

1 DRAFT PROPOSED COUNCIL RESOLUTION NO. 2015-03

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

4 That the Mayor and Council have determined that the Charter of the City of Dover should be amended to make
5 corrections/include gender neutral language, remove outdated language, set a time frame for accepting
6 nominating petitions, extend the filing deadline for council nominations, and revise the parameters for filling
7 a vacancy, which amendments, if adopted by the General Assembly, would be as follows:

8 **Section 1.05. Procedure to extend boundaries,** (2)(b) - For the annexation election, the polls shall open at
9 11:00 a.m. ~~to~~ and remain open until each eligible voter has cast their vote or until 8:00 p.m., whichever occurs
10 first.

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

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

14 The city shall be divided into four (4) election districts, the boundaries of which shall be established by council
15 so that they are nearly equal in population based on the latest federal decennial census information. The district
16 boundaries established for municipal elections shall be used for the next regular municipal election and shall
17 continue in effect until the next succeeding federal decennial census is made available for use by municipalities
18 in the State of Delaware.

19 ~~At the regular municipal election held in April of 2012, the mayor shall be elected at-large. The term of~~
20 ~~mayor elected at the April 2012 regular municipal election shall be for a period of three years,~~
21 ~~commencing on the second Monday in May following his/her election and continuing for a term of three~~
22 ~~years until the second Monday in May 2015, or until his/her successor has been duly elected and qualified.~~

23 ~~Thereafter,~~ **c**ommencing with the regular municipal election to be held in April of 2015, the term of mayor
24 shall be for a period of four years commencing on the second Monday in May following his/her election and
25 continuing for a term of four years until the second Monday in May, or until his/her successor has been duly
26 elected and qualified.

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

~~32 At the regular municipal election held in April of 2013, five councilmen shall be elected, four by district
33 voting being from the districts and one at-large. The term of the councilmen elected at the April 2013
34 regular municipal election shall be for a period of four years, commencing on the second Monday in May
35 following their election and continuing for a period of four years until the second Monday in May, or
36 until their successors have been duly elected and qualified.~~

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

42 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
43 election be:

- 44 (1) A citizen of the United States and of the State of Delaware;
- 45 (2) A resident of the city and having continuously resided therein or in an area annexed to the city
46 during the two (2) years immediately preceding the day of the election;
- 47 (3) A resident of the election district from which they are seeking election, unless they are seeking
48 election as an at-large councilman member or mayor;
- 49 (4) Eighteen (18) years of age or older; and
- 50 (5) Nominated therefore, as hereinafter provided.

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

56 Section 6. Municipal election; dates, time, and place of elections.

57 Regular municipal elections shall be held ~~biennially~~ biennially on the third Tuesday in April. All other
58 municipal elections that may be held shall be known as special municipal elections. At each such municipal
59 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
60 election and make all necessary rules and regulations not inconsistent with this Charter or with other laws of
61 the State of Delaware for the conduct of elections, for the prevention of fraud in elections, and for the recount
62 of ballots in case of doubt or fraud. At alternating biennial regular municipal elections held on the third Tuesday
63 in April, five councilmen members shall be elected for a term of four years, four of whom shall be elected by
64 district voting from each of the districts as designated by council and one of whom shall be elected by at large
65 voting by all voters of the city, as provided in section 5 of this Charter. At the next biennial regular municipal
66 election held on the third Tuesday in April, four councilmen members shall be elected by district voting from
67 each of the districts as designated by council for a term of four years, and a mayor shall be elected by the voters
68 of the city for a term of four years, as provided in section 5 of this Charter.

69 **Sec. 7. Nominating petitions for candidates for council and mayor.**

70 The mode of nomination of candidates for the council and for mayor shall be by petition, signed by not less than
71 ten (10) nor more than twenty-five (25) electors of the city, filed with the clerk of council. **In the years when**
72 **a mayor is to be elected, nominating petitions for candidates for mayor shall be accepted no sooner than**
73 **the first working day of January and no later than the last working day of January** on or before 4:30 p.m.
74 ~~on the second Friday of February biennially~~ **Nominating petitions** for candidates for council **shall be**
75 **accepted no sooner than the first working day of January and no later than the last working day of**
76 **February biennially** on or before 4:30 p.m. ~~on the last working day in January biennially for candidates~~
77 ~~for mayor in the years when a mayor is to be elected. Should the second Friday of February fall on a legal~~
78 ~~holiday, the filing date shall be 4:30 p.m. on the next working day thereafter which is not a legal holiday.~~

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

83 No nominating petition shall designate more than one person to be voted for as a member of council or as mayor.
84 The signers of a nominating petition for a member of the council must be electors of the city residing in the city
85 election district in which the nominee resides; but the signers to the nominating petition for the mayor and for
86 the at-large council ~~man~~ **member** may be city electors residing in the city at-large.

