Finance, and Administration
- Chair of the Tax Appeal Board
- Council President

For the Finance Director, the committee might include the following committee chairs:

- Legislative, Finance, and Administration
- Chair of the Pension Committee
- Utility Committee
- Council President

For the City Clerk, the committee might include the following committee chairs:

- Legislative, Finance, and Administration
- Parks, Recreation, and Community Enhancement
- Utility Committee
- Council President

For the City Manager, while it is ultimately the entire Council that is responsible for this evaluation, the full Council should rely upon the approach established in the contract for the City Manager. It indicates that the review would be completed by five (5) Council Members, including the Council President and the chairs of the standing committees. The five (5) person committee should therefore include:

- Legislative, Finance, and Administration
- Parks, Recreation, and Community Enhancement
- Safety Advisory and Transportation
- Utility Committee
- Council President

This committee would *conduct the initial meeting* with the City Manager to review the self evaluation and provide a recommendation to the full Council. This action could make the full evaluation meeting with Council a more productive and focused meeting.

This process adjustment would allow Council Members to discuss performance in greater detail and have a more meaningful set of interactions with the employee. The outcome of the initial evaluation would then be presented to the whole Council as a recommendation, with the whole Council then confirming the recommendation or making any adjustments deemed appropriate.

Recommendation #8: Create a committee structure to evaluate Council appointed positions that would make recommendations on compensation adjustments for the evaluated employee.

Recommendation #9: Apply the changes noted in Section 5.0 to the development of Core Competencies for the Council positions.

SECTION 5.0

PFP SCORING AND CALCULATIONS

This section reviews the current scoring system and the current method of calculating possible increases.

5.0 PFP Scores, Calculations and Forms

Policy for Performance Pay

The following is excerpted from the "Performance Based Pay Policy for Non-Bargaining Employees":

> I. Purpose
>
> "The City of Dover Performance Based Pay Policy is intended to provide equitable compensation based on performance for all exempt and non-exempt positions when considered in relation to each other and to general pay ranges for similar employment elsewhere. This policy rewards excellence in core competencies, as well as the ability to get results.
>
> "This will allow the City to maintain an effective, responsible and loyal work force, and allow us to recruit and retain high quality employees. The Policy establishes pay ranges and maintains an effective ongoing pay system for appropriate compensation recognizing the importance of results based performance."

The current Pay for Performance narrative recognizes that the pay structure is established on a twenty (20) year career plan base. Additionally, the movement for acceptable performance for employees who are "below market' is based on reaching the market point in seven (7) years. The policy is to have an employee who starts at the entry level and who receives a "GOOD" evaluation to move to the market level within seven (7) years.

Current Pay for Performance Scoring and Salary Adjustments

The current pay plan structure is 57% from the entry level of the range to the top of the range, with approximately 21% between the entry level and the market point and 30% between the market point and the maximum of the range (percentages compound to yield a range width of 57%). Given this spread, a "Good" evaluation, or as MAG recommends, "Meets Expectations", would be an annual adjustment of approximately

3%. If the policy to move employees to the maximum of the range was recognized in the performance management plan, a "Good' or "Meets Expectation" raise from the market to the maximum of the range would be an annual adjustment of approximately 2.3%.

In contrast, the City's calculation for "Good" for the 2008 – 2009 matrix (which is currently suspended) would be 4.25% (for below market) and 2.5% for above market. An employee whose salary is at market would receive 3.25%. The Row of "30-35" would represent "Good" or 'Meets Expectations" and should equate to 7 years to market and 20 years to maximum (or an additional 13 years of service).

MAG has reproduced the City's 2008-2009 Performance Score Table and has also added a "years to…" calculation based on the current pay structure and the percentages shown in the table. This calculation shows the "years to market" and "years to maximum" that would be required to reach either level in the pay plan, based on the percentages noted in the table.

PFP Score				ADJUSTMENTS					
From	To								
		Employee Above Max	YRS MAX	Employee Above Mkt	YRS Max	Employee at Mkt	YRS	Employee Below Mkt	YRS MKT
From	To								
0	19	0.00%	N/A	0.00%	N/A	0.00%	N/A	0.00%	N/A
20	29	0.00%	N/A	2.00%	15.0	2.50%	N/A	3.00%	7.0
30	***35***	***2.00%***	***N/A***	***2.50%***	**12.0**	***3.25%***	***N/A***	**4.25%**	***4.9***
36	41	2.75%	N/A	3.25%	9.2	4.00%	N/A	6.00%	3.5
42	50	3.50%	N/A	4.00%	7.5	4.75%	N/A	6.50%	3.2

The current approach and assigned percentages result in an uneven movement toward the market and maximum of the assigned pay range. In all cases, the row that equates to the score of 30 – 35 ("Good" or "Meets Expectations") is more aggressive than the City's presumptive policy.

Plan Simplification

The recent and current economy dictates a responsible and reasonable approach towards performance adjustments. Employees are seeking a more straightforward and understandable system of adjustments. The current approach is often viewed as being manipulated and so complex that it is difficult to explain and follow. There is certainly a mixed view of the concepts (and resulting adjustments) by employees who are either "below market" or "above market". While there is a defensible philosophy upon which the current system is structured and implemented, MAG recommends a methodology that employs some elements of that underlying philosophy, yet includes an easy to comprehend approach. There are several elements of the system, and they are presented one at a time below.

10 Years to Midpoint

The first construct or basis of the system is that of the number of years upon which the structure is based. MAG recommends that the system be based on a "normal progression" with 10 years to the arithmetic midpoint. This is similar to the current program except that it would mean eliminating the concepts of "below market" and "above market". Instead of using "below market", the recommended approach would advance an employee who "meets expectations" to the midpoint in 10 years.

Recommendation #10: Base the movement within the pay grade on the concept of a "normal progression" career plan for employees who "Meet Expectations" to reach midpoint in 10 years.

Use of Midpoint to Calculate Adjustments

Historically, following the completion of a performance evaluation, the City has provided percentage adjustments to the employee's current salary. The results of this practice, in combination with the application of the "below market" and "above market" concepts, have been a source of concern within the workforce as being inequitable.

To simplify the adjustments, and based on equity within the compensation plan structure, MAG recommends using the midpoint of the assigned pay grade as the basis of potential adjustments. A position title in a particular grade has an identified market range value. Any performance evaluation adjustments would be based on the arithmetic midpoint of the pay range within which the position title is assigned.

For example:

- Computer Operator and GIS Technician are both grade 113. Each has the same midpoint value ($36,989). If a Computer Operator produces a higher performance evaluation score than the GIS Technician, then the Computer Operator would receive a higher adjustment. If the performance evaluation score translates into a 4% adjustment for the Computer Operator, the dollar value of the increase would be $1,479.56. If the GIS Technician's performance evaluation translates into a 3% adjustment, the dollar value of the increase would be $1,109.67. If their scores are in the same range, they would both receive the same dollar value of adjustment.

This practice would have a somewhat similar effect of moving the person with a salary lower than the midpoint at a faster pace, but would also enable experienced incumbents to advance towards the maximum level of the pay range. This concept is simpler than the current approach. It would not matter whether the incumbent was at the lower end of the pay range or in the upper portion of the pay range. The increase is influenced more by performance than by relative position within the pay range.

Recommendation #11: Use the arithmetic midpoint of the position's assigned pay grade as the basis for calculating potential performance adjustments.

Calculating Performance Adjustments

Performance adjustments would be based on the midpoint of the assigned pay range of the position held by the employee. The potential annual performance adjustments on a percentage basis would have to be identified each year, as a function of several factors, including any structural adjustment made, actual performance score, and the available dollars.

The City has historically made structural adjustments to the entire compensation structure to recognize increased costs of living and to ensure the City's overall competitiveness within the general market. The City should continue its practice of using labor market indicators to make structural adjustments.

In order to provide performance evaluation adjustments based on the midpoint, the arithmetic midpoints would have to be calculated each year.

The percentage adjustments would range from zero (0) percent for employees scoring fewer than 20 points in their evaluation, which is current policy. The percentage of midpoint adjustments for the other four (4) categories of PFP scoring would have to be determined each year based on any structural adjustment made, actual performance score, and the available dollars. **For example, if the City makes a 3% structural adjustment to the pay structure, the following set of adjustments would occur:**

PFP Score	Rating	Adjustment as a percentage of midpoint
0 – 19	Unsatisfactory	0
20 – 29	Needs Improvement	2%
30 – 35	Meets Expectations	3%
36 – 41	Commendable	4%
42 - 50	Results Rarely Achieved by Others	5%

One can readily see that it will take an employee a longer period of time to reach higher salary levels if their performance evaluation scores are lower than the employee who regularly achieves higher annual evaluation scores. The likelihood is that employees will score at varying levels during their employment with the City. The

movement is based on performance. Consistent evaluations at the "Needs Improvement" level should not occur, as it would bring into question the viability of continued employment.

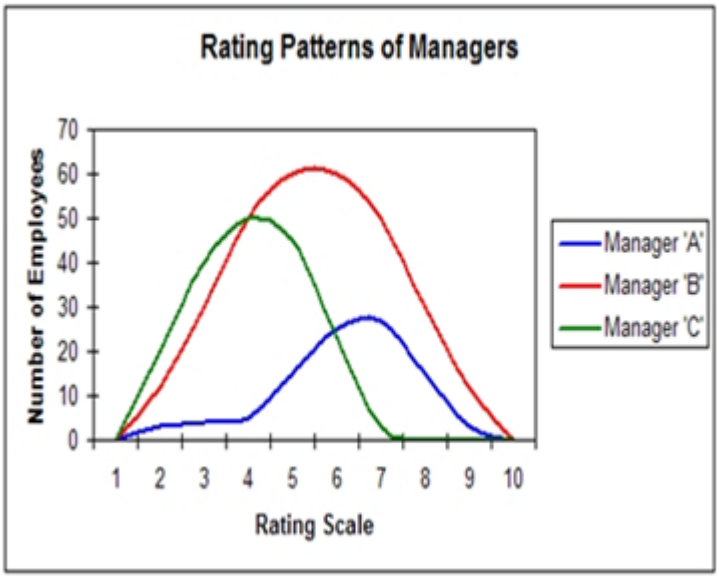
Recommendation #12: Establish a simple and straightforward program for potential adjustments of zero (0) through an annually determined percentage amount for all other categories of evaluation.

Normalizing Scores by Human Resources

The City has attempted to compensate for lenient or harsh raters by having the HR Department review the scores and make recommendations back to the Departments with respect to the perceived "rating tendency" of various supervisors. A statistical formula should be developed and employed that can convert the scores into rater profiles and allow for comparison of rater profiles. While using a statistical model will help to reduce the perception that the HR department is substituting its judgment for that of the supervisor, it will not be entirely without pitfalls. The reality is that the group being evaluated is already, in the nomenclature of statistics, "pre-selected". In other words, these incumbents have already been promoted from lower level positions or have been hired in at a higher level. As a result, one would not expect that their evaluation scores would reproduce a balanced bell curve.

The following chart provides an example of how rating patterns of various managers can be compared by graphing on a standard bell curve chart.

CHART OF COMPARATIVE RATING PATTERNS



It can be observed, from the figure above, that Manager 'A', compared to Manager 'B', has the tendency to rate most of his subordinates at 7 to 8 points on a Performance rating scale of 1 to 10. Manager 'C', on the other hand, is highly conservative and awards given to the best of his subordinates are in the range of 5 to 6 points. Thus, an average performer with Manager 'B' gets equated with the Best employee reporting to Manager 'C' and with a low average subordinate of Manager 'A'.

The City has attempted to adjust for rater tendency by making compensating recommendations. However, this process is not always perceived by employees, whose scores may have been adjusted, as being objective and equitable. Many organizations choose to ignore the problems created by rater tendency. The City of Dover is commended for recognizing and attempting to address this very valid concern.

Without any adjustment, those employees who are assigned to a harsh rater may leave the City and those assigned to a lenient rater may be the managers of tomorrow. Suppose there are 10 appraisers in the City, each with a high degree of variability in their performance appraisal scoring. The process of balancing this variability is called "normalization".

The Normalization Process

An overview of the process is comprised of the following steps:

- ✓ 'Statistical Mean' of organizational rating pattern of all the Managers (i.e., Appraisers) at the same level, across various departments, is computed. Let this Mean be 'M'.
- ✓ Statistical Mean for each of the Appraisers at the same level (i.e., for all the 10 Managers in the example given above) is computed. Each Manager should have done the Appraisal for 40 to 50 employees (may be over the last 5 years). Let this Mean be 'Mi ' (i = 1 to 10).
- ✓ A correction Factor (CF) for each of these Managers (Appraisers) is then computed = Mi / M. Its value, for example, will be 1.0 if the rating pattern of a Manager is the same as the statistical Mean for all the Managers.

- ✓ Performance Score of each individual employee is divided by CF for his/her Manager to compute its normalized value. This normalized score is utilized for all management decisions.

There are other factors that should be considered in a normalization process. Data can be compiled from previous year's evaluations to have enough data from each of the raters to insure statistical validity. While it is possible to manually manage a normalization process, MAG would suggest that the City consider automating this approach. This should address both the concerns that the Human Resources Department is "changing ratings" and also address the criticism that it takes a very long time for the Human Resources Department to complete the review process. Critical to the success of any normalization process is the timely completion of the evaluations. It is imperative that all evaluation scores are available for normalization comparison at the same time.

Recommendation #13: Enhance the reliability of the normalization process by adopting a statistically recognized process for comparing performance appraisal scores between and among raters. (The process briefly outlined above is not all inclusive. Automate the process of normalization of the performance scores either by contracting with MAG to develop the program or by assigning it to in-house IT staff.

Recommendation #14: Enhance the current policy of holding up any salary adjustment for a supervisor who has not completed his or her evaluation to holding up the entire City-wide processing of adjustments until all supervisors have completed and submitted their evaluations to the Human Resources Department. MAG would also recommend that within three days following the date for submission, that the Human Resources Department shall prepare and publish on the City's intranet a list of those supervisors/employees who have not submitted a completed evaluation. (This would not apply to Council appointees, but would apply to all employees in the department of a Council appointee.)

Planned Goals and Unplanned Assignments

The scoring is based on a five point Likert Scale and is easy to understand and to use. The "weighting" approach makes common sense and is also easy to use and understand.

Recommendation: No change

Core Competency Elements

Employee criticisms of the core competency elements included "overlapping", "redundant", "too wordy" and "repetitive". These criticisms appear to be valid. While it is very difficult to develop a performance appraisal system, it is relative easy to be critical. MAG's comments with respect to the Core Competency Elements are made with the greatest respect for the difficulty of developing the system and fully recognizing that conducting a critical review is easier than creating a system.

The Core Competency Elements include the following Standards:

- Accountability/Leadership/Work Management
- Communication and Customer Service
- Job Knowledge
- Planning, Organization, Problem Solving and Decision Making
- Relationships within the Organization

For Supervisors an Additional Standard:

- Supervisory Skills

In the sample reviewed, each Standard had from four (4) to 11 "elements", with the average being more than seven (7). In the sample reviewed, the elements were not always related to the standard and in some cases, there were multiple versions of the same element, just worded slightly differently.

When the same or very similar elements occur, if the employee is considered to be "outstanding" the first time the "element" appears, they would then appear to continue to be "outstanding". Conversely, if an employee was not scored high on the element the first time it appeared, when a slightly different version of the same element appeared again, it would overweight that negative rating.

Additionally, in the same sample reviewed by MAG, the elements listed for "Job Knowledge" were all examples of what should have been considered the accepted qualification for performance of the job. The elements listed were "required" knowledge for the job, but the employee was rated "Outstanding" on "Job Knowledge" with no particular examples of why the rating would have been so high. The "justification" for the "Outstanding" evaluation would have supported "Meets Expectations", but would not, for the level of the employee being reviewed, have been support for the highest level of evaluation.

Each of the Standards should be defined as to what they are attempting to measure and should be directly related to the job. Each Standard should have no more than three or four elements. The elements should be clear and distinct. The elements should be directly related to the defined standard and should be clear examples of the desired behaviors purporting to be measured. The following is an example of a Standard and related elements:

Sample Table Showing Standards and Elements

Teamwork
Works with others either in formal teams or ad hoc groups to accomplish tasks or provide services effectively and efficiently.
Cooperation *(Examples may Include)*: • Works well with other Agency groups and organizations for the success of the group or organization. • Works with others in developing and implementing solutions to problems. • Assists others to meet objectives. • Maintains effective working relationships with team members. • Actively participates in team efforts. **Leadership *(Examples may Include)*:** • Leads or follows, as necessary, within the team. • Takes initiative to arbitrate and resolve disagreements if they arise. **Commitment to Team Effort *(Examples may Include)*:** • Shares information willingly. • Shares credit, recognition, and visibility with others. • Supports and promotes team decisions and initiatives.

In the example provided, the Standard is "Teamwork". There are three Elements, "Cooperation", "Leadership" and "Commitment". The statements under each element are to provide examples. The examples are not meant to be all inclusive, but rather suggestive of acceptable behavior or outcomes.

Each of the Standards should be defined. The definition should be a simple one and easy to understand. Then, the elements should be edited to two or three, and examples provided that would suggest a successful measure or outcome for the element. If successful measures or outcomes cannot be identified, then the element may not be appropriate and should be removed or replaced.

The definitions of the standards should be appropriate to the level of the work being reviewed. While the standard, "Communication", might be appropriate for all employees being reviewed, the definition may differ and the elements for this standard would vary considerably based on the level of the incumbent in the organization.

The City has done an excellent job of developing a form that is simple to use and easy to understand. The changes that would improve the system are meant to be positive suggestions and not to be overwhelming. Most of the information needed to strengthen the content and format of the forms is readily available. The basic framework already exists. The re-work could be fairly quickly accomplished and then reviewed by the incumbent and supervisor for finalization.

Recommendation #15: Review the Core Competencies and Elements to add definitions for the Core Competencies and to streamline the elements statements.

SECTION 6.0

RECOMMENDATIONS ON RELATED PFP ISSUES

This section provides recommendations on key issues raised during the study process.

6.0 Recommendations on Related PFP Issues

6.1 Adherence to Policy

For the non-bargaining positions for which performance evaluations are to be completed, City staff has completed the evaluations as required. This may seem to be an obvious point, however, there are agencies with evaluation programs that simply do not follow through, or are so late in conducting evaluations so that they are rendered meaningless. Dover has been highly responsible in implementing the PFP evaluation programs and evaluations. One of the reasons is that the program has "teeth", in that supervisors are not able to receive a potential adjustment if they do not complete their evaluations in a timely manner. The pressure to perform evaluations, and in a timely way, has been institutionalized within the organization.

With respect to the implementation of the system, MAG finds:

- evaluations are being completed annually as policy requires;
- market salary ranges are being adopted every year;
- Council is informed as to market changes and salary calculations;
- supervisors are not receiving increases until subordinate reviews are completed;
- evaluations include goals and objectives (current and anticipated);
- adjustments are determined by performance scores;
- percentage adjustments have been consistent with stated policy, as employees move towards the market rate with higher increases than an employee above the market rate with the same performance score (Section 5.0 establishes a new method of calculating increases);
- Human Resources has taken actions for quality control by reviewing the consistency of SMART goals with the City's Strategic Plan and looking for unusual scoring patterns;
- Evaluator training has been provided once per year, which is viewed internally as sufficient (34 of 37 responses by supervisors indicated that they have enough knowledge of how to use the PFP system.

Recommendation #16: Continue to complete performance evaluations annually as dictated by current policy.

6.2 SMART Goals, Departmental Goals, and Quarterly Reviews

Generally, clear goals are being established meeting the SMART criteria. This is one of the more difficult aspects of developing a meaningful performance evaluation program. Some departments appear to be better able to accomplish this than others, either due to the nature of the work or the extent of effort applied to the task. Some work is more easily measurable and therefore able to be quantitatively described and evaluated. Because jobs change over time, establishing goals meeting the SMART criteria requires regular and routine monitoring. It also appears that the departments make an effort to incorporate the departmental goals and objectives into the goals and objectives of the individual employees. This is not an easy task and is easier done by some departments than others. Some jobs don't always have full control over their goals and objectives, and departmental goals change as well. Incorporating departmental goals into individual employee evaluations requires constant monitoring.

The set of instructions for the PFP policy requires that supervisors meet quarterly with the employee to discuss progress toward the goals and objectives established. In practice, this is not performed evenly throughout the City departments. It is a reasonable requirement that forces managers and supervisors to maintain currency in performance goals.

When employees were asked whether evaluations are done consistently across departments, of 74 responses, 14 people answered "Yes", while 14 people answered "No". Most respondents (46) did not know or could not answer the question.

Section 5.0 indicates that the core competencies need to be reviewed and edited for duplication and redundancies.

Recommendation #17: Require managers and supervisors to document the quarterly review of goals and objectives with their employees. If the quarterly reviews are not documented, the supervisor would be denied (not simply deferred) a possible increase at the time of their own evaluation.

6.3 Administration and Control

A system of performance evaluation requires monitoring to ensure that the base policy requirements are met, that all needed actions are occurring in a timely manner, and that employees have a perception of fairness regarding the outcomes. As required in the PFP Policy, Human Resources has taken actions for quality control by reviewing the consistency of SMART goals with the City's Strategic Plan and looking for unusual scoring patterns. Employees noted that the monitoring role has expanded into departmental areas of responsibility and affected scores.

As noted above, the Quarterly Review cycle must play a critical role in ensuring that the goals are appropriate for each position. Developing or re-writing the goals and then conducting Quarterly Reviews is primarily a departmental matter, and should not be left to the Human Resources Department to re-write goals or second guess their relevance. Human Resources should review the goals for consistency with the City's Strategic Plan, remind Department Heads to conduct the Quarterly Reviews, and also determine if unusual scoring patterns do indeed exist. MAG has recommended that the City utilize a recognized statistical process of comparing and normalizing scores to overcome rater tendency. This is constructive and meaningful feedback to the Departments and raters.

Recommendation #18: Make the accurate implementation of the PFP system a key element of the core competency for Supervision. If a supervisor does not implement the PFP system, Supervision should be downgraded substantially. This should be reflected in the Supervisory Core Competency.

Recommendation #19: Include monitoring goals for the Human Resources Director to ensure consistency with the City's Strategic Plan, reminding departments of the need for Quarterly Reviews, setting up annual training on the program, and identifying unusual scoring patterns to the City Manager, the Department Head and the rater. This should be reflected in the Supervisory Core Competency.

6.4 Appeal Process

Part VI of the City's PFP Policy describes a process under which employees may appeal their performance evaluation. Questions regarding the appeals process were asked of employees attending sessions in December 2008. Of the 72 responses, six (6) people indicated that they have appealed an evaluation, while 62 respondents indicated they had not ever made an appeal. Of the six (6) people who appealed, two (2) indicated a satisfactory response, while three (3) were not satisfied. One (1) appellant did not discuss the outcome. Five (5) people had no response.

One may conclude that the appeal process is available to all employees and very few have made an appeal over the last several years. This is a relatively low number of appeals for 80 plus people through four (4) years of experience. While three (3) of the six (6) appellants were not satisfied with the outcome of their appeal, there has been no indication that the appellants have not been treated fairly.

Recommendation #20: Continue the current process regarding appeals.

6.5 Retention

Two of the issues for consideration included whether new recruits are staying with the City and whether the system is working to retain quality employees. Excellent retention is a function of many factors, including the ability of incumbents to advance in pay. The City has made both range structure adjustments and performance adjustments over the last four (4) years. The structure adjustments have been competitive with other agencies. The performance adjustments move "under market" incumbents at a faster rate than "over market" incumbents. The workforce appears to be stabilized, although the implementation of a positive performance evaluation system may not be the primary reason for this stabilization.

In a related question, two-thirds of employees responding to a question as to whether the system helps retain high performing employees answered "No". Many people indicated that performance evaluation will not make a substantial difference in whether an incumbent stays or not. Rather, the internal motivation has greater impact on the interest and willingness of an incumbent to remain.

6.6 Employees Above the Maximum

One issue raised was whether the system reduced or eliminated the number of employees above the maximum and prevented employees from advancing above the maximum. In the database established during the classification and compensation review, only one (1) person was identified as being over the maximum. The incumbent received a demotion and the salary was not reduced below the maximum of the reassigned position. One may conclude that the systems (both classification/compensation and performance) have minimized the number of employees above the maximum and have prevented employees from advancing above the maximum.

The City's proposed 2008-2009 PFP matrix included a performance based adjustment of salary for employees whose salary exceeded the maximum of the range. Organizations are divided on providing increases to employees above the range maximum.

Recommendation #21: If the City adopts a policy of providing a performance based monetary recognition, the City should consider providing any amount above the maximum of the range in a one-time lump-sum payment that does not roll into the base salary.

6.7 Results, Goals, and Motivation

Several additional issues were raised in reference to the performance evaluation system, including whether the City is getting results based performance due to rewarding better performance; whether employees are more goal oriented under this system of evaluation; and, whether employees are more motivated to perform better under this system.

In response to a question as to whether employees are generally more goal oriented under this system of evaluation, of the 77 responses, 44 people answered "Yes", while 17 people answered "No". Two (2) people were unsure or non committal. Two-thirds of employees who answered the question do believe that they are more goal oriented under the system of evaluation.

Employees appear to conclude that establishing goals is relevant to their jobs. Of the 71 responses to a question on the matter, 64 people answered "Yes", while five (5) people answered "No". Nine (9) of the responses were non-committal or unclear.

As to whether employees are more motivated to perform under the PFP system, Department Heads noted that motivation is more internally generated, and that the potential increases, while sought after, are not the primary drivers of motivation. This is not the message from general employees. The fact that there is less reward potential to employees who are "above market" than employees who are "below market", was noted as a concern by some. The City's compensation philosophy of moving employees quickly who are "under market" is consistent with compensation strategies in the general market which reflects a steeper learning curve early in their career.

6.8 "Below Market" Advancements

An issue raised is whether "below market" employees are advancing to "at market" at the expected rate. Non-bargaining employees, using MAG's software system, all appear to be advancing through the ranges at an acceptable pace. Using a "7 years to market and 20 years to max" calculation, MAG did not identify any significant deviation that required immediate administrative redress. Any differences in rate of progression can be largely explained by reviewing differences in rewards earned under the pay for performance system.

6.9 Scoring System Differentiation

Another noted issue is whether the scoring system is working to differentiate better performance. The scoring system is differentiating between and among employees' salaries in the various pay ranges, and, given the general enthusiasm for the system, one may conclude that pay for performance must be working. While many employees offered comments and criticisms of the system designed to improve it, only two dissenting voices were heard that would scrap the whole system.

SECTION 7.0

IMPLEMENTATION TABLE OF RECOMMENDATIONS

This section includes a table that identifies each recommendation, responsible party, time frame, impact, and potential cost for each of the study's recommendations.

7.0 IMPLEMENTATION TABLE OF RECOMMENDATIONS

CITY OF DOVER, DELAWARE
REVIEW OF PAY FOR PERFORMANCE SYSTEM

Rec. #	Action Step	Responsibility	Estimated Completion	Impact	Projected Savings or (Costs)
1	Change the PFP policy to require training for supervisors once per year. If training is not attended, deny any salary increase for which the supervisor may be eligible.	City Manager and HR Director	Ongoing	No adverse impact, as recommendation reflects current practice.	Staff time saved.
2	Establish a more precise time frame within the set of Instructions so as to clearly define the time allotted for each step in the performance review cycle.	City Manager and HR Director	February 2009	Clear expectations and accountability.	None.
3	Written quarterly reviews should be done by Department Heads, and documented in the evaluation by entering into the PFP software.	Department Heads	Ongoing; Quarterly	Improved monitoring and annual evaluations.	Staff time to complete quarterly reviews.
4	All evaluated employees should conduct self evaluations, with the purpose of then comparing them at the formal performance evaluation meeting.	All employees under the evaluation system.	Annually, at evaluation time.	Improved annual evaluations and supervisory/employee interactions.	Staff time to complete self evaluations.

