

**Section 1 Incorporation. [[redefine “inhabitants” and “Commissioners of Dewey Beach” for clarity]]**

The ~~residents of and individuals otherwise-qualified to vote in~~ ~~inhabitants of~~ the Town of Dewey Beach in Sussex County, are hereby constituted a municipal corporation and body politic by and under the name of "Commissioners of Dewey Beach," (hereinafter referred to as the "~~Town Council~~" or "~~Council~~", "~~e~~Corporation" or "~~t~~Town") with power to govern themselves by such ordinances, rules, resolutions and regulations for municipal purposes as they, through their duly-elected officers and agents, may deem proper, not in conflict with the provisions of this Charter of government, nor with the Constitution and Laws of the State of Delaware, or of the United States.

**Comment [DSK1]:** As per Dave Thomas’s comment, is this an appropriate definition of the body politic?  
  
This, and subsequent proposed draft amendments limit votre registration to individuals. Do we want to recommend this (current practice) or leave the door open for corporations and partnerships to be a part of the body politic.  
  
See also 4(a) and 10b  
  
**Comment [DSK2]:** I have generally used Town Council hereafter because it seems to flow better.

**Section 2 Territory and Limits. [[possible change in voting rights; administrative changes]]**

(a)  
The limits and bounds of the Town of Dewey Beach are hereby established and declared to be as follows:

(b)  
Starting at a point at the low water mark of the Atlantic Ocean shoreline, said point being the northerly boundary of Rehoboth-by-the-Sea; thence easterly into the Atlantic Ocean 500 feet; thence southerly and parallel to the shoreline to a point which is on an easterly extension of the southern boundary of Collins Street; thence in a westerly direction along the southern boundary of Collins Street to Route No. 1; thence in a southerly direction along the easterly right-of-way of Highway One, to a point approximately 65 feet south of Anchor Way; thence in a westerly direction to the eastern shore of the Rehoboth Bay; thence in a northerly direction and with the meanderings of the Rehoboth Bay shoreline to a point on the Rehoboth Bay westerly of Bayard Avenue, said point being the boundaries of Rehoboth-by-the-Sea; thence with the boundaries of Rehoboth-by-the-Sea Bayard Avenue, northerly across Route 1; thence with the westerly boundaries of Comegys to its easterly side; thence across Route 1 to the southerly edge of Silver Lake; thence with Silver Lake and the boundaries of Rehoboth-by the-Sea to a point; thence easterly with the boundaries of Rehoboth-by-the-Sea, said boundary being the southerly line, and extensions thereof, of Block 51 as shown on the plot plan of Rehoboth-by-the-Sea, to the low water mark of the Atlantic Ocean, the point and place of beginning.

The area designated by this description includes all of Rehoboth-by-the-Sea (as shown on a plot plan on file in Georgetown, Delaware) and all the area south of Rehoboth-by-the-Sea which is bounded on the east by the Atlantic Ocean, on the west by the Rehoboth Bay and which extends southward to the south side of Collins Street on the ocean block and 65 feet southerly of Anchor Way on the bay side and also includes 500 feet of the Atlantic Ocean adjacent to the shoreline.

(c)  
The ~~Town Council Commissioners of Dewey Beach~~ may, at any time hereafter cause a survey and plot to be made of said Town, and the said plot or any supplement thereto, when so made and approved by said ~~Town Council the Commissioners of Dewey Beach~~, signed by the ~~Mayor~~President, who shall affix thereto the municipal corporate seal of the Town, attested by the Secretary of the said the Commissioners of Dewey Beach, and upon being recorded in the Offices of the Recorder of Deeds of the State of Delaware, in and for Sussex County, shall be, or

the record thereof, or a duly certified copy of said record, shall be evidence in all Courts of Law and Equity of this State.

(d)

The ~~Town Council Commissioners of Dewey Beach~~ shall have the power to annex additional territory adjoining the corporate limits of the Town of Dewey Beach as hereinbefore set forth or as hereafter extended pursuant to the procedure hereinafter set forth and to apply to all such additional territory all laws, ordinances, resolutions and policies in force with the Town so far as they may be locally applicable. The ~~Town Council Commissioners of Dewey Beach~~ shall adopt a Resolution proposing to the property owners and the residents of both the Town and of the Territory proposed to be annexed that The Town of Dewey Beach proposed to annex certain territory which adjoins its then limits and territory. The Resolution shall contain a description of the territory proposed to be annexed and shall fix a time and place for a public hearing on the subject of the proposed annexation. The Resolution setting forth the information shall be printed in a newspaper having a general circulation both in The Town of Dewey Beach and in the territory proposed to be annexed at least ~~one week~~ fifteen (15) days prior to the date set for the public hearing, as well as posted at Town Hall, the Life Saving Station, and on the Town’s website. In addition, a reasonable effort will be made to send a personal letter to all qualified voters and property owners of record of the Town and all property owners of record in the territory proposed to be annexed at least fifteen (15) days prior to the date set for the public hearing. (78 Del. Laws, c. 346, 7/18/2012)

