

SPECIAL COUNCIL MEETING

A Special Council Meeting was held on October 17, 1989 at 7:30 p.m. with Mayor Richter presiding. The meeting was held specifically for the purpose of holding a public hearing on a proposed Charter revision to provide for a full-time Mayor. Members of Council present were Mr. Hall, Mr. Daisey, Mrs. Legates, Mr. Lynn, Mr. Christiansen, Mr. Levitt, Mr. Salters, Mr. VanSant and Mr. Weyandt.

Mayor Richter summarized the proposal, stating that the City Solicitor has prepared draft legislation that would provide for a full-time Mayor for the City of Dover. If approved by Council, the legislation would be submitted to the General Assembly for their approval in January. The filing deadline for the office of Mayor is January 31, 1990. Mayor Richter explained that public input is invited and that additional public hearings will be held if necessary. He stated that the concept of this proposal has been considered by two former Charter Review Committees which will be addressed during this meeting. With the recent resignation of the City Manager, it was felt that if a change is to be made it should be done prior to employment of a new Manager. Basically, the proposal makes the following changes:

- Mayor shall become a full-time employee and shall be the executive and chief official of the City.
- Mayor shall appoint the City Manager with Council confirmation; Mayor may terminate City Manager appointment .
- The salary of the Mayor will be set by Council.
- City Clerk will report to Council.
- Finance Director/Comptroller will report to Mayor and Council.
- Chief of Police will continue to report to the Mayor.
- City Manager will report to Mayor.
- All other department heads will report to City Manager, including Inspector/Planner and Assessor who formerly reported to Mayor and Council.

Mayor Richter opened the meeting for public input.

JAMES JACKSON

Mr. James Jackson, member of the 1986 Charter Review Committee, reviewed the proposals of their report. This Committee reviewed in detail the four basic forms of government in an attempt to recommend the most desirable form for the City of Dover, and made the following recommendations:

- "1. Following the evolution and development of the system of government in our country, we should continue, in the municipal government of Dover, to maintain the separate duties and functions of the executive branch (Mayor and administrative offices) and the legislative branch comprising the City Council. These branches with their duties and responsibilities are well spelled out in the present City Charter.

2. Dover has functioned well under its present Charter with some changes and amendments as needed. We recommend that the present Charter be retained and that certain corrections be made as this report will suggest.

3. At present, the City Manager, the City Clerk, the City Treasurer, the City Assessor, the City Building Inspector and the Fire Marshal are reporting to the City Council. To be compatible with the best form of government, as we perceive it, these administrative offices, with the exception of the City Assessor, should report directly to the Mayor rather than to the City Council. Thus, executive branch responsibilities would be coming to the attention of the Mayor who is the chief executive. In turn, the Mayor would be in a position to communicate directly to the Council regarding any of these important administrative functions.

4. To maintain a uniformity in that branch of government, we recommend further that the City Manager, the City Clerk, the City Solicitor, the Chief of Police, the Fire Marshal, the Building Inspector and the City Treasurer should be appointed by the Mayor of Dover, reporting directly to the Mayor, but approved and confirmed by the City Council.

5. The above recommendations notwithstanding, the Dover City Charter Review Committee is not yet ready to recommend a pure strong Mayor form of government. Thus, for a period of at least five years from the present we recommend a continuance of our present Charter requirement for a City Manager to administer the day-to-day affairs of the City. But we stress again that current Council appointments should, in the future, be the Mayor's choice with approval and confirmation of the Council.

6. Presently, there is no method to break a tie vote. Should we continue to have an even number of Councilpersons, it is recommended that the Mayor be empowered to break a tie vote. Most feel that a tie vote should never be construed as a no vote. However, Mr. James B. Jackson dissents from the majority, noting that this matter would be appropriately resolved through the selection of an uneven number of Councilpersons. Empowering the Mayor to break a tie vote, Mr. Jackson stresses, places the Mayor in a legislative posture; the legislative function is the exclusive province of the Council.