CITY OF DOVER, DELAWARE
REVIEW OF PAY FOR PERFORMANCE SYSTEM

Rec. #	Action Step	Responsibility	Estimated Completion	Impact	Projected Savings or (Costs)
5	Change the current performance form label of "Good" to "Meets Expectations" on the evaluation form.	City Manager and HR Director	February 2009	Accuracy in performance labeling.	None.
6	Change the current performance form label of "Acceptable with Some Improvements Needed" to "Improvement Needed" on the evaluation form.	City Manager and HR Director	February 2009	Accuracy in performance labeling.	None.
7	Change the current performance label of "Outstanding" to "Results Rarely Achieved by Others".	City Manager and HR Director	February 2009	Accuracy in performance labeling.	None.
8	Create a committee structure to evaluate Council appointed positions that would make recommendations on compensation adjustments for the evaluated employee.	City Council	March 2009	Improved annual evaluations for Council appointed positions.	None.

CITY OF DOVER, DELAWARE
REVIEW OF PAY FOR PERFORMANCE SYSTEM

Rec. #	Action Step	Responsibility	Estimated Completion	Impact	Projected Savings or (Costs)
9	Apply the changes noted in Section 5.0 to the development of Core Competencies for the Council positions.	City Manager	March 2009	Improved annual evaluations.	None.
10	Base the movement within the pay grade on the concept of a "normal progression" career plan for employees who "Meet Expectations" to reach midpoint in 10 years.	City Manager; Council Approval; Human Resources	April 2009 for July evaluations.	Less cost than current PFP matrix and consistency from year to year	Unknown.
11	Use the arithmetic midpoint of the position's assigned pay grade as the basis for calculating potential performance adjustments.	City Manager; Council Approval; Human Resources	April 2009 for July evaluations.	Equity and system simplification	Unknown.
12	Establish a simple and straightforward program for potential adjustments of zero (0) through an annually determined percentage amount, based on budget availability.	City Manager; Council Approval; Human Resources	April 2009 for July evaluations.	Equity and system simplification	Unknown.

CITY OF DOVER, DELAWARE
REVIEW OF PAY FOR PERFORMANCE SYSTEM

Rec. #	Action Step	Responsibility	Estimated Completion	Impact	Projected Savings or (Costs)
13	Automate the statistical normalization of rater comparisons.	City Manager; Council Approval; IT or MAG support	Can commence upon approval	Establish reliable process of comparing rater profiles; more equitable evaluation across raters/departments.	Unknown.
14	Hold up salary adjustments until all evaluations are complete; publish stragglers on the City's intranet.	City Manager	Can commence upon approval.	Essential to rater profiling process that all evaluations are available at the same time.	None.
15	Streamline and enhance Core Competency and Element statements.	Human Resources with assistance	Dependent on in-house or contractual assistance.	More valid and reliable Format and basis for assessment.	Unknown.
16	Continue to complete performance evaluations annually as dictated by current policy.	City Council; City Manager	Ongoing	Documentation and monitoring of performance.	Staff time and preparation of materials.

CITY OF DOVER, DELAWARE
REVIEW OF PAY FOR PERFORMANCE SYSTEM

Rec. #	Action Step	Responsibility	Estimated Completion	Impact	Projected Savings or (Costs)
17	Require quarterly review of all employees being evaluated.	City Council; City Manager	March 2009	Enhance communications and establish consistency across the system.	Additional time for supervisors not currently doing this.
18	Add responsible participation in the PFP as a Supervisory Core Competency.	Human Resources	March 2009	Further strengthen the system – greater accountability	None.
19	Add monitoring and reminder goals to the Core Competency of the HR Director.	City Manager; Human Resources Director	As soon as model is complete	Add accountability to the rater profiling and normalization process	Unknown
20	Continue the current process for appeals.	Human Resources	No change	No change	No change
21	Any pay out for performance over the maximum of the range is a lump-sum one-time payout that does not roll into the base salary.	City Manager; City Council	Adopt new policy	Do not compound base salary above the maximum of the range.	Long-term cost control

APPENDIX 1

PFP Description, Instructions, and Forms:

This appendix includes the current Performance Based Pay Policy dated April 19, 2005.

Also included are the instructions that supervisors are to follow during the performance review cycle, and a sample form used to evaluate Non-Council Appointed Positions.

City of Dover

Performance Based Pay Policy
For Non-Bargaining Employees

April 19, 2005

I. Purpose

The City of Dover Performance Based Pay Policy is intended to provide equitable compensation based on performance for all exempt and non-exempt positions when considered in relation to each other and to general pay ranges for similar employment elsewhere. This policy rewards excellence in core competencies, as well as the ability to get results.

This will allow the City to maintain an effective, responsible and loyal work force, and allow us to recruit and retain high quality employees. The Policy establishes pay ranges and maintains an effective ongoing pay system for appropriate compensation recognizing the importance of results-based performance.

II. Pay Plan Maintenance

New market-based salary ranges shall be adopted every year after consideration of a market survey that considers both external and internal movement in market salaries. The ranges shall establish an entry-level rate, market rate and a maximum rate. The City Manager will forward the results of the market survey and his recommendations to Council for consideration during the annual budget process. The increases in salary ranges shall not be considered as cost of living increases, but shall serve to keep ranges up to date so that employees' performance is properly evaluated within the context of where their salary lies within the market place.

III. Performance Evaluations and Advancement Guidelines

Performance evaluations must be completed annually, prior to any consideration for an increase in pay. No supervisor shall receive an increase in pay until subordinate evaluations are complete. The evaluation will include measurement of the results of predetermined goals and objectives, unplanned assignment results and core competencies. The evaluations shall give goals and objectives for the coming evaluation year.

The amount of the proposed pay increase will be determined by the overall Performance Score as applied to the Pay-for-Performance Worksheet in accordance with the table found on the worksheet. The Pay-for-Performance Worksheet shall be approved by City Council with the annual budget. Appendix A is the model Pay-for-Performance Worksheet; the areas where percentage increases will be placed have been left blank.

In general, the percentage increase for employees scoring between 21 and 30 evaluation points whose current salary is within the market range (within the 2nd third of their salary range) will receive an increase equivalent to market increases as determined by the annual market survey. In general, employees with lower scores will receive lower percentage increases, and those with higher scores will receive higher percentage increases. To advance employees to the market rate, employees who are compensated at levels below market will receive increases that are higher than those who are at and above the market with similar performance scores. In some cases with low scores or salaries above maximum, there may be no increases. While it is the intent of the City to keep salaries competitive within the market place, the City Council reserves the right to set percentage increases based on what it determines the City can afford regardless of changes in the market.

IV. Evaluation Quality Control Systems

To ensure quality control, the Human Resources Department will review the latest employee performance evaluations in August of each year to ensure that they have clear and concise goals and objectives with expected results that are aligned with the City's Strategic Organizational Plan. Goals are to be **S.M.A.R.T.** (**S**pecific, **M**easurable, **A**ttainable, **R**ealistically High, **T**arget Date). The comments supporting the results achieved must be specific to the goals and/or competencies and not just a repetition of the goal or objective. Achievement or lack thereof of results and progression in core competencies are to be outlined in these comments.

The Human Resources Department will also review the evaluators for unusual patterns such as consistently high/low patterns of scoring, as well as incomplete or unrelated comments to support the performance points associated with the goals and objectives. While there are no formal quotas, there is an expectation that scoring will naturally fall into a normalized pattern, particularly as evaluations are considered over time and in groups. Feedback will be given to evaluators and their department heads to give them the opportunity to justify the perceived inequities or patterns and if necessary correct the problem(s).

V. Procedures for New Job Titles/Grades and Re-grading and Retitling Existing Positions

To establish new job titles, grade new positions, or re-grade and re-title existing positions where job responsibilities have changed, the following procedure must be followed:

1. Department heads must submit a proposed job description along with a completed Position Analysis Factor (PAF) Guide to the Human Resources Department with an explanation outlining the reasons for the new title, re-grade or new position. The Human Resources Department will enter the Position Analysis into the Job Analysis Qualification (JAQ) software to determine the salary grade. The Human Resources Director shall compile all of the new positions, new titles and new grades and forward them to the City Manager for consideration within the annual budget.

2. To ensure that existing job titles and grades are kept current, as part of the budget process each Department Head/supervisor will give the employee a copy of their current job description and ask the employees to review the description for accuracy. The employees will return the job descriptions within one (1) week of receiving them from the Department Head/supervisor and discuss the changes (if any) with the Department Head/supervisor. The Human Resources Department will review the submitted information within one (1) week from receiving it from the Department Head for appropriateness and use the Position Analysis Factor Guide to reevaluate the position. When reclassification is initiated, all incumbents holding the same job title should complete a JAQ. A desk audit usually at the job site would then be conducted with the individual being considered for reclassification or with a representative number of people if the reclassification request affects a number of people with the same title. Key questions concerning the job should be answered to assist in determining the proper level within the overall pay and classification system. The analysis of all the information is then compared to the current position description for the various classifications' levels and weighted, using the same quantitative point-factor rating criteria used to establish the level of all positions in the City pay plan. The Human Resources Department will notify the Department Head and City Manager of the outcome of the review and recommendations. The employee shall be informed of the outcome by the Department Head. Proposed reclassifications will be included in the budget proposal of the City Manager.

3. Hiring, promoting and re-grading an employee to a new or open position will be done in accordance with established procedures outlined in the Employee Handbook.

4. Establishing the hiring salary or salary increase associated with a promotion or re-grading will be derived as follows:

    a. Employees will be placed within the approved salary range at the entry level. On occasion for highly skilled, technical, or managerial positions, it would be necessary to hire above the minimum rate in the range, but not above the market rate. In these cases, consideration will be given to the applicant/employee's education, equivalent experience, related experience and past performance. Recognizing that the current salary ranges are based on a 20-year period between the entry salary and maximum salary the individual may be placed within the salary range using the following guidelines: (1) The employee will be given credit for equivalent experience year for year; (2) Credit for related experience will be ½ year for year; (3) Year for year equivalent experience credit will be given for college experience beyond the minimum required where a related Master's or related Bachelor's Degree has been obtained. A recommendation to hire above the minimum rate in the range should be documented by the supervisor, reviewed and endorsed by the Human Resources Director and approved by the City Manager.

VI. Personnel Evaluation Appeal Process

Employees dissatisfied with evaluations are entitled to dispute the evaluation through the following appeal process.

1. Employees may request an appeal of the evaluation within seven (7) days of receiving the evaluation.

2. The appeal must be filed with the employee's immediate supervisor, in writing, stating the reason(s) for the dispute. The contents of the appeal request must include the specific categories being appealed, the rating sought, and the justification for the change. The immediate supervisor's decision will be rendered to the employee, in writing, within seven (7) days.

3. If an employee is dissatisfied with the immediate supervisor's decision, then the appeal will be forwarded within seven (7) days to the next level of supervision for that division along with a copy to the Human Resources Director.

4. If the employee is still dissatisfied with the decision, the process will continue through each level of supervision up to the City Manager or the Mayor and Council depending on the reporting relationship. City Manager and Council Appointee Department Heads shall have final decision on employees within their departments. Mayor and Council shall hear any appeals by the City Manager or Council Appointed Department Heads. Any appeal going as far as the City Manager, Council Appointed Department Heads, or Mayor and Council will be first submitted to the Human Resources Director.

VIII. Instructions for Using the Pay-for-Performance Evaluation

Detailed instructions are located on Public Docs in the Pay-for-Performance folder.

IX. Evaluator Training

All evaluators will receive detailed training in setting S.M.A.R.T. goals and objectives, preparing for and giving Pay-for-Performance evaluations, using the Pay-for-Performance Worksheet and completing the Position Analysis Factor Guide prior to implementation of this new system. Ongoing and refresher training will take place as needed but not less than two (2) times each fiscal year. Training will be mandatory and will include the following subjects: introduction of policy, purpose, guidelines, components of policy, evaluation, appeal process, S.M.A.R.T. goals and objectives, JAQ scoring system and plan administration.

Appendix A

P.F.P. Salary Calculation Worksheet

(Adopted by City Council _____)

Instructions: The total PFP adjustment is calculated by carrying forward the Overall Score from page 1 and finding the range in the two left-hand columns of the following matrix in which the score falls. The PFP adjustment is found in the right-hand column.

OVERALL SCORE		**ADJUSTMENT**			
FROM	**TO**	**Employee Below Market[(1)]**	**Employee At Market[(1)]**	**Employee Above Market[(1)]**	**Employee Above Maximum**
0	19				
20	29				
30	35				
36	41				
42	50				

[(1)]Below Market = first third of salary range; At Market = second third of salary range; Above Market = top third of salary range.

Instructions for the Performance Review Cycle

Please realize that annual reviews are due to the Human Resources Director by May 31. A supervisor shall arrange to meet with the employee to discuss the employee's evaluation no later than June 25 of each year.

Failure to provide a completed evaluation for an employee in a timely manner, no later then July 1, will cause the effective date of the Department Head's pay-for-performance pay increase, if one was granted, to be extended by the number of days the evaluation was not received if the failure to submit a completed evaluation harms the evaluated employee. For example, if pay-for-performance increases are effective July 1 and the Department Head submits the evaluation on July 5 (five days late), the Department Head's pay-for-performance increase would be granted, if he or she was entitled to one, on July 5. The employee's increase, if one was granted, would be retroactive to July 1. Sufficient time for review by the Human Resources Director shall be considered when determining a timely manner. For example, submission of the evaluation on June 30 may not provide ample time for the Director to review and return to the evaluator. This may cause harm to the evaluated employee.

Before conducting a performance evaluation, a supervisor must give an employee a reasonable time to demonstrate performance.

THROUGHOUT THE YEAR

Observe and document the employee's performance and give immediate feedback whenever possible. Documentation at this point can be somewhat informal, but try to keep a record of what the employee does, both good and bad. This record will be very helpful in completing the remarks/example section of the evaluation as well as ensuring the employee is not being evaluated on a short timeframe.

Ask the employee for input about their performance during the year. This is important because the performance review should be based on two-way communication, so that it is not merely a "report card." The employee's input can be any combination of the following:

- A draft performance appraisal prepared by the employee
- A list of accomplishments and significant events
- An informal discussion between the employee and supervisor

It is important to keep in mind that the supervisor should collaborate and seek advice from others in evaluating the employee throughout the year. Other supervisors, employees, customers, division and department heads may be able to provide important insights.

QUARTERLY REVIEW (generally October, December and March)

Meet informally with the employee to discuss progress toward the goals and objectives as outlined in Part 3 of the Pay-for-Performance Evaluation for the previous year. Update, add or remove goals as necessary since the last review. Unexpected and unplanned assignments may arise. As new goals are added, it is important to evaluate the employee's capacity to accomplish

already established goals. By keeping goals and objectives current, the necessity of documenting unplanned assignments in "Part 1" during the Annual Review will be minimized.

Indicate any additional comments by the supervisor or employee in the supervisor's log/journal.

PROBATIONARY REVIEW

All new employees shall receive a formal probationary review for no less than six months of active service and no more than seven months of active service. Goals are to be established for the new employee to complete during the probationary period. See next section, Annual Review, for additional information.

ANNUAL REVIEW

Employees hired between July 1 and November 30 of each year shall receive a probationary review for no less than six months of active service and no more than seven months of active service in addition to an annual review in May. On July 1, the employee would be eligible for a pay-for-performance increase.

Employees hired between December 1 and June 30 shall not receive an annual review in May; however, they would receive a probationary review upon completion of six months of active service and no more than seven months of active service. Employees would be eligible for a pay-for-performance increase at their one-year employment anniversary. These employees would then receive an annual review in May of the following year and be eligible for a pay-for-performance increase on July 1 of the following year.

The pay-for-performance evaluation instructions are available on Public Docs in the Pay for Performance folder while the evaluation is available on the City's intranet, http://intranet/projects/pfpfb/. For assistance, please contact the Human Resources Department. It is important to inform the employee that his or her yearly evaluation is due. The supervisor shall set a meeting date and time with the employee to review the evaluation. This will ensure that everyone has ample time to prepare for the evaluation.

It is important to keep in mind that the supervisor should collaborate and seek advice from others in developing the evaluation. Other supervisors, employees, customers, division and department heads may be able to provide important insights into the evaluation process.

SELF EVALUATION

A self-evaluation is not required by the employee unless requested by the supervisor. A self-evaluation is strongly encouraged since it is an opportunity for an employee to inform the evaluating supervisor of surrounding circumstances or extraordinary efforts that were involved in the completion of the goals. Evaluators will be specifically seeking the employee's synopsis of the results achieved on his or her planned and unplanned goals. The employee shall be given a copy of a blank evaluation by his or her evaluator so that he or she may prepare a self-evaluation prior to the formal discussion of the evaluation.

The employee may also wish to indicate goals they would like to achieve in the next review period. Goals should be related to the overall vision and mission of the City as well as the employee's department.

Professional development opportunities are not considered goals and should not be noted in the goal section of the evaluation. For example, complete an Excel class.

JOB DESCRIPTION

Obtain the current job description for the employee's position to be reviewed by the employee and supervisor during the annual budget process. In general this review will occur in December or January each year. The job description shall be reviewed by the employee and the supervisor individually. Reviewing the job description annually will ensure that the job description remains up to date with current job duties. All changes must be submitted to the Human Resources Director for consideration and final approval. If appropriate, the HR Director may recommend the position be re-graded.

COMPLETING THE PAY FOR PERFORMANCE EVALUATION FORM

Page One

The intranet system will automatically complete Page 1 of the evaluation. Please realize that each non-bargaining position has been assigned a weight for goals and objectives and one for core competencies. If you think that the weights need to be changed, please contact the Human Resources Director. If you need assistance, please contact the Human Resources Department.

PART 1: Planned Goal and Unplanned Assignment Results

This section is to include comment on the degree and qualities of the results achieved and note any extenuating circumstances affecting the results. It should also be noted how well an employee did in accomplishing the objectives and if they were completed in a timely manner. Assign performance points based upon the Performance Rating Definitions and the Key as noted in the Performance Rating tab of the Pay for Performance intranet system. The performance score shall be indicated in the Performance Rating box. Narrative information is very important in the review process; therefore, include remarks and whenever possible, specific examples. It is very important to consider the difficulty of the goals and objectives when scoring. Goals and objectives can have different degrees of difficulty. The completion of a relatively easy goal and objective should not be scored the same as completing a difficult goal and objective. An easily attainable goal that is completed should be rated "good," a more difficult goal should be rated "commendable," and achieving a very difficult goal should be "outstanding." A very difficult goal or objective that may be only partially completed may score the same as an easily attainable goal that is completed. It is very important that the difficulty of the goal and objective not be gauged on the employee's ability, but on its relative difficulty when compared to goals and objectives assigned to others.

After completing the Planned Goals and Objectives section, proceed to the Major Unplanned Assignments contained in Part 1. This section should be completed in the same manner as Planned Goals and Objectives. Major unplanned assignments are assignments which either were

not included on the previous year's evaluation or were added during the quarterly review and were not scheduled for completion throughout the fiscal year and required at least 40 hours to complete.

The performance score is determined by dividing the sum of the points by the number of Planned Goals and Unplanned Assignments. The result is then rounded to the nearest tenth. This figure will be automatically calculated once the evaluation is saved. Please refer to page one of the evaluation.

PART 2: Core Competency Elements

Each employee shall be evaluated on all the core competencies indicated in Part 2 with the exception of categories that pertain to employees who supervise. This category is indicated. The supervisor should review the Performance Rating Definitions on page 2 of the evaluation or contained in the Performance Rating tab of the Pay for Performance intranet system prior to completing this section.

Specific examples are to be provided in addition to remarks in the space provided. The examples provided for each competency on the evaluation form should be used as guidelines in developing the narrative in the remarks/example section rather than merely copied.

Upon the completion of evaluating all core competencies, save the evaluation. By saving the evaluation the score will automatically be calculated.

Once the weighted scores for planned goal and unplanned assignment results and core competencies have been calculated the employee's overall score will automatically be calculated by the intranet system. This is calculated by adding the two weighted scores together.

Overall Comments

A detailed narrative is be included in the Overall Comments section (located at the end of Part 2, Core Competencies) of the evaluation. This section should be used for the supervisor to express any comments or concerns that were not addressed previously in the evaluation.

PART 3: Major Responsibilities for Next Year

List goals and objectives for the coming year that are to be evaluated during the next evaluation. Goals are to be written in the S.M.A.R.T. (**S**pecific, **M**easurable, **A**ttainable, **R**ealistically high, and **T**arget date) format. These goals are to be discussed with the employee during the formal evaluation process and reviewed quarterly to determine the employee's progress toward reaching them. For information regarding S.M.A.R.T., please contact the Human Resources Department.

PART 4: Employee's Professional Development Plan

Establish a Development Plan listing actions that the employee can take to improve performance for the coming year. This may include suggestions for education and training, reading material, research, job shadowing, counseling and other self-improvement programs. The Development Plan should include specific actions that the employee can take to enhance performance. This

section of the evaluation affords the evaluator and the employee an opportunity to collaborate on how the employee's performance can be improved both as an individual and as a part of a team. This section should be taken very seriously and should be considered one of the most important parts of the evaluation.

Submission for Additional Approval

Upon completing the evaluation, please electronically "Forward" the evaluation. This function is within the Pay for Performance intranet system. This function indicates to the next approving supervisor/department head that the evaluation has been completed and is ready for their review. The intranet system allows the evaluation to be forwarded as well as "Returned". The proper chain of command must be followed in order for the evaluation to reach the Human Resources Director for final approval. Throughout the approval process, a supervisor may return the evaluation to the previous level. This process should be continued until the final approval is received from the Human Resources Director.

The evaluation is not to be presented to the employee until it has been approved by the Human Resources Director. If the evaluation is presented to the employee before the Human Resources Director approves it, the evaluator may be subject to presenting the evaluation again to the employee.

Review with the Employee

Once final approval is received from the Human Resources Director, the supervisor shall meet with the employee at the time and date originally scheduled at the beginning of the evaluation process. The supervisor may provide a copy of the evaluation up to two days prior to the meeting for the employee to preview. At this time, the employee may give the supervisor a preview of the self-evaluation. During the review, the individual's performance, strengths, and developmental needs are to be discussed. Explain the reasons for the review. For example, probationary, annual, special or for another reason. During the review, an open line of communication should be maintained. This is when the employee's self-evaluation should be compared with the supervisor's evaluation. The supervisor as well as the employee being evaluated should be open-minded toward comments made. After the formal review with the employee, the supervisor may need to modify the original evaluation to include information the employee presented during the review process.

Signatures

The employee and the supervisor must sign the evaluation once it has been reviewed together. The employee's signature does not necessarily indicate agreement with the evaluation. If the employee refuses to sign a performance evaluation, the supervisor must make a notation on the evaluation to indicate that the employee refused to sign the evaluation. The employee and supervisor may attach an addendum. The evaluation shall be presented to the Department Head for review and signature. The Department Head shall then forward the evaluation to the Human Resources Director.

Once the evaluation has been finalized, make a copy of the evaluation for the employee. Once the evaluation is submitted to Human Resources, the Human Resources Director will sign the evaluation. Human Resources will then forward to the department a copy of the signature page.

The employee shall be informed that the evaluation will be placed in the employee's personnel file maintained in the Human Resources Department. Evaluations become a permanent record in the employee's file.

APPENDIX 2

This appendix includes the documented (anonymous) views of employees and supervisors who attended workshops in October and December 2008.

The views are in response to a series of questions posed to employees who are evaluated under the PFP Evaluation System.

Consolidation of Views on the
Pay for Performance System
Employee Meetings Held on October 13, 2008

Strengths:

- Online *(use year after year, saves time, better than paper)*
- Standardized *(across depts. + non-rep/rep + elected)*
- Retention Tool *(state has none)*
- Separates Achievers from Underachievers – rewards achievers
- Documents poor performers
- Focuses on goal attainment
- Provides incentives – potentially
- Keeps you focused
- Motivation
- Sparks initiative
- Constant feedback and defines expectations
- Quantitative analysis *(For HR due to scoring)*
- Morale
- Increase productivity
- Goals are clear which is good in theory/principle
- Opportunity for employee development
- Grading + raise linked
- Enhances communication between supervisor + manager
- Self evaluation good
- Keeps employees on track
- Grading based upon performance
- Self-evaluation
- Continuity for goals <u>if</u> done properly
- Expectations are set out for you → Contingent upon doing PFP properly
- Employee retention (If fair market is done for classification)
- Benefits under-market employees
- S.M.A.R.T. – attainable goals – eliminates goals that are not attainable
- Credit for unplanned assignments
- Allows for non scoring (Penalized) for not achieving a goal due to outside circumstances
- Tied to pay raise
- Adjustable – Unplanned/Removed goals
- Standardizes evaluation + grading process
- Documents work activity
- Flexibility of adding goals throughout year

Weaknesses:

- Goals for sake of goals
- Lack of understanding by Council
- Need recourse for contesting score
- Some areas don't apply to person
- Goals + objectives can be redundant
- "Above market" employees don't benefit (topped out)
- A lot of approval levels can take months
- Supervisor qualifications to be able to evaluate the employee
- Paperwork cumbersome and time consuming
- Trend toward the middle
- Unfair scoring system
- Unobtainable scoring
- Goals don't flow down in timely manner
- Calculation manipulation
- W/Good employees – repetitive
- Below market can sometimes reward poor performers
- Matrix not consistent each year – changes at budget
- Evaluations – a lot less writing for good employees, more for poor ones
- Outside influences should be prohibited in evaluations
- Can be abandoned without notice
- Goals not realistic under daily work load
- Positive for new hires and negative for veterans
- Too many approval levels (supv → mgr → HR → emp)
- Distrust of HR – denial of high scores, lack of communication
- No clear means to contest scores
- Weak training on standards/standardizing on grading
- Council approved without understanding the system
- Only as strong as the supervisor that is doing them
- Not assigning goals during probation period
- Misunderstanding of system
- Union employees getting better raises & step increases than PFP
- No credit for experience
- Cannot count on it – Council can eliminate after goals are met
- Too subjective: HR has too much control and every supervisor is different
- Unfair to long-time employees, less of an increase.
- Core Competency is too wordy/repetitive
- Performance goals take precedence over core comp.
- Due all at same time
- Dept. Heads can delegate goals and not have to meet their own
- Budget drives the compensation – not enough difference in actual pay between an "average" + an "outstanding"
- "Down-sizing" of actual performance ratings to meet budget constraints

Solutions

- Goals should have more weight than objectives
- Change weighting scale
- Unplanned goals should have more weight than scheduled goals
- Hold off goals during probationary period
- Different scoring system
- Accountability, follow up on findings
  → Frequent feedback
  → Specific goals – developed by supervisor + subordinate
  → should be an "ongoing" process
- Reduce HR – cumbersome paperwork
- More time to talk with supervisors about goals
- Funding – have to fully fund the system
- No process for below average
- Proper/consistent training for supervisors doing evaluations
- Stop hiring people at "below market"
- Eliminate decreased "increases" for above market
- Council needs to identify goals earlier to incorporate in evaluations
- Set matrix + index outside + ahead of budget process
- Define council goals in March
- Define dept. head goals in April
- Develop weight system for goals
- Delete <u>below</u> & above market
- Better define priorities/weight goals
- Don't require explanations for 3's + 4's
- Place more authority with Dept. Heads
- Evaluate PFP software for user-friendliness
- Simplify core competencies
- Add flat cost-of-living increase + make PFP an additional %
- Council should commit
- Base evaluation dates on anniversary
- Supervisor raises should not be less than union (good evaluations)
- Simplify evaluations – multiple choice questions/answers then give examples. Yes/No – HR would have less to comment on
- Revamp electronic form. User friendly
- Periodically check goals of other departments that affect your department
- Re-evaluate system
- Retro Pay for last year's evaluations
- Re-evaluate Job Descriptions/Classifications
- Allow more 5's
- Develop a plan to get people to market

Employee Views on the PFP System
Training Sessions Conducted December 2008

1. **You have been a provided a copy of the PFP policy and instructions. Do you believe the evaluations are being completed in accordance with the Policy and Instructions? If not, what specific policies are not being met?**

   Of the 74 responses to whether the evaluations are being completed in accordance with the Policy and Instructions, 57 people answered "Yes", while six (6) people answered "No". Of the remaining respondents, seven (7) people indicated that they had not been evaluated yet as newer employees, while four (4) responses were non-committal.