**Comment [DSK3]:** Change to better align with other notice requirements.

Following the public hearing, but in no event later than thirty (30) days thereafter, a Resolution shall then be passed by a majority ~~vote in a properly-noticed Town Council Meeting of the~~ Commissioners of Dewey Beach present ordering a Special Election for Annexation to be held not less than thirty (30) days nor more than sixty (60) days after the said public hearing on the subject of the proposed annexation. The passage of this Resolution shall ipso facto be considered the determination of the ~~Town Council Commissioners of Dewey Beach~~ to proceed with the matter of the proposed annexation.

**Comment [DSK4]:** This is how I approached the potentially ambiguous issue of “majority vote” throughout except where I thought the intent might have been for a supermajority or unanimous vote.

The notice of the time and place of holding the said Special Election for Annexation shall be printed within thirty (30) days immediately preceding the date of the Special Election in two (2) issues of a newspaper having a general circulation in The Town and in the territory proposed to be annexed, as well as posted at Town Hall, the Life Saving Station, and on the Town’s website at least fifteen (15) days prior to the date of the Special Election. In addition, a reasonable effort will be made to send a personal letter to all residents of and individuals otherwise qualified to vote in qualified voters and property owners of record of the Town of Dewey Beach and all residents and individual owners of record of real property owners of record in the territory proposed to be annexed at least fifteen (15) days prior to the date set for the Special Election. (78 Del. Laws, c. 346, 7/18/2012)

**Comment [DSK5]:** Voter eligibility. See other comnets in 1, 4a and 10b

At the Special Election for Annexation, every individual qualified to vote in Dewey Beach municipal elections property owner or leaseholder as defined in this Charter, whether an individual, partnership or corporation, shall be entitled to cast one vote and every bona fide resident of the Town of Dewey Beach who is not a property owner or leaseholder as defined in this Charter shall be entitled to cast one vote. At the said Special Election for Annexation, every bona fide resident or individual property owner of real property or leaseholder, as defined in this Charter, of the territory proposed to be annexed, whether an individual, partnership or corporation, shall be entitled to cast one ~~vote and every bona fide resident of the territory proposed to be annexed who is not a property owner or leaseholder as defined in this Charter~~

**Comment [DSK6]:** The current language permits voting in such Special Elections by corporations and partnerships. But such entities are not allowed a vote in elections for town office. The current draft amendment mirrors current registration requirements. Do we want to recommend changing this?

~~shall be entitled to cast one vote.~~ Property owners or leaseholders, as defined in this Charter, whose property or whose improvement located on leased land is exempt from taxation or ~~is in~~ not assessed shall not be entitled to vote. The books and records of the Town of Dewey Beach in the case of town property owners, or leaseholders as defined in this Charter or residents and the books and records of Sussex County in the case of property owners, leaseholders as defined in this Charter, or residents of the territory proposed to be annexed shall be conclusive evidence of the right of such persons, firms or corporations to vote at the Special Election.

In the event that an individual, ~~partnership or corporation~~ holds a power of attorney duly executed and acknowledged and specifically authorizing the said individual, ~~partnership or corporation~~ to vote at the said Special Election for Annexation on behalf of an otherwise-qualified voter, a duly authenticated copy of the power of attorney shall be filed in the office of the Town Manager of the Town of Dewey Beach. Said power of attorney as so filed shall constitute conclusive evidence of the right of said person, ~~partnership or corporation~~ to vote in the Special Election.

Voting machines shall be used in any annexation election and the form of the ballot to be inserted in the machine shall be as follows:

\_\_\_ For the proposed annexation

\_\_\_ Against the proposed annexation

(CHECK THE ONE BLOCK FOR WHICH YOU CAST YOUR VOTE)

The Mayor shall appoint three (3) persons to act as Election Officials, at least one (1) of whom shall reside and own property in the Town, and at least one (1) of whom shall reside and own property in the territory proposed to be annexed. One (1) of the said persons so appointed shall be designated the Presiding Officer. Voting shall be conducted in a designated municipal location in Dewey Beach ~~the Municipal Building~~ and the Election Officials shall have available, clearly marked, two (2) ballot boxes. All ballots cast by those persons, partnerships or corporations authorized to vote as residents, property owners or leaseholders in the territory proposed to be annexed shall be deposited in one (1) such ballot box, and all ballots cast by those persons, partnerships or corporations who are authorized to vote as residents, property owners or leaseholders of the Town shall be deposited in the other such ballot box. The polling places shall be opened from 1:00 p.m., prevailing time, until 6:00 p.m., prevailing time, on the date set for the Special Election.

