**Charter Sections for Review, Discussion, and Recommendation**

[**Section 5. Qualifications of the Mayor and Town Commissioners.**](https://ecode360.com/print/DE2129?guid=12077425#12461074)

[(b)](https://ecode360.com/print/38986114#38986114)

At all times, no less than 2 sitting Commissioners must qualify as Resident Town Commissioners. A Resident Town Commissioner is a bona fide resident and domiciliary of the Town.

**Issue**

If an election has only one resident candidate and one open resident council position, is appointment automatic?

[**Section 8. Organization.**](https://ecode360.com/print/DE2129?guid=12077425#12461085)

(b)(3)(c)

The Town Council shall, by ordinance, fix the total amounts of the salaries or compensation paid to employees and officers on a department by department basis as part of the annual budget approval process. The salaries or compensation of individual employees or officers must be consistent with the staffing plan approved as part of the annual budget process and are set by the appropriate department head, with the approval of the Town Manager. An employee or officer of the Town must not have, take, or receive from the Town or otherwise, any compensation, in any form, in addition to the salary or compensation fixed by the Town Council under this subsection.

**Issue**

Redundancy with Section 22 of Charter

Responsibilities of Council for approving salary plan and monitoring compliance

**Section 10. Manner of Holding Elections, Voter Registration, and Voter Qualifications**.

New paragraph (5) in (b)

Is the managing member of the LLC, LLP, or Corporation (only 2 votes per entity) to which real property located within the Town has been conveyed and that conveyance recorded in the Office of the Recorder of Deeds in and for Sussex County. A person registering to vote under this Subsection (b)(5) shall file the corporate document identifying the managing member at the time of voter registration, and each time the corporate documents are modified in a manner that affects the person's status as a member, including termination of the corporation.

**Issue**

Expand voting rights to a member of LLC, LLP, or Corporation by adding new paragraph above.

**Section 16. Responsibilities of the Town Manager.**

(f)

The Town Manager shall have charge and supervision of the sewer system, water system, street lighting, streets, gutters, curbs, sidewalks, boardwalks, jetties, piers, parks, and other administrative affairs of the Town and all work relating thereto. The Town Manager shall have charge of and shall collect all taxes, assessments, rentals, franchise fees, license fees, or other charges due the Town. The Town Manager shall have charge of the administration of all provisions of this Charter and ordinances and resolutions of the Town Council relating to the affairs of the Town when not otherwise provided for by this Charter or by any ordinance or resolution of the Town Council.

**Issue**

Should parking administration be added to the list of responsibilities?

**Section 17. Audit Committee; Auditors.**

[(a)](https://ecode360.com/print/38986280#38986280)

The Audit Committee (Committee) shall be composed of not less than 3 individuals who are qualified under Section 10(b) of this Charter to vote in the Town of Dewey Beach and who have no relationship to the Town that may interfere with the exercise of their independence from the Town's management and the Town. The Chairperson and members of the Committee shall be appointed by the Town Council to serve for a term of 1 year. Each member of the Committee must be financially competent and at least 1 member must have accounting or related financial management experience. The principal purpose of the Committee is to provide oversight of the annual audit of the Town financial statements, to recommend the hiring of an independent financial audit firm, to assess the qualifications and independence of the firm and to negotiate a price for the audit, to review the performance of the independent audit firm, to review the firm's audit report and assessment of the Town's accounting and reporting practices and internal control systems, and to recommend acceptance or rejection by the Town Council of the audit report.

**Issue**

Does the Audit Committee need explicit authority to release the audit firm from a multi-year contract as was recently necessary?

**Section 19. Police Force; Chief of Police; Beach Patrol.**

[(b)](https://ecode360.com/print/38986283#38986283)

The Town Council shall appoint a Chief of Police to head the Police Force. The Town Council shall select the Chief of Police from at least 3 candidates, recommended by the Town Manager, who meet the qualifications established by the Town Manager and approved by the Town Council, and who satisfy the requirements of the Delaware Council on Police Training under Regulation 800 of Title 1 of the Delaware Administrative Code. A candidate must receive 3 or more favorable votes from Commissioners on the Town Council to be appointed as the Chief of Police.

**Issue**

Is amendment needed to clarify hiring of a candidate pending completion of training?

