

## **Major Discussion Issues**

### Structure of Government (Section 3 et al)

- What does the Charter do, in terms of creating/enabling a town government? All power give to the Commissioners of Dewey Beach, who delegate responsibility to the Town Manager to administer certain affairs placed in the Town Manager's charge.
- Do we want to reference a "council-manager" form of government? As one of the most common forms of local government, a council-manager governing body means the city hires a professional city manager to administer the daily affairs of the city with the oversight of the city council; the council holds responsibility for establishing locals laws and governmental policy, and for supervising the city manager. Getting this clearly established early might help resolve other issues and conflicts.

### Commissioners of Dewey Beach (23 et al)

- Definition of function/title of the body politic
- Role/ authority as vested by the Charter
- Delineation of powers of an individual Commissioner versus those of the Commissioners of Dewey Beach in aggregate
  - Definitions/titles – all over the place, possibly need a way to distinguish in text
- Is the delegation of authority/powers from the Commissioners of Dewey Beach to the Mayor and Town Manager clear?

### Mayor (Sections 8, 14 et al)

- Definition of function/title, e.g., "as the presiding officer of the Commissioners of Dewey Beach the Mayor ..."
- Term of office, manner of election/appointment, and possible removal/replacement; should this be a paid position
- Special powers beyond those of other commissioners, e.g., in an emergency or otherwise

### Town Manager (Sections 14, 15, 16 et al)

- Definition of function/title, e.g., administrator
- Minimum requirements for position
- Term of appointment and process for removal (with or without cause)
- Chain of command re:
  - Police, Beach Patrol and possibly other "department heads" (what does department or division created by the Commissioners" mean?)
  - personnel issues –hiring, firing, compensation, staffing plans and evaluations, especially for police and lifeguards

- responsibilities of the “buck stops here” variety (e.g., enforcement of laws, budget, etc)

Police and Beach Patrol, and possibly other “department heads” (section 19 et al)

- Term contracts for Police Chief and Beach Patrol Captain
  - Process for removal with/without cause
- Chain of command re: personnel issues for employees with certification requirements
  - E.g., hiring, promotions, compensation, shift scheduling
  - Do we need to address specific certification requirements in the Charter?
  - What about non-certified employees in, e.g., Police Department
- Chain of command for operations and mission related issues
  - E.g., “accountable to the Town Manager for all matters associated with the administrative functions ancillary to policing operation such as finances, human resource management, facilities and equipment maintenance and intergovernmental cooperation and regulatory and reporting requirements”, or “The Chief of Police and the members of the police force shall be subject to the direction of the Town Manager acting on behalf of the Town Commissioners.”
  - 16(a) and 16(b) seem to clearly put the Town Manager at the top of the chain of command, including for Police and Beach Patrol
  - What level of detail is needed for the Charter?
  - Key seems to be, e.g., “The Chief of Police and members of the police force shall be subject to the direction of the Town Manager acting on behalf of the Town Commissioners.”
- Do we need parallel language for any other departments created by the Commissioners, if any?

Commissioner involvement in administrative issues (14, 16, 23 et al)

- Commissioners/commissioner liaison oversight to various departments
  - How is “department or division of the Town Government created by the Commissioners” to be interpreted?
- Intrusion into personnel issues and Town Manager scope of responsibility and authority seems contrary to 16(b)
  - Especially re: Police Chief and senior officers and Beach Patrol Captain
- Board of Appeal re: personnel actions (if the chain of command is changed, then 16(a) presumably needs to be expanded beyond the scope of personnel actions of just the Town manager)
  - Need to have recourse for appeal to the decision of this BOA, or other steps in the appeals process. Other avenues now exist, but how much detail is needed herein?

**Secondary Discussion Issues**

Town Goals (sections 4a, 23a, 23a1, 23a13 et seq)

- Establish a common set of Town goals/goals of governance for use everywhere: to maintain peace and order; protect and preserve all property, public and private, and protect the character of the Town; provide for the Town’s sanitation and maintenance of its infrastructure; provide for the health, safety, convenience, comfort, and well-being of

the population; protect the Town's beauty and natural environment; ensure financial sustainability; provide for resilience in the face of global climate change; provide for the Town's culture and commerce to increasingly extend further into the Spring and Fall shoulder seasons.

- Is there a good shorthand way to reference these?

Voter eligibility and elections (sections 2d, 5b &c, 10b et al)

- Who has the right to vote
- Do different types of elections have different criteria
  - Distinctions re: elections
- Corporations and partnerships voting in annexation election
- What is the meaning of a "five year lease" for voter eligibility and for commissioner eligibility

Section 5(e) and 7(b) removal/replacement of Commissioners

- Regarding the ipso facto clause, what if the commissioner who no longer meets the required qualifications refuses to vacate his/her office (as has happened)? Should this rather require the remaining commissioners to act to remove? If so, need a mechanism and process. (Similar issues seen elsewhere, including 7c)
- What does, "The Commissioners shall be the judges of the qualifications of the members." mean? Introduces the term "members". Does this allow the Commissioners to vote in a Commissioners' meeting that Commissioner X no longer holds a 5 year lease? Is there any opportunity for appeal of such a vote?
- The process for filling a vacated commissioner's seat needs to be addressed in 7(b)

Sec 28 Statute of limitations for suing the Town

- Limits statute of limitations for suit against the town to 90 days. I thought there were cases of ones reaching 3 years. What is state limit? Is 90 days okay or does it need to be changed?

"Inhabitants" (sections 1 and 4a) and "taxables" (sections 31c and 21c)

- What is the intent and should these terms be updated?

Faithful execution of town laws (Section 14 et al)

- Says Mayor, but what about Commissioners, Town Manager, Police Chief and Beach Patrol Captain, Code Enforcement Officer?
  - Is there a "buck stops here" criteria

Bound by the Budget (section 22(d) et al)

- Says Commissioners, but what about the Town Manager and department heads?

Investigations (sections 23(a) 12 and 30)

- Slight differences in language in two places – should unify the language, or possibly eliminate one.

Sec 27 Contracts

- Should the \$2,000 limit be increased due to considerations of inflation, possibly to \$5,000?
- What is meant by the exemption “under the supervision of the Town Manager”? Does this need clarification?

Sec 26 Missing language

- 26(a) Has missing text. A possible amendment is “of the same., The Commissioners of Dewey Beach are-is hereby authorized ...”. Alternatively, flag for the Commissioners to address later.
- 26(e) Says, “the power to borrow money ... shall be only exercised in the following manner.” Is silent on the manner. Should flag to the Commissioners to address.
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