**(77 Del. Laws, c. 42, 6/16/2009)**

Immediately upon the closing of the polling places, the Election Officials shall count the ballots for and against the proposed annexation and shall announce the result thereof; the Election Officials shall make a certificate under their hands of the number of votes cast for and against the proposed annexation, and the number of void votes, and shall deliver the same to the ~~Commissioners of~~ Dewey Beach Town Council. The said certificate shall be filed with the papers of the Town Council ~~Commissioners~~ of Dewey Beach.

**(77 Del. Laws, c. 42, 6/16/2009)**

In order for the territory proposed to be annexed to be considered annexed, a majority of the votes cast both from the Town and from the territory proposed to be annexed must have been cast in favor of the proposed annexation. In the event that the Referendum results in an unfavorable vote for annexation, a subsequent election may be held at any time. If a favorable vote for annexation shall have been cast, the Town Council ~~Commissioners~~ of Dewey Beach

**Comment [DSK7]:** To align with current practice and provide flexibility.

shall cause a description and a plot of the territory so annexed to be recorded in the Office of the Recorder of Deeds for Sussex County in Georgetown, Delaware, but in no event shall such recordation be completed more than ninety (90) days following the favorable referendum. The territory considered for annexation shall be considered to be a part of the Town of Dewey Beach from the time of recordation. The failure of the ~~Town Council Commissioners~~ of Dewey Beach to record the description and plot within the time hereinbefore specified shall not make the annexation invalid but such annexation shall be deemed to be effective at the expiration of the ninety (90) day period from the date of favorable election. (65 Del. Laws, c. 255, 4/8/1986)

**Section 3 Structure of Government.** ~~[[add clarifying definition?]]~~

The government of the Town and the exercise of all powers conferred by this Charter, except as otherwise provided herein, shall be vested in the ~~Town Council Commissioners of Dewey Beach~~. The ~~Town Council Commissioners of Dewey Beach~~ shall consist of five ~~Commissioners~~members, to be chosen as hereinafter provided. One of the said Commissioners shall have the title of "Mayor of the Town of Dewey Beach;" ~~(hereinafter referred to as "Mayor")~~ with duties hereinafter to be prescribed, and who shall also be ~~the President-presiding officer~~ of the ~~Town Council Commissioners of Dewey Beach~~.

~~INSERT HERE BRIEF PARAGRAPH RE: COUNCIL-MANAGER FORM OF GOVERNMENT (TO BE PROVIDED BY ELAINE)~~

**Comment [DSK8]:** As approved at the 3/10 CCRC meeting, need to add language to introduce the concept of a council-manager form of government. Elaine was to provide.

**Section 4 General Powers.** ~~[[unify language; update town goals;~~

(a)

The ~~residents of and individuals otherwise-qualified to vote~~ ~~inhabitants of in~~ the Town of Dewey Beach within the limits and boundaries referred to in Section 2 of this Act, or within the limits and boundaries hereinafter established shall be, and ~~they~~ are hereby, ~~constituted created a municipal corporation and~~ body politic ~~by and under the name of "Commissioners of Dewey Beach" and corporate in law and in equity by the corporate name of "Town of Dewey Beach,"~~ (hereinafter referred to as the ~~"Town Council" or "Council", "Corporation" or "Town"~~), and under that name shall have perpetual succession, and may have and use a corporate seal which may be altered, changed or renewed at pleasure; may sue and be sued; plead and be impleaded in all Courts of law and equity in the State of Delaware, and elsewhere, by said corporate name; may hold and acquire real property and personal property obtained by purchase, gift, devise or lease within or without its boundaries for any municipal purposes, in fee simple or for lesser estate or interest; and may sell, lease, hold, manage and control such property as its interest may require; and may do all other things which a body politic and ~~municipal corporation corporate~~ may lawfully do to carry out and effectuate the objects and purposes of this Act; subject, however, to other sections of this Act.

