ATTACHMENT #1

Memorandum of Understanding
between
The City of Dover, Delaware
and the
Delaware Office of State Planning Coordination

WHEREAS, the State of Delaware has determined that certain local land use decisions have far reaching and complex effects on the region, resulting in development which often requires the commitment of finite resources by the various levels of government as well as private investors; and

WHEREAS, coordinated review of certain development activities would result in a more efficient, effective and timely use of resources and would also achieve consistency and coordination between the various levels of government and other interested parties; and

WHEREAS, under Title 29, Chapter 92 of the Delaware Code, local land use planning actions by local governments are subject to pre-application review processes by the Office of State Planning Coordination (OSPC); and

WHEREAS, under Title 29, Section 9205 (c) of the Delaware Code, the OSPC shall, through a Memorandum of Understanding, exempt a local jurisdiction from the provisions of the Land Use Planning Act or modify the pre-application process when the local jurisdiction has a Certified Comprehensive Plan and imposes a more stringent review of projects;

NOW, THEREFORE, IT IS HEREBY AGREED AND UNDERSTOOD by and between The City of Dover, Delaware and the Office of State Planning Coordination as follows:

A. Nothing in this agreement shall be construed to deny The City of Dover its final decision-making authority over proposed land use planning actions in the corporate limits of The City of Dover. Additionally, any comments received from state agencies, pursuant to Title 29, Chapter 92 of the Delaware Code, shall not exempt applicants from the responsibility of meeting all requirements set forth in The City of Dover's adopted land use regulations.

B. The Development Advisory Committee (DAC) of The City of Dover will continue to review development proposals on a monthly basis, and will continue to include representation from various state agencies as is currently the practice.

C. The following land use planning actions are and shall remain subject to State review under Title 29, Chapter 92, Delaware Code:

1. All residential projects containing 125 or more dwelling units**.**

2. Any non-residential subdivision or site plan involving new construction of structures or buildings with a total floor area equal to or exceeding 75,000 square feet.

3. Any application for rezoning or annexation that is inconsistent with The City of Dover's Comprehensive Plan Update certified September 22, 2003, or as amended, except where the non-conformity is of a minor, relatively insignificant nature. A rezoning shall be considered minor variation from the Comprehensive Plan when the following conditions are met:

    a. The rezoning is of a unique circumstance and can not set precedence for other lands in the vicinity of the rezoning.
    b. The relative size of the rezoning or the variation from the land use recommended by the Comprehensive Plan is so minor that it would have no impact on the goals and objectives of the Comprehensive Plan.
    c. The proposed zoning is adjacent to or in the immediate vicinity of other similarly zoned lands and would not alter the pattern of development in the area.

    Upon notification of a rezoning in the City of Dover that meets these criteria, the State will concur in writing to the City thereby waiving the PLUS review process in that instance.

4. Any project of any size proposed to the east of Delaware Route 1 and north of South Little Creek Road.

5. Any local land use regulation, ordinance or requirement referred to the Office of State Planning Coordination by The City of Dover for the purpose of providing the City with advisory comments. These include the modifications to the City's zoning and subdivision ordinances that implement the Comprehensive Plan.

6. Any development projects voluntarily submitted by the developer to the Office of State Planning Coordination for review.

7. Any other project which is required to be referred to the State for pre-application review by City of Dover regulations.

8. Any amendment, modification or update to The City of Dover's Comprehensive Plan, as required by Title 22 of the Delaware Code.

9. All projects in the Downtown Dover Redevelopment Target Area, defined by The City of Dover Code shall be exempt from State review unless voluntarily submitted by the developer or The City of Dover.

J. The City of Dover shall, at the time of the required pre-application meeting, identify those projects meeting the criteria defined in this agreement for State review, direct applicants whose projects meet State review criteria to submit necessary documents to the Office of State Planning Coordination (OSPC) in order to initiate the PLUS review process, and not accept applications for those projects requiring PLUS review until such

time as the OSPC has issued comments, as defined in Title 29, Section 9204 (c) of the Delaware code, to the applicant and The City of Dover.

K. In special circumstances, the Office of State Planning Coordination may waive the pre-application requirements of Title 29, Chapter 92 of the Delaware Code. Where such waiver is granted, the Office of State Planning Coordination shall provide a written explanation of the causes for the waiver to the relevant local jurisdiction and the applicant. These circumstances may include, but are not limited to, a local government's imposition of a more stringent review of projects enumerated in §9203(a) than required by Title 29, Chapter 92 of the Delaware Code, and/or projects expected to provide an extraordinary benefit to the State and the local jurisdiction through economic development, job creation, educational opportunities, public services or facilities, agricultural preservation, or protection and enhancement of the natural environment.

L. This Memorandum of Understanding may be revised from time to time as circumstances warrant, only with the concurrence of both The City of Dover and the Office of State Planning Coordination.