2. **Does your supervisor collaborate with you on developing your goals for the coming year? Do those goals use the SMART criteria (Specific, Measurable, Attainable, Realistically High, Target Date)?**

   Of the 80 responses to this question, 65 people answered "Yes", while 12 people answered "No". Three (3) responses were unclear or non-committal. Some of the "No" responses were due to the view that the goals are either very clear or pre-determined, so no collaboration was needed.

3. **Do you feel that establishing goals is relevant to your job (if not, could you identify your job title)?**

   Of the 78 responses to this question, 64 people answered "Yes", while five (5) people answered "No". Nine (9) of the responses were non-committal or unclear.

4. **Is the "core competency" of the evaluation relevant to your job?**

   Of the 78 responses to whether the core competencies are relevant to the employee's job, 65 people answered "Yes", while two (2) people answered "No". Eleven respondents were unsure, non-committal, or indicated "somewhat".

5. **Do you feel your job is weighted appropriately between goals and competency?**

   Of the 72 responses to this question, 41 answered "Yes", while 19 people answered "No". Twelve respondents were unclear or uncertain.

6. **Do you believe the scoring system is fair?**

   Of the 76 responses to this question, 38 people answered "Yes", while 22 people answered "No". Sixteen (16) respondents were either unclear, non-committal, or had not been evaluated yet and had no comment.

7. Is high performance rewarded?

Of the 71 responses to this question, only 13 people answered “Yes”, while 43 people answered “No”. Fifteen (15) people were not certain or were non-committal.

8. Are evaluations done consistently across departments?

Of the 74 responses, 14 people answered “Yes”, while 14 people answered “No”. Most respondents (46) did not know or could not answer the question.

9. Supervisors: do you feel as though you have enough knowledge of how to use the performance evaluation system?

Of the 53 responses to this question, 34 people answered “Yes”, while only three (3) people answered “No”. Sixteen (16) people answered n/a, and other non-supervisory people simply did not answer.

10. Does the system help retain high performing employees?

Of the 73 responses to this question, 15 people answered “Yes”, while 39 people answered “No”. Nineteen (19) people answered unsure or don’t know.

11. Are employees generally more goal oriented under this system of evaluation? Why or why not?

Of the 77 responses to this question, 44 people answered “Yes, while 17 people answered “No”. Sixteen (16) people were unsure or non committal.

12. Once the evaluation is complete, does the employee receive timely feedback on the results? Why or why not?

Of the 70 responses to this question, 41 people answered “Yes”, while 15 people answered “No”. Fourteen (14) people were unsure or non committal.

13. **Have you ever appealed an evaluation? If yes, did you feel it was handled adequately? Why or why not? (was it fair?)**

Of the 73 responses to this question, six (6) people indicated that they have appealed an evaluation, while 62 respondents indicated they had not ever made an appeal. Five (5) people indicated no response or unrelated information. Of the six (6) people who appealed, two (2) indicated a satisfactory response, while three (3) were not satisfied. One (1) appellant did not discuss the outcome.

14. What single action would you recommend to improve the system?

As one might imagine, with open ended responses from 75 employees, the answers are highly variable. The responses varied from “get rid of it” to “don’t change anything”. Some recommendations noted several times included:

- ensure Council commitment to the program (since it was suspended recently, this has been a matter of concern);
- make the evaluations more department specific;
- reduce the role of Human Resources to that of process monitoring rather than reviewing or changing scores;
- shorten the format, particularly with the redundancies in the core competencies;
- require more meetings between supervisors and employees;
- make the matrix consistent and do not manipulate;
- let department heads decide increases;
- let supervisors decide increases;

The more frequent employee recommendations focused on making the PFP simpler, limiting the role of HR, shortening the format, and ensuring Council commitment and acceptance.

APPENDIX 3

This appendix includes a sample PFP Evaluation form for Council appointed positions.

Evaluation Date:

Type of Review:

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

Employee:

Department:

Evaluator 1:

Evaluator 2:

Evaluator 3:

Evaluator 4:

Evaluator 5:

Date Employed:

Evaluation Period Covered:

From:

To:

Date of Next Review:

Current Annual Salary:

Salary Ranges:

Below Market	At Market	Above Market	Above Maximum

SCORING TABLE

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

PERFORMANCE RATING DEFINITIONS

Outstanding: Performance Points 5

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

Commendable: Performance Points 4

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

Good: Performance Points 3

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

Acceptable With Some Improvement Needed: Performance Points 2

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

Unsatisfactory: Performance Points 1

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

PART 1: Planned Goals and Unplanned Assignments

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

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

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

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

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

ADDITIONAL TASKS ASSIGNED AND RESULT ACHIEVED

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

PART 2: Core Competency Elements

Performance Rating (points):

Accountability/Leadership/Work Management

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

Remarks/Example

Performance Rating (points):

Communication and Customer Service

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

Remarks/Example

Performance Rating (points):

Job Knowledge

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

Remarks/Example

Performance Rating (points):

Planning, Organization, Problem Solving and Decision Making

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

Remarks/Example

Performance Rating (points):

Relationships within the Organization

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

Remarks/Example

Performance Rating (points):

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

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

Remarks/Example

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

PART 3: Major Responsibilities for Next Year

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

GOAL/OBJECTIVE	PRIORITY:
GOAL/OBJECTIVE	PRIORITY:
GOAL/OBJECTIVE	PRIORITY:
GOAL/OBJECTIVE	PRIORITY:
GOAL/OBJECTIVE	PRIORITY:

PART 4: Employee's Professional Development Plan

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

SIGNATURES

The employee and the evaluator are to sign in the space below after they have reviewed the evaluation. The employee's signature does not necessarily indicate agreement with the evaluation. Any written comments made by the employee must be attached.

Employee: I have had this evaluation explained to me.

- ☐ I agree with this evaluation.
- ☐ I do not agree with this evaluation.
- ☐ I wish to appeal this evaluation.
- ☐ I have attached an addendum to this evaluation.

Additional Comments:

Signature of Employee _____ Date _____

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

- ☐ I have attached an addendum to this evaluation.

Signature of Evaluator _____ Date _____

Department Head
Signature _____ Date _____

Human Resources Director
Signature _____ Date _____

APPENDIX 4

This appendix includes the PFP Calculation Worksheets used over the past several years. It is provided for historical purposes.

Memorandum

Office of the City Manager
P.O. Box 475
Dover, DE 19903-0475
Phone: (302) 736-7005
FAX: (302) 736-7002
E-mail: tdeprima@dover.de.us

To: Mayor and City Council

From: Anthony J. DePrima, AICP
City Manager

Date: May 3, 2004

Subject: Pay-for-Performance Salary Approval for Fiscal Year 2005

With the Council's approval of the City's first pay for performance plan in Fiscal Year 2004, we submit the following:

Market Analysis Memorandum with attachments
Pay-for-Performance Salary Calculation Worksheet
Revised City of Dover Pay Plans (Grades and Ranges)

This is the first market analysis since the City consulted with the Public Administrative Service in 2002. The market analysis was prepared by our Human Resources Director, Frank Szyjka. We plan to perform this analysis on an annual basis. The market analysis recommends an average increase of 3.5 percent for non-bargaining employees based on market movement. Also recommended is an additional 1.0 percent increase to compensate for the difference between this year's average non-bargaining increase of 2.0 percent for "meeting expectations" verses the FOP settlement of 3.0 percent and the 2.5 percent for the IBEW. According to the market analysis, we have developed the Pay-for-Performance Salary Calculation Worksheet for your approval.

The Pay-for-Performance Salary Calculation Worksheet is a matrix which compensates non-bargaining employees based on (1) their evaluated job performance and (2) where their compensation falls in City of Dover pay plan ranges. We have budgeted $174,191 to cover the increases. This budget number is based on estimated scores that we received from department heads.

Lastly, the market analysis recommends City of Dover Labor Grades increase by 3.2 percent. We have attached the City of Dover Pay Plans, both current and proposed, for your review. This does not represent an additional increase over the P.F.P. increases.

We are eager to move forward with a compensation program that integrates the City's Strategic Plan, employees' goals and objectives, and performance. We believe this rewards employees for achieving their goals and objectives and compensates them properly for their performance.

Memorandum

TO: Tony DePrima

FROM: Frank E. Szyjka

DATE: April 28, 2004

SUBJECT: Market Analysis with Recommendation for projected increases and LG movement FY 2004/05

I recommend that the City of Dover Labor Grades increase by 3.2 percent. This recommendation is based on review of various surveys and Government reports.

I also recommend that the salary increase for the City of Dover non-bargaining positions should be 3.5 percent based on these same reports and discussions with area municipalities. Unless the City elects to retroactively give non-bargaining employees an additional 1.0 percent increase based on the difference between this year's average non-bargaining increase of 2.0 percent verses the proposed FOP settlement of 3.0 percent, you will need to consider adding this 1.0 percent to next year's recommended increase for a total of 4.5 percent.

Sources used include the ICMA 2004 Survey and Annual Report on Local Government Executive Salaries and Fringe Benefits which increased the range from 2.7 percent to a high of 3.9 percent with the majority of ranges increasing over 3.4 percent. Specific ICMA reports used include both Northeast Regional Information and the South Region Information by population group (cities ranging from 25,000 – 49,999). In addition, the Bureau of National Affairs Daily Labor Report, which compiles up-to-date information on 2004 bargaining settlements and State and Local Government data, outlined the average increase of 3.4 percent which also supports the recommendation. As an added source of information, I completed a phone survey of local municipalities to find out what their salary increase plans are for the upcoming year. The results indicated increases in midpoint of 2.5 percent to 4.0 percent with at least two of the surveyed employers adding COLA to the planned increases.

I have attached the Bureau of National Affairs report and the information gathered from area municipalities. The ICMA reports are a total of 260 pages. If you need a copy of this information, please advise.

CONFIDENTIAL

NON-BARGAINING
MARKET SURVEY

Municipality	Percentage Increase/Adjustment	Explanation
Kent County	4.0 percent (2.0 percent COLA plus 2.0 percent Step)	Employees receive both a Step increase and COLA yearly.
City of Newark	3.5 percent	Employees receive the same as the bargaining unit (will be 4.0 percent in 2005)
City of Wilmington	0.0 percent (possible $500 bonus)	Non-Bargaining - no increase since 7/00 - no contracts
Ocean City, MD	3.0 percent Midpoint Adjustment	Performance-based system employees at Minimum 4.0 percent plus Employees at Maximum 2.0 percent plus
City of Bowie, MD	2.5 percent - 6.5 percent	2.5 percent COLA established by contract negotiation for three years plus up to 4.0 percent Step
Duke Power	Anticipate 2.0 percent every six months	Same as bargaining unit

DAILY LABOR REPORT, March 18, 2004

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DAILY LABOR REPORT

March 18, 2004, Thursday

52 DLR D-24 (2004)

LENGTH: 722 words

SECTION: ECONOMIC NEWS

TITLE: Collective Bargaining: BNA DATA SHOW AVERAGE WAGE INCREASE OF 3.4 PERCENT IN FIRST YEAR OF NEW CONTRACTS

TEXT:

Data compiled by BNA from 2004 bargaining settlements through March 15 showed that the average first-year wage increase was 3.4 percent, the same increase reported in the comparable period of 2003. The median first-year wage increase from the settlements was 3.1 percent, the same as that reported in the comparable period of 2003, and the weighted average increase was 1.8 percent, compared with 2.4 percent a year earlier.

When construction and state and local government contracts were excluded, the average increase was 3.6 percent, compared with 3.3 percent in 2003; the median was 3.1 percent, compared with 3 percent; and the weighted average was 1.5 percent, compared with 1.8 percent in 2003.

The manufacturing average increase was 2.6 percent, compared with 1.8 percent in 2003, and the median was 2.5 percent, compared with 2.4 percent. Nonmanufacturing (excluding construction) contracts provided an average increase was 4 percent, compared with 3.9 percent a year earlier, and the median was 3.4 percent, compared with 3.5 percent.

Construction contracts showed an average increase of 3.4 percent, the same as that reported in 2003, and a median of 3.2 percent, compared with 4.1 percent a year earlier. State and local government agreements provided an average increase of 3.2 percent, compared with 3.5 percent in 2003, and a median of 3 percent, compared with 3.5 percent.

Factoring lump-sum payments into calculations, the all-settlements average first-year wage increase to date in 2004 was 3.8 percent, compared with 3.4 percent in the comparable period of 2003. The median was 3.3 percent, compared with 3.1 percent in 2003, and the weighted average increase was 2.4 percent, the same increase reported last year. The all-settlements (excluding construction and state and local government) average increase was 4.1percent, compared with 3.4 percent in 2003; the median was 3.4 percent, compared with 3 percent; and the weighted average was 2.4 percent, compared with 1.8 percent in 2003.

Manufacturing settlements with lump sums posted an average increase of 3.6 percent, compared with 2 percent in 2003, and a median of 3.2 percent, compared with 2.4 percent. Nonmanufacturing (excluding construction) contracts provided an average increase of 4.3 percent, compared with 3.9 percent, and a median of 3.5 percent, the same increase reported in 2003. The state and local government average increase was 3.2 percent, compared with 3.5

percent in 2003, and the median was 3 percent, compared with 3.5 percent.

Summaries of recent settlements and contracts with deferred increases that took effect recently follow the tables below.

FIRST-YEAR WAGE INCREASES

Lump Sums Not Factored

	Year-to-date 2004			Year-to-date 2003		
	Wgt. Avg.	Average	Median	Wgt. Avg.	Average	Median
All settlements.....	1.8%	3.4%	3.1%	2.4%	3.4%	3.1%
All settlements, excluding construction & state and local government.....	1.5%	3.6%	3.1%	1.8%	3.3%	3.0%
Manufacturing.....	1.9%	2.6%	2.5%	4.6%	1.8%	2.4%
Nonmanufacturing, excluding construction.....	1.5%	4.0%	3.4%	1.4%	3.9%	3.5%
Construction.....	2.9%	3.4%	3.2%	3.4%	3.4%	4.1%
State and local government.....	2.3%	3.2%	3.0%	3.2%	3.5%	3.5%

Lump Sums Factored

	Year-to-date 2004			Year-to-date 2003		
	Wgt. Avg.	Average	Median	Wgt. Avg.	Average	Median
All settlements.....	2.4%	3.8%	3.3%	2.4%	3.4%	3.1%
All settlements, excluding construction & state and local government.....	2.4%	4.1%	3.4%	1.8%	3.4%	3.0%
Manufacturing.....	4.2%	3.6%	3.2%	4.6%	2.0%	2.4%
Nonmanufacturing, excluding construction.....	2.0%	4.3%	3.5%	1.4%	3.9%	3.5%
Construction.....	2.9%	3.4%	3.2%	3.4%	3.4%	4.1%
State and local government.....	2.3%	3.2%	3.0%	3.2%	3.5%	3.5%

Note: The statistical summary above is subject to revision as more information becomes available. The summary does not include automatic increases effective after 12 months (designated as deferred increases), cost-of-living adjustments, or Canadian settlements. Portions of construction wage increases may be diverted to benefits.

P.F.P. SALARY CALCULATION WORKSHEET

(Adopted by City Council on June 28, 2004)

OVERALL SCORE			ADJUSTMENT			
	FROM	TO	Employee Below Market	Employee at Market	Employee Above Market	Employee Above Maximum
Unsatisfactory	10	15	0	0	0	0
Needs Improvement	16	25	0	0	0	0
Good	26	35	4.75%	4.50%	4.25%	4.00%
Commendable	36	45	5.00%	4.75%	4.50%	4.00%
Outstanding	46	50	5.50%	5.00%	4.75%	4.00%

CITY OF DOVER
PAY PLANS

GRADE	CURRENT			PROPOSED		
	MINIMUM	MARKET	MAXIMUM	MINIMUM	MARKET	MAXIMUM
101	$14,065	$16,878	$22,110	$14,515	$17,418	$22,818
102	$14,768	$17,722	$23,216	$15,241	$18,289	$23,959
103	$15,507	$18,608	$24,377	$16,003	$19,203	$25,157
104	$16,282	$19,539	$25,596	$16,803	$20,164	$26,415
105	$17,096	$20,516	$26,875	$17,643	$21,173	$27,735
106	$17,951	$21,541	$28,219	$18,525	$22,230	$29,122
107	$18,849	$22,618	$29,630	$19,452	$23,342	$30,578
108	$19,791	$23,749	$31,112	$20,424	$24,509	$32,108
109	$20,781	$24,937	$32,667	$21,446	$25,735	$33,712
110	$21,820	$26,184	$34,301	$22,518	$27,022	$35,399
111	$22,911	$27,493	$36,016	$23,644	$28,373	$37,169
112	$24,056	$28,867	$37,816	$24,826	$29,791	$39,026
113	$25,259	$30,311	$39,707	$26,067	$31,281	$40,978
114	$26,522	$31,826	$41,692	$27,371	$32,844	$43,026
115	$27,848	$33,418	$43,777	$28,739	$34,487	$45,178
116	$29,240	$35,089	$45,966	$30,176	$36,212	$47,437
117	$30,702	$36,843	$48,264	$31,684	$38,022	$49,808
118	$32,238	$38,685	$50,677	$33,270	$39,923	$52,299
119	$33,849	$40,619	$53,211	$34,932	$41,919	$54,914
120	$35,542	$42,650	$55,872	$36,679	$44,015	$57,660
121	$37,319	$44,783	$58,665	$38,513	$46,216	$60,542
122	$39,185	$47,022	$61,599	$40,439	$48,527	$63,570
123	$41,144	$49,373	$64,679	$42,461	$50,953	$66,749
124	$43,201	$51,842	$67,913	$44,583	$53,501	$70,086
125	$45,361	$54,434	$71,308	$46,813	$56,176	$73,590
126	$47,630	$57,155	$74,874	$49,154	$58,984	$77,270
127	$50,011	$60,013	$78,617	$51,611	$61,933	$81,133
128	$52,512	$63,014	$82,548	$54,192	$65,030	$85,190
129	$55,137	$66,165	$86,676	$56,901	$68,282	$89,450
130	$57,894	$69,473	$91,009	$59,747	$71,696	$93,921
131	$60,789	$72,946	$95,560	$62,734	$75,280	$98,618
132	$63,828	$76,594	$100,338	$65,870	$79,045	$103,549
133	$67,020	$80,424	$105,355	$69,165	$82,998	$108,726
134	$70,371	$84,445	$110,623	$72,623	$87,147	$114,163
135	$73,889	$88,667	$116,154	$76,253	$91,504	$119,871
136	$77,584	$93,100	$121,961	$80,067	$96,079	$125,864
137	$81,463	$97,755	$128,059	$84,070	$100,883	$132,157

Memorandum

Office of the City Manager
P.O. Box 475
Dover, DE 19903-0475
Phone: (302) 736-7005
FAX: (302) 736-7002
E-mail: tdeprima@dover.de.us

To: Mayor and City Council

From: Anthony J. DePrima, AICP
City Manager

Date: April 18, 2005

Subject: Pay-for-Performance Salary Approval for Fiscal Year 2006

This is the second market analysis since the City consulted with the Public Administrative Service in 2002. The market analysis was prepared by our Human Resources Director, Frank Szyjka. We plan to perform this analysis on an annual basis. The following are submitted:

Market Analysis Memorandum with attachments
Pay-for-Performance Salary Calculation Worksheet
Revised City of Dover Pay Plans (Grades and Ranges)

The market analysis recommends an increase of 3.5 percent for non-bargaining employees based on market movement. According to the market analysis, we have developed the Pay-for-Performance Salary Calculation Worksheet for your approval. For employees who are below market, an additional 3.0 percent increase is recommended to bring the employees within the market ranges.

The Pay-for-Performance Salary Calculation Worksheet is a matrix which compensates non-bargaining employees based on (1) their evaluated job performance and (2) where their compensation falls in City of Dover pay plan ranges. We have budgeted $179,057 to cover the increases. This budget number is based on estimated scores that we received from department heads.

We are eager to move forward with a compensation program that integrates the City's Strategic Plan, employees' goals and objectives, and performance. We believe this rewards employees for achieving their goals and objectives and compensates them properly for their performance.

Memorandum

To: Tony DePrima

From: Frank E. Szyjka

Date: February 24, 2005

Re: Recommendation for projected increases and LG movement FY 2005-06

I recommend that the salary market increase for the City of Dover non-bargaining positions and corresponding salary range increase should be 3.5% based on various nationwide and local surveys and Government reports assuming good performance. It is also recommended that non-bargaining employees below market performing at acceptable levels be granted an added differential of 3.0% to achieve the PFP goal of paying non-bargaining employees at market within a maximum seven year period of time assuming good performance. There are four (4) employees in this category.

Sources used include the ICMA 2004 Survey and Annual Report on Local Government Executive Salaries and Fringe Benefits which highlighted that the highest increase in average salary from 2003–2004 is for Chief Librarian at 12.9%. The second highest was for Public Works Directors at 10.1%. The range was from 2.7% to a high of over 12.0% with the majority of ranges increasing over 3.4%. Specific ICMA reports used include both Northeast Regional information and the South Regional information by population group (cities ranging from 25,000 – 49,999). In addition, the American Public Power Association (APPA) and the Bureau of National Affairs Daily Labor Report, which compiles up-to-date information on 2004 Bargaining settlements and State and Local Government data, outlined the average increase of 3.5% which also supports the recommendation. As an added source of information, I completed a phone survey of local municipalities to find out what their salary increase plans are for the upcoming year, and the results indicated increases in midpoint of 2.5% to 4% and, as mentioned last year, at least two of the surveyed employers adding COLA to the planned increases. Additional surveys used that support the recommendation include a Delaware Governmental Compensation Survey for Local Governments conducted by the University of Delaware and a City of Salisbury and Wicomico County Compensation Survey.

I have attached the local market survey results from area municipalities. The Bureau of National Affairs report, ICMA, APPA, Delaware Government, and Salisbury surveys are available upon request.

NON-BARGAINING
MARKET SURVEY
FEBRUARY 20, 2005

Municipality	Percentage Increase/Adjustment	Explanation
Kent County	4.0 percent (2.0 percent COLA plus 2.0 percent Step)	Employees receive both a Step increase and COLA yearly.
City of Newark	3.5 percent	Employees receive the same as the bargaining unit (will be 4.0 percent in 2005)
City of Wilmington	2.0 percent	Employees receive the same as the bargaining unit – 2.0 percent each year retroactive to 2000 through 2007.
Ocean City, MD	3.0 percent Midpoint Adjustment	Performance-based system employees at Minimum 4.0 percent plus Employees at Maximum 2.0 percent plus
City of Bowie, MD	2.5 percent - 6.5 percent	2.5 percent COLA established by contract negotiations for three years plus up to 4.0 percent Step
Duke Power	Anticipates 2.0 percent every six months	Same as bargaining unit plus additional discretionary

P.F.P. SALARY CALCULATION WORKSHEET

(Adopted by City Council on June 27, 2005.)

OVERALL SCORE			ADJUSTMENT			
	From	**To**	**Employee Below Market**	**Employee At Market**	**Employee Above Market**	**Employee Above Maximum**
Unsatisfactory	10	15	0	0	0	0
Needs Improvement	16	25	0	0	0	0
Good	26	35	6.50%	3.50%	3.00%	2.50%
Commendable	36	45	7.00%	4.00%	3.50%	3.00%
Outstanding	46	50	7.50%	4.50%	4.00%	3.50%

Note: Currently there are 25 non-bargaining employees below market, 32 in the market range, and 20 in the above market range. Only one non-bargaining employee is above maximum.

CITY OF DOVER
PAY PLANS

There is an increase of 3.5 percent from CURRENT to PROPOSED.

GRADE	CURRENT			PROPOSED		
	Below Market	At Market	Above Market	Below Market	At Market	Above Market
101	$14,515	$17,418	$22,818	$15,023	$18,028	$23,616
102	$15,241	$18,289	$23,959	$15,774	$18,929	$24,797
103	$16,003	$19,203	$25,157	$16,563	$19,876	$26,038
104	$16,803	$20,164	$26,415	$17,391	$20,870	$27,340
105	$17,643	$21,173	$27,735	$18,261	$21,914	$28,706
106	$18,525	$22,230	$29,122	$19,174	$23,008	$30,141
107	$19,452	$23,342	$30,578	$20,133	$24,159	$31,648
108	$20,424	$24,509	$32,108	$21,139	$25,367	$33,231
109	$21,446	$25,735	$33,712	$22,197	$26,636	$34,892
110	$22,518	$27,022	$35,399	$23,306	$27,968	$36,638
111	$23,644	$28,373	$37,169	$24,472	$29,366	$38,469
112	$24,826	$29,791	$39,026	$25,695	$30,833	$40,392
113	$26,067	$31,281	$40,978	$26,980	$32,376	$42,412
114	$27,371	$32,844	$43,026	$28,329	$33,994	$44,532
115	$28,739	$34,487	$45,178	$29,745	$35,694	$46,759
116	$30,176	$36,212	$47,437	$31,232	$37,479	$49,097
117	$31,684	$38,022	$49,808	$32,793	$39,353	$51,552
118	$33,270	$39,923	$52,299	$34,434	$41,320	$54,129
119	$34,932	$41,919	$54,914	$36,155	$43,386	$56,836
120	$36,679	$44,015	$57,660	$37,963	$45,555	$59,678
121	$38,513	$46,216	$60,542	$39,861	$47,834	$62,661
122	$40,439	$48,527	$63,570	$41,854	$50,225	$65,795
123	$42,461	$50,953	$66,749	$43,947	$52,736	$69,085
124	$44,583	$53,501	$70,086	$46,144	$55,373	$72,539
125	$46,813	$56,176	$73,590	$48,451	$58,142	$76,166
126	$49,154	$58,984	$77,270	$50,875	$61,048	$79,974
127	$51,611	$61,933	$81,133	$53,418	$64,101	$83,972
128	$54,192	$65,030	$85,190	$56,089	$67,307	$88,171
129	$56,901	$68,282	$89,450	$58,893	$70,672	$92,580
130	$59,747	$71,696	$93,921	$61,838	$74,206	$97,209
131	$62,734	$75,280	$98,618	$64,930	$77,915	$102,070
132	$65,870	$79,045	$103,549	$68,176	$81,812	$107,173
133	$69,165	$82,998	$108,726	$71,585	$85,902	$112,532
134	$72,623	$87,147	$114,163	$75,165	$90,197	$118,159
135	$76,253	$91,504	$119,871	$78,922	$94,707	$124,066
136	$80,067	$96,079	$125,864	$82,869	$99,442	$130,269
137	$84,070	$100,883	$132,157	$87,012	$104,414	$136,782

NON-BARGAINING SALARY, PROMOTIONS, AND STAFF ADDITION RECOMMENDATIONS

1. Market Increase Recommendations

The recommendation is that the Non-Bargaining salary pay grades be increased 3.0 percent based on movement in the labor market. This would also mean that an employee whose salary is within the market range and whose performance is good would received a 3.0 percent increase in salary. In making these recommendations, I considered the following survey of increases planned in the market:

City of Newark	3.0%
Kent County	3.0% COLA plus 2.0% step
City of Wilmington	2.0%
State of Delaware	1.0% or $500 (Governor's Budgets – Legislators indicate more is likely)
New Castle County	3.1%
Ocean City, MD	3.0% (plus additional five percent based on market study)
BNA Labor Report	3.2% - (first year settled increases YTD)
BNA Labor Report	2.9% - (first year settled local and state government YTD)

Table I on the following page shows the revised pay grades based on a 3.0 percent increase.