**Comment [DSK9]:** See comments in Section 1.

**Comment [DSK10]:** To match language in Sec 1.

**Comment [DSK11]:** Should this be corporation? Changes as per Sec 1 until question resolved

Except as hereinafter provided in this Charter relative to the power to issue bonds, the Town shall have all other powers and functions requisite to or appropriate for the governance of the Town; ~~the maintenance of its peace and order; the provision for its sanitation and the~~

maintenance of its infrastructure; the protection of its beauty and surrounding natural environment; the provision for the health, safety, convenience, comfort and well-being of its population and visitors; the protection and preservation of property, public and private, and the preservation of the character of the Town; the ensurance of financial sustainability; the provision of resilience in the face of global climate change; and the provision for the Town's culture and commerce to extend into the Spring and Fall shoulder seasons (hereinafter referred to as the "goals of Town governance" or "Town Goals"). ~~All and all~~ actions, suits or proceedings shall be brought in the name of the "Town of Dewey Beach."

**Comment [DSK12]:** As per discussion at the 3/10 CCRC meeting, updated language based on comp plan discussions. Need to amend 23a, 23a1 and 23a13 to mirror.

(b)  
The enumeration of particular powers by this Charter shall not be held to be exclusive, or to restrict in any manner the general powers conferred herein, but in addition to the powers enumerated herein, implied hereby, or appropriate to the exercise thereof, it is intended that the Town of Dewey Beach shall have, and may exercise all powers which, under the Constitution of the State of Delaware, ~~which~~ would be competent for this Charter to specifically enumerate. All powers of the Town of Dewey Beach, whether expressed or implied, shall be exercised as prescribed by this Charter; or, if not prescribed herein, as described by ordinance or resolution of the Town Council Commissioners.

**Section 5 Qualifications of Mayor and Commissioners.** [[clarification of "5 years" and removal from office]]

(a)  
Each Commissioner shall be at least 21 years of age. (78 Del. Laws, c. 346, 7/18/2012)

(b)  
Not less than two (2) of the Commissioners shall be designated Resident Commissioners. A Resident Commissioner shall have the following qualifications: 1) shall be a bona fide resident and domiciliary of the Town; and 2) shall own real estate within the Town or be both a settlor/creator and trustee of a valid trust to which real property which is located within the Town has been conveyed which conveyance is recorded in the Office of the Recorder of Deeds in and for Sussex County, or be a leaseholder of real estate in the Town under a valid lease with of a term of five (5) years or more regardless of time remaining on said lease. Any person applying as a leaseholder candidate pursuant to this subsection will be required to include a copy of asaid valid lease with a term of five (5) years or more with that person's his or her candidate filing. (76 Del. Laws, c. 273, 6/30/2008; 78 Del. Laws, c. 346, 7/18/2012)

**Comment [DSK13]:** Would it be simpler to say a registered voter over the age of 21 who is a bona fide resident of the Town?  
Ditto for the next sub-section without the residency requirement?

**Comment [DSK14]:** Is this how we want to interpret the "5 years" requirement?

**Comment [DSK15]:** What about the voter registration requirement for a copy of a qualifying trust document?

(c)  
Other Commissioners must either have the qualifications of a Resident Commissioner as defined above or be an owner of real estate within the Town or be both a settlor/creator and trustee of a valid trust to which real property which is located within Town has been conveyed which conveyance is recorded in the Office of the Recorder of Deeds in and for Sussex County, or a leaseholder of real estate within the Town under a valid lease of a term of five (5) years or more regardless of time remaining on said lease. Any person applying as leaseholder candidate pursuant to this subsection will be required to include a copy of a valid lease with a term of five (5) years or more with their his or her candidate filing. (78 Del. Laws, c. 346, 7/18/2012)

**Comment [DSK16]:** See above comment

**Comment [DSK17]:** Ditto above

(d)  
The Commissioner with the title of "Mayor of the Town of Dewey Beach" must be qualified as a Resident Commissioner.

(e)

If any one of the Commissioners shall, during ~~said Commissioner's his~~ term of office fail to continue to be qualified as above stated, ~~said Commissioner shall be removed from he shall ipso facto vacate his the~~ office of Commissioner by a majority vote of the remaining Commissioners present in a properly-noticed Town Council Meeting. The Town Council Commissioners shall be the final judges of the qualifications of ~~its number the members~~.

Comment [DSK18]: Added for clarification. Is this how we see this working out?

### **Section 6 Board of Elections. [[administrative edits]]**

(77 Del. Laws, c. 42, 6/16/2009)

(a)

The ~~Town Council Commissioners of the Town of Dewey Beach~~ shall appoint the Board of Elections members for a term of one (1) year. The Board of Elections shall consist of three (3) members. All members of the Board of Elections shall meet the appointment qualifications as specified in ~~15 Del. C. § 7501 et seq~~ 15 Del. Laws, c75.