_____ _____
The Honorable James Hutchison Date
Mayor, City of Dover
Dover, Delaware

_____ _____
The Honorable William McGlumphy Date
President, Dover City Council
Dover, Delaware

_____ _____
John Friedman Date
Chair, Dover Planning Commission
Dover, Delaware

_____ _____
Constance C. Holland, Director Date
Office of State Planning Coordination

ATTACHMENT #2

CITY OF DOVER

(Recommended by Legislative, Finance &Administration Committee on 2/02/2004)

CITYWIDE TRAVEL POLICY

A. INTRODUCTION

1. Purpose

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

2. Scope

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

While this policy does not cover every possible situation, it establishes adequate guidelines for employees and officials to make appropriate and consistent judgments regarding the expenditure of City funds for reimbursable expenses.

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

The City Council and the Finance Department will periodically (at least annually) review the implementation of this Policy and will provide policy interpretations and assistance to ensure effective and efficient implementation. Any exceptions will be subject to approval by the Council and Finance Department. Exceptions will only be made in particular cases where adequate justification is presented. The City Council and Finance Director may also, on a case-by case basis, approve reimbursements exceeding the guideline amounts referenced in this policy. In any such instance, a detailed explanation and substantiation (a receipt) is required. Enforcement of the travel policy will be the responsibility of the Finance Director.

3. Responsibility

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

b. Department Manager/City Manager/Council Designee
- Ensure compliance with this policy.
- Review and approve each of their employees/official=s travel approval requests and reimbursable expenses.
- Ensure sufficient funds are available for all anticipated expenses.

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

Required signatures for expenses are:

- Employee
- Supervisor
- Manager or Council Designee

B. TRAVEL AUTHORIZATION

All out-of-state travel that extends beyond one day shall be approved by the City Manager or Council Designee. All requests shall be made on the "Travel Authorization and Completion Form" (City of Dover - Form 047). A copy of the conference or meeting program shall be attached to the form. The authorization form should be submitted to the manager in a reasonable amount of time prior to the traveling day.

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

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

C. TRANSPORTATION: COMMON CARRIER

1. General

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

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

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

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

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

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

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

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

2. Air Travel

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

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

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

c. Conference Airfare Arrangements

When attending a conference, always check conference materials to see if special airline discounts are offered. When a special airline discount rate is offered and conferees are instructed to go directly to an airline or a specific travel agency to obtain the discount fare, all fare and file number information should be given to the travel agency. The travel agent will then attempt to obtain the conference rate, government rate or lower rate, for the traveler. (See Section E.3. for Conference Lodging Arrangements) If a lower fare is not available, the conferees may make their travel arrangements directly utilizing the conference instructions.

3. Rail Travel

a. Accommodations

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

E. TRANSPORTATION: PASSENGER VEHICLES

1. City-Owned Vehicles

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

2. Privately-Owned Vehicles

a. The use of privately owned vehicles for out-of-City travel shall require prior approval of the appropriate department manager with approval authority. Reimbursement of private vehicle expenses shall be at the Standard Mileage Rate as set by the federal government for actual and necessary miles traveled. Beginning and ending odometer readings are required for the reimbursement for mileage.

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

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

3. Rental Cars

a. General

The use of a rental car when traveling out of state must be justified as an economical need and not as a matter of personal convenience. All rentals should be at the most economical rate per day including government rates or special rate agreements. When traveling in groups, sharing of cars, when practical, should be done to minimize costs. The city will not pay for the use of a rental car to accommodate family members or non-business associates traveling with the employee, public official, or appointee.

b. Vehicle Size

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

c. Insurance

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

(2) Other. Travelers not covered under the blanket insurance policy may be covered by their personal automobile insurance policy or other personal credit cards. Travelers should check their automobile policy and credit card policy for business travel coverage and accept or decline additional coverage accordingly. Reimbursement for additional or optional insurance coverage will not be allowed without prior approval from the department approval authority.

d. Refueling Before Return

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

e. Reservations

Car rental reservations shall be made through the travel agent whenever possible.

F. LODGING

1. General

City travelers are expected to seek accommodations that are comfortable, convenient, meet business and personal needs and offer good value.

2. Accommodations

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

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

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

3. Conference Lodging Arrangements

Hotel reservations should be made through the travel agent whenever possible. When hotel rooms are blocked for a conference, seminar, etc., and a special discounted conference hotel rate provided, the employee/official should inform the travel agent, who will attempt to obtain the conference rate, government rate or lower rate, for the employee/official. If a lower rate is not available, the conferees should make their lodging arrangements directly utilizing the conference instructions.

4. Occupancy Tax

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

G. MEAL ALLOWANCES

1. General

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

Meal costs incurred over and above those provided as part of a registration fee are not reimbursable unless justified as a special circumstance (e.g. special meeting or diet restrictions).

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

Exceptions are to be approved by the City Manager and Finance Director.

Only per diem rates as prescribed by the Federal Government for official travel will be provided for meal allowance (Exhibit A).