Table I

City of Dover Pay Plans

There is an increase of 3.0 percent from CURRENT to PROPOSED

Grade	CURRENT			PROPOSED		
	Below Market	At Market	Above Market	Below Market	At Market	Above Market
101	15,023	17,888	20,754	15,474	18,425	21,376
102	15,774	18,783	21,792	16,247	19,346	22,445
103	16,563	19,722	22,881	17,060	20,314	23,568
104	17,391	20,708	24,025	17,913	21,330	24,746
105	18,261	21,743	25,226	18,808	22,396	25,983
106	19,174	22,831	26,487	19,749	23,516	27,282
107	20,133	23,972	27,812	20,737	24,692	28,646
108	21,139	25,171	29,203	21,773	25,926	30,079
109	22,197	26,429	30,662	22,862	27,222	31,582
110	23,306	27,751	32,196	24,006	28,584	33,162
111	24,472	29,139	33,806	25,206	30,013	34,820
112	25,695	30,595	35,495	26,466	31,513	36,560
113	26,980	32,125	37,270	27,789	33,088	38,388
114	28,329	33,731	39,133	29,179	34,743	40,307
115	29,745	35,417	41,090	30,637	36,480	42,322
116	31,232	37,188	43,144	32,169	38,304	44,438
117	32,793	39,047	45,301	33,777	40,219	46,660
118	34,434	41,000	47,566	35,467	42,230	48,993
119	36,155	43,049	49,944	37,239	44,341	51,442
120	37,963	45,202	52,442	39,102	46,558	54,015
121	39,861	47,462	55,063	41,057	48,886	56,715
122	41,854	49,836	57,817	43,110	51,331	59,551
123	43,947	52,327	60,708	45,265	53,897	62,529
124	46,144	54,943	63,743	47,528	56,592	65,655
125	48,451	57,690	66,929	49,905	59,421	68,937
126	50,875	60,576	70,276	52,401	62,393	72,385
127	53,418	63,604	73,790	55,020	65,512	76,003
128	56,089	66,784	77,479	57,772	68,788	79,803
129	58,893	70,123	81,353	60,660	72,227	83,794
130	61,838	73,629	85,420	63,693	75,838	87,983
131	64,930	77,311	89,692	66,878	79,630	92,382
132	68,176	81,176	94,176	70,221	83,611	97,001
133	71,585	85,235	98,885	73,733	87,792	101,851
134	75,165	89,497	103,829	77,420	92,182	106,944
135	78,922	93,971	109,020	81,290	96,790	112,291
136	82,869	98,670	114,471	85,355	101,630	117,905
137	87,012	103,603	120,194	89,623	106,711	123,800

2. Pay-For-Performance

Below Market Increases

Our Pay-For-Performance policy includes an additional increase for employees whose salary is below market range. The policy is to have an employee who starts at the entry level and who receives a GOOD evaluation move to market level in within seven years. This works out to a 2.7 percent additional increase above the market increase which is 3.0 percent as proposed above. There are 23 employees currently below market. This year for illustration, a table (Table II) showing the Department Heads, Managers, and Supervisors is being provided which shows current salary, market status, market range, and the salary increases proposed assuming a score in the "good performance range."

Table II

Management Salary Increases Proposed for Fiscal Year 2007

Title	Salary	Market Status	Market Range		Percent Increase*
City Manager	100,099	Below	103,603	120,193	5.7%
Chief of Police	95,110	Market	89,497	103,828	3.0%
Public Services Manager **	93,268	Market	89,497	103,828	0.0%
Utility Services Manager **	93,268	Market	89,497	103,828	0.0%
Finance Director/Treasurer	88,154	Market	77,311	89,691	3.0%
Police Major	86,072	Above	70,123	81,352	2.5%
Information Technology Director	82,174	Market	81,176	94,175	3.0%
Senior City Administrator	80,454	Market	73,629	85,419	3.0%
Central Services Director	76,537	Below	81,176	94,175	5.7%
Inspections Director/Planner **	73,000	Below	77,311	89,691	0.0%
Line Crew Superintendent	72,244	Above	57,690	66,928	2.5%
Parks and Recreation Director	68,089	Market	66,784	77,478	3.0%
Human Resources Director	66,510	Below	73,629	85,419	5.7%
Assistant Finance Director	63,900	Market	63,604	73,789	3.0%
Assistant City Engineer	62,100	Below	63,604	73,789	5.7%
Superintendent of Grounds	61,261	Above	49,836	57,816	2.5%
Engineering Services and System Ops Supervisor	61,224	Market	57,690	66,928	3.0%
Assistant City Engineer	59,046	Below	63,604	73,789	5.7%
Library Director	56,881	Market	54,943	63,742	3.0%
Public Works Operation Manager	56,152	Below	60,576	70,275	5.7%
Police Resources Manager	55,346	Below	57,690	66,928	5.7%
City Assessor **	55,000	Market	52,327	60,707	0.0%
City Clerk	54,532	Market	52,327	60,707	3.0%
Customer Services Manager	49,901	Below	52,327	60,707	5.7%
Purchaser ***	49,574	Market	45,202	52,441	3.0%
Community Development Manager	44,624	Below	45,202	52,441	5.7%

* Assuming a GOOD performance evaluation; actual increase may vary +/- two percent based on actual performance evaluation score.

** New hires or promotions that do not qualify for increases at this time

*** Reclassification also recommended for this position. See the Promotion/Reclassification table.

Performance Scores

The Pay-For-Performance policy uses a 0-50 weighted scoring system. This year's performance spread (shown in Table II) uses a 0.75 percent pay increase differential between performance grades except for employees who are paid above the maximum of their grade where a 0.50 percent is used. This year the score ranges have been changed to encourage a more normal bell curve where more employees' scores are disbursed into both the higher range and the lower range and less concentrated in the two middle ranges.

Table III

Performance Scores

PFP SCORE			ADJUSTMENT			
	From	**To**	**Employee Above Maximum**	**Employee Above Market**	**Employee At Market**	**Employee Below Market**
Unsatisfactory	0	19	0	0	0	0
Acceptable but Some Improvement Needed	20	29	0	1.50%	2.25%	3.00%
Good	30	35	1.50%	2.25%	3.00%	5.70%
Commendable	36	41	3.00%	3.00%	3.75%	6.45%
Outstanding	42	50	3.50%	3.75%	4.50%	7.20%

Note: Currently there are 23 non-bargaining employees below market, 41 at market, and 16 in above market. Only two non-bargaining employees are above maximum.

3. Proposed Promotions and Grade Recommendations

This year the City of Dover contracted with LaFlamme & Associates, Inc. who conducted a survey of area local government ranges to determine if our salary ranges and job titles are properly aligned. Also used to assist in this effort was data from similar studies done by Kent County, 2005 ICMA, 2005 Survey of Executive Salaries, 2005 Delaware Compensation Survey of Local and State Governments, and a few other sources. Based on these comparisons, no recommendations were made to move any job titles either up or down pay grades.

During the budget process, two requests to promote employees were received. The two promotions were supported and are included in the budget. One was to promote the Purchaser to Purchasing and Material Manager which is the work actually performed. The other promotion was to promote a Clerk Typist II to an Administrative Assistant, again based on actual job performance.

Also during the budget process, four requests to re-evaluate and reclassify positions were received. Out of these four, only one was supported by the Human Resource Department's analysis and that is to reclassify the Records Management Coordinator from a Labor Grade 108 to a Grade 110.

4. New Positions Recommendations

Department	Position	Justification	Amount Budgeted
Police	Police Officer	This completes the Quality of Life Task Force.	$51,723
Customer Services	Account Clerk I	Because of rapid growth and additional responsibilities, there is not sufficient staff. Customers find themselves waiting in longer lines. We are also finding errors in metering, billing, and customer payments. These errors are becoming customer issues as well as revenue issues. We cannot maintain the quality of our services to customers without additional staff.	$48,575
Customer Services	Account Clerk III	There is currently no backup for the Billing Clerk except the Customer Services Manager. There is no routine monitoring of our large customer accounts. We have experienced billing issues because mistakes are not detected for long periods of time. These errors are becoming customer issues as well as revenue issues. We currently do not have backup in our Collections area. We do not have a dedicated person to monitor the collections of taxes. Because of rapid growth and additional responsibilities, we cannot pull staff from other areas as we have in the past.	$61,083
Human Resources	HR Clerk	The Human Resources Department will be assuming all risk management, vehicle/equipment insurance, and registration of all vehicle and equipment purchases for the City of Dover from the City Clerk's Office by June 2007. The Human Resources Department currently has a part-time employee. This position would be eliminated.	$27,402
Public Utilities/ Electric T & D	Meter Tech I	There is increased workload from the meter reading change-out program and with anticipation of increased workload due to several large new developments including the privatization of the Dover Air Force Base housing and Eden Hill Farms.	$48,048
Tax Assessor	Administrative Assistant	There is currently no one to handle day-to-day management of the office so that existing staff can work in the field. Until this position is filled, the office will not be able to provide an acceptable level of customer service.	$58,213

PAY-FOR-PERFORMANCE

THE FOLLOWING SUBSECTIONS ARE INCLUDED:

NON-BARGAINING SALARY, PROMOTIONS, AND STAFF ADDITION RECOMMENDATIONS

MANAGEMENT SALARY INCREASES

NON-BARGAINING SALARY, PROMOTIONS, AND STAFF ADDITION RECOMMENDATIONS

1. Market Increase Recommendations

The recommendation is that the Non-Bargaining salary pay grades be increased 3.5 percent based on movement in the labor market. This would also mean that an employee whose salary is within the market range and whose performance is good would receive a 3.5 percent increase in salary. In making these recommendations, I considered the following survey of increases planned in the market:

Institute for Public Administration (IPA) 2006 Compensation Survey - Conducted by the University of Delaware. This survey covers eight State Governments and thirteen local Governments in the Mid-Atlantic region. The survey highlights that the mean local government increase was 3.7 percent and the State Government increase was 3.3 percent.

The Bureau of Labor Statistics (BLS) - Calculates the wages and salary component of the Employment Cost Index (ECI) increased 3.7 percent nationally which is the same as the increase outlined by the IPA for Local governments.

The ICMA 2006 Survey and Annual Report - Annual report on Local Government Executive Salaries and Fringe Benefits with the majority of ranges increasing over 3.4 percent.

The BNA Labor Report - Average wage increase reported in 2006 was 3.3 percent.
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The FOP Bargaining Unit - Increase for Fiscal Year 2007 is 3.5 percent.

Table 1 on the following page shows the revised pay grades based on a 3.5 percent increase.

Table I

City of Dover Pay Plans

There is an increase of 3.5 percent from CURRENT to PROPOSED

	CURRENT			PROPOSED		
Grade	**Below Market**	**At Market**	**Above Market**	**Below Market**	**At Market**	**Above Market**
101	15,474	18,425	21,376	16,016	19,070	22,124
102	16,247	19,346	22,445	16,816	20,023	23,231
103	17,060	20,314	23,568	17,657	21,025	24,393
104	17,913	21,330	24,746	18,540	22,077	25,612
105	18,808	22,396	25,983	19,466	23,180	26,892
106	19,749	23,516	27,282	20,440	24,339	28,237
107	20,737	24,692	28,646	21,463	25,556	29,649
108	21,773	25,926	30,079	22,535	26,833	31,132
109	22,862	27,222	31,582	23,662	28,175	32,687
110	24,006	28,584	33,162	24,846	29,584	34,323
111	25,206	30,013	34,820	26,088	31,063	36,039
112	26,466	31,513	36,560	27,392	32,616	37,840
113	27,789	33,088	38,388	28,762	34,246	39,732
114	29,179	34,743	40,307	30,200	35,959	41,718
115	30,637	36,480	42,322	31,709	37,757	43,803
116	32,169	38,304	44,438	33,295	39,645	45,993
117	33,777	40,219	46,660	34,959	41,627	48,293
118	35,467	42,230	48,993	36,708	43,708	50,708
119	37,239	44,341	51,442	38,542	45,893	53,242
120	39,102	46,558	54,015	40,471	48,188	55,906
121	41,057	48,886	56,715	42,494	50,597	58,700
122	43,110	51,331	59,551	44,619	53,128	61,635
123	45,265	53,897	62,529	46,849	55,783	64,718
124	47,528	56,592	65,655	49,191	58,573	67,953
125	49,905	59,421	68,937	51,652	61,501	71,350
126	52,401	62,393	72,385	54,235	64,577	74,918
127	55,020	65,512	76,003	56,946	67,805	78,663
128	57,772	68,788	79,803	59,794	71,196	82,596
129	60,660	72,227	83,794	62,783	74,755	86,727
130	63,693	75,838	87,983	65,922	78,492	91,062
131	66,878	79,630	92,382	69,219	82,417	95,615
132	70,221	83,611	97,001	72,679	86,537	100,396
133	73,733	87,792	101,851	76,314	90,865	105,416
134	77,420	92,182	106,944	80,130	95,408	110,687
135	81,290	96,790	112,291	84,135	100,178	116,221
136	85,355	101,630	117,905	88,342	105,187	122,032
137	89,623	106,711	123,800	92,760	110,446	128,133

2. Pay-For-Performance

Below Market Increases

Our Pay-For-Performance policy includes an additional increase for employees whose salary is below market range. The policy is to have an employee who starts at the entry level and who receives a GOOD evaluation move to market level within seven years. This works out to a 2.7 percent additional increase above the market increase which is 3.5 percent as proposed above. There are 28 employees currently below market. This year for illustration, a table (Table II) showing the Department Heads, Managers, and Supervisors is being provided which shows current salary, market status, market range, and the salary increases proposed assuming a score in the "good performance range."

TABLE II

Management Salary Increases
Proposed for Fiscal Year 2008

Title	Salary	Market Status	Market Range		
City Manager	106,555	Below	106,711	123,798	6.20%
Chief of Police	99,390	Market	92,183	106,944	3.50%
Public Services Manager	93,268	Market	92,183	106,944	3.50%
Public Utilities Manager	100,000	Market	92,183	106944	3.50%
Finance Director/Treasurer	91,460	Market	79,631	92,382	3.50%
Police Major	88,654	Above	72,227	83,792	2.75%
Information Technology Director	85,256	Market	83,611	96,999	3.50%
Senior City Administrator	83,471	Market	75,838	87,981	3.50%
Central Services Director	81,300	Below	83,611	96,999	6.20%
Inspections Director/Planner	77,709	Below	79,631	92,382	6.20%
Line Crew Superintendent	74,411	Above	59,422	68,937	2.75%
Parks and Recreation Director	70,643	Market	68,788	79,802	3.50%
Human Resources Director	70,301	Below	75,838	87,981	6.20%
Assistant Finance Director	open		67,572	80,121	
Water/Wastewater Manager	74,865	Below	75,838	87,981	6.20%
Superintendent of Grounds	63,511	Above	51,331	59,550	2.75%
Engineering Services and System Ops Supervisor	69,872	Above	59,422	68,937	2.75%
Library Director	open		56,592	65,654	
Public Works Operation Manager	59,353	Below	62,393	72,383	6.20%
Police Resources Manager	58,916	Below	59,422	68,937	6.20%
City Assessor	55,000	Market	53,897	62,527	3.50%
City Clerk	54,532	Market	53,897	62,527	3.50%
Customer Services Manager	53,494	Below	53,897	62,527	6.20%
Contract and Procurement Manager	56,029	Market	53,897	62,527	3.50%
Financial Reporting and Accounting Manager	58,600	Below	59,422	68,937	6.20%
Meter Crew Leader	57,927	Above	44,342	51,442	2.75%
Construction Manager	58,794	Market	51,331	59,550	3.50%
Construction Manager	59,509	Market	51,331	59,550	3.50%
Chief Building Inspector	51,368	Market	48,886	56,713	3.50%
Relay Crew Leader	open		44,342	51,442	
Water Production Supervisor	51,916	Market	46,559	54,014	3.50%

* Assuming a GOOD performance evaluation; actual increase may vary +/- two percent based on actual performance evaluation score.
** New hires or promotions that do not qualify for increases at this time
*** Reclassification also recommended for this position. See the Promotion/Reclassification table.

Performance Scores

The Pay-For-Performance policy uses a 0-50 weighted scoring system. This year's performance spread (shown in Table II) uses a 0.75 percent pay increase differential between performance grades except for employees who are paid above the maximum of their grade where a 0.50 percent is used. The score ranges encourage a more normal bell curve where more employees' scores are disbursed into both the higher range and the lower range and less concentrated in the two middle ranges.

Performance Scores

PFP Score		ADJUSTMENT		
From	**To**	**Employee Above Market**	**Employee At Market**	**Employee Below Market**
0	19	0	0	0
20	29	2.00%	2.50%	3.00%
30	35	2.50%	3.25%	4.25%
36	41	3.25%	4.00%	6.00%
42	50	4.00%	4.75%	6.50%

Note: Currently there are 28 non-bargaining employees below market, 40 at market, and 15 in above market. Only two non-bargaining employees are above maximum.

3. Proposed Promotions and Grade Recommendations

During the budget process, four requests to promote employees were received. Each of these involves creating a new title to better reflect their actual or proposed responsibilities and appropriate adjustment in salary. The Planning division is reclassifying the Senior Planner to Principal Planner ($12,175). The Information Technologies Department is promoting a LAN Analyst to Senior LAN Analyst ($7,047). The Central Services Division is reclassifying the Secretary II to an Administrative Assistant position ($22,2,070). The Electric Department is requesting than an Administrative Assistant be promoted to a new position of Department Budget and Staff Supervisor ($640). These positions are promoted based on actual duties being performed and to improve operating efficiencies.

4. New Positions Recommendations

Department	Position	Justification	Amount Budgeted
Tax Assessor	Residential Assessment Technician	This position will provide staffing to support reassessment and re-evaluation efforts in the Tax Office.	$42,830
Tax Assessor	Commercial Assessment Technician	This position will provide staffing to support reassessment and re-evaluation efforts in the Tax Office.	$61,564
Planning and Inspections	Inspector	Property Maintenance Inspector to increase the number of inspectors on the community enhancement team. Position will be funded with proposed increases in related inspection fees and will not be filled until the new fees are approved.	$45,341
Recreation	Center Coordinator	This position is requested to staff the John W. Pitts Recreation Center. This position will be responsible for the operation of the building and the staff for this facility. The Coordinator will supervise two part-time service center clerks and two part-time building supervisors that will be needed to operate the center.	$33,035
Information Technologies	LAN Technician	This position is requested to support the additional work load and to improve service. In the last six months IT has taken on the responsibility of the City's new telephone system. Also the number of PCs in the City has increased 40% from 153 (2001) to 218 (2007). This position will assist with support at the Police Department.	$48,756
Facilities Management	Custodian	This position is requested to staff the John W. Pitts Recreation Center. It will also be used throughout the City buildings as needed.	$24,579
Public Utilities Water/Wastewater Engineering & Inspections	Civil Engineer I	This engineer will provide much needed support to deal with water quality concerns, inflow/infiltration problems and other issues associated with aging infrastructure.	$79,396
Public Utilities Water/Wastewater Engineering & Inspections	GIS Technician	This position will allow the Water and Wastewater utilities to move forward with its GIS program to improve data collection and management methods, as well as, enhance mapping efforts and system tracking. Currently the program is on hold because it was supported by Engineers who are no longer able to support the function due to more critical duties.	$39,818
Public Utilities Water/ Wastewater Construction	Inspector	This position is requested to meet current work load. Increased construction volume has pushed the waiting time for requests from 24 hours to 72 hours.	$50,593
Public Utilities Water/ Wastewater Divisions	Water Service Worker	Currently there is only one service worker to accomplish all service work orders; including installing radio read meters and conducting hydrant flow testing. The department is falling behind in radio read replacement and hydrant testing due to the Brown Water Project. The addition of a second permanent full-time person will assist in the bringing these programs up to date.	$41,714
Public Utilities Water/ Wastewater Water Treatment	Operator	This position is requested to ensure the effective implementation of unidirectional flushing of the City's water system as a part of the Brown Water Project. This flushing is critical to resolving the City's water quality issues.	$43,104
Public Services Administration	Emergency Preparedness Staff	Necessary to manage the City's emergency preparedness functions and to maintain compliance with State and Federal Guidelines, so eligibility for grant revenues is maintained.	$67,089
Police Department	Sex Crimes Unit	This new unit will take over all sex offender management responsibilities and allow the Community Policing Unit to attend to community concerns and various programs. In addition, the SCU will become intimately familiar with all of the sex offenders that reside, work or study in the City. In the past few years the number of sex offender notifications has increased dramatically. This increase is due to more stringent laws and the Dover Police Department taking on a more active role in sex offender management. The department verifies sex offenders addresses annually for Tier I offenders, semi-annually for Tier II offenders and quarterly for Tier III (most severe) sex offenders.	$35,000

NON-BARGAINING SALARY, PROMOTIONS, AND STAFF ADDITION RECOMMENDATIONS

1. Market Increase Recommendations for Non-Bargaining Employees

The recommendation is that the Non-Bargaining salary pay grades be increased 3.25 percent based on movement in the labor market. This would mean that an employee whose salary is within the market range and whose performance is good would receive a 3.25 percent increase in salary. In making this recommendation, the following surveys of increases planned in the market were considered:

The Bureau of Labor Statistics (BLS) - Calculates the wages and salary component of the Employment Cost Index (ECI) increased 3.5% nationally.

The ICMA 2007 Survey and Annual Report - Annual report on Local Government Executive Salaries and Fringe Benefits with the majority of ranges increasing 1.77 percent. This is based upon the salaries for selected positions in the Mid-Atlantic and South-Atlantic regions.

The BNA Labor Report - Average wage increase reported in 2007 was 3.3 percent.

The FOP Bargaining Unit - Increase for FY 2009 is 4 percent.

The IUE-CWA Bargaining Unit – Increase for FY 2009 is 3.5 percent.

The IBEW Bargaining Unit – Increase for FY 2009 is 3.5 percent.

Table 1 on the following page shows the revised pay grades based on a 3.25 percent increase.

Table I

City of Dover Pay Plans

There is an increase of 3.25 percent from CURRENT to PROPOSED

	CURRENT			PROPOSED		
Grade	**Below Market**	**At Market**	**Above Market**	**Below Market**	**At Market**	**Above Market**
101	16,016	19,070	22,124	16,537	19,690	22,843
102	16,816	20,023	23,231	17,363	20,674	23,986
103	17,657	21,025	24,393	18,231	21,708	25,186
104	18,540	22,077	25,612	19,143	22,795	26,444
105	19,466	23,180	26,892	20,099	23,933	27,766
106	20,440	24,339	28,237	21,104	25,130	29,155
107	21,463	25,556	29,649	22,161	26,387	30,613
108	22,535	26,833	31,132	23,267	27,705	32,144
109	23,662	28,175	32,687	24,431	29,091	33,749
110	24,846	29,584	34,323	25,653	30,545	35,438
111	26,088	31,063	36,039	26,936	32,073	37,210
112	27,392	32,616	37,840	28,282	33,676	39,070
113	28,762	34,246	39,732	29,697	35,359	41,023
114	30,200	35,959	41,718	31,182	37,128	43,074
115	31,709	37,757	43,803	32,740	38,984	45,227
116	33,295	39,645	45,993	34,377	40,933	47,488
117	34,959	41,627	48,293	36,095	42,980	49,863
118	36,708	43,708	50,708	37,901	45,129	52,356
119	38,542	45,893	53,242	39,795	47,385	54,972
120	40,471	48,188	55,906	41,786	49,754	57,723
121	42,494	50,597	58,700	43,875	52,241	60,608
122	44,619	53,128	61,635	46,069	54,855	63,638
123	46,849	55,783	64,718	48,372	57,596	66,821
124	49,191	58,573	67,953	50,790	60,477	70,161
125	51,652	61,501	71,350	53,331	63,500	73,669
126	54,235	64,577	74,918	55,998	66,676	77,353
127	56,949	67,805	78,663	58,800	70,009	81,220
128	59,794	71,196	82,596	61,737	73,510	85,280
129	62,783	74,755	86,727	64,823	77,185	89,546
130	65,922	78,492	91,062	68,064	81,043	94,022
131	69,219	82,417	95,615	71,469	85,096	98,722
132	72,679	86,537	100,396	75,041	89,349	103,659
133	76,314	90,865	105,416	78,794	93,818	108,842
134	80,130	95,408	110,687	82,734	98,509	114,284
135	84,135	100,178	116,221	86,869	103,434	119,998
136	88,342	105,187	122,032	91,213	108,606	125,998

2. **Pay-For-Performance**

Below Market Increases

Our Pay-For-Performance policy includes an additional increase for employees whose salary is below market range. The policy is to have an employee who starts at the entry level and who receives a GOOD evaluation move to market level in within seven years. This works out to a 2.7 percent additional increase above the market increase which is 3.25 percent as proposed above. There are 26 employees currently below market. This year for illustration, a table (Table II) showing the Department Heads, Managers, and Supervisors is being provided which shows current salary, market status, market range, and the salary increases proposed assuming a score in the "good performance range."

TABLE II

Management Salary Increases Proposed for Fiscal Year 2009

Title	Salary	Market Status	Market Range FY 08 Rates		*Percent Increase
Meter Crew Leader	59,810	Above	45,783	53,114	2.50%
Substation Relay Foreman	55,000	Above	45,783	53,114	2.50%
***Water Production Supervisor	53,992	Market	48,072	55,769	3.25%
Water/Wastewater Manager	49,672	Market	48,072	55,769	3.25%
Chief Building Inspector	open	-	50,475	58,556	-
Superintendent of Grounds	65,535	Above	52,999	61,485	2.50%
Construction Manager	62,336	Above	52,999	61,485	2.50%
City Assessor	open	-	55,649	64,559	-
City Clerk	59,693	Market	55,649	64,559	3.25%
Customer Services Manager	56,703	Market	55,649	64,559	3.25%
Contract and Procurement Manager	58,690	Market	55,649	64,559	3.25%
Library Director	open	-	58,431	67,788	-
Line Crew Superintendent	76,829	Above	61,353	71,177	2.50%
Engineering Services and System Ops Supervisor	72,143	Above	61,353	71,177	2.50%
Police Resources Manager	62,451	Market	61,353	71,177	3.25%
Financial Reporting and Accounting Manager	62,116	Market	61,353	71,177	3.25%
Public Works Operation Manager	61,875	Below	64,421	74,735	5.95%
Assistant Finance Director	71,000	Market	69,768	82,725	3.25%
Parks and Recreation Director	72,939	Market	71,024	82,396	3.25%
Police Major	92,200	Above	74,574	86,515	2.50%
Senior City Administrator	86,809	Market	78,303	90,840	3.25%
**Human Resources Director	73,861	Below	78,303	90,840	5.95%
**Controller/Treasurer	113,229	Above	82,219	95,384	2.50%
Inspections Director/Planner	82,371	Market	82,219	95,384	3.25%
Information Technology Director	88,666	Market	86,328	100,151	3.25%
Central Services Director	86,103	Below	86,328	100,151	5.95%
Chief of Police	104,111	Market	95,179	110,420	3.25%
Public Services Manager	100,635	Market	95,179	110,420	3.25%
Public Utilities Manager	104,000	Market	95,179	110,420	3.25%
City Manager	112,948	Market	110,179	127,821	3.25%

* Assuming a GOOD performance evaluation; actual increase may vary +/- two percent based on actual performance evaluation score.

** New hires or promotions that do not qualify for increases at this time/In accordance with the PFP policy these staff are given increases at their first annual review after hire or promotion.