(b)

Board of Elections appointees shall be confirmed by swearing or affirming, both orally and in writing, the oath specified in ~~15 Del. C. § 7501 et seq~~ 15 Del. Laws, c75. Board of Elections appointees shall be sworn or affirmed by the Alderman of the Town of Dewey Beach or the Mayor of the Town of Dewey Beach.

(c)

It shall be the duty of members of the Board of Elections, as empowered by 15 Del. Laws, c75 ~~15 Del. C. § 7501 et seq~~, and the ordinances of the Town, to perform prescribed duties with fidelity and without favor or electioneering to accomplish the proper conduct of municipal candidate elections within the Town of Dewey Beach.

(d)

Any member of the Board of Elections may be removed from office for cause after a properly-noticed public hearing before the Town Council by a majority vote of the Commissioners ~~present of Dewey Beach~~.

(e)

Activities of the Board of Elections shall be consistent with the Delaware Freedom of Information Act, ~~29 Del. C. § 10001 et seq~~ 29 Del. Laws, c100.

### **Section 7 Elective Offices. [[administrative edits; clarification of how to replace vacancies]]**

(a)

Each Commissioner shall be elected for a two-year term such term of office running from the organizational meeting immediately following the Commissioner's election to the one two years thereafter. All other offices shall be appointive and the person or persons filling such appointive offices shall be appointed by the Commissioners of Dewey Beach. (77 Del. Laws, c. 42, 6/16/2009)

(b)

In the case of a vacancy created in ~~any office of Commissioner of Dewey Beach or in~~ the office of Commissioner of Dewey Beach having the title of Mayor of the Town of Dewey Beach, either by death, resignation, loss of eligibility for the Office of the Mayor, residence or freeholdership, in the Town of Dewey Beach; or other disqualifying event, or otherwise, the remaining

Commissioners ~~of Dewey Beach~~ shall fill such vacancy for the ~~remainder residue~~ of the ~~one-year whole term of the vacating Mayor by the election of a sitting Resident Commissioner to the Office of Mayor by a majority vote in a properly-noticed Town Council Meeting of the Commissioners therein present.~~ Thereafter the Town Council shall fill the still-remaining vacancy amongst their number by the election of an appropriately-qualified candidate to the vacant office of Commissioner by a majority vote in a properly-noticed Town Council Meeting of the Commissioners therein present for the vacant office of Commissioner as follows.

**Comment [DSK19]:** Remedy in case of a vacancy of the Mayor's office.

~~In the case of a vacancy created in any office of Commissioner of Dewey Beach other than in the office of Commissioner of Dewey Beach having the title of Mayor of the Town of Dewey Beach either by death, resignation, loss of eligibility for Commissioner, or other disqualifying event, or otherwise, the remaining Commissioners shall fill such vacancy for the residue of the vacating Commissioner's term with an appropriately-qualified candidate by majority vote in a properly-noticed Town Council Meeting of the Commissioners therein present provided such election results in a minimum of two (2) of the Town Council's number qualifying as Resident Commissioners.~~

**Comment [DSK20]:** Remedy for vacancy of a commissioner.

(c)  
If any elective or appointive officer, ~~agent or employee~~ be found guilty of any felony anywhere in the United States, ~~such officer he~~ shall forthwith be disqualified to act as such officer and ~~he~~ shall ~~be removed from such office by a majority vote in a properly-noticed Town Council Meeting of Commissioners therein present. Subsequently such, ipso facto vacate his elective office; which~~ office shall be filled by the Commissioners of Dewey Beach as in the case of other vacancies.

**Comment [DSK21]:** Not clear this final sentence is necessary; possibly covered in 7b.

**Section 8 Organization.** [[administrative edits; definition of Secretary's duties & election; update compensation language]]

(a)  
The ~~Town Council Commissioners of Dewey Beach~~ shall hold an ~~Organizational m~~Meeting of the ~~Town Council~~ no sooner than seven (7) days following the annual election for the purpose of organization at the usual place for holding meetings of the ~~Town Council Commissioners of Dewey Beach.~~ ~~At that meeting the Commissioners elected shall elect one (1) of the Commissioners as the presiding officer of the Commissioners of Dewey Beach for a term of one (1) year. If the Commissioners are unable to elect one (1) of their number as a presiding officer then such officer shall be chosen for the Commissioners, by lot, by the Commissioners. The presiding officer shall be called the 'Mayor.'~~ (77 Del. Laws, c. 42, 6/16/2009)

**Comment [DSK22]:** This text has been moved to the next sub-section to provide for the logical flow: swear into office new Commissioners prior to election of the Mayor.