Though we perhaps depart from our specific charge, we feel compelled to indicate that the City committee structure is not a Charter covenant. This structure should be discarded in favor of a Committee of the Whole approach that would relieve the City Council members from attending numerous meetings and allow the Mayor to be knowledgeable of referral items discussed by staff and Council prior to the regular meetings of the City Council. The present committee structure fragments important staff presentations to individual committees and Council members feel obligated to attend all meetings rather than wait for the formal presentation of the committee deliberations at a regular Council meeting."

Many questions were posed to Mr. Jackson by members of Council in an attempt to further explain the position taken by the Charter Review Committee. (An official recording is on file in the Office of the City Clerk.) Clarifying the term "strong mayor", Mr. Jackson stated that at the time his committee reviewed the Charter structure, they did not specifically review the concept of a full-time, paid Mayor.

JOHN JARDINE

Mr. John Jardine, Chairman of the 1989 Administrative Review Committee, summarized the report of his committee, stating that they were charged with reviewing the administrative structure of the City of Dover. The basic recommendations of this committee were:

"BASIC RECOMMENDATIONS

RECOMMENDATION I: The day-to-day operation and management of the city should be in the hands of a full-time professional manager. That professional manager should report to one elected official who is responsive to the entire city populations (i.e., elected at large).

The key consideration in this recommendation is that there should be one clear simple chain of command so that all the resources of the city (whether brain power, man power, equipment, or finances) can be managed most efficiently and cost effectively for the overall long-term benefit of the city population.

RECOMMENDATION II: City Council should establish specific objectives for administration of the city and identify the measurements to be used in judging the effectiveness of operations. Using measurements determined by Council, the City Manager should evaluate each department at least annually and formally report the results of the evaluation to Council through the Mayor. Similarly, the Mayor should evaluate the City Manager at least annually and formally report the results of that evaluation to Council.

ALTERNATIVES FOR IMPLEMENTATION OF RECOMMENDATION I

ALTERNATIVE I: City Council functions in a legislative and oversight manner with no direct responsibility for day-to-day management. The department heads of the city, with the exception of the Police Chief, report to a hired professional City Manager who reports to the Mayor. The Police Chief also reports directly to the Mayor. The City Manager and Police Chief are both hired and fired by the Mayor, with the advice and agreement of Council required.

ALTERNATIVE II: City Council functions in both a legislative and managerial/administrative role. The department heads of the city, with the exception of the Police Chief, report to a hired professional City Manager who reports to the President of City Council. The Police chief also reports directly to the Council President. The City Manager and the Police Chief are both hired and fired by the Council President, with the advice and agreement of the full Council and the Mayor required.

ALTERNATIVE III: As a slight variation on either Alternative I or II, auditing, inspection, and assessment functions can report either through the City Manager or directly to the chief elected official. If these functions report through the City Manager, clearly identified and legally sanctioned "dotted lines" should exist that hold both the City Manager and these department heads responsible for performance."

Mr. Jardine stated that the proposed organizational structure fits fairly well into the scheme proposed by his committee. The proposal calls for the City Clerk to report to Council and the Treasurer/Comptroller to report to the Mayor and Council. Although his committee did not make this recommendation, he stated that he agreed with the recommendation for the City Clerk. He questioned the need to have the Treasurer/Comptroller report to the Mayor and Council but did not strongly disagree with the proposal.

His committee did not directly review a proposal for a full-time, paid Mayor; however, they did recommend that most department heads report to someone that is elected City-wide. Responding to questions, Mr. Jardine reminded those present that the Council President will not necessary be someone that is elected City-wide. Members of Council must determine if this job would require a full-time position. Mr. Jardine suggested that Council determine exactly what the job responsibilities of the Mayor will be and then judge if it warrants a full-time position.

CRAWFORD CARROLL

Former Mayor Crawford Carroll addressed the issue of a full-time Mayor, stating that having served the City of Dover for over 20 years, he fully supports the concept of a full-time Mayor. He alluded to the growth of our City, stating that the Mayor's responsibilities have also grown and that it is impossible to perform this function on a part-time basis. As an official that is elected City-wide by the voters of this City, Mayor Carroll stated his opinion that the Mayor should perform his duties, not hire an administrator to carry out those responsibilities.

