

CITY OF DOVER ORDINANCE #2010-23

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF DOVER, IN COUNCIL MET:

That Article II - Mayor and Council, Section 5 - Council to be legislative body; size; districts; terms of mayor and councilmen; qualifications, of the Charter of the City of Dover shall be amended to read as follows:

Sec. 5. Council to be legislative body; size; districts; terms of mayor and councilmen; qualifications.

The council shall be the legislative body of the city and composed of nine members nominated and elected as herein provided.

In order that the members of council shall be distributed over the city, the city shall be divided into four election districts, the district boundaries of which shall be established by council so that the districts are nearly equal in population as shown by the most recent federal decennial census. The district boundaries established for municipal elections shall continue in effect until the next succeeding federal decennial census is made available for use by municipalities in the State of Delaware, at which time council shall redistrict the city so that the districts shall be nearly equal in population in accordance with said census, which redistricting shall be used for the next regular municipal election, which procedure shall be followed by council after each succeeding federal decennial census in this manner so that the districts shall be maintained as nearly equal in population as possible at all times.

The term of mayor shall be for a period of two years commencing on the second Monday in May following their election and continuing for a term of two years until the second Monday in May or until their successor has been duly elected and qualified.

The term of the councilmen shall be for two years. In each regular municipal election held in an odd numbered year, five councilmen shall be elected, four by district voting being from the districts and one at-large as stated herein. In each regular municipal election held in an even numbered year, four councilmen shall be elected by district voting from each of the districts of the city.

In order to be eligible to be elected as mayor or as a member of council, the person must as of the date of the election be:

- (1) A citizen of the United States and of the State of Delaware;
- (2) A resident of the city and having continuously resided therein or in an area annexed to the city during the two years next preceding the day of the election;
- (3) A resident of the election district from which they are seeking election, unless they are seeking election as an at-large councilman or mayor;
- (4) Eighteen years of age; and
- (5) Nominated therefore, as hereinafter provided.

Holding Other Office. Except where authorized by law, no council members shall hold any other elected public office during the term for which the member was elected to the council. No council member shall hold any other city office or employment during the term for which the member was elected to the council. No former council members shall hold any compensated appointive office or employment with the city until one year after the expiration of the term for which the member was elected to the council, unless granted a waiver by the Board of Ethics (Ethics Commission).

NOTE: A Resolution requesting the General Assembly to amend the Charter was adopted and will be presented to State Legislature for consideration.

BE IT FURTHER ORDAINED

That Chapter 30 - Code of Conduct and Ethics Commission, Article III - Ethics Commission, Section 30-71 - Established; composition; removal; terms of office; vacancies; chairperson; quorum; compensation; legal counsel, Paragraph (a) - Established; composition; removal, be amended to read