(b)  
During the ~~Organizational m~~Meeting, the newly elected Commissioners shall assume the duties of their respective offices, being first duly sworn or affirmed to perform their duties with fidelity, which oath or affirmation shall be taken before a Notary Public, the Alderman of the Town of Dewey Beach, or by a holding-over member of the ~~Town Council Commission.~~ ~~Subsequently, At that meeting~~ the Commissioners shall elect ~~by majority vote of the Commissioners present~~ one (1) of their number ~~to serve~~ as the presiding officer of the Town Council for a term of approximately one (1) year ~~such term running through the subsequent Organizational Meeting.~~ If the Commissioners are unable to elect one (1) of their number as ~~the~~ presiding officer then such

**Comment [DSK23]:** Presumably the mayor-designee can not vote here. Does this need to be explicitly stated?

officer shall be chosen for the Commissioners, by lot, by the Commissioners. The presiding officer shall be called the 'Mayor.' The Commissioners shall then likewise select a Secretary of the Town Council (hereinafter referred to as "Secretary") from their own number to serve until the subsequent ~~Organizational~~ ~~Meeting after the next succeeding election.~~ Said Secretary shall be responsible for taking and keeping minutes of Executive Sessions of the Town Council, coordination with the Town Clerk on the development and keeping of minutes of all Town Council Meetings, presiding over Town Council Meetings when the Mayor is unavailable and all other responsibilities of the Mayor when the Mayor is unavailable. ~~The Town Council~~ ~~may~~ also likewise elect ~~choose~~ other officers and employees as may be determined to be necessary to facilitate the Town Council operations. (77 Del. Laws, c. 42, 6/16/2009)

**Comment [DSK24]:** This section first moved, then edited with track changes.

**Comment [DSK25]:** Is this the intent? Is it now clearer?

(c) ~~The Town Council Commissioners~~ shall by ordinance fix the total amounts of any salaries or compensation ~~paid to of the employees and officers on a department by department basis as a part of the annual budget approval process.~~ Salaries or compensation of individual employees or officers shall be set by the appropriate Department Head with the approval of the Town Manager, and agents of the Town, and the time and manner of his or her, or their payment; provided, that the salary or compensation of any such employee, officer or agent shall not be increased, during the term of said office should said appointment thereto be for a designated term. ~~No officer, employee or officer agent of the Town shall in any form have, take, or receive from the Town or otherwise any compensation, in any form, in addition to the salary or compensation so fixed by the Town Council Commissioners.~~

**Comment [DSK26]:** Should there be a penalty for this happening? To the offending department head or the employee, or both? There are lots of examples of this occurring.

**Comment [DSK27]:** Does this now make sense?

**Comment [DSK28]:** Shift from the Council causing to be kept to the Town Manger who is actually responsible for keeping. Is this reasonable?

**Comment [DSK29]:** There was some desire to prohibit indefinite terms in the future. Do we have grandfathered cases? Should we update to prohibit indefinite terms?

(d) ~~The Town Manager Commissioners~~ shall ~~cause to be kept~~ keep a full and complete record of all officers appointed, and employees and agents hired by the Town, containing the names of such officers, employees and agents, the dates of their employment, any salary ~~of or~~ compensation to be by them received and the date of the termination of their services. In the event that any person holds office for an indefinite term, the record shall so state.

**Section 9 Method of Filing for Office of Town Commissioners. [[administrative changes]]**

No person shall be voted upon as a candidate for the office of Commissioner unless at least thirty (30) days before the date set for the election of said officers ~~they he~~ shall have filed with the ~~Town Manager Commissioners of Dewey Beach~~ a letter or other certificate setting forth that said candidate he will be a candidate for Resident Commissioner or Non-resident Commissioner a certain designated office. The ~~Town Manager Commissioners of Dewey Beach~~ shall not permit the name of any such candidate to be accepted and included on the election ballot filed except such candidate as shall meet the requirements of Section 5 of this Chapter. The Town Manager shall promptly notify the members of the Town Council of the names and qualifications of such qualified candidates who have filed for the offices of Commissioner.