Referring to the current structure of the Police Chief working under the jurisdiction of the Mayor, Mayor Carroll suggested that members of Council look to this as an example of how the proposed structure would work. The Police Department is professionally operated under the direction of a professional Police Chief that reports to the Mayor. Never in the history of the City of Dover, has a Police Chief been appointed that is incapable of carrying out his responsibilities. A professional City Manager could be appointed in this same manner. If this change takes place, Mayor Carroll suggested that the term "City Manager" be changed to "City Administrator".

Mayor Carroll alluded to problems that occur with an individual having ten bosses, stating that under the current structure, the Mayor has absolutely no jurisdiction over Council employees since he cannot vote to hire/fire these individuals. Alluding to the need to have the Treasurer from under the City Manager's jurisdiction, he stated that the person collecting the money should never be the same person responsible for the accountability of the money.

The true setup should be that the Council sets the legislative structure by passing rules, regulations and legislation that is necessary to run the City

properly. It should be up to the Mayor to ensure that departments are carrying out the guidelines set by Council. Mayor Carroll noted that Mr. Lynn has expressed concern of a possible conflict of interest with current members of Council voting for a full-time Mayor in the event they may wish to run for the office. He disagreed, stating that the selection of the next Mayor will be made by the voters, not by the current Mayor or Council members. Mayor Carroll ended his remarks by asking that members of Council be a legislative body and give the Mayor the authority to carry out the wishes of Council.

WILLIAM HART

Mr. William Hart, a former elected official from another locality, informed those present that he has encountered former Mayor Carroll all over the country while attending different national conferences. Mayor Carroll devoted his life to promoting the City of Dover which is something that very few people are willing or able to do. Mr. Hart asked Council to imagine a child with a part-time mother, a State with a part-time Governor, a country with a part-time President, or schools with a part-time principal. Mr. Hart stated that the City of Dover needs a leader on a full-time basis. The Council/Manager form of government is normally recommended for towns with populations of less than 10,000. When a problem in the City occurs, someone must be able to accept responsibility and offer explanation to the people.

Mr. Hart stated his feeling that department heads should report to the Mayor, and should always have direct access to the Mayor. This is the system utilized throughout our federal government system and it works well. Regarding the question, "what will a full-time Mayor do", Mr. Hart stated that Mayors do everything, often having to give up their personal time in addition to their professional time in order to get the job done.

In conclusion, Mr. Hart stated that the shortcomings with the present system, as outlined by former Mayor Carroll, should be seriously considered by members of Council.

CHARLES WELLER

Mr. Charlie Weller, President of the Crossgates/Mayfair/Sherwood/Wedgewood Civic Association, requested that the City attempt to get out more information to the public on this subject. After surveying several residents in his area, he found that many people had very little information on the proposal for a full-time Mayor. He stated that he learned a great deal from attending the public hearing and urged other citizens to participate.

RUTH TEE

Ms. Ruth Tee expressed her opposition to the proposal for a full-time Mayor, feeling that it would become a political boondoggle. She stated that an elected official does not necessarily have the required skill to professionally run a City. Ms. Tee suggested that local radio stations stage debates on the issue of a full-time Mayor so that more people can become involved.

ROBERT BERGLUND

Mr. Bob Berglund stated that he agrees with the general principals of accountability, responsibility and authority. However, he supports the principle of a full-time Mayor, feeling that the electorate of the City of Dover is wise enough to elect a competent Mayor. He has enough faith in the people of Dover to believe that the proposed plan would work well.

DR. HOWARD ROWE

Dr. Howard Rowe addressed the issue of a proposed full-time Mayor position. Although he has never held a public office, he has a great deal of experience in civics and democracy, gained from his teaching career. Dr. Rowe felt that the real issue before Council is the question of separation of legislative and executive responsibilities. In making this decision, Council must determine if they wish to be policy makers or administrators of policy. The current Council seems to make many administrative decisions which should be handled by the executive branch. An alternative to the proposed plan was offered by Dr. Rowe. He suggested that all department heads report to the Mayor, subject to the confirmation of Council. This is the method utilized by the state and federal governments. Dr. Rowe felt that the Mayor should only attend Council meetings when invited by Council or when required. He also felt that staff members should not be present at Council meetings. Dr. Rowe objected to the Finance Director/Comptroller reporting to Mayor and Council, reminding Council that it is difficult for one person to serve two masters.

