

"A Historic Past"



"A Bright Future"

CITY OF DELAWARE CITY

407 Clinton Street - P.O. Box 4159
Delaware City, Delaware 19706
302-834-4573

RESOLUTION No. 16-1219-01

**A RESOLUTION REQUESTING THAT THE GENERAL ASSEMBLY AMEND THE
CHARTER OF THE CITY OF DELAWARE CITY**

WHEREAS, the Mayor and Council reviewed The City of Delaware City's (the "City") Charter and determined that various changes, outlined below, should be made.

WHEREAS, the Mayor and Council reviewed the General Assembly's recent change to the Municipal Election Code, 15 *Del. C.* § 7554, *et al.* ("HB 395").

WHEREAS, HB 395 allows municipalities to set the voter registration deadline as follows: "The deadline for voter registration shall be no more than 30 days prior to any scheduled municipal election, and timeliness shall be determined in accordance with § 2036(1) and (2) of this title."

WHEREAS, the Mayor and Council desire to align The City of Delaware City's Charter Section 8-04 with HB 395 by setting the maximum deadline for registration at 30 days prior to a municipal elections, special elections, and referenda; as well as change the timing for conducting oaths of office ("Election Charter Amendments").

WHEREAS, the Mayor and Council desire to amend The City of Delaware City Charter to eliminate the predetermined time for the meeting of the Property Assessment Board and to extend the term limits for the Planning Commission members as the requirements have become impractical and unnecessary for the City's size and population ("Time & Term Charter Amendments," together, with the Election Charter Amendments, the "Charter Amendments").

WHEREAS, the Mayor and Council believe the Charter Amendments will streamline timing, terms, and the voting process by make voting more convenient for its citizens and those conducting the polls.

WHEREAS, the Mayor and Council of the City of Delaware City have reviewed the proposed Charter Amendments, approved the proposed revisions, and recommend and urge the

General Assembly to amend the following sections of Delaware City's Charter by deleting the strikethrough language and adding the underlined language identified below:

Section 8-04. Voter Qualifications.

A "qualified voter" is a natural person that has reached the age of eighteen (18) years of age, is a citizen of the United States, is registered to vote under the State voter registration system maintained by the Department of Elections, ~~and~~ maintains his or her permanent place of residence within the City limits of the City of Delaware City, and is registered to vote 30 days prior to any scheduled regular or special elections and referenda. Any person who can prove the foregoing by proper identification, as required by Del. Code Ann. Tit. 15, § 7554 (d) as may be amended from time to time, shall be entitled to vote at all regular and special municipal elections and referenda.

Section 3-06. Election and Terms of Office.

The term of the Mayor and Councilmembers shall begin on the date they take the oath of office. The newly elected officials shall be sworn in at the next meeting of Mayor and Council following the election. ~~Within ten (10) days after any election, a special meeting shall be called for the purpose of swearing in the newly elected Mayor or Councilperson.~~ The oath shall be administered by the Mayor, and the Councilperson with the most seniority shall administer the oath of office for any newly elected Mayor.

Section 4-01. Property Assessment Procedure.

D. Assessment Board of Appeals. Each year, at least thirty (30) days before the beginning of the tax year, the Mayor and Council shall hold a Board of Appeals, ~~which Board shall continue open from 7 p.m. to 9 p.m.,~~ during which time the Mayor and Council acting as such Board shall hear and determine appeals from assessments and shall make such corrections and additions as may be deemed necessary and proper.

Section 11-01. Planning Commission.

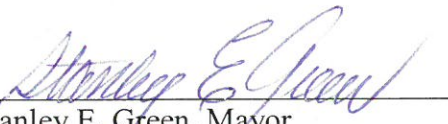
The Mayor, with the advice and consent of a majority of all members of Council, shall appoint a Planning Commission consisting of seven (7) members at large.

Appointments shall be made as vacancies arise and shall be for terms of ~~two (2)~~
three (3) years.

WHEREAS, redlined and highlighted proposed revisions to the existing Charter are indicated on Exhibit A attached hereto and a clean copy of the proposed revisions to the Charter is attached hereto as Exhibit B.

WHEREFORE, the Mayor and Council of the City of Delaware City hereby resolve and request that the General Assembly of the State of Delaware adopt the revised Charter attached hereto as Exhibit B forthwith and further resolve that adoption of the revised Charter is in the best interests of the City.

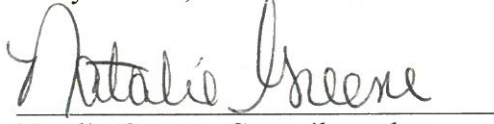
This resolution is passed by Mayor and Council of the City of Delaware City on this 19th
day of December, 2016.


Stanley E. Green, Mayor


Robert Malinowski, Vice Mayor


Betty Barrett, Councilmember


Paul D. Fitzwater, III, Councilmember


Natalie Greene, Councilmember


Margaret C. Titus, Councilmember

EXHIBIT A

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