*** Reclassification also recommended for this position. See the Promotion/Reclassification table.

Performance Scores

The Pay-For-Performance policy uses a 0-50 weighted scoring system. This year's performance spread (shown in Table III) uses a 0.75 percent pay increase differential between performance grades except for employees who are paid above the maximum of their grade and employees paid above market. The score ranges encourage a more normal bell curve where more employees' scores are disbursed into both the higher range and the lower range and less concentrated in the two middle ranges.

Table III
Performance Scores

PFP SCORE		ADJUSTMENT			
From	To	Employee Above Maximum	Employee Above Market	Employee At Market	Employee Below Market
0	19	0	0	0	0
20	29	0	2.00%	2.50%	3.00%
30	35	2.00%	2.50%	3.25%	4.25%
36	41	2.75%	3.25%	4.00%	6.00%
42	50	3.50%	4.00%	4.75%	6.50%

Note: Currently there are 26 non-bargaining employees below market, 40 at market, and 17 in above market. Only one non-bargaining employees is above maximum.

3. New Positions Recommendations

During the budget process, the City Manager received twelve (12) requests for new positions. While originally supporting six (6), due to budget constraints none were approved for inclusion in the budget. There are three new positions for the newly formed Economic Development Division; however these positions were outside of the departmental request process. One of those three positions currently exists in the Main Street budget and will be transferred to the City. The new positions are summarized in the table below.

Department	Position	Justification	Amount Budgeted
Economic Development	Main Street Manager	Coordination of City's economic development efforts. Existing position from existing Main Street budget.	$71,642
Economic Development	Marketing Professional	Coordination of City's economic development efforts	$83,853
Economic Development	Administrative Assistant	Coordination of City's economic development efforts	$61,853

4. Reclassification/Upgrades Proposed for Non-Bargaining

Eight requests for reclassifications/re-gradings and promotions of non-bargaining positions were reviewed. Seven were included in the budget. Some involved creating a new position title, some involved creating a career ladder and some involved increasing the labor grade of a current position as a result of increased responsibilities.

The Library division of Parks and Recreation is recommending that the Office Assistant II be reclassified to Administrative Assistant.

The budget includes two reclassifications for the Public Services Group and a creation of a career ladder for Planners. The recommendations for reclassifications are GIS Coordinator to GIS Manager and Weed and Seed Coordinator to Community Prevention Manager. The creation of a career ladder among the planning staff is desired. This ladder is being developed for acknowledgement of obtainment of professional certifications. The ladder is being suggested for recruitment and retention, and is similar to the State of Delaware's career ladder for Planners.

The Public Utilities department is recommending the Water Production Supervisor be re-graded however retain the same job title.

The changes are summarized in the following table.

Department	Position	Justification	Amount Budgeted
Library	Secretary II to Administrative Assistant	Performing Administrative Assistant duties	$2,605
Public Services Admin	GIS Coordinator to GIS Manager	Additional responsibilities as the function expands and grows	$3,068
Public Services Planning	Weed & Seed Coordinator to Community Prevention Manager	Reclassified to fit actual duties being performed.	$744
Public Services Planning	Planner I	Creates a progressive career path for Planners	N/A
Public Services Planning	Senior Planner	Creates a progressive career path for Planners	N/A
Public Services Planning	Planner to Planner II	Creates a progressive career path for Planners	$2,303
Public Utilities Water Treatment	Water Production Supervisor Re-grading	Reclassified to fit actual duties being performed	$3,338

5. Reclassification Re-grading of Bargaining Positions

These positions were reviewed with the IUE Union and department heads outside of negotiations. The union, as well as, the City reviewed the positions for consideration. These changes are supported by management.

The changes are summarized in the table below.

Department	Position	Justification	Amount Budgeted
Police	Communications Operators	Re-grading 11 from a grade 17 to 18	$30,261
Police	Animal Control Officer	Re-grade one from a grade 11 to 12	$1,909
Central Services	Mechanic I to Mechanic II	Re-grade one from grade 15 to 19	$10,468
Central Services	Courier to Central Mailroom Clerk	Re-grade one from grade 12 to 13	$1,747
Central Services	Storekeeper I	Re-grade two from grade 12 to 13	$3,454
Central Services	Storekeeper II	Re-grade one from grade 14 to 15	$2,198

Organization of Recommendations

Rec. #	Page # in Phase 2 Report & Related Exhibit	MAG or Employee's Recommended Action	City's Recommended Action	Estimated Completion Date
		Training		
MAG 1	2-4 Exhibit 5, page 5 Exhibit 5-Appendix A	Change the PFP policy to require training for supervisors once per year. If training is not attended, deny any salary increase for which the supervisor may be eligible.	Update language: Change the PFP policy to require training for supervisors once per year. If training is not attended, deny any salary increase for which the supervisor may be eligible. **The City Manager may excuse a supervisor from the training.**	Immediately
Employee 7	Exhibit 5, page 5	Provide educational training to employees on the PFP system and process	Training will begin being offered to employees.	Immediately
		Evaluation - Process		
MAG 2	2-5 Exhibit 4, page 1	Establish a more precise time frame within the set of Instructions so as to clearly define the time allotted for each step in the performance review cycle.	This recommendation is in reference to allowing sufficient time for the HR Director to review evaluations. The instructions have been updated to include a time frame of five days.	Immediately
MAG 3	2-5 Exhibit 4, page 2	Written quarterly reviews should be done by Department Heads, and documented in the evaluation by entering into the PFP software.	Required quarterly reviews will begin July 1, 2009 as this review cycle is ending.	Implement July 1, 2009
MAG 4	2-5 Exhibit 4 page 3	All evaluated employees should conduct self evaluation, with the purpose of then comparing them at the formal performance evaluation meeting.	The PFP instructions will be updated accordingly.	Effective with reviews to be completed by May 31, 2009.

Organization of Recommendations

Rec. #	Page # in Phase 2 Report & Related Exhibit	MAG or Employee's Recommended Action	City's Recommended Action	Estimated Completion Date
		Evaluation – Process (Continued)		
MAG 13	5-8	Automate the statistical normalization of rater comparisons.	This will become a goal for the HR Director for FY10.	Present to City Council by February 2010.
MAG 14	5-8 Exhibit 4, page 1	Hold up salary adjustments until all evaluations are complete; publish stragglers on the City's intranet.	Not recommended for implementation. We wish to continue our current practice of extending the specific tardy department head's salary increase. "Stragglers" will be handled by the supervisor.	Immediately
MAG 17	6-2 Exhibit 4, page 2	Require quarterly review of all employees being evaluated.	Additional monitoring of quarterly reviews will be maintained.	Implement July 1, 2009.
MAG 19	6-3	Add monitoring and reminder goals to the Core Competency of the HR Director – *Include monitoring goals for the HR Director to ensure consistency with the City's Strategic Plan, reminding departments of the need for quarterly reviews, setting up annual training on the program, and identifying unusual scoring patterns to the City Manager, the Department Head and the rater. This should be reflected in the Supervisory Core Competency.*	Rather than modify the PFP evaluation for this one recommendation, this suggestion will become a standing goal for the HR Director.	Effective July 1, 2009
Employee 3	Exhibit 4, page 2	All evaluations are due at the same time thus causing a heavy work load in a short amount of time	This issue is being addressed by requiring quarterly reviews. Thus as the fiscal year ends three fourths of the evaluation should be complete.	July 1, 2009

Organization of Recommendations

Rec. #	Page # in Phase 2 Report & Related	MAG or Employee's Recommended Action	City's Recommended Action	Estimated Completion Date
		Evaluation – Process (Continued)		
Employee 5	Exhibit 4, page 4	Do not require an explanation for a performance score of three and four	Explanation for a score of three will not be required.	Effective for evaluations being completed for FY09.
Employee 8	Exhibit 4, page 2	Do not assign goals during probationary period	It is realized that the probationary period is a time for learning. Only when necessary will goals be assigned.	Immediately
		Grading Definitions		
MAG 5	2-6 Exhibit 3 Exhibit 4, page 4	Change the current performance form label of "Good" to "Meets Expectations" on the evaluation form.	The PFP evaluation will be updated.	Effective with reviews to be completed by May 31, 2009.
MAG 6	2-6 Exhibit 3	Change the current performance form label of "Acceptable with Some Improvements Needed" to Improvement Needed" on the evaluation form.	The PFP evaluation will be updated.	Effective with reviews to be completed by May 31, 2009.
MAG 7	2-7 Exhibit 3 Exhibit 4, page 4	Change the current performance label of "Outstanding" to "Results Rarely Achieved by Others."	The PFP evaluation will be updated.	Effective with reviews to be completed by May 31, 2009.

Organization of Recommendations

Rec. #	Page # in Phase 2 Report & Related Exhibit	MAG or Employee's Recommended Action	City's Recommended Action	Estimated Completion Date
		Council Evaluations		
MAG 8	4-5	Create a committee structure to evaluate Council appointed positions that would make recommendation on compensation adjustments for the evaluated employee.	***If Council wants to pursue further, a separate Committee Action Form will be prepared and presented.***	FY10
		Evaluation Design Changes		
MAG 9	4-5	Apply the changes noted in Section 5.0 to the development of Core Competencies for the Council positions. See recommendation #15 - *Streamline and enhance Core Competency and Element statements.*	This will become a goal for the HR Director for FY10. A committee will be formed to formally discuss.	Present to City Council by February 2010.
MAG 15	5-12	Streamline and enhance Core Competency and Element statements. *See Rec. #9*	This will become a goal for the HR Director for FY10. A committee will be formed to formally discuss.	Present to City Council by February 2010.
MAG 18	6-3	Add responsible participation in the PFP as a Supervisory Core Competency	The core competency for Supervisory Skills will be updated accordingly.	Effective July 1, 2009
Employee 4		Implement weighting of goals	This option will be considered an evaluation committee that will be created.	If implemented, it will become effective in FY 10.
		Pay Increases		
MAG 10	5-3	Base the movement within the pay grade on the concept of a "normal progression" career plan for employees who "Meet Expectations" to reach midpoint in 10 years.	According to MAG, this will be achieved by implementing Recommendation #11.	
MAG 11	5-4 Exhibit 5 page 1 & 2 Ex. 5 Appexd. A	Use the arithmetic midpoint of the position's assigned pay grade as the basis for calculating potential performance adjustments.	Use the described method for calculating July 1, 2009 pay increases.	July 1, 2009

Organization of Recommendations

Rec. #	Page # in Phase 2 Report & Related Exhibit	MAG or Employee's Recommended Action	City's Recommended Action	Estimated Completion Date
		Pay Increases - Continued		
MAG 12	5-6 Exhibit 5 – Appendix A	Establish a simple and straightforward program for potential adjustments of zero (0) through an annually determined percentage amount, based on budget availability.	Create a matrix for awarding July 1 pay increases. Appendix will be created based upon budget and market conditions.	July 1, 2009
MAG 21	6-5 Exhibit 5, page 2 Exhibit 5 – Appendix A	Any pay out for performance over the maximum of the range is a lump-sum one-time payout that does not roll into the base salary.	In addition to the proposed language, add, "the city reserves the right not to award any pay increase for employee's whose salary is over the maximum of the range."	Effective with pay increases awarded on July 1, 2009.
		No Action		
MAG 16	6-1 Exhibit 4, page 2	Continue to complete performance evaluations annually as dictated by current policy.	No additional action needed.	
MAG 20	6-4 Exhibit 5, page 4	Continue the current process for appeals.	No action needed.	
		Setting of Goals		
Employee 1	Exhibit 4, page 5	Goals don't flow down in a timely manner	City Council/City Manager and Mayor to establish goals for Department Heads by March 31 of each year.	Department Heads are to establish goals for FY 10 immediately upon adoption of updated policy.

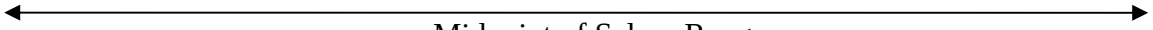
Organization of Recommendations

Rec. #	Page # in Phase 2 Report & Related Exhibit	MAG or Employee's Recommended Action	City's Recommended Action	Estimated Completion Date
		Setting of Goals		
Employee 2	Exhibit 4, page 5 & 6 Exhibit 5, page 2	Goals are not realistic under current work load	All supervisors are to be mindful of the number of goals being assigned. Employees can create their own goals for review by their supervisor. The HR Director will be more astute to the number being assigned.	Effective with evaluations for FY 10.
		Non-Monetary Incentives		
Employee 6		High performers are not awarded	The salary matrix provides for additional compensation for employees who receive a higher than average performance score. An improved effort will be provided by supervisors in rewarding high performers with non-monetary incentives and actions.	Immediately

MAG Study Recommendation/Explanation of Awarding Salary Increases

MAG's recommendation eliminates the below, at and above market reference. Pay increases would be awarded based upon the mid-point of the salary range of the position the employee occupies and the employee's performance rather than the employee's placement within the salary range and performance. As a result, assuming employees performance is at the same level, employees at the beginning of the scale would receive a larger percentage increase in proportion to their salary. As the employee's salary moves along the salary range, the mid-point increase would reflect a smaller and smaller increase.

Example #1:



Midpoint of Salary Range

$10,000 $20,000 $30,000

PFP Score	Rating	Adjustment as a % of Midpoint*	Dollar Amount of Increase
0-19	Unsatisfactory	0	0
20-29	Needs Improvement	2%	$400 ($20,000 * 2%)
30-35	Good (Meets Expectations)	3%	$600 ($20,000 * 3%)
36-41	Commendable	4%	$800 ($20,000 * 4%)
42-50	Outstanding (Results Rarely Achieved by Others)	5%	$1,000 ($20,000 * 5%)

Reference page 5-5 of MAG study

*Percentages are determined by City during the budget process

Additional Examples on Page 2 and 3

Example #2:
Computer Operator and GIS Technician are both grade 113. Each has the same midpoint value ($36,989). If a Computer Operator produces a higher performance evaluation score than the GIS Technician, then the Computer Operator would receive a higher adjustment. If the performance evaluation score translates into a 4% adjustment (see table in Example #1) for the Computer Operator, the dollar value of the increase would be $1,479.56. If the GIS Technician's performance evaluation translates into a 3% adjustment (see table in Example #2), the dollar value of the increase would be $1,109.67. If their scores are in the same range, they would both receive the same dollar value of adjustment; however the percentage in relation to their current salary would differ. To clarify, if the Computer Operator's salary is $30,000, the $1,479.56 is really a 4.9% increase. If the GIS Technician's salary is $40,000, an increase of $1,109.67 is really a 2.8% increase. This type of movement allows the employee's at the lower end of the scale to move closer to mid-point, while maintaining others at mid-point unless their performance is stellar.

Position	Salary	Increase of Midpoint	Dollar Value of Increase	True Percentage Increase
Computer Operator	$30,000	4%	$1,479.56	4.9%
GIS Technician	$40,000	3%	$1,109.67	2.8%

Midpoint of Salary Range

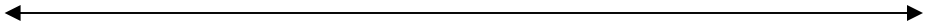
$28,762 $36,989 $45,215

Computer Operator
$30,000
$1,479.56 (4% of midpoint)
$1,479.56/$30,000 = 4.9% increase

GIS Technician
$40,000
$1,109.67 (3% of midpoint)
$1,109.67/$40,000=2.8% increase

Additional Example on Page 3

Example #3: Reference page 5-4 of MAG study
According to MAG's recommendation #21 page 6-5 on the report, the City should consider providing any amount above the maximum of the range in a one-time lump-sum payment that does not roll into the base salary. The city is also recommending that the city reserves the right not to award any pay increase for employee's whose salary is over the maximum of the range.



Midpoint of Salary Range

$28,762 $36,989 $45,215

GIS Technician
$48,000
$1,109.67 (3% of midpoint)
No increase or a lump-sum payment
of $1,109.67 that does not roll into base

ACTION FORM

PROCEEDING: Legislative, Finance & Administration Committee	**AGENDA ITEM NO.:**
DEPARTMENT OF ORIGIN: Parks, Recreation & Library	**DATE SUBMITTED**: September 1, 2009
PREPARED BY: Zachery Carter	
SUBJECT: St. Jones River Watershed Coordinator Grant	
REFERENCE: N/A	
RELATED PROJECT: Silver Lake Commission	
APPROVALS: City Manager & Controller	
EXHIBITS: Memorandum of Understanding	
EXPENDITURE REQUIRED: N/A **FUNDING SOURCE (Dept./Page in CIP & Budget)**: N/A	**AMOUNT BUDGETED**: N/A
TIMETABLE:	
RECOMMENDED ACTION: Authorize the City Manager to accept grant funds from the State of Delaware, and sign the Memorandum of Understanding for these funds.	

BACKGROUND AND ANALYSIS

Over the last two (2) years the Silver Lake Commission (SLC) and the City Manager have been trying to fund a Silver Lake Manager position. This position was recommended in a "Technical Background Report – Silver Lake Watershed", that was completed in 1995. One of the options for the protection and improvement of Silver Lake was to hire a Lake Manager to coordinate activities and direct lake protection efforts. Since the completion of this report the SLC has been trying to implement the recommendations of the report to improve the water quality of Silver Lake. Staff to oversee these improvements has been provided by the Parks and Recreation Director. In order to provide the necessary staff to focus on improving the water quality, the SLC and City Manager have been looking for options to hire a Lake Manager.

In May 2009, the State of Delaware obtained funds to hire a St. Jones Watershed Coordinator. They contracted with the Kent Conservation District to hire a part-time employee for this position. The responsibilities of the Watershed Coordinator include working with the Silver Lake Commission to create partnerships for water quality projects, obtain funds for design & construction of water quality projects and work harmonious to complete projects that will improve water quality in Silver Lake and the St. Jones Watershed.

The State of Delaware has received additional funding from the American Recovery & Reinvestment Act (ARRA), to conduct water quality management planning function and implement projects which defines, assess', and manages pollution entering state waters. As part of the requirements of the Clean Water Act the State is required to pass-through 40% of the funding to carry out planning activities jointly with local, regional, and interstate entities. Funds for the Watershed Coordinator satisfy the 40% pass through requirement of the Clean Water Act.

With these funds the City would contract with the Kent Conservation District to increase the hours of the Watershed Coordinator to work with the City of Dover, and the Silver Lake Commission. Attached is a draft Memorandum of Understanding, between the State of Delaware, Kent Conservation District, and the City of Dover.

This funding will provide the Lake Manager that was recommended in the "Technical Background Report Silver Lake Watershed". With this funding the SLC would have access to a professional Lake Manager that would work with them to protect and improve the water quality of Silver Lake. This would be a benefit to the Parks & Recreation Department in that the department administrative assistant would no longer need to attend commission meetings, take minutes, and handle the administrative functions for the SLC. Along with this the Parks

and Recreation Director would spend less city time working on tasks for the SLC. The department would still provide copies of minutes and reports for the SLC along with materials for SLC projects as they have in the past. However, the Lake Manager would provide staffing to create a partnership for projects, obtain funds for design and construction of water project, and provide water quality management planning functions and service for the SLC. The Parks & Recreation Director would oversee the activities of the Watershed Coordinator accomplishments on a quarterly base as required by EPA. The Finance will pick up some amount of additional work for processing the receipts and disbursements as well as grant reporting.

We recommend that the City Manager be authorized to accept grant funds in the amount of $77,720 from the State of Delaware and sign the Memorandum of Understanding to execute the contract for the St. Jones Watershed Coordinator.

MEMORANDUM OF UNDERSTANDING

Pursuant to the American Recovery and Reinvestment Act (ARRA)
and
Clean Water Act Section 604(b) Water Quality Management Planning

THIS MEMORANDUM is between the **City of Dover** (hereinafter referred to as the **CITY**), represented by Tony DePrima, City Manager, City Hall, P.O. Box 475, Dover, DE 19903-0475; **Department of Natural Resources and Environmental Control** (hereinafter referred to as the DEPARTMENT), 89 Kings Highway; Dover, DE 19901, represented by Collin P. O'Mara, Secretary; and the **Kent Conservation District** (hereinafter referred to as the **DISTRICT**), 800 Bay Road, Suite 2, Dover, DE 19901 represented by Timothy Riley, District Coordinator.

WITNESSETH

Whereas the **DEPARTMENT** has a special need for water quality planning functions and services through a Watershed Coordinator for the St. Jones Watershed that the **CITY** and the **DISTRICT** are in a unique position to furnish. The **CITY** desires to hire a Silver Lake Coordinator through its Silver Lake Commission. Silver Lake is a subwatershed of the St. Jones Watershed. Unfortunately, the **CITY** lacks the funds to hire such a position. The **DISTRICT** can provide coordination, management and fund disbursement at the request of the **DEPARTMENT** for planning functions and services as outlined in this document. The **DISTRICT** is willing to enter into a Memorandum of Understanding with the **CITY** in order to provide these planning functions and services with the assistance of a Watershed Coordinator.

Funding for is Memorandum is provided by the American Recovery and Reinvestment Act and has been awarded to the Department of Natural Resources and Environmental Control pursuant to ARRA and Section 604(b) of the Clean Water Act. The latter requires states to conduct water quality management planning functions and implement projects which define, assess, and manage pollution entering State waters. The Clean Water Act also directs states to carry out planning activities jointly with local, regional, and interstate entities and give funding priority to such entities. Funds for the Watershed Coordinator satisfy the 40% pass-through requirement of Section 604(b). To this end, the **DEPARTMENT** and the **CITY** have developed a plan to carry out water quality management planning functions and services with the assistance of a Watershed Coordinator for the St. Jones River Watershed.

The Watershed Coordinator will develop an implementation strategy from the St. Jones Watershed Implementation Plan to:

1. Determine which Implementation Plan projects are feasible based upon water quality benefits, cost of installation, and the ability of landowners to implement the projects.
2. Work with the Silver Lake Commission to create partnerships for water quality projects.
3. Obtain funds for design and construction of water quality projects.
4. Work with the CITY to plan and create a stormwater utility for watersheds within City of Dover municipal boundaries.

IT IS MUTALLY AGREED BY THE PARTIES HERETO THAT:

1) The **CITY** will:
   a) Execute a purchase order to the **DISTRICT** for $77,720 for the services of a St. Jones Watershed Coordinator until August 17, 2011 or until funds are exhausted. Funds for the Watershed Coordinator satisfy the 40% pass-through requirement of Section 604(b) of the Clean Water Act.
   b) Provide written documentation of the Watershed Coordinator's accomplishments on a quarterly basis according to the schedule established by EPA.
   c) Oversee the activities of the Watershed Coordinator.
   d) Provide written notice to the **DEPARTMENT** in the event that the **CITY** cannot fulfill its responsibilities under this Memorandum.
   e) If financially able, the **CITY** may provide the Watershed Coordinator with office space and necessary office equipment such as telephone and computer equipment.

2) The **DISTRICT** will:
   a) Invoice the **CITY** for the services of the Watershed Coordinator until August 17, 2011 or until funds are exhausted.
   b) Assist the **CITY** and the **DEPARTMENT** in coordinating all activities of the Watershed Coordinator.
   c) Provide general guidance and other services, as they may be available and appropriate.

3) The **DEPARTMENT** will:
   a) Execute a purchase order to the **CITY** for $77,720 for a St. Jones Watershed Coordinator until August 17, 2011 or until funds are exhausted. Funds for the Watershed Coordinator satisfy the 40% pass-through requirement of Section 604(b) of the Clean Water Act.
   b) Provide work plan oversight and technical assistance to the Watershed Coordinator as needed and appropriate.
   c) Provide office space and equipment should the **CITY** be financially unable to do so.
   d) Ensure that quarterly reports are completed and transmitted to EPA as required.

4) This Memorandum can be modified or terminated, with thirty (30) days written notice, and by mutual consent of the parties hereto. Reimbursement will then be for work completed that is otherwise eligible for reimbursement prior to the effective date of termination.

5) The **DEPARTMENT** shall not be obligated for the expenditure of funds in excess of $77,720.

6) All notices, requests, or demands to be given by one party to another under the provisions of this agreement will be forwarded, properly addressed to the following respective parties:

CITY:
City of Dover
Department of Parks and Recreation
P.O. Box 475
Dover, DE 19903

Attention: Zachary Carter

DEPARTMENT:
Department of Natural Resources and Environmental Control
Division of Water Resources
820 Silver Lake Blvd – Suite 220
Dover, DE 19904-2464
Attention: Lyle Jones

DISTRICT:
Kent Conservation District
800 Bay Road - Suite 2
Dover, DE 19901
Attention: Timothy Riley

Other addresses may be designated by written notice.

7) It is the intent of the parties to fulfill their obligations under this memorandum.

8) This agreement represents the entire agreement between the parties.

_____ _____
Tony DePrima Date
Dover City Manager

_____ _____
Timothy Riley Date
District Coordinator, Kent Conservation District

_____ _____
Collin P. O'Mara Date
Secretary
Department of Natural Resources and Environmental Control

ACTION FORM

PROCEEDING: Legislation, Finance & Administration Committee
DEPARTMENT OF ORIGIN: City Manager's Office **DATE SUBMITTED**: 09/15/09
PREPARED BY: Tony DePrima, City Manager
SUBJECT: Disposition of City Owned Land – Property Located at 101 Jefferson Court
REFERENCE: N/A
RELATED PROJECT: N/A
APPROVALS: N/A
EXHIBITS: Offer from Habitat for Humanity
EXPENDITURE REQUIRED: $41,856 ($71,856 less $30,000) **AMOUNT BUDGETED**: N/A **FUNDING SOURCE (Dept./Page in CIP & Budget)**: N/A
TIMETABLE: N/A
RECOMMENDED ACTION: Authorize the City Manager to sell the property to Habitat for Humanity for $30,000 under exception D of the Land Disposal Policy which will be credited to the General Fund. The cost of the demolition and environmental cleanup will be expensed in the General Fund in the amount of $71,856.

BACKGROUND AND ANALYSIS

In March 2008, City Council determined that the property at 101 Jefferson Court (Tax ID# ED-05-076.07-01-140.000-000) was surplus property. Council authorized the City Manager to sell the property in accordance with the City of Dover Procedure for Sale and Disposition of Real Property for a minimum price of $75,000. The $75,000 minimum was based on the cost the city invested in demolition and environmental cleanup. The property is an end unit townhouse located at the Presidential Courts Town Home Development in West Dover. The property was acquired by the City through a condemnation. The interior of the property was completely demolished and cleaned as part of the condemnation effort.

Unfortunately, the timing coincided with the huge collapse of the housing market and the City Manager was not successful in selling the property. There have been several inquiries since then, but there have been no offers from private developers. The City has had to do routine maintenance on the property and regularly inspect it.

The City Manager recently met with representatives of Habitat for Humanity and learned that they were seeking to buy property for their program. Habitat for Humanity is a non-profit corporation. The Jefferson Court property was suggested to them and a subsequent tour was scheduled. Following the tour, we received an offer from Habitat for Humanity for $30,000. This property would need substantial reconstruction to make it livable which fits perfectly into Habitat's mission. Like all Habitat homes, a potential family for the house would be found and then volunteers, along with the family, would renovate the home. Habitat would then sell the home to the family at an affordable cost. This has been a successful model nationwide.

Exception D of the Land Disposal Property allows City Council to gift property to a non-profit organization if City Council determines it's in the best interest of the City. While this is not an outright gift, it is a sale in an amount below its cost to demolish and clean. There would be a financial advantage to putting this property back on the City tax list and off our maintenance list. For the City as a whole, it is one less vacant property.

Central Delaware
Habitat for Humanity®

Building houses, building hope

City of Dover
RECEIVED
JUL 27 2009
CITY MANAGER/MAYOR

July 25, 2009

Mr. Tony DePrima, City Manager
City of Dover
P.O. Box 475
Dover, DE 19903

Dear Mr. DePrima;

Thank you for giving us an opportunity to purchase 101 Jefferson Court, Dover. After discussing it with our Building Committee and Board President, we would like to offer $30,000 to purchase that property from the city as is.