**Comment [DSK30]:** Filing with the Town Manager rather than Council as discussed at 3/10 CCRC meeting.

**Comment [DSK31]:** Provides for notification of the Council members.

**Section 10 Manner of Holding Elections. [[administrative changes; clarification of voting rights; clarification of voting poll times]]**

(a) Annual ~~m~~Municipal ~~e~~Elections for the Office of Commissioner of Dewey Beach shall be held on the third Saturday of the month of September, except that, in any year when the third Saturday of

the month of September conflicts with either day of Rosh Hashanah (Jewish New Year) or Yom Kippur (Jewish Day of Atonement), ~~a~~Annual ~~m~~Municipal ~~e~~Elections shall be held on the fourth Saturday of the month of September. ~~Such A~~annual ~~m~~Municipal ~~e~~Elections shall be held from 10:00 a.m. to 6:00 p.m. ~~prevailing time~~ at such place or places as shall be determined by the Commissioners, due notice of which shall be given by posting notices thereof in two (2) conspicuous places within the corporate limits of the Town of Dewey Beach; and by publication in a newspaper of general circulation in the community not less than fifteen (15) days before the day of such annual election. ~~;~~ ~~provided, however, that i~~n the event that there is no contest for any of the several offices up for election in any year, the polls shall ~~not be required to open remain open after 10:00 a.m. prevailing time~~ ~~except in the case of there being other items on the election ballot beside the offices of Commissioner in such case the polls shall be open from 10:00 a.m. to 6:00 p.m.~~ The Town Commissioners shall have the power and authority to enact by ordinance certain voter registration procedures as are deemed reasonably necessary to provide for the orderly and efficient conduct of municipal ~~elections including provisions for the casting of provisional ballots,~~ provided that no such ordinance shall alter the qualifications of voters as herein below set forth, nor shall such ordinance unduly impair the right to vote in a municipal election. No person ~~shall may~~ be eligible to vote unless properly registered. No person ~~shall may~~ cast more than one ballot. (74 Del. Laws, c. 370, 7/19/2004; 77 Del. Laws, c. 42, 6/16/2009; 77 Del. Laws c. 354, 7/12/2010)

(b)

Each person eighteen years of age or older, who is a bona fide resident and domiciliary of the Town of Dewey Beach, or who is an owner of real property within the Town, or who holds a valid lease ~~with for~~ a term of five years or more on property within the Town, ~~or who is both a settlor/creator and trustee of a valid trust to which real property which is located within the Town has been conveyed which conveyance is recorded in the Office of the Recorder of Deeds in and for Sussex County~~ shall be qualified to vote in the ~~Annual Municipal e~~lection of Dewey Beach ~~of Town officials~~ as herein provided ~~and in all other Special Elections undertaken by the Town of Dewey Beach as may be described elsewhere (such persons hereinafter referred to as "qualified voters")~~. A ~~qualified~~ leaseholder as described above seeking qualification as a voter under this subsection ~~shall will~~ be required to file a copy of ~~said a~~ valid lease at the time of voter registration. ~~A nonresident person eighteen years of age or older who is both a settlor/creator and trustee of a valid trust to which real property which is located within the Town has been conveyed which conveyance is recorded in the Office of the Recorder of Deeds in and for Sussex County~~ Similarly, a qualified settlor/creator and trustee as described above shall be required to ~~file qualified to vote in the election of Town officials, provided that the said valid~~ Trust document ~~which identifying ies~~ the trustee(s) and the settlor(s)/creator(s) ~~must be presented~~ at the time of registration. (74 Del. Laws, c. 369, 7/19/2004; 78 Del Laws, c. 346, 7/18/2012)

(c)

Every ~~municipal~~ election ~~including the Annual Municipal Election and all Special Elections except for any Special Election for the annexation of territory as described in Section 2 of this Chapter~~ shall be held under the supervision of the Election Officials. The Election Officials shall consist of one (1) Inspector of the Election and such Officers of the Election as shall be appointed by the Commissioners of Dewey Beach. The Inspector and such Officers constituting the Election Officials shall be qualified voters of the Town of Dewey Beach and shall be appointed for that purpose by the ~~Town Council Commissioners~~ at least thirty (30) days before such Annual Municipal Election. If, at the opening of the polls, the Election Officials (or any one

Comment [DSK32]: Are these reasonable and responsible changes?

Comment [DSK33]: Input request from the Elections Committee.

Comment [DSK34]: Shall versus may?

Comment [DSK35]: The Charter conceives of a variety of elections, but doesn't discuss voter eligibility requirements for all types (does for annexation elections; such qualifications being different). Is this okay?

Comment [DSK36]: Is this a good definition of qualified voters? To be used elsewhere.