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

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

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

101 Name _____
102 Street ~~and Number~~ **address** _____ (Space for Signatures)

103 STATE OF DELAWARE
104 KENT COUNTY
105 SS.

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

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

113 (Signed) _____

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

115 _____ Justice of the Peace (or Notary Public)

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

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

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

128 The mayor shall preside over the annual meeting and quarterly town meetings, and at the annual meeting present
129 a state of the city message and offer mayoral appointments for council confirmation. The mayor, upon
130 recommendation from the council president, will present council appointments for council approval.

131 In the event of absence of the council president, then the senior member of council in terms of **continuous or**
132 **total** length of service as a councilmanmember shall assume the duties of the council president and shall be
133 designated council president acting. In the event that two (2) or more members of council have the same
134 seniority in terms of length of service as a councilmanmember, then the members of council shall vote and elect
135 one of those as council president acting. Council president acting shall fulfill all of the duties and
136 responsibilities of council president during his/her period of unavailability or absence.

137 **Sec. 10. Meetings of Mayor and Council--Procedure.**

138 Five (5) of the members elected to the council shall constitute a quorum to do business, but a less number may
139 adjourn from time to time and may compel the attendance of absent members in such manner and under such
140 penalties as may be prescribed by ordinance.

141 No ordinance, resolution, motion or order shall be valid unless it shall have (1) the affirmative vote of a majority
142 of the members elected to the council, and (2) the written approval of the mayor, or the vice-mayor in those
143 cases where the vice-mayor is authorized to act as mayor as provided in section 15 hereof, provided that in the
144 absence of such approval by the mayor, or the vice-mayor as the case may be, the council may, after not less than
145 seven (7) days nor more than thirty-five (35) days after the prior vote, pass or adopt the said ordinance,
146 resolution, motion or order which did not receive the approval of the mayor, or the vice-mayor, by the

147 affirmative vote of two-thirds of the members elected to council.

148 Whenever the council shall adopt an ordinance, resolution, motion or order, it shall be the duty of the mayor,
149 or the vice-mayor, to signify his/her approval or disapproval thereof in writing to the clerk of the council within
150 seven (7) days thereafter. The clerk of the council shall forthwith notify the members of the council of such
151 approval or disapproval.

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

154 A council ~~man~~ member shall abstain from voting on a matter that he/she feels would involve the consideration
155 of his/her own official conduct, on a matter in which he/she has a financial interest, in a matter in which he has
156 a conflict of interest or in accordance with a policy adopted by council.

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

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

163 (1) The requirements for distribution and filing of copies of the ordinance shall be construed to include copies
164 of the code of technical regulations as well as of the adopting ordinance, and
165 (2) A copy of each adopted code of technical regulations as well as of the adopting ordinance shall be
166 authenticated and recorded by the city clerk.

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

169 **Section 13. Vacancies; Forfeiture of Office; Filling of Vacancies**

170 (a) Vacancies. The office of a council member shall become vacant upon the member's death, resignation, or
171 removal from office or forfeiture of office in any manner authorized by law.

172 (b) Forfeiture of Office. A council member shall forfeit that office if the council member:

173 (1) Fails to meet the residency requirements,
174 (2) Violates any express prohibition of this charter,
175 (3) Is convicted of a crime involving moral turpitude, or
176 (4) Fails to attend three consecutive regular meetings of the council without being excused by the
177 council.

178 In the case of any such vacancy or of any vacancy created by death, resignation or otherwise for which said
179 vacancy shall be less than six months in duration **from the next regular or special election**, the ~~office shall~~
180 **remain vacant** **vacancy shall be filled at the next regular or special election**. If such vacancy should be in
181 excess of six months in duration **from the next regular or special election**, a special election shall be held to