Central Delaware Habitat for Humanity is a non-profit, ecumenical Christian, housing ministry that builds simple, decent, affordable homes by partnering with low-income families (at or below 60% the median income) throughout Kent County. The homes we purchase are sold to the family at no-profit with an interest free mortgage, this is not a free house. Our organization relies on volunteers throughout the community to participate on various committees, assist at our ReStore, and build the houses. Since we were founded in 1990, we have completed 17 homes, which have served 31 adults and 51 children. We are currently building a home on North Kirkwood Street for a single mom and her two boys which will be the 13th home we have built within the city of Dover.

We currently have a family of 6 that is waiting for their home to start construction and this property would be ideal for their situation with four children.

Your consideration of this offer would be greatly appreciated and your partnership as we continue to make owning a home a realty.

Feel free to contact me at (302) 698-1939 if you have any further questions or accept this offer.

Thank you.

Sincerely,

Jocelyn McBride

Jocelyn McBride
Executive Director

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Central Delaware
Habitat for Humanity®

Building houses, building hope

City of Dover
RECEIVED
JUL 27 2009
CITY MANAGER/MAYOR

July 25, 2009

Mr. Tony DePrima, City Manager
City of Dover
P.O. Box 475
Dover, DE 19903

Dear Mr. DePrima;

Thank you for giving us an opportunity to purchase 101 Jefferson Court, Dover. After discussing it with our Building Committee and Board President, we would like to offer $30,000 to purchase that property from the city as is.

Central Delaware Habitat for Humanity is a non-profit, ecumenical Christian, housing ministry that builds simple, decent, affordable homes by partnering with low-income families (at or below 60% the median income) throughout Kent County. The homes we purchase are sold to the family at no-profit with an interest free mortgage, this is not a free house. Our organization relies on volunteers throughout the community to participate on various committees, assist at our ReStore, and build the houses. Since we were founded in 1990, we have completed 17 homes, which have served 31 adults and 51 children. We are currently building a home on North Kirkwood Street for a single mom and her two boys which will be the 13th home we have built within the city of Dover.

We currently have a family of 6 that is waiting for their home to start construction and this property would be ideal for their situation with four children.

Your consideration of this offer would be greatly appreciated and your partnership as we continue to make owning a home a realty.

Feel free to contact me at (302) 698-1939 if you have any further questions or accept this offer.

Thank you.

Sincerely,

Jocelyn McBride

Jocelyn McBride
Executive Director

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Dover, DE 19903-0063
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ACTION FORM

PROCEEDING: Legislative, Finance, and Administration Committee **MEETING DATE:** 09/28/09
DEPARTMENT OF ORIGIN: City Clerk's Office
PREPARED BY: Traci A. McDowell, City Clerk

SUBJECT: Proposed Ordinances Related to Charter Amendments **DATE SUBMITTED**: **09-16-2009**
RELATED PROJECT: N/A
APPROVALS: N/A
EXHIBITS: Proposed Ordinances #2009-23
EXPENDITURE REQUIRED: $ N/A **AMOUNT BUDGETED**: $ N/A **FUNDING SOURCE (Dept./Page in CIP & Budget)**: N/A
TIMETABLE: First Reading 10/12/09, Second Reading/Final Action 10/26/09.

RECOMMENDED ACTION: Approval of the proposed amendments to the City of Dover Code.

BACKGROUND AND ANALYSIS

In October 2007, the Legislative, Finance, and Administration Committee began a comprehensive review of the recommendations of the 2005 Charter Review Committee. The committee's recommendations were then forwarded to City Council for consideration and adoption. The Delaware General Assembly considered and approved the amendments to Dover's Charter on July 8, 2009. Staff has prepared proposed amendments to the Dover Code related to the Charter amendments.

CITY OF DOVER PROPOSED ORDINANCE #2009-23

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

That Chapter 2 - Administration, Article IV - Officers and Employees, Division 1 - Generally, Section 2-201 - Compensation and expenses for mayor, council, employees and other elected or appointed officials, be amended by inserting the text indicated in bold, blue, italics and deleting the text indicated in red strikeout as follows:

Sec. 2-201. Compensation and expenses for mayor, council, employees and other elected or appointed officials.

A. In accordance with section 12 of the Charter, authorizing the council to establish compensation and expenses for the mayor and councilmembers, city employees and other elected or appointed officials, the following fees are hereby established:

(1) *Mayor.* The mayor shall receive an annual salary of $45,000.00. For the period beginning July 27, 2009 and ending July 26, 2010, the mayor shall receive an annual salary of $44,100. In addition, the mayor shall receive an expense allotment of up to $5,000.00, to be included in the city's annual budget, for miscellaneous expenses, to be reimbursed upon submission of receipts or proper documentation. Expenses in excess of this amount shall only be permitted by council approval. The mayor shall be entitled to all benefits customary to an employee of the city, except pension benefits, and sick and vacation leave.

(2) *Councilmembers generally.* Each councilmember shall receive an annual salary of $7,416, to be paid monthly. For the period beginning July 27, 2009 and ending July 26, 2010,each councilmember shall receive an annual salary of $6,674.40, to be paid monthly. The council president shall receive an annual salary of $8,652, to be paid monthly. For the period beginning July 27, 2009 and ending July 26, 2010, the council president shall receive an annual salary of $7,786.80, to be paid monthly. Councilmembers shall receive reimbursement for actual and necessary expenses incurred when on official business as prescribed by ordinance or policy.

(3) Councilmembers hearing appeals. Members of the council sitting to hear appeals from the municipal assessment shall receive $50.00 for per diem reimbursement for expenses for the preparation and attendance of each meeting of the assessment appeals committee.

(4) Nonemployee election officers. Each person not a city employee appointed to serve as an election judge for any municipal election shall receive $200.00 for per diem reimbursement for each election attended. Each person chosen to serve as a clerical assistant for any municipal election shall receive $150.00 for per diem reimbursement for each election attended.

(5) Employee election officers. Employees of the city appointed to serve as election judges or officials for any municipal election shall receive $150.00 for per diem reimbursement for expenses for each municipal election attended in addition to their regular salary.

(6) Appointee to council committee. Each appointed member to any city council committee, not serving an elected term to any city office, shall receive $75.00 for preparation and attendance at each committee meeting to which the member is appointed.

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(7) Employee on council committee. For any city employee appointed to a council committee shall receive $25.00 for reimbursement for expenses per diem for each meeting attended which is held after 5:00 p.m. on a scheduled workday or at any time on a weekend or city-approved holiday.

(8) Planning commission. Each appointed member of the planning commission shall receive $100.00 per diem reimbursement for expenses to be paid monthly for preparation and attendance at each meeting of the planning commission.

(9) Board of adjustment. Each appointed member of the board of adjustments shall receive $75.00 per diem reimbursement for expenses to be paid monthly for preparation and attendance at each meeting of the board of adjustment, to become effective July 1, 2007.

B. Compensation commission.

There is hereby created a compensation commission to consider compensation for the mayor, city council, and paid members of city committees and commissions. The compensation commission shall consist of five (5) members, one (1) member appointed by the mayor, one (1) member appointed by the council president, and three (3) members appointed by city council during the annual meeting. Members shall be city residents who are registered to vote in city elections. Members shall serve two (2) year terms and cannot be re-appointed within the next two (2) years. The controller/treasurer and human resources director shall serve as ex-officio, non-voting members.

The compensation commission shall meet as needed, with a report due to Council six (6) months prior to the regular municipal election, with one (1) public hearing held prior to their submission of the report to council. Upon receiving the resolution of the commission, the city council may reduce or reject the commission's recommendation, but it may not increase any item in the resolution. The recommendations contained in the resolution, and any permitted changes to such recommendations, shall not become effective unless adopted by ordinance enacted at least three (3) months prior to the elections of the next succeeding mayor and council, and shall take effect only for the next succeeding terms of office of the mayor and council.

Charter references: Mayor and Council, subpart A, § 12.

(NOTE: Introduced at LF&A Committee on 2/23/09 with Charter Amendments (as Ordinance #2009-04)

BE IT FURTHER ORDAINED THAT:

Chapter 2 - Administration, Article IV - Officers and Employees, Division 4 - Finance Director, Sec. 2-261 - Appointment, be amended by inserting the text indicated in bold, blue, italics and deleting the text indicated in red strikeout as follows:

DIVISION 4. ~~**FINANCE DIRECTOR**~~ ***CONTROLLER/TREASURER***

Sec. 2-261. Appointment.

~~**The city treasurer shall serve as the finance director.**~~ There shall be a controller/treasurer selected by the city council at its annual meeting.

Draft

BE IT FURTHER ORDAINED THAT:

Chapter 2 - Administration, Article IV - Officers and Employees, Division 7 - General Employee Pension Plan, Subdivision II - Board of Trustees, be amended by inserting the text indicated in bold, blue, italics and deleting the text indicated in red strikeout as follows:

The pension board of trustees shall consist of the following persons:

(1) Manager. The city manager.

(2) City officials. Two elected city officials who shall be appointed by the council president, subject to confirmation of a voting majority of the city council at its annual meeting.

(3) Participants. Three participants or retired participants of the plan who shall be elected by the participants and retired participants of the plan.

(4) ~~**Finance director/treasurer. The city finance director/treasurer.**~~ ***Controller/treasurer. The city controller/treasurer.***

(5) Election.

(a) Such election shall be for three-year staggered terms, beginning July 1 and ending June 30 three years later. A regular election for filling these positions will be held the third week of June each year.

(b) In the first week of April of each year, the city clerk shall notify those eligible to vote of the exact time and place of the election. Any general employee pension plan member that is eligible to vote and appears on the listing of qualified voters who will be unable to appear at the polling place on the date and time of the election may cast his or her vote by absentee ballot in the general employee~~(~~s pension plan election for the following reasons: 1) armed forces, 2) public service, 3) occupation, 4) sickness, 5) disability, 6) religion, 7) vacation, or 8) residency outside of the Dover area which makes it infeasible to vote in person.

Sec. 2-363. Term of office of members.

The term of office of each member of the pension board of trustees, except the city ~~**finance director**~~***controller***/treasurer, city manager, and elected city officials, shall commence on the first day of the month following his election and continue for a period of three years or until his successor shall be elected and qualified.

Sec. 2-364. Officers and ex officio members.

The pension board of trustees shall elect a chairperson, a vice-chairperson who shall serve when the chairperson is absent, a secretary and a treasurer or fiscal agent designated by the pension board. The city ~~**finance director**~~***controller***/treasurer shall be the pension fund treasurer and his bond shall cover all monies deposited with him.

Draft

BE IT FURTHER ORDAINED THAT:

Chapter 102 - Taxation, Article III - Realty Transfer Tax, Sec. 102-71 - Definitions.

(c) For the purpose of subsection (a)(5) of this section, in the case of a document described in subsection (a)(2) of this section under which the consideration is based, in whole or in part, on a percentage of the income or receipts to be received in the future, actual consideration shall include the amounts actually received under such percentage of income or receipts provision; provided, however, and notwithstanding any other provisions of this article, that the tax imposed by this article shall be due and payable to the ~~**finance director**~~ ***controller/treasurer*** within 30 days after the date such amounts become due and payable under the agreement.

BE IT FURTHER ORDAINED THAT:

Chapter 110 - Utilities, Article I - In General, Sec. 110-3. Properties/utilities policy and regulations.

(a) The city manager and the ***controller/***treasurer shall have authority to enter into properties/utilities agreements for the rental of space, easements, rights-of-way and other properties owned and operated by the city.

(b) The city manager and the ***controller/***treasurer shall also have authority to charge equivalent or higher payment for the use of space, easements, rights-of-way and other properties in lieu of franchise fees.

ADOPTED: *

SYNOPSIS

This Ordinance amends the Dover Code to reflect recent Charter Amendments.

Actions History

09/28/2009 - Considered at LF&A

Draft

CITY OF DOVER - PROPOSED CHARTER AMENDMENTS IN FULL CONTEXT

PREAMBLE (NEW)

We the people of the City of Dover, under the constitution and laws of the state of Delaware, in order to secure the benefits of local self-government and to provide for an honest and accountable ~~mayor-council~~ *council-manager* government do hereby adopt this charter and confer upon the city the following powers, subject to the following restrictions, and prescribed by the following procedures and governmental structure. By this action, we secure the benefits of home rule and affirm the values of representative democracy, professional management, strong political leadership, citizen participation, and regional cooperation.

(Adopted by Council 11/13/2007)

ARTICLE I. ~~GENERAL PROVISIONS~~ *POWERS OF THE CITY*

(Adopted by Council 11/13/2007)

Sec. 1.01. Powers of the City.

~~*The city shall have all powers possible for a city to have under the constitution and laws of this state as fully and completely as though they were specifically enumerated in this charter.*~~

(Adopted by Council 11/13/2007 - Replaces 1st Paragraph of Sec. 3)

Deputy City Solicitor Pepper recommended the following in lieu of previously adopted Sec. 101 Powers of the City in order to preserve the home rule language in the current Charter and to track 22 Del. C. §802:

Sec. 1.01. Powers of the City.

In addition to the powers specifically enumerated by statutes in Title 22 of the Delaware Code and elsewhere, the City of Dover shall assume and have all powers which under the Constitution of the State it would be competent for the General Assembly to grant by specific enumeration, and which are not denied by statute.

Sec. 1.02. Construction.

The powers of the city under this charter shall be construed liberally in favor of the city, and the specific mention of particular powers in the charter shall not be construed as limiting in any way the general power granted in this article.

(Adopted by Council 11/13/2007)

Sec. 1.03. Intergovernmental Relations.

The city may participate by contract or otherwise with any governmental entity of this state or ~~any other state or states~~ of the United States in the performance of any activity which one or more of such entities has the authority to undertake.

(Adopted by Council 11/13/2007 - Strikeout advised by Deputy City Solicitor Pepper)

Sec. 1.*04.* Municipal corporation continued; boundaries.

The municipal corporation of the State of Delaware, known as "the City of Dover" shall continue to be a body politic and corporate. The boundaries of the City of Dover are hereby established and declared as recorded on the official map of record in the Recorder of Deeds Office ***in and*** for Kent County and State of Delaware as presently existing and as hereinafter amended.

(Correction)

AMENDMENT TO SEC. 1.05 WAS NOT APPROVED BY THE GENERAL ASSEMBLY
Sec. 1.*05*~~A~~. Procedure to extend boundaries.

The City Council shall have the authority to annex any parcel(s) contiguous to the City by complying with the provisions of Title 22, Chapter 1, Section 101 (22 Del. C. § 101).

(Adopted by Council 11/13/2007)

~~In order to extend the boundaries of the City of Dover the council shall adopt a resolution proposing the inclusion of territory or territories within the limits of the City of Dover and calling for a special election to be held in said territory or territories in accordance with Title 22, Chapter 1, Section 101, Delaware Code (22 Del. C. § 101) insofar as applicable. Said resolution shall contain a description of the territory or territories proposed to be annexed and shall specify the date of such election, which shall be not less than 30 nor more than 60 days after the adoption of said resolution, and the place or places of said election. Said resolution shall be published in at least two issues of a newspaper of general circulation within the City of Dover at least two weeks prior to the day of said election.~~

~~Elections may be held in more than one of said territories on the same day, but the said elections shall be separate; only the votes of qualified voters of a territory as herein described shall be counted in the election to determine whether the territory shall be annexed.~~

~~Any such election shall be held by the election officers of the election district or districts of Kent County which shall include the territory proposed to be annexed. Every person 18 years of age or upwards who is duly registered upon the books of registered voters for said election district, or districts, who is a resident of the territory proposed to be included within the limits of the City of Dover, and who does not own real estate within said territory shall be entitled to one vote at the election to determine whether said territory shall be annexed; and every person who is the owner of real estate within a territory proposed to be included assessed to them on the assessment records of Kent County, shall be entitled to one vote. Owners of real estate in common shall be entitled to one vote each. Life tenants shall be entitled to one vote each but the holders of the remainder interest or similar interest subject to the life estate shall not be entitled to vote. Corporations, firms or associations shall be entitled to one vote, the same as private persons.~~

~~The Council of the City of Dover shall provide the ballots for any such election and shall bear the cost of holding such election. The ballots shall briefly indicate the territory proposed to be included and shall provide two boxes on the ballot beside which shall appear the words "FOR inclusion within the City of Dover," and "AGAINST inclusion within the City of Dover." Each voter shall indicate their preference by making a mark within the box beside the words expressing their preference.~~

~~At any such election the polls shall he open from 11:00 a.m. to 8:00 p.m. When the polls are closed the election officers shall publicly count the votes and forthwith certify to the clerk of the council the number of votes cast for and against inclusion within the city limits. At the next regular or special meeting of the council the mayor and council shall receive the results of the election and make the same a part of the minutes of said meeting.~~

~~If a majority of the votes cast in an election held in a territory proposed to be annexed shall be in favor of the inclusion of that territory, the council may thereupon adopt a resolution annexing said territory and including same within the limits of the City of Dover. Upon the adoption of a resolution of annexation a copy thereof certified by the clerk of council and a plot of the area annexed shall be forthwith filed for record with the Recorder of Deeds of Kent County, and the area so annexed shall for all purposes thenceforth be part of the City of Dover.~~

~~If a majority of the votes cast in an election held in a territory proposed to be annexed shall be against the inclusion of that territory within the limits of the City of Dover, the proposed annexation of said territory shall be declared to have failed. Nothing in this Charter shall prohibit the council from resubmitting a proposal of annexation to the voters of said territory, or any portion thereof, under the authority of this section and in accordance with the provisions thereof.~~
~~(Amd. of 7-12-2005 (S.B. 126))~~

(Adopted by Council 11/13/2007)

Sec. 2. Status, general corporate powers, specific provisions for condemnation of property.

The inhabitants of the City of Dover within the boundaries defined in section 1.***04*** of this Charter, or within the boundaries hereafter established, shall continue to be a body politic and corporate, by the name of "the City of Dover," and under that name shall have perpetual succession; may have and use a corporate seal; may sue and be sued; may hold and acquire by purchase, gift, devise, lease or condemnation, real property and personal property within or without its boundaries for any municipal purpose, in fee simple or lesser estate or interest, and may sell, lease, hold, manage, and control such property as its interest may require; and shall have all other powers and functions requisite or appropriate for the government of the city, its peace and order, its sanitation, appearance and beauty, the health, safety, convenience, comfort and well-being of its population, and the protection and preservation of property, public and private.

Whenever it shall be necessary for any municipal purpose to condemn any real property or personal property under this Charter, except as is herein otherwise specifically provided, the council must follow applicable state law.

Sec. 3. ~~Enumeration of power not exclusive; manner of exercise of powers;~~ **Employee pension, benefit and retirement systems authorized.**

~~The enumeration of particular powers by this Charter shall not be held or deemed to be exclusive but, in addition to the powers enumerated herein, implied thereby, or appropriate to the exercise thereof, it is intended that the City of Dover shall have, and may exercise, all powers which, under the Constitution of the State of Delaware, it would be competent for this Charter specifically to enumerate. All powers of the City, whether expressed or implied shall be exercised in the manner prescribed by this Charter, or, if not prescribed herein then in the manner provided by ordinance or resolution of the council.~~

(Adopted by Council 11/13/2007 - See new Section 1.01. Powers of the City.)

The City of Dover is hereby authorized, empowered and permitted to establish a system of pensions or benefits through group insurance or otherwise as may be found proper and necessary, providing for life, accident, health, hospitalization and death benefits, or any or either of them, for the regular employees of the said "City of Dover." The said "City of Dover" is hereby authorized, empowered and permitted to enter into an agreement or agreements with one or more insurance companies to provide a group insurance plan or plans, as may be required or proper to carry out such system of pensions or benefits. The election to exercise such authority on the part of the city shall be evidenced by an ordinance or resolution duly adopted by the council of the City of Dover as other ordinances or resolutions are adopted, and the same shall be recorded in the official minutes of the said council. Such ordinance or resolution shall provide for and establish a fund for the payment of the costs of such pension system or benefits by making appropriations out of the treasury of the said "City of Dover," or by requiring contributions payable from time to time by the employees included in such plan or plans, or by a combination of both, or by any other method not prohibited by law. The participation in any plan adopted shall be deemed to be mandatory by the City of Dover and made a condition of employment and continuing employment.

The city council shall have power to enact ordinances for a pension or retirement system for the police of the City of Dover, and to set aside a special fund for that purpose which fund shall be administered in accordance with ordinances made and provided in that behalf and the laws of the State of Delaware.

Notwithstanding any statute to the contrary, the City of Dover shall have the power by ordinance to impose and collect a tax, to be paid by the transferor or transferee as determined by council, upon the transfer of real property within the city not to exceed one and one-half percent or as amended by state law of the value of the real property as represented by the document transferring the property. The provisions of Section 5401 and Section 5403 of Chapter 54, Title 30 of the Delaware Code (30 Del. C. §§ 5401, 5403) shall apply with respect to any realty transfer tax imposed by the City of Dover pursuant to the authority granted herein. The council of the City of Dover may adopt an ordinance or ordinances to provide for the effective administration and regulation of any tax adopted pursuant to the authority conferred herein. If the taxing power and authority granted herein shall be exercised by way of a stamp affixed to a document, the recorder of deeds in and for Kent County shall not receive for record documents subject to said tax unless stamps provided by the City of Dover are affixed thereto showing payment of the tax.

(Amd. of 7-12-2005 (S.B. 126))

THIS ORDINANCE RELATED TO AMENDMENT TO SEC. 1.05 - PROCEDURE TO EXTEND BOUNDARIES, WHICH WAS NOT APPROVED BY THE GENERAL ASSEMBLY

Sec. 1.*05*~~A~~. Procedure to extend boundaries.

CITY OF DOVER PROPOSED ORDINANCE #2009-02

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

That the Dover Code of Ordinances be amended by inserting a new Chapter 3 - Annexation, to read as follows:

Chapter 3 - ANNEXATION

Sec. 3-1. Annexation.

The City may, from time to time, extend its boundaries through the process of annexation in accordance with the provisions of the Charter, Section 1.05, and Title 22, Chapter 1, Section 101 (22 Del.C.§101).

Sec. 3-2. Process.

The fee simple owner or owners of real property that is contiguous to the existing corporate limits may petition City Council to annex that property. Such petition shall be submitted on an application form prepared by the City Clerk, along with a survey drawing of the land proposed for annexation and a metes and bounds property description. If the property has multiple owners, each owner must sign the petition. If the property is owned by an artificial entity, an authorized agent of the artificial entity must sign the application.

Following receipt of the complete application, the City Clerk shall prepare a proposed ordinance. The proposed ordinance shall specify the current zoning in Kent County and the proposed zoning in the City of Dover. The survey and property description shall be attached to the proposed ordinance. Adoption of the ordinance shall constitute an amendment to the zone map, and all requirements of Title 22, Chapter 3 (22 Del. C., Chapter 3) and Dover Code, Appendix B. Zoning, Article 10, Section 5 shall apply.

At first reading of the ordinance, the ordinance shall be referred to the Utility Committee and the Planning Commission, on dates set by City Council, and Council will set a date for the final reading and public hearing. The ordinance shall be processed in the same manner as amendments to the zone map, as set forth in Dover Code, Appendix B. Zoning, Article 10, Section 5.

Following final reading and action by City Council, the City Clerk shall record the ordinance and attachments with the Recorder of Deeds for Kent County, Delaware, within 45 days.

BE IT FURTHER ORDAINED THAT Chapters 4-5 be reserved.

ADOPTED: *

SYNOPSIS

This Ordinance creates a new Chapter 3 - Annexation, which provides the process for annexing property.

Actions History

February 23, 2009 - Introduced at LF&A Committee

Draft

ARTICLE II. MAYOR AND COUNCIL

Sec. 4. ***General Powers and Duties.*** ~~**Government vested in mayor and city council.**~~

All powers of the city shall be vested in the city council, except as otherwise provided by law or this charter, and the council shall provide for the exercise thereof and for the performance of all duties and obligations imposed on the city by law. ~~The government of the said city and the exercise of all the powers conferred by this Charter (except as otherwise provided herein) shall be vested in a mayor and city council.~~ (Amd. of 7-12-2005 (S.B. 126))

(Amendment Adopted by Council 11/26/2007)

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 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 election districts, the district boundaries of which shall he 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.

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 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*** ~~Twenty-one~~ years of age; and
(5) Nominated therefore, as hereinafter provided.

(Amendment Adopted by Council 11/26/2007)

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 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).

(Amendment Adopted by Council 12/10/2007)

If a councilman files and runs for mayor, whether or not they are elected to said office, the term as councilman shall automatically expire on the second Monday of May on the year of the election; and if they have a year remaining on their term, then their office as councilman shall he filled at the same annual election in which they have filed to run for the office of mayor.

Sec. 6. Municipal election*; date*s*, time, and place of elections*.

Regular municipal elections shall be held each year on the third Tuesday in April ~~***and shall be known as regular municipal elections***~~. All other municipal elections that may be held shall be known as special municipal elections. ***At each such ~~regular~~ 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 regular municipal election held on the third Tuesday in April of any odd numbered year, five councilmen shall be elected for a term of two years, four of whom shall be elected by district voting from each of the districts as designated by council and one 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 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.
(Strikeout advised by Deputy City Solicitor Pepper - redundant)

~~***The regular municipal election shall be held annually on the third Tuesday of April. At each such regular 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.***~~

(Staff moved from Section 8 - Time and place of elections; Election board; counting of votes; determination of winners; tie votes; persons eligible to vote; voter registration; official ballots and voting machines; absentee ballots. Combined to eliminate duplicate language.)

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 nor more than 25 electors of the city, filed with the clerk of council on or before ***4:30*** ~~**4:00**~~ p.m. on the second Friday of February of each year for candidates for council and on or before ***4:30*** ~~**4:00**~~ p.m. on the last working day in January 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 he ***4:30*** ~~**4:00**~~ 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 he printed on the ballot for the regular 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 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 he 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 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)
(Amd. of 7-12-2005 (S.B. 126))

Sec. 8. ~~Time and place of elections;~~ Election board; counting of votes; determination of winners; tie votes; persons eligible to vote; voter registration; official ballots and voting machines; absentee ballots.

~~**The regular municipal election shall be held annually on the third Tuesday of April. At each such regular 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.**~~

(Staff moved to Section 6. Municipal election; dates, time, and place of elections. Combined to eliminate duplicate language.)

There is hereby created an election board which shall be a non-elected body to oversee the municipal elections, as well as to serve as an advisory board to Council on such matters as voter registration, municipal elections, election rules and regulations, and polling locations for City elections. The board shall be composed of five (5) members, serving three (3) years terms, to be appointed by the Mayor and confirmed by council at the Annual Meeting, or as necessary to fill vacancies as they occur. One member shall be appointed from each district into which the city has been divided for election purposes, and one member shall be appointed on an at-large basis. The City Clerk shall serve as a liaison member of the board. Upon expiration of the term of appointment, a member shall serve until his/her successor has been duly appointed. If a vacancy occurs during the term of any member of the election board, a person residing in the same numbered district shall be appointed to fill the remainder of said term. Members serve without salary, but shall be paid a per diem allowance as specified by City ordinances.

To be eligible for appointment to the election board, each prospective member shall be a citizen of the United States, a registered voter within the City, and have resided within the geographical boundaries of the City for one year preceding the appointment. The Mayor and members of Council, their parents, spouse, or children, shall not be eligible for appointment to the election board.

(By Resolution Adopted November 12, 1990)

All elections shall be held by ~~an~~ ***the*** election board. The City Clerk may designate such other persons as he shall deem necessary to assist the members of the election board in the conduct of the election and counting of the ballots. Should any or all of the members of the election board be absent from the place of election at 7:00 a.m. on the day of the election or fail or neglect to act in the conduct of such election during the time the polls are open and until the ballots are counted and the results of the election certified, the voters of the city present at such time may choose from the qualified voters of the city such person or persons as shall he necessary to fill places made vacant by the absence or neglect aforesaid.