Comment [DSK37]: Moved up

Comment [DSK38]: Broadens to all elections except ones for annexation. Is this reasonable?

of them) are not present, then in such case the persons qualified to vote at such election and present at the opening of the polls shall, by viva voce, select a qualified voter or voters to act as the Election Officials to fill such vacancies caused by the absence of the Election Officials. Election Officials shall be Judges of the Election, and shall decide upon the legality of the votes offered. The Election Officials shall keep a true and accurate list of all voters voting at the Annual Municipal Election. The Board of Elections shall have the power to subpoena persons and officers of the Town, and to subpoena books, records and papers relative to the determination of the validity of any vote or votes offered. (77 Del. Laws, c. 42, 6/16/2009)

(d)

Upon the close of ~~any the~~ election, the votes shall be computed and announced publicly. Upon the close of the Annual Municipal Election for the Office to Commissioner of Dewey Beach, the votes shall be computed and announced publicly. ~~and~~ The qualified persons having the highest number of votes shall be declared, by the Election Officials, to be duly elected provided such declaration results in a Town Council that will be comprised of a minimum of two (2) Resident Commissioners and if not, the highest vote-getting candidate(s) for Resident Commissioner as required for a Town Council having a minimum of two (2) Resident Commissioners plus the highest vote getting candidate(s) for the remaining opening(s) on the Town Council shall be declared to be duly elected; and such persons shall continue in office during the terms for which they were chosen, or until their successors are duly elected or appointed and qualified. (77 Del. Laws, c. 42, 6/16/2009)

**Comment [DSK39]:** Provides clarification of process re: resident commissioner requirements. Is this clear?

(e)

In the event of a tie vote for any office, the Election Officials shall determine the tie by lot. (77 Del. Laws, c. 42, 6/16/2009)

(f)

The Election Officials, as soon as possible after the polls have closed and the results announced, shall deliver all election documents, envelopes, and absentee ballots to the Board of Elections. The Board of Elections shall secure the documents, envelopes, and absentee ballots until such time that they need to canvass the election. (77 Del. Laws, c. 42, 6/16/2009)

(g)

The Election Officials shall enter in a book, to be provided for that purpose, a minute of the election, containing the names of the persons chosen. The book, containing such matters, shall be preserved by the Town Manager on behalf of the Town Council Commissioners and shall be evidence in any Court of Law and Equity. (77 Del. Laws, c. 42, 6/16/2009)

**Comment [DSK40]:** Who should be delegated?

(h)

Ballots may be cast in person or by absentee ballot in all elections. Absentee voting shall be in compliance with the applicable provisions of 15 Del. Laws, c. 75C, § 7501 et seq. (77 Del. Laws, c. 42, 6/16/2009)

**Section 11 Meetings.** [[admin changes; meeting requirements]]

(a)

The Town Council Commissioners of Dewey Beach shall hold meetings at the call of the Mayor ~~(or at the call of a majority of Commissioners).~~

(b)

The Town Council Commissioners of Dewey Beach shall have the same power and authority to enact all ordinances, adopt all resolutions, pass all motions, make all orders and transact all

business at such meeting, called as aforesaid. There shall be not less than one meeting held per ~~month except that with a majority vote in a properly-noticed Town Council Meeting of Commissionerers present one month a year may designated to be passed over with no such meetingealendar quarter.~~

**Comment [DSK41]:** As per discussion at 3/10 CCRC meeting.

(c)

All meetings shall be subject to the provisions of ~~Title 29 Del. Laws, c.100 Chapter 100, Delaware Code.~~

**Section 12 Quorum.** ~~[[admin edit]]~~

A majority of the Commissioners appointed or elected to the Town ~~Council Commissioners of Dewey Beach~~ shall constitute a quorum.

**Section 13 Rules of Procedures and Minutes of the Town Commissioners.** ~~[[admin edits:availability of Council's rules & regs]]~~

The ~~Town Council Commissioners~~ shall determine ~~its their~~ own rules of procedure and order of business. ~~The Town Manager They~~ shall keep a record of ~~said rules and procedures and a record of the Town Council's their~~ proceedings, ~~such record including but not limited to written minutes and audio recordings of said proceedings, on the Town Council's behalf and such the~~ records shall be open to public inspection ~~both at Town Hall and on the Town web site.~~ Every ordinance shall be introduced in writing. No ordinance shall be passed unless it shall have the affirmative vote ~~in a properly-noticed Town Council Meeting by of~~ a majority of the Commissioners ~~present.~~ Vote on any ordinance shall be by voice vote, and the vote of each Commissioner on any ordinance shall be entered on the record.

**Comment [DSK42]:** Is this appropriate?