He urged members of Council to take their time to fully review the proposal and not to heed to a January deadline, stating that the legislation could become effective at some future date. In reviewing the proposed legislation, Dr. Rowe listed several grammatical errors and proposed language modifications. The suggestions were so noted by the City Clerk and will be referred to the City Solicitor for further review.

BEN BOWINGS

Mr. Ben Bowings was unable to attend the public hearing, but Mr. VanSant requested that correspondence from Mr. Bowings be made a part of the record (attached).

Mayor Richter concluded the meeting by thanking the participants for their input and assured everyone that review of this matter will continue.

Meeting Adjourned at 9:35 P.M.

Respectfully submitted,

John E. Richter
Mayor

JER/DJB/jg

Attachments

198 Haman Drive
Dover, DE 19901
October 6, 1989

TELEPHONE: 734-5594

SUBJECT: Full-time Mayor

TO: Mayor John E. Richter
City of Dover

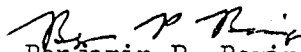
The Mayor of Dover in the Delaware State News of October 6, 1989, has announced a special public hearing for comments on the proposal to change the Mayor from a "ribbon cutting" position to a "power" position.

The Mayor is quoted as saying "Either nothing or something. But there's no hurry."

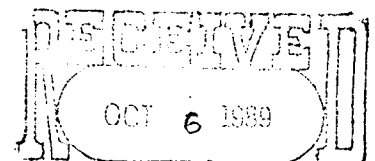
If there is no hurry, than why do we only have from the 6th to the 17th for the citizens of this city to get their thoughts together. Being that the State Legislature does not meet until January, WHAT IS THE RUSH? There are several Civic Associations in this city that i'm sure would like to get together and discuss this proposal, but that takes time.

Mr. Mayor, if you are really sincere, than you will change this public hearing from October 17th for at least another 30 days. After all, you said "there's no hurry".

Sincerely:


Benjamin P. Bowings (Ben Bowings)
Citizen/taxpayer of Dover

This letter has been sent to the Mayor of Dover, each city councilman, The Delaware State News and the Dover Post.



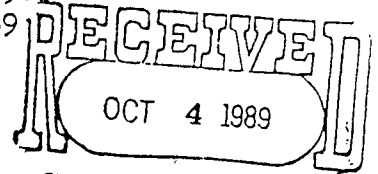
CITY MANAGER'S OFFICE
CITY HALL

TELEPHONE: 734-5594

SUBJECT: Full-time Mayor

TO: Mayor John E. Richter
City of Dover

198 Haman Drive
Dover, DE 19901
3 October 1989



CITY MANAGER'S OFFICE
CITY HALL

The Dover City Council is proposing that we have a full-time mayor. It would seem that the Council should first try the system that was a part of the NAACP lawsuit settlement.

I believe that the City Manager with his/her assistant is by far the best method of running a city, regardless of it's size and especially the current size of Dover. The last qualified city manager we had to get from the state of Iowa, there being none qualified in Dover and that is probably still the case. Any mayor elected would have to depend mostly on the qualifications of the city manager. Any monies expended for a salary for a mayor would be best spent for a qualified city manager and assistant manager.

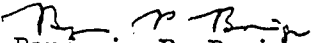
Worst of all, if we elect a fairly well paid mayor system, we will eliminate our non-partisan system and politics will become the name of the game. Now we all know how well politics works, for example, look at Levy Court, our state legislature and last but not least, our federal government. Let's keep politics out of our city government.

A city manager appointed by the mayor, as suggested, could not really act independently because he would also be subject to being fired by the mayor. As Councilman Lynn suggested, the city manager would become "the agent" of the mayor. What would happen to our current Assistant City Manager? Would we have to buy out her contract?

To prevent the position of mayor of Dover from becoming a "retirement" job for former councilmen and to prevent it from becoming a "dynasty" for "olde Dover" residents, this position should, if it is made a part of our City Charter, limit the mayor to no more than 4 years in office whether in two consecutive terms or two non-consecutive terms.

Personally, I believe this whole exercise about a "power mayor" is because our last City Manager was a strong manager who could not be told what to do by the councilmen.

Sincerely:


Benjamin P. Bowings (Ben Bowings)
Citizen/taxpayer of Dover

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