When the polls are closed, the election board shall publicly count the votes and shall certify the results of the election to each of the persons selected and to the council. The candidate for the office of mayor who receives the highest number of votes cast for that office shall be declared to be elected mayor; the candidate for the office of at-large councilman who receives the highest number of votes cast for that office shall be declared to be elected at-large councilman; and the candidates for the offices of councilmen from each district who receive the highest number of votes cast by voters who reside in that district and cast votes for councilmen of that district shall be declared to be elected to that office. In the event of a tie vote for any office, a special election for said office(s) only shall be held within 30 days and the registration books shall remain closed until the outcome of the special election is determined.

Every resident of the City of Dover who shall have reached the age of 18 years by the time of the election and who is properly registered to vote shall be entitled to vote at all regular or special municipal elections. A voter will be considered properly registered to vote if they are properly registered to vote for state elections in accordance with Title 15 of the Delaware Code as amended.

The council shall provide for the use of voting machines in all regular and special municipal elections in conformity with Title 15 of the Delaware Code by ordinance duly adopted by council. Voting machines shall be used in accordance with Title 15 of the Delaware Code and by ordinance duly adopted by council. The names of the candidates for each office shall be listed in alphabetical order on the voting machines under the name of the office to which they seek election. The voters shall designate their choice of candidates in accordance with the regular method of operation of voting machines. The council may provide sample ballots plainly marked as such and printed on paper of any color except white to be distributed to any voter or candidate who requests them prior to or during the election.

Any qualified voter, duly registered, who shall be unable to appear to cast their ballot at any election either because of being in the public service of the United States or of this state, or because they will be unavoidably absent from the city on the day of the election, or because of his sickness or physical disability may cast a ballot at such election by absentee ballot to be counted in the total of such election. The council may provide the rules and regulations for such absentee voting by ordinance for all elections.

(Amd. of 7-12-2005 (S.B. 126))

Sec. 9. Meetings of mayor and council--Generally.

At 7:30 p.m. on the second Monday in May following a regular municipal election, the mayor and council shall meet at the usual place for holding council meetings and the newly elected officers shall assume the duties of office, being first duly sworn or affirmed to perform their duties with fidelity. Such meeting shall be called or known as the annual meeting. Thereafter, the council shall hold regular meetings at such times as may be prescribed by ordinance, but not less frequently than once each month. Special meetings may be called and held as prescribed by ordinance. All meetings of the council shall be open to the public except scheduled executive sessions.

At the annual meeting held on the second Monday in May, the members of council shall elect one of their members to serve as council president, such term to be in effect until the next regularly scheduled annual meeting or until a successor is elected. The council president shall serve as vice-mayor. Council president shall preside over regular and special council meetings.

The mayor shall preside over the annual meeting and quarterly town meetings, and at the annual meeting present

a state of the city message and offer mayoral appointments for council confirmation. The mayor, upon recommendation from the council president, will present council appointments for council approval.

In the event of absence of the council president, then the senior member of council in terms of length of service as a councilman shall assume the duties of the council president and shall be designated council president acting. In the event that two or more members of council have the same seniority in terms of length of service as a councilman, then the members of council shall vote and elect one of those as council president acting. Council president acting shall fulfill all of the duties and responsibilities of council president during his period of unavailability or absence.
(Amd. of 7-12-2005 (S.B. 126))

Sec. 10. Meetings of mayor and council--Procedure.

Five of the members elected to the council shall constitute a quorum to do business, but a less number may adjourn from time to time and may compel the attendance of absent members in such manner and under such penalties as may be prescribed by ordinance.

No ordinance, resolution, motion or order shall be valid unless it shall have (1) the affirmative vote of a majority of the members elected to the council, and (2) the written approval of the mayor, or the vice-mayor in those cases where the vice-mayor is authorized to act as mayor as provided in section 15 hereof, provided that in the absence of such approval by the mayor, or the vice-mayor as the case may be, the council may, after not less than seven days nor more than 35 days after the prior vote, pass or adopt the said ordinance, resolution, motion or order which did not receive the approval of the mayor, or the vice-mayor, by the affirmative vote of two-thirds of the members elected to council.

Whenever the council shall adopt an ordinance, resolution, motion or order, it shall be the duty of the mayor, or the vice-mayor, to signify his/her approval or disapproval thereof in writing to the clerk of the council within seven days thereafter. The clerk of the council shall forthwith notify the members of the council of such approval or disapproval.

Motions to adjourn meetings of council and orders to compel the attendance of absent members shall not require the approval of the mayor or vice-mayor.

A councilman ~~*may*~~ ***shall*** abstain from voting on a matter that he feels would involve the consideration of his own official conduct, on a matter in which he has a financial interest, in a matter in which he has a conflict of interest or in accordance with a policy adopted by council.

The yeas and nays shall be taken upon the passage of every ordinance and resolution and entered together with the text of the ordinance or resolution upon the journal of the proceedings of the council. The journal shall be deemed conclusive evidence of the facts stated therein except in the case of fraud.

~~*In addition to other acts required by law or by specific provision of this charter to be done by ordinance, those acts of the city council shall be by ordinance which:*~~

~~*(1) Adopt or amend an administrative code or establish, alter, or abolish any city department, office, or agency;*~~

~~*(2) Provide for a fine or other penalty or establish a rule or regulation for violation of which a fine*~~

~~*or other penalty is imposed;*~~

~~*(3) Levy taxes;*~~

~~*(4) Grant, renew, or extend a franchise;*~~

~~*(5) Regulate the rate charged for its services by a public utility;*~~

~~*(6) Authorize the borrowing of money;*~~

~~*(7) Convey or lease or authorize the conveyance or lease of any lands of the city;*~~

~~*(8) Regulate land use and development;*~~

~~*(9) Amend or repeal any ordinance previously adopted; or*~~

~~**(10) Adopt, with or without amendment, ordinances proposed under the initiative power.**~~

~~Acts other than those referred to in the preceding sentence may be done either by ordinance or by resolution.~~

(Strikeout advised by Deputy City Solicitor Pepper - traditionally done by Resolution)

The city council may adopt any standard code of technical regulations by reference thereto in an adopting ordinance. The procedure and requirements governing such an adopting ordinance shall be as prescribed for ordinances generally except that:

(1) The requirements for distribution and filing of copies of the ordinance shall be construed to include copies of the code of technical regulations as well as of the adopting ordinance, and

(2) A copy of each adopted code of technical regulations as well as of the adopting ordinance shall be authenticated and recorded by the city clerk.

Copies of any adopted code of technical regulations shall be made available by the city clerk for distribution or for purchase at a reasonable price.

(Amendment Adopted by Council 5/27/2008)

Sec. 11. Council to be judge of election results and qualification of members; power to fix procedure.

The council shall be the judge of the election results and qualification of its members and, in such cases, shall have power to subpoena witnesses and compel the production of all pertinent books, records and papers; but the decision of the council in any such case shall be subject to review by the courts. The holding over members shall constitute the council for the purpose of determining election contests. The council shall determine its own rules and order of business and keep a journal of its proceedings. It shall have power to compel the attendance of absent members, and may punish its members for disorderly behavior.
(Amd. of 7-12-2005 (S.B. 126))

Sec. 12. ***Compensation; Expenses*****–Mayor, council members, and other elected or appointed officials.** ~~***Compensation and expenses--Mayor and council and other elected or appointed officials.***~~

The city council **shall** ~~*may*~~ ***determine the annual salary and emoluments of the mayor,*** ~~***and***~~ ***council members, and other elected or appointed officials by ordinance, but no ordinance increasing the salary of the mayor or city council members*** ~~***such salary***~~ ***shall become effective until the date of commencement of the terms of the mayor or council members elected at the next regular election. The mayor and council members shall receive their actual and necessary expenses incurred in the performance of their duties of office.***

~~***The council shall determine the annual salary and emoluments of the mayor and council and other elected***~~

~~*or appointed officials by ordinance. Members of the council, the mayor and other elected or appointed officials shall receive reimbursement for actual and necessary expenses incurred when on official business as prescribed by city ordinance or policy.*~~
(Amd. of 7-12-2005 (S.B. 126))

(Amendment adopted by Council 12/10/2007 with recommendation that a Resolution be adopted establishing the Compensation Commission (see attached Res. No. 2009-10). Staff recommends instead an ordinance amending Article IV. Officers and Employees, Division 1. Generally, Sec. 2-201. Compensation and expenses for mayor, council, employees and other elected or appointed officials, to include Compensation Commission (see Ordinance 2009-04 below). Black text suggested by Deputy City Solicitor)

CITY OF DOVER PROPOSED ORDINANCE #2009-04

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

That Chapter 2 - Administration, Article IV - Officers and Employees, Division 1 - Generally, Section 2-201 - Compensation and expenses for mayor, council, employees and other elected or appointed officials, be amended by inserting the text indicated in bold, blue, italics and deleting the text indicated in red strikeout as follows:

Sec. 2-201. Compensation and expenses for mayor, council, employees and other elected or appointed officials.

A. In accordance with section 12 of the Charter, authorizing the council to establish compensation and expenses for the mayor and councilmembers, city employees and other elected or appointed officials, the following fees are hereby established:

(1) Mayor. The mayor shall receive an annual salary of $45,000.00. In addition, the mayor shall receive an expense allotment of up to $5,000.00, to be included in the city's annual budget, for miscellaneous expenses, to be reimbursed upon submission of receipts or proper documentation. Expenses in excess of this amount shall only be permitted by council approval. The mayor shall be entitled to all benefits customary to an employee of the city, except pension benefits, and sick and vacation leave.

(2) Councilmembers generally. Each councilmember shall receive an annual salary of $7,416.00, to be paid monthly. The council president shall receive an annual salary of $8,652.00, to be paid monthly. Councilmembers shall receive reimbursement for actual and necessary expenses incurred when on official business as prescribed by ordinance or policy.

(3) Councilmembers hearing appeals. Members of the council sitting to hear appeals from the municipal assessment shall receive $50.00 for per diem reimbursement for expenses for the preparation and attendance of each meeting of the assessment appeals committee.

(4) Nonemployee election officers. Each person not a city employee appointed to serve as an election judge for any municipal election shall receive $200.00 for per diem reimbursement for each election attended. Each person chosen to serve as a clerical assistant for any municipal election shall receive $150.00 for per diem reimbursement for each election attended.

(5) Employee election officers. Employees of the city appointed to serve as election judges or officials for any municipal election shall receive $150.00 for per diem reimbursement for expenses for each

municipal election attended in addition to their regular salary.

(6) Appointee to council committee. Each appointed member to any city council committee, not serving an elected term to any city office, shall receive $75.00 for preparation and attendance at each committee meeting to which the member is appointed.

(7) Employee on council committee. For any city employee appointed to a council committee shall receive $25.00 for reimbursement for expenses per diem for each meeting attended which is held after 5:00 p.m. on a scheduled workday or at any time on a weekend or city-approved holiday.
(8) Planning commission. Each appointed member of the planning commission shall receive $100.00 per diem reimbursement for expenses to be paid monthly for preparation and attendance at each meeting of the planning commission.

(9) Board of adjustment. Each appointed member of the board of adjustments shall receive $75.00 per diem reimbursement for expenses to be paid monthly for preparation and attendance at each meeting of the board of adjustment, to become effective July 1, 2007.

B. Compensation commission.

There is hereby created a compensation commission to consider compensation for the Mayor, City Council, and paid members of City committees and commissions. The compensation commission shall consist of five (5) members, one (1) member appointed by the Mayor, one (1) member appointed by the Council President, and three (3) members appointed by City Council during the Annual Meeting. Members shall be City residents who are registered to vote in City elections. Members shall serve two (2) year terms and cannot be re-appointed within the next two (2) years. The Finance Director and Human Resources Director shall serve as ex-officio, non-voting members.

The compensation commission shall meet as needed, with a report due to Council six (6) months prior to the regular municipal election. ~~***, with***~~ ***At least one (1) public hearing shall be held prior to their submission of the report to Council. Upon receiving the resolution of the commission, the city council may reduce or reject the commission's recommendation, but it may not increase any item in the resolution. The recommendations contained in the resolution, and any permitted changes to such recommendations, shall not become effective unless adopted by ordinance enacted at least three (3) months prior to the elections of the next succeeding Mayor and Council, and shall take effect only for the next succeeding terms of office of the Mayor and Council.***

Charter references: Mayor and Council, subpart A, § 12.
(Strikeout and black, italic text advised by Deputy City Solicitor Pepper)

SYNOPSIS

The amendment creates a compensation commission to consider compensation for the Mayor, City Council, and paid members of City committees and commissions.

Actions History
February 23, 2009 - Introduced at LF&A Committee

Sec. 13. ***Vacancies; forfeiture of Office; Filling of Vacancies*** ~~**Filling vacancies for council or mayor.**~~

(a) Vacancies. The office of a council member shall become vacant upon the member's death, resignation, or removal from office or forfeiture of office in any manner authorized by law.

(b) Forfeiture of Office. A council member shall forfeit that office if the council member:

(1) Fails to meet the residency requirements,
(2) Violates any express prohibition of this charter,
(3) Is convicted of a crime involving moral turpitude, or
(4) Fails to attend three consecutive regular meetings of the council without being excused by the council.

~~**The loss of residence in the city, the loss of residence in the state, the removal from the district where the member resided at the time of the member's election, in the case of a councilman, or the conviction of any crime involving moral turpitude during the term for which the member was elected, shall create a vacancy in the office either of mayor or councilman.**~~ In the case of any such vacancy or of any vacancy created by death, resignation or otherwise for which said vacancy shall be less than six months in duration, the ~~**council shall fill such vacancy**~~ ***office shall remain vacant***. If such vacancy should be in excess of six months in duration, a special election shall be held to fill such vacancy, this special election to be held no sooner than 30 days from the date of the vacancy, but said special election to be held no later than 60 days after the date of the vacancy. ***If council fails to call for a Special Election, the Special Election shall be called by the Election Board.***

(Amendment Adopted by Council 1/28/2008 and 3/24/2008)

Sec. 14. Duties of mayor.

The mayor shall be the executive and chief official of the city. The mayor shall have the powers and perform the duties conferred and imposed by this Charter and ordinances of the city. The mayor shall preside at the annual meeting of the council and at all quarterly town meetings. The council president shall preside at all other meetings of the council. The mayor shall have no vote on council matters of any nature whatsoever. The mayor is an ex officio member of all committees, but shall have no vote.
(Amd. of 7-12-2005 (S.B. 126))

Sec. 15. Council president/vice-mayor, duties of.

At each annual meeting, the council shall elect one of their number as council president who shall also serve as vice-mayor. During a vacancy in the office of mayor or during the absence or disability of the mayor, the vice-mayor shall have all the powers and duties of the mayor, except as hereinafter provided. The council president and vice-mayor shall retain his/her right to vote as councilman at all times although he/she may be acting as the mayor, unless the mayors absence appears to be indefinite or extended, in which case council shall pass a resolution appointing the vice-mayor as mayor until the mayor's position is either filled in accordance with section 13 hereof or the mayor returns to his/her duties, which resolution shall provide that the vice-mayor shall have the right to approve or disapprove council action in accordance with section 10 hereof, in which case the vice-mayor shall lose his/her vote as councilman until further action is taken by council.
(Amd. of 7-12-2005 (S.B. 126))

Sec. 16. *City* Clerk ~~of council~~.

The city council shall appoint an officer of the city who shall have the title of city clerk. The city clerk shall give notice of council meetings to its members and the public, keep the journal of its proceedings and perform such other duties as are assigned by this charter or ordinance or by the council or by state law.

~~***The council shall choose a clerk, who shall keep a record of the proceedings of the council and perform such other duties and have such powers as may be prescribed by ordinance.***~~
(Amd. of 7-12-2005 (S.B. 126))
(Amendment Adopted by Council 3/24//2008)

Sec. 17. ~~City~~ *Controller/*treasurer.

At the annual meeting the council shall elect a ~~city~~ ***controller/***treasurer to hold office until the next annual meeting of the council, or until his/her successor has been duly chosen and qualified, but subject to removal at any time by the council.

The ~~city~~ ***controller/***treasurer shall be the custodian of all the city funds and shall deposit them in a banking institution designated by the council.
(Amd. of 7-12-2005 (S.B. 126))
(Amendment Adopted by Council 3/24//2008)

Sec. 18. Ordinances authorized; maximum penalty for violation.

The council is hereby vested with the authority to adopt ordinances of every kind relating to any subject coming within the powers and functions of the city, or relating to the government of the city, its peace and order, its sanitation, appearance and beauty, the health, safety, convenience and comfort of its population, and the protection and preservation of property, and to fix and impose and enforce the payment of, fines and penalties for the violation of any such ordinance; provided that no fine or penalty shall exceed the sum of $1,000.00; and no provision in this Charter as to ordinances on any particular subject shall be deemed or held to he restrictive of the power to adopt ordinances on any subject not specifically enumerated.
(Amd. of 7-12-2005 (S.B. 126))

(Note from Deputy City Solicitor Pepper: I am not sure that a $1000 cap on fines is appropriate. Fines need to be high enough that they deter bad conduct and are not simply a cost of doing business. Consideration might be given to removing "provided that no fine or penalty shall exceed the sum of $1,000.00")

Sec. 19. Power of council to define and abate nuisances.

The council shall have power to define nuisances and cause their abatement. The operation of any instrument, device, or machine of any kind whatsoever, that shall cause electrical interference with radio or television reception within the limits of the city shall, at the option of the council, be deemed to be a nuisance.
(Amd. of 7-12-2005 (S.B. 126))

Sec. 20. Power of council to provide for fire protection measures.

The council shall have power to adopt all measures requisite or appropriate for protection against fire. To this end the council may adopt ordinances prohibiting the use of building materials that the council deem would create a fire hazard, and may zone or district the city and make particular provisions for particular zones or districts with regard to buildings and building materials. This power shall be deemed to embrace new buildings or additions to or alterations of existing structures of every kind. The council shall have the power to condemn any building or structure or portion thereof that it deems to be a health hazard or constitutes a fire menace or to require or cause the same to be torn down, removed, or so altered as to eliminate the health hazard or menace of fire.
(Amd. of 7-12-2005 (S.B. 126))

Sec. 21. Power of council to adopt zoning ordinances.

The council may adopt zoning ordinances limiting and restricting to specified districts, and regulating therein, buildings and structures according to their construction and the nature and extent of their use.
(Amd. of 7-12-2005 (S.B. 126))

Sec. 22. Power of council to regulate construction of buildings and require permits; building inspector authorized.

The power of the council to adopt ordinances for the safety of the city and its population shall be deemed to embrace the right to prescribe the height and thickness of the walls of any building and the kind and grade of materials used in the construction thereof.

The council may provide for the issuance of building permits and forbid the construction of a new building or the addition to or alteration and repair of an existing building except when a building permit has been obtained therefore. The council may appoint a building inspector and prescribe his/her powers and duties.
(Amd. of 7-12-2005 (S.B. 126))

Sec. 23. Power of council to create city planning commission; members generally.

The council may create a city planning commission for the development, improvement, and beautification of the city, and prescribe its powers and duties. No member of the planning commission may hold at the same time, any elected city office.

Members of any planning commission created by the city shall consist of two members from each council district and one member serving at large.

All members of the planning commission must be residents of the City of Dover.

Each appointed member of the commission shall receive per diem reimbursement for expenses to be paid quarterly for preparation and attendance at each meeting of the planning commission attended in an amount to be set by council.
(Amd. of 7-12-2005 (S.B. 126))

Sec. 24. Power of council to franchise or license public utilities and common carriers.

The council shall have the right to grant or refuse franchises or licenses to public utilities and common carriers and fix the terms and conditions thereof and to regulate their use of the streets, lanes, alleys, rights-of-way, and air space or airways of the city.
(Amd. of 7-12-2005 (S.B. 126))

Sec. 25. Power of council to operate light, power or water plant.

The council shall have power to operate a light, power and water plant for the city, and to do all things necessary for its maintenance and operation. The council may at their option transmit electric current and or water from its said plant to places or properties outside of the city limits upon such terms, charges and conditions as they shall determine.

The council shall have power to adopt ordinances, rules and regulations in regard to the use for public or private purposes of electric current distributed and or water furnished by the city and the amount to be paid by the users thereof, and fix fines and penalties for any willful or negligent injury or damage to its water and light plant, and to any objectionable use in connection with its light and water system, and to any interference with or obstruction of the said system.
(Amd. of 7-12-2005 (S.B. 126))

Sec. 26. Power of council with reference to sewers.

The council shall have superintendence and supervision of the sewers and the sewer system of the city. They shall have power to install any or additional sewers in the city. The council may by condemnation proceedings take for sewer purposes, private land, or the right to use private land under the surface thereof, for the laying of sewer mains. The proceedings by condemnation under this section shall be the same as prescribed by section 27 of this Charter with regard to the laying out of new streets, and the resolutions referred to in said section shall be modified to cover the case contemplated by this present section.

The council shall have power to make all ordinances, rules and regulations regarding the sewers and sewer system of the city and the use thereof, and may fix fines and penalties for the violation of the provisions of such ordinances. The council may require any property in the city to be connected with the water and sewer mains and to compel the owner of such property to pay the cost of such connection and the tapping fee or charge therefore. The connecting with the water or sewer mains and the tapping thereof shall be under the regulation and control of the council.

The council may extend the sewer system of the city to places outside of the city limits upon such terms, charges and conditions as it shall determine.

The council is hereby authorized to impose a charge or rent for the use of the sewer system of the city, both within and without the limits of the city, and in addition to the connection or tapping charges.
(Amd. of 7-12-2005 (S.B. 126))

Sec. 27. Power of council to layout, locate, abandon, etc., streets, sidewalks, etc.

The council shall have power and authority to lay out, locate, accept, and open new streets and to widen and to alter existing streets or parts thereof, and to vacate or abandon streets or parts thereof, whenever they shall deem it for the best interest of the city.

Whenever, the land comprehended or included in any street, or part thereof, vacated or abandoned under this section is owned by the city, the council may, in their discretion, sell such land either at private or public sale and for such consideration as the council shall deem proper, and shall have the right and power to convey to the purchaser or purchasers thereof a good and sufficient title thereto.
The word "street" shall be deemed and held to comprehend and include sidewalks, lanes and alleys.
(Amd. of 7-12-2005 (S.B. 126))

Sec. 28. Power of council to pave streets, sidewalks, etc. and levy assessment for public improvements; municipal lien docket.

The council shall have power to pave or repave, or to cause to be paved, or repaved, the streets and sidewalks of the city, or any part or portion thereof, with such material or materials as it shall determine.

The power hereby conferred shall be exercised in the following manner, to wit:

SIDEWALKS

A. The city council, at such time as it shall determine that the condition or conditions of a particular street or streets, or portion thereof, requires that sidewalks be laid, or that the sidewalks then existing, if there be sidewalks laid, should be improved, or upon the petition of a majority of persons owning property along any of the streets, or a portion of any of the streets of the said city, asking that the sidewalks abutting on said street or streets, be improved, or that sidewalks be laid where there are none at the time of the filing of the petition, may direct the property owner or owners to lay or replace sidewalks with such material or materials, as, in the judgment of the said council of the City of Dover, may seem best under the circumstances.

It shall be the duty of the city manager to give at least 15 days' notice in writing to the owner or owners of the property affected by the action of the said council. Said notices shall be served in the manner following: A copy thereof shall be delivered personally to the owner or owners of said property, or a copy thereof shall be left with the tenant in possession of the property, or a copy thereof shall be sent by registered mail to the last known post office address of the owner or owners of the said property or properties so affected. Service of such notice by either of said methods shall be sufficient to bind the owner or owners under the provisions of this Charter.

It shall be the duty of the owner or owners, after notice shall have been given in either of the ways above designated, to forthwith cause the said sidewalks to be laid or the improvement or alterations thereof to be made, as directed in said notice.

Upon the failure of the owner or owners to lay or cause to be laid or improved or altered, the sidewalks or portion thereof, according to the direction of said notice, it shall be the duty of the city manager to cause the said sidewalks to be laid or altered or improved, as the case may be, according to the terms of such notice.

STREETS

B. The council shall adopt an ordinance or resolution stating, in effect, that on a named day and at a named hour and place, the council will meet to consider the question of paving or repaving, with specified material or materials, the named street in front of the property of named owners, and, of assessing the cost thereof against the owners. Said ordinance or resolution shall be published at least one week prior to the meeting aforesaid in at least one issue of a newspaper published in the city. The council shall hold a meeting in accordance with said ordinance or resolution and shall hear thereat the named owners of property and other residents of the city appearing on the questions presented in said ordinance or resolution.

After such hearing, the council shall decide, either at said meeting or at a subsequent meeting, whether or not to proceed with the paving or repaving specified in said ordinance or resolution; provided, however, that the council shall not proceed with such improvement if, at or prior to the hearing aforesaid, the council shall be presented with a written objection thereto signed by a majority of the owners of real property in front of which such paving or repaving was contemplated. The provisions of this subsection, relating to the paving or repaving of streets, shall be deemed to apply to and include curbs and gutters.

SPECIAL ASSESSMENTS

C. The city shall have the authority to levy and collect special assessments upon property in a limited and determinable area for special benefits accruing to such property as a consequence of any municipal public work or improvement, and to provide for the payment of all, or any part of, the cost of the work, service or improvement out of the proceeds of such special assessments.

When the term "owner" or "owners" is used with respect to special assessments, it shall be deemed to mean the person or persons who owned the property in question at the time of the enactment of the assessment ordinance, and, any change in ownership thereafter shall not be deemed to affect any of the steps or proceedings described in this Charter with respect to special assessments.

The council shall also have the authority to enact ordinances which provide for the levy and collection of assessments against property owners for the cost of installation of sanitary sewers, storm sewers, water mains, streets, sidewalks, street lights, curbs, gutters and other public improvements.

Such ordinances shall prescribe:
(1) The basis to determine the amount which shall be assessed upon the properties abutting the public work or improvement;
(2) What portion of corner properties shall be considered frontage and what portion side frontage and whether there shall be any exemption on side frontage;
(3) Payment provisions providing for payment in installments, except that assessments for current services or service connections shall be payable within one year; and
(4) Rules under which individual appeals shall be heard.
All special assessments and all water and sewer service charges shall be liens and shall be entered in the municipal lien docket as liens.

The council may provide for the payment of special assessments for whatever purpose levied by installments, but assessments for permanent improvements shall be paid in annual or more frequent installments, and, assessments for current services shall be payable within one year.

MUNICIPAL LIEN DOCKET

D. A docket known as the City of Dover Municipal Lien Docket shall be prepared and maintained by the city manager. The docket shall be substantially the same in form as the judgment docket for Kent County and shall contain an index according to the name of the owner against whom such lien has been assessed. All taxes and all charges for water service, sewer service, garbage service, electric service, grass cutting services and debris removal, dangerous building ordinance costs and assessments, special assessments for municipal improvements of any nature, and all other charges or assessments made by the city against property owners may be recorded in the municipal lien docket and shall be and constitute a lien upon all of the real estate of the taxable against or upon whom such taxes and/or charges are laid or imposed, of which such taxable was seized at any time after such taxes and/or charges have been levied and imposed, situate in the City of Dover. All liens so recorded shall continue in full force and effect until the same plus accrued costs have been paid in full. Upon payment in full of the lien and all costs, it shall be the duty of the city manager to enter forthwith upon the docket the date of final payment and the words 'satisfied in full." Failure to record liens in the municipal lien docket shall not affect liens otherwise provided for in 25 Del. section 2901, et seq.
(Amd. of 7-12-2005 (S.B. 126))

Sec. 29. Streets, sidewalks, etc. to be under control of council; power of council to prescribe grades thereon and regulate.

The streets, sidewalks, lanes and alleys in the city shall be under the supervision, management and control of the council, and the council may prescribe the grades thereof and adopt ordinances regulating the use thereof and the traffic thereon.
(Amd. of 7-12-2005 (S.B. 126))

Sec. 30. Power of council to provide for disposal of garbage and sewage.

The council shall have power to provide for the incineration or other sanitary disposal of litter, debris, refuse, garbage and sewage.
(Amd. of 7-12-2005 (S.B. 126))

Sec. 31. Power of council to regulate parking and provide parking lots.

The council shall have power to adopt ordinances regulating the parking of automobiles and motor vehicles within the city, and may lease or purchase land to be used for parking purposes.
(Amd. of 7-12-2005 (S.B. 126))

Sec. 32. Council to determine salaries of city appointees and employees.

The salaries or emoluments of all city appointees and city employees shall be determined by the council through the pay system and collective bargaining agreements as amended.
(Amd. of 7-12-2005 (S.B. 126))

ARTICLE III. CITY MANAGER

Sec. 33. The city manager generally.

The council shall appoint a city manager who shall be the chief administrative officer of the city. The city manager need not, when appointed, be a resident of the city or the state. No member of the council shall, during the time for which elected, be chosen as city manager. The manager shall be appointed for an indefinite term but shall be removable at the pleasure of the council. Before the manager may be removed he/she shall, if he/she so demand, be given a written statement of the reasons alleged for his/her removal and the right to be heard publicly thereon at a meeting of the council prior to the final vote on the question of his/her removal, but pending and during such hearing the council may suspend him/her from office. The action of the council in suspending or removing the manager shall be final, it being the intention of this Charter to vest all authority and fix all responsibility for such suspension or removal in the council. In case of the absence or disability of the manager the council may designate some qualified person to perform the duties of the office during such absence or disability.
(Amd. of 7-12-2005 (S.B. 126))

Sec. 34. Responsibility of manager; powers of appointment and removal.

The city manager shall be responsible to the council for the proper administration of all affairs of the city placed in his/her charge, and to that end, except as otherwise provided herein, he/she shall have the power to appoint and remove all employees in the administrative service of the affairs of the city under his/her charge. All such appointment shall be without definite term.
(Amd. of 7-12-2005 (S.B. 126))

Sec. 35. ~~Removal of employees by manager.~~ *Appointments and Removals.*

~~**Employees appointed by the city manager, or under his/her authorization, may be removed by him/her at any time. The decision of the manager in any such case shall be final and there shall be no appeal therefrom to any other officer, body or court whatsoever.**~~
Neither the city council nor any of its members shall in any manner control or demand the appointment or removal of any city administrative officer or employee whom the city manager or any subordinate of the city manager is empowered to appoint, but the council may express its views and fully and freely discuss with the city manager anything pertaining to appointment and removal of such officers and employees. The city administrative officers and employees can be assured of due process in accordance with 19 Del. C.
(Amd. of 7-12-2005 (S.B. 126))

(Amendment Adopted by Council 12/10/2007)

Sec. 36. ~~Council not to interfere with appointments or removals of manager; giving orders to subordinates of manager prohibited; penalty for same.~~ *Interference with Administration.*

Except for the purpose of inquiries, and investigations by council under Sec. 39, the council or its members shall deal with city officers and employees who are subject to the direction and supervision of the city manager solely through the city manager, and neither the council nor its members shall give orders to any such officer or employee, either publicly or privately.

~~Neither the council nor any of its committees or members shall direct or request the appointment of any person to, or removal from, office by the city manager or any of his/her subordinates, or in any manner take part in the appointment or removal of employees in the administrative service of the affairs of the city under the charge of the manager. Except for the purpose of inquiry, the council and its members shall deal with that portion of the administrative service for which the manager is responsible solely through the manager, and neither the council nor any member thereof shall give orders to any subordinate of the city under the city manager either publicly or privately. Any violation of the provisions of this section by a member of the council shall be a misdemeanor, conviction of which shall immediately forfeit the office of the member so convicted.~~
(Amd. of 7-12-2005 (S.B. 126))

(Amendment Adopted by Council 1/28/2008)

Sec. 37. Duties of the manager.

It shall be the duty of the city manager to supervise the administration of the affairs of the city under his/her charge; to make such recommendations to the council concerning the affairs of the city as may seem to him/her desirable; to keep the council advised of the financial conditions and future needs of the city; to prepare and submit to the council the annual budget estimate; to prepare and submit to the council such reports as may be required by that body; and to perform such other duties as may be prescribed by this Charter or required of him/her by ordinance or resolution of the council.
(Amd. of 7-12-2005 (S.B. 126))

Sec. 38. Right of manager to sit in council meetings.

The city manager and such other officers of the city as may be designated by vote of the council, shall be entitled to seats in the council, but shall have no vote therein.
(Amd. of 7-12-2005 (S.B. 126))

Sec. 39. Investigations ~~by council~~.

The city council may make investigations into the affairs of the city and the conduct of any city department, office, officer, employee, or agency and for this purpose may subpoena witnesses, administer oaths, take testimony, and require the production of evidence. Failure or refusal to obey a lawful order issued in the exercise of these powers by the council shall be a Class A misdemeanor punishable by existing State Law.

~~The council shall have power to inquire into the conduct of any office, officer or employee of the city and to make investigations as to municipal affairs, and for that purpose may subpoena witnesses, administer oaths, and compel the production of books, papers and other evidence.~~
(Amd. of 7-12-2005 (S.B. 126))

(Amendment Adopted by Council 3/24/2008)

Sec. 40. Other functions of city manager.

The city manager shall have charge of the light and water plant operated by the city, and of the light and water and sewer systems of the city. The city manager shall have charge of the supervision of the streets, gutters, curbs and sidewalks of the city and of all work relating thereto. The city manager shall have charge of the

administration of all provisions of this Charter and ordinances and regulations of the council relating to affairs of the city, when not otherwise provided for by this Charter or by any ordinance or resolution of the council. The city manager shall ex officio be the collector of taxes for the city. It shall be his/her duty to collect all water rents and fees for the tapping of water mains and sewers, all charges for electric current and all city revenue from any source whatsoever. The city manager shall pay over to the ~~city~~ ***controller/***treasurer at least monthly, and oftener if required by council, all moneys received or collected by him/her and by any employee under him/her.

The city manager shall keep a full and strict account of all moneys received and all transfers made by him/her to the ~~city~~ ***controller/***treasurer and such accounts shall be at all times open to inspection by the council. The city manager shall make such reports and at such times as the council shall direct.
(Amd. of 7-12-2005 (S.B. 126))

Sec. 41.

This section has been intentionally left blank.

ARTICLE IV. FINANCIAL AFFAIRS

Sec. 42. Signing of warrants.

The ~~city~~ ***controller/***treasurer shall pay out no money except upon warrant signed by the city manager and countersigned by the mayor.

The mayor and the city manager shall sign no warrants on the ~~city~~ ***controller/***treasurer except pursuant to appropriations or resolutions theretofore made by the council.

The ~~city~~ ***controller/***treasurer shall keep a true and detailed account of all moneys received and of all moneys paid out by him/her.~~530~~ The ~~City~~ ***controller/***treasurer shall preserve all vouchers for moneys paid by him/her. His/her books and accounts shall at all times be open to inspection by the council or the mayor or the city manager.

The ~~city~~ ***controller/***treasurer shall make such reports and at such times as the council may direct.

The ~~city~~ ***controller/***treasurer shall be required to give bond in such amount and in such form and with such surety as the council shall determine or approve.

Sec. 43. Fiscal year.

The fiscal year of the city shall begin the first day of July and shall end with the next succeeding thirtieth day of June.

Sec. 44. Annual budget.

On or before the second Monday of May of each year, the city manager shall prepare and submit to the council, a budget, presenting a financial plan for conducting the affairs of the city for the ensuing fiscal year. The total of proposed expenditures shall not exceed the total of anticipated income.

The budget shall include the following information:

1. A detailed statement showing the expenses of conducting each department and office of the city for the current year and last preceding fiscal year.

2. A detailed estimate of the expenses of conducting each department and office of the city for the ensuing fiscal year with reasons for the increases and decreases recommended.

3. The amount of the debt of the city together with a schedule of maturities of bond issues.

4. A statement showing the amount required for interest on the city debt and for paying off any bonds maturing during the year and the amount required for the sinking fund.

5. An itemized statement of all anticipated income of the city with a comparative statement of the amounts received by the city from each of the same or similar sources for the last preceding and current fiscal years.

6. An estimate of the amount of money to be received from taxes.

7. Such other information as the city manager may think desirable or as may be required by the council.

The council shall on or before the second Monday in the month of June in each year adopt a budget for the succeeding fiscal year. The council shall, so far as possible, adhere to the budget so adopted in the making of appropriations.

Sec. 45. Payment of claims; issuance of warrants after approval of city manager; reports by manager thereon to council.

No claim against the city shall be paid except on an order on the ***controller/***treasurer, signed by the city manager, and approved and countersigned by the mayor. The city manager shall examine all payrolls, bills and other claims and demands against the city and shall issue no warrant for payment, unless he/she finds that the claim is proper and in proper form and correctly computed.
(Amd. of 7-12-2005 (S.B. 126))

Sec. 46. Annual audit.

Annually in the month of July the council shall have the finances of the city and the books and accounts of the city manager and the ~~city~~ ***controller/***treasurer audited by a certified accountant.

As soon as practicable after such audit has been completed, the council shall cause to be made and published a report of the city's finances for the preceding fiscal year.

Sec. 47. General assessment and levy on utility property.

The city shall cause to be made a true, just, and impartial valuation and assessment of all real property within the city, locating each parcel of real property by street and number or other description. The valuation and assessment shall be made every three years by an assessor or assessors who shall be elected by the Council at its annual meeting by majority vote thereof. An assessor must be a freeholder within the corporate limits of the city. Before entering upon the duties of office, an assessor shall be sworn or affirmed by the mayor to perform

the duties of the assessor's office with fidelity and without favor or partiality.

Whenever council shall direct, all real property in the City of Dover shall be assessed by a certified independent outside appraiser chosen by council. This assessment shall be in lieu of the valuation and assessment made by a freeholder assessor elected by council as described hereinabove and in lieu of the assessor's duties described hereinabove.

In addition to an assessment every three years, the assessor or assessors shall include supplemental assessments made annually for the purposes of (1) adding property not included in the last assessment or (2) increasing or decreasing the assessment value of property which was included in the last general assessment.

The assessment made every three years and any supplemental assessments made annually shall be made prior to the first day of May in any given year and shall be known as the general assessment.
The general assessment shall be set down by the assessor or assessors in two or more copies, as the council shall direct, and shall be delivered to the council as soon as made. The council shall, prior to the fifteenth day of May of each year, cause a copy of the general assessment to be posted in two public places in the city for ten days.

The council may direct that appeals from any general assessment be heard by a committee of not less than three council members appointed by the council president. The committee of council members shall sit at a stated place and time to hear the appeals of all taxpayers dissatisfied with the assessment of their properties, shall collect such information as they consider proper and necessary, and shall report their findings and recommendations to a meeting of the full council. At the meeting of the full council the recommendations of the committee shall he received, together with such other information as the council shall permit or require, and the appeal of each dissatisfied taxpayer shall be heard. The council shall have full power to correct, revise, alter, add to, deduct, and take from the general assessment. The decision of a majority of the Council members elected shall be final and conclusive. A council member may not vote on his or her own appeal.

Notice of the place and time that a committee of council members will sit to hear appeals and of the place and time that the full council will sit to act on such appeals shall be posted with the general assessment in two public places for a period of ten days. Notice of the posting of the copies of the general assessment and of the place and time of the meetings of the committee of council members and of the full council to hear appeals shall be published in at least one issue of a newspaper published in the city.

The assessment as revised and adjusted by the council shall be the basis for the levy and collection of taxes for the city.

The council shall have the right to levy and collect taxes on gas mains, telephone, telegraph, communications systems, or trolley poles or other erection of like character within the limits of the city, together with the wires thereon strung; and to this end the council may at any time direct the same to be included in or added to the general assessment.

Nothing contained in this section shall be deemed or held to invalidate or otherwise effect any assessment made prior to the approval of this section or any tax levied thereunder.
(Amd. of 7-12-2005 (S.B. 126))

Sec. 48. Maximum budget.

The council shall in the month of June of each year determine the amount of money to be raised for the city for general purposes for the next fiscal year not exceeding two percent of the total taxable assessment for a general tax, and shall also determine the amount of money required to be raised in such year by the city for interest, sinking fund and redemption of the bonds of the city. A reasonable sum for delinquencies, discounts and costs of collection may be added by the council to the amounts aforesaid. The amounts determined as aforesaid together with any additional sum or sums authorized to be levied and collected, as in this section hereinafter provided, shall he levied and collected by the council on the property and persons assessed as aforesaid and in accordance with such assessment and according to a rate established by the council.

Sec. 49. Payment and collection of taxes; errors and delinquents in assessments.

All taxes shall he paid to the collector of taxes. For all taxes not paid on or before July 31st in the calendar year that they are assessed, there shall be added and collected a reasonable penalty.

It shall be the duty of the collector of taxes to proceed forthwith to collect all taxes unpaid by the first day of October in the calendar year that they were assessed and in the collection of said taxes he/she shall have all the powers conferred upon or vested in the Receiver of Taxes and County Treasurer for Kent County.

The council shall have the authority to allow errors and delinquents in the assessment.
The provisions of § 8705, title 9 of the Delaware Code shall be deemed and held to apply to all taxes laid and imposed under the provisions of this Charter.

Sec. 49A. Assessment, payment, and collection of taxes for new construction.

In the event that the mayor and council of the City of Dover desire to collect and levy taxes on newly constructed property not taxed by virtue of the city's annual assessment, the city may enact an ordinance to do so provided that: At the beginning of each quarter of each year, there shall be a true, just, and impartial valuation and assessment of all newly constructed real property within the city, locating each parcel of real property by street and number or other description. Property shall be deemed to be newly constructed when the city permits occupancy and use. The said valuation and assessment shall be made by an assessor or assessors who shall be elected by council in accordance with the provisions set forth in section 47 of this Charter.

The aforementioned assessment shall be during the months of January, April, July, and October of each year.
The aforementioned assessment shall be deemed a general assessment for all property with new construction.
The council may direct appeals from any general assessment for new construction in accordance with section 47 of this Charter.

Nothing in this section contained shall be deemed or held to invalidate or otherwise affect any assessment made prior to the approval of this section or any tax levied thereunder.

All taxes shall be paid to the collector of taxes. Said taxes shall be paid within 30 days of billing and those taxes not paid shall accrue a penalty in the amount of one and one-half percent per month. For every tax that is not paid as prescribed herein, the tax collector shall have all the powers conferred upon or vested in the Receiver of Taxes and County Treasurer for Kent County.

The council shall have the authority to allow errors and delinquents in the assessment.

The provisions of 9 Del. C. § 8705 and 25 Del. C. §§ 2901 through 2905, as they may from time to time be amended, shall be deemed and held to apply to all taxes laid and imposed upon the provisions of this Charter.

Sec. 50. Debt limit.

(a) Whenever the needs of the city shall require more money than is at the time in the city treasury from current receipts, the council shall be authorized and empowered to anticipate current revenue by borrowing such sums as shall be needed not in excess of one percent of the total taxable assessment for a general tax. The amount so borrowed shall be paid back out of current revenue received thereafter.

To exercise the power aforesaid the council shall adopt a resolution to that effect, which resolution shall require the affirmative vote of at least three-fourths of all the members of the council, and the approval of the mayor. The indebtedness created under this section shall he evidenced by the bond, or note, of the city, and the faith and credit of the city shall be deemed to be pledged thereby.

(b) The mayor and council is hereby authorized and empowered to borrow from time to time on the faith and credit of the City of Dover sums of money for such purposes as may be deemed necessary and proper by the mayor and council of the said city which purpose shall be consistent with the powers conferred upon the mayor and council of the City of Dover by the Charter thereof, as amended, for the management and maintenance of the said city and for these purposes the mayor and council shall have full power and authority to issue bonds of the said "City of Dover."

The aggregate of the amounts so borrowed together with all other bonded indebtedness for which the full faith and credit of the City of Dover has been pledged shall not at any time exceed a sum equal to 5 percent of the total assessed value of real property situate within the bounds of the City of Dover as such boundaries shall from time to time appear.

The said bonds shall be issued in one or more series, shall bear such date or dates, shall mature at such time or times, shall bear interest at such rate or rates, shall be payable at such time or times, and at such place or places, shall be in such denominations, and shall contain such other provisions as the mayor and council may provide and shall be set forth in the said bonds. Said bonds may or may not be coupon bonds and may he registered or otherwise as the mayor and council deem advisable.

The mayor and council shall direct and effect the preparation and sale of said bonds at such time or times, at such price or prices, and upon such terms as the said mayor and council deem advisable, and all the monies arising from the sale of said bonds shall be used for the municipal purposes of the City of Dover specified in the resolution authorizing their issue.

The form of said bonds and of any coupons which may be thereunto attached shall be as prescribed by the mayor and council, and all such bonds shall be signed by the mayor and the treasurer of the City of Dover and sealed with the corporate seal thereof. Facsimile signatures of the mayor and treasurer and a facsimile of the corporate seal may be imprinted upon such bonds and any coupons attached to said bonds in lieu of the signatures of the said mayor and treasurer in their own handwriting and of the affixing of the corporate seal itself.

Said bonds of the City of Dover shall be exempt from all state, county and municipal taxes.

The mayor and council of the City of Dover are hereby authorized and required to levy and raise by taxation in each and every year such sums of money as may be required to pay the interest accrued on said bonds while all or any of said bonds remain unpaid, and the said mayor and the city council are further authorized and required to levy and raise by taxation, from time to time such sum or sums of money as shall be needed to establish such sinking funds as the said mayor and the city council may at their discretion authorize for the redemption of said bonds, or any of them, at or before their maturity and such sum or sums of money as shall be required to otherwise redeem any or all or said bonds at or before their maturity. Taxes for interest and for redemption of said bonds shall be levied and raised as taxes for general municipal purposes in the said city are levied and raised and shall be in addition to those levied and raised for any and all other municipal purposes.

A statement appearing in the bonds issued under the provisions of this section to the effect that the bonds have been duly authorized shall be deemed and held to be conclusive evidence in favor of the lawful holder of any such bonds that the terms and conditions of this section have been fully met and complied with.

(c) Bonds may he authorized and issued pursuant to subsection (b), without a referendum vote, by a resolution of the council which shall have the affirmative vote of three-fourths of the members thereof and the approval of the mayor, for the following purposes:

(i) To finance public storm sewers, streets and appurtenances provided that no more than 1/4 of one percent (.25%) of taxable assessed value of real property of aggregate principal amount of bonds may be issued at any one time pursuant to this clause and any new bonds issued pursuant to this clause may not cause the total aggregate principal amount of bonds outstanding at any one time to exceed one percent of the total taxable assessment for a general tax at the time such new bonds are issued; and

(Adopted by City Council February 26, 2009)

(ii) To refund bonds secured by the city's full faith and credit, prior to their stated maturity, provided that (A) the present value of the aggregate principal and interest payments of the refunding bonds are not greater than the present value of the aggregate principal and interest payments on the bonds to be refunded determined by discounting at the effective interest rate on the refunding bonds, calculated based on the internal rate of return: and (B) at the time of issuance of the refunding bonds there are deposited in escrow, pledged to secure the refunded bonds, sufficient monies and/or direct obligations of, or obligation the principal of and interest on which are guaranteed by, the United States government, which, without regard to any reinvestment earnings, will be sufficient to pay when due all interest, principal and redemption price on the refunded bonds at maturity or upon earlier call for redemption.

(d) Except for bonds issued pursuant to subsection (c) hereof, all bonds issued under the provisions of subsection (b) shall first be approved by a referendum vote of the qualified voters (as herein defined) of the City of Dover.

Notice of the holding of such referendum election shall be authorized by resolution of the mayor and council, published once a week, for at least three consecutive weeks in at least one newspaper circulated in the City of Dover, Delaware. Such notice shall be set out in summary form the amount and purposes of such bond issue, the date and place of holding the referendum election and the hours the polls will be open.

At said referendum election "qualified voter" shall mean every natural person who is a resident or a nonresident

taxable of the city, of the age of 18 years or upwards. Each qualified voter shall be eligible to vote and shall have one vote.

The city assessor or his/her designee shall attend the election with the last city assessment and tax payment records for the inspection of the election officers. The referendum election shall be held at such date as the mayor and council shall designate. The referendum election shall be held at such suitable place in said city as the mayor and council shall designate in said published notice. The polls shall be open from 7:00 a.m. (local time), and shall close at 8:00 p.m. (local time). The judge of the election shall, in the case of a tie vote on the bond issue, cast the deciding vote, otherwise judge of the election shall refrain from voting, but the election clerks may vote.

The total votes cast for and the total votes cast against the bond issue shall be certified as correct by at least two of the election officers and delivered to the mayor, or to the clerk of council immediately after the total vote count has been certified.

The mayor and council shall at the next regular meeting after the election, or at a special meeting, receive the results of the referendum election and make the same a part of the minutes of said meeting, whereupon if a majority of the votes cast were for the bond issue bonds herein provided for may be issued and sold as provided in subsection (b), but if at such referendum election the majority of the votes cast were against the bond issue, then no bonds shall be issued nor shall any money be borrowed pursuant to the resolution submitted to the referendum.

(e) In addition to the power otherwise granted in this section, the mayor and council may issue special assessment revenue bonds to finance those public projects for which the city may levy and collect special assessments pursuant to section 28 of this Charter. Such bonds shall not obligate the faith and credit of the city, but shall be payable solely from the proceeds of the special assessments which are pledged to the payment thereof. Such bonds shall be authorized without a referendum vote by a resolution of the council which shall have the affirmative vote of three-fourths of the members thereof and the approval of the mayor.

(f) After authorization of the sale of bonds as provided in this section and in anticipation of the sale and issuance of said bonds, the mayor and council may borrow money and issue notes of the city for the purpose and to the extent of the amount of bonds authorized to be sold, less the amount of any bonds theretofore issued under such authority. The said borrowing shall be authorized by a resolution of the council which shall have the affirmative vote of three-fourths of the members thereof and the approval of the mayor, and the note or notes thereby authorized shall be signed by the mayor and treasurer of the city. When issued and signed in accordance with this subsection (f), the faith and credit of the city shall be deemed to be pledged for the repayment of all said notes, except those issued pursuant to subsection (e) hereof.

The note or notes issued in anticipation of a bond issue may be renewed from time to time, but the proceeds of the sale of such bonds shall, to the extent necessary, be first used to pay and retire such notes. Said notes may be deemed at par and accrued interest at any time prior to their maturity if the right so to do shall have been reserved.

(g) For the purposes of the debt limitations prescribed in this section, (i) any bonds which have been refunded pursuant to subsection (c)(ii) shall be treated as no longer outstanding; and (ii) bonded indebtedness, principal amount of bonds and bonds outstanding shall be determined without regard to original issue discount.

ARTICLE V. MISCELLANEOUS PROVISIONS

Sec. 51. Trees.

Trees being among the chief beauties of the city, and their preservation requiring that they be treated with special care and intelligence, the city manager is empowered to appropriate annually an amount of money adequate for their care and preservation. The city manager may he given authority to take necessary or appropriate action to prevent injuries to trees from electric wires or from any other source or cause whatsoever, and to combat the pests and diseases to which they are subject, and when necessary to employ tree experts provided that they do not exceed the appropriation made by the council.
(Amd. of 7-12-2005 (S.B. 126))

Sec. 52.

This section intentionally left blank.

Sec. 53. Police; mayor to be conservator of peace.

There shall be a city police force, the number thereof and their salaries shall be determined by the council, but they shall be chosen and appointed by the mayor. The mayor is hereby vested with all the powers of a conservator of the peace within the city limits. The mayor shall appoint a chief of police subject to removal at any time by the mayor in accordance with applicable laws. The members of the police force shall be subject to his/her direction and orders delivered through the proper chain of command and in accordance with applicable laws and ordinances. They shall preserve peace and order, and compel obedience within the city limits to the ordinances of the city and the laws of the state. They shall have such other duties as the council and the mayor shall prescribe by ordinance.

Each member of the police force shall be vested with all the power and authority within the city limits and within one mile outside of said limits, (and, in the case of the pursuit of an offender, without limit) of a constable of Kent County.
(Amd. of 7-12-2005 (S.B. 126))

Sec. 54. City solicitor.

At the annual meeting the council shall elect a city solicitor for the term of one year or until his/her successor has been duly chosen and qualified.

The city solicitor may be removed during his/her term by a vote of three-fourths of the members elected to the council.

The city solicitor shall be an attorney at law who shall have practiced in the State of Delaware for at least five years. The city solicitor shall be the chief legal adviser of and attorney for the city. It shall be his/her duty, either personally or by such assistants as they may designate, to attend meetings of the council; to give advice in writing, when so requested, to the council or the city manager to prosecute or defend, as the case may be, all suits or cases to which the city may be a party; to prosecute for all offenses against the ordinances of the city and for such offenses against the laws of the state as may be required of him/her by law; to prepare all contracts, bonds and other instruments in writing in which the city is concerned, and to endorse on each his/her approval of the form and correctness thereof; and to perform such other duties of a legal nature as the council may by ordinance require. In addition to the duties imposed upon the solicitor by this Charter or required of him/her by ordinance or resolution of the council he/she shall perform any duties imposed upon the chief legal officers of municipalities by law.

At the annual meeting the council shall elect a deputy city solicitor for the term of one year or until his/her successor has been duly chosen and qualified. The deputy city solicitor shall be an attorney-at-law entitled to practice law in the State of Delaware, and shall serve in such manner as shall be determined by the city solicitor to be necessary and proper.

Sec. 55. Powers of Town of Dover or town council conferred on city or city council.

All powers conferred upon or vested in the Town of Dover and or the Town Council of the Town of Dover by any act or law of the State of Delaware not in conflict with the provisions of this Charter, are hereby expressly conferred upon and vested in the City of Dover and or the mayor and council of the City of Dover, precisely as if each of the said powers was expressly repeated in this Charter.

Sec. 56. Ordinances passed by town council continued in effect.

All ordinances adopted by the Town Council of the Town of Dover and in force at the time of the approval of this Charter are continued in force until the same or any of them shall be repealed, modified or altered by the city council under the provisions of this Charter.

Sec. 57. Officers of town to be initial city officers; prior actions of town council ratified.

The mayor and members of council at the time of approval of this enactment of this Charter shall retain their elected terms of office until re-elected or failure to be re-elected under the provisions and terms established herein.

All the acts and doings of the Council of the Town of Dover or of any officials of the said town lawfully done or performed under the provisions of any law of this state or of any ordinance of the council of the said town, prior to the approval of this Charter are hereby ratified and confirmed.

Sec. 58. Debts due to town to be due to city; impairment of bonds.

All taxes, debts, fines or penalties and forfeitures due the Town of Dover shall be deemed to be due the City of Dover, and all debts due from the said Town of Dover shall be deemed to be debts of the City of Dover, and the same imposed under the provisions of this Charter shall be deemed to apply and extend to all unpaid taxes imposed by the Town Council of Dover.

The bonds given by or on account of any official of the Town of Dover shall not be impaired or affected by the provisions of this Charter.

Sec. 59. Printed copies of ordinances and resolutions to be proper evidence.

Printed copies of the ordinances and resolutions of the City Council of Dover, published by authority of the council, shall be admitted as evidence thereof in all courts, and in pleading it shall not be necessary to recite or draw them out at large.

Sec. 60. Repeal of prior acts.

All acts or parts of acts inconsistent with or in conflict with the provisions of this Charter are hereby repealed.

Sec. 61. Severability.

If any part of this Charter, as it may from time to time be amended, are held to be unconstitutional, such holding shall not be deemed to invalidate the remaining portions of this Charter or amendments thereto.