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

The meal allowance for day trips out of the City, not requiring overnight lodging. Assignments requiring overnight lodging may be approved as long as the amount does not exceed the allowances established. The meal allowance for working before or after hours as a general rule are not encouraged, but may be approved by the Finance Director on a case-by-case basis as long as the amount does not exceed the allowances established.

H. CASH ADVANCES

Travel advance checks will not be issued to employees, public officials, or appointees in the form of general disbursement checks. Employees, public officials, and appointees will be reimbursed for travel related expenses after the trip or event has been completed.

Employees, public officials, and appointees shall use the City purchase order when making travel arrangements when time permits. If there is a time constraint in processing a purchase order, a request for permitted use of the City credit card, accompanied by the proper documentation, will be sent to the Finance Department. Employees and officials are also encouraged to use a personal credit card and request reimbursement when they return. The City will pay in advance the following costs:

a. Conference/Training registration fees. Such payment will be made payable and mailed directly to the organization. This will be done through a purchase order submitted by the department after the trip is approved. A copy of the registration form describing the registration fees must be attached to the purchase order.

b. Airfare. The check will be made payable and mailed to the travel agency upon submission of a purchase order.

c. Lodging. The check will be made payable to the motel and will be given to the person for whom the lodging arrangements are made. The employee must provide the rates and information pertaining to applicable taxes in advance and submit a purchase order for the same.

d. Meal allowance.

e. Ground transportation to and from hotel, and airport parking when costs have been pre-determined by the Finance Director.

I. TRAVEL EXPENSE REIMBURSEMENT

1. General

A Travel Expense Report (City of Dover B Form 030) is due to Accounts Payable within **ten (10) working days** after travel or an expense is incurred. **(Ten working-day rule)**

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

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

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

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

2. Receipt Requirements and Other Reimbursement Criteria

a. Tickets booked on common carriers (airline, rail or bus) require original copy of the paid invoice.

b. Hotel/motel bills shall be the original copy of hotel/motel billing marked paid, or paid invoice from travel agent if lodging was billed through the agency.

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

d. Car rental reimbursements require paid invoice from the rental company or travel agent if billed through agency.

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

Tips in excess of 15% will not be reimbursed.

When more than one City employee, public official, or appointee's meals are being reimbursed, the number and name of the individuals are to be submitted on a schedule itemizing the cost of each individual's meal and a receipt from the dining facility attached.

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

(1) Out-of-pocket costs for incidental items such as baggage handling and maid service are reimbursable. Only per diem rates as prescribed by the Federal Government for official travel will be provided for incidental items (Exhibit A). Examples of these items are as follows:

- Porter(P), Doorman (DM)
- Bellhop (BH), Valet Parking Attendant (VP)
- Sky Cap (SC)
- Taxi (TD)
- Shuttle Driver (SD)
- Maid Service (MS)

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

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

h. Other Categories

Reimbursement for the following categories should be submitted on a schedule identifying the date, the cost and the category:

Hotel/airport parking and tolls for interstates, turnpike, bridges and/or ferries. Expenses per category per use shall require a receipt.

i. Gasoline and/or Other Supplies

Need for emergency repairs incidental to using a City-owned vehicle shall require a cash receipt or credit card receipt.

j. Reimbursements for travel expenses incurred without required receipts, as outlined, is strictly prohibited. A "no receipt - no reimbursement" policy applies. An affidavit for lost, stolen, etc. receipts is generally acceptable with approval by the Finance Director. (City of Dover B Form 061).

k. Internet Access Costs for city business shall not exceed $5 per day and must be substantiated with receipts and validation by the Information Technology Department.

l. Up to two (2) personal telephone calls not exceed $8 per trip.

3. Non- Reimbursable Expenses

The City shall not reimburse expenses for the following:

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

J. CHARTER AND CODE OF CONDUCT

All City of Dover policies are to subject to the City of Dover Charter Part 1, Subpart A, Article II, Section 12 “Compensation and expenses - Mayor and Council and other elected or appointed officials”, whereas, “Members of the council, mayor and other elected or appointed officials shall receive reimbursement for actual and necessary expenses incurred when on official business as prescribed by city ordinance or policy” and; Part II Code of Ordinances Chapter 2, Article 1, Division 4 “Code of Conduct”, which is “applicable to all elected and appointed officials and to all employees of the City of Dover.”

K. INTERNAL REVENUE CODE - DEFINITION OF PUBLIC OFFICIAL

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

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

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

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

L. REVIEW & REVISION

The City of Dover Travel Policy will be reviewed every three years by the City Council, City Manager, Finance Director, and City Clerk.

EXHIBITS

Exhibit A - General Service Administration Regulations - Per Diem Rates Travel Rates for Continental United States
Exhibit B - City of Dover Exemption Certificate Form

ADOPTED: *

REVISION RECORD

City Council Adopted: November 24, 2003