(d)(1)

The Captain of the Beach Patrol may serve under an employment contract, but the term of the contract must not exceed 3 years. The employment contract must not automatically renew, but subject to the Town Council’s approval, the employment contract may be renewed by the Town Manager for an indefinite number of terms. The Beach Patrol Captain must be disciplined or terminated in accordance with the terms of the employment contract, and in the absence of an employment contract, the Beach Patrol Captain is an at-will employee.

**Issue**

Should a contract of no more than 3 years be required for the Beach Patrol Captain?

**Section 20 Alderman and Assistant Alderman.**

[(m)](https://ecode360.com/print/38986312#38986312)

Civil and Criminal Penalties; Costs. Neither the Alderman nor the Assistant Alderman may impose a penalty in excess of $1,000, exclusive of costs, or imprison an offender for more than 30 days, or both, except as otherwise specifically provided in this Charter or by state statute; but the Alderman and Assistant Alderman may, in addition to any other fine or term of imprisonment permitted to be assessed or imposed, impose and collect such costs as are set by ordinance or resolution of the Town Council.

**Issue**

Should penalty figures be updated? Does this conflict with other penalty provisions, especially regarding removal of trees?

**Section 23. Enumeration of Powers.**

(a)(10)

To borrow money in the name of the Town for any proper municipal purpose, and in order to secure the payment of the same, to issue bonds or other kinds or forms of certificate or certificates of indebtedness, pledging the full faith and credit of the Town or other security or securities as the Town Council shall select, for the payment of the principal thereof and the interest due thereon, all of which bonds or other kinds or forms of certificates of indebtedness issued by the Town shall be exempt from all State, county, or municipal taxes; provided, that in no event shall the indebtedness of the Town, for any and all purposes, at any one time exceed in the aggregate $3,000,000.

**Issue**

Eliminate redundancy with Section 26?

(16)

The Town Council has the authority to levy and collect an accommodations tax upon the renting or leasing of residential property located within the municipal boundaries of Dewey Beach, as follows:

[a.](https://ecode360.com/print/38986369#38986369)

No accommodations tax for a residential rental may be collected upon any of the following:

[1.](https://ecode360.com/print/38986370#38986370)

A valid rental agreement or valid lease agreement with a term of at least 1 year.

[2.](https://ecode360.com/print/38986371#38986371)

The rental or lease of any room or rooms in a hotel, motel, or tourist home as defined under § 6101 of Title 30 of the Delaware Code.

[b.](https://ecode360.com/print/38986372#38986372)

The accommodations tax on a residential rental is as set from time to time by the Town Council, but may not exceed 3% of the rent or lease amount unless approved by referendum.

[(17)](https://ecode360.com/print/38986373#38986373)

To impose and collect a lodging tax of no more than 3% of the rent, in addition to the amount imposed by the State under Chapter 61 of Title 30 of the Delaware Code, for the occupancy of any room or rooms in a hotel, motel, or tourist home that is located within the boundaries of Dewey Beach, A lodging tax under this Subsection (a)(17) must be imposed as follows:

[a.](https://ecode360.com/print/38986374#38986374)

May not be imposed before April 1, 2021.

[b.](https://ecode360.com/print/38986375#38986375)

The initial rate may not exceed 1.5%.

[c.](https://ecode360.com/print/38986376#38986376)

The rate may not be increased by more than 0.5% annually.

**Issue**

Can paragraphs 16 and 17 be removed from the Charter and addressed only in Section 167 of the Code?

**Section 26. Borrowing Money and Issuing Bonds.**

[(a)](https://ecode360.com/print/38986400#38986400)

The Town Council may borrow money, in an aggregate amount that does not exceed $3,000,000 unless approved by a referendum. To secure the payment of money borrowed under this section, the Town Council is authorized and empowered to issue bonds or other kinds or forms of certificate or certificates of indebtedness pledging the full faith and credit of the Town of Dewey Beach, or such other security or securities as the Town Council elects, for the payment of the principal thereof and the interest due thereon.

**Issue**

Is borrowing limit sufficient?

**Section 33. Prohibition On Gambling**.

Except for lotteries as conducted by the State and nonprofit charitable gaming as permitted by State Law, gambling shall be prohibited within the Town limits.

**Issue**

Does this permit sales of national lottery tickets or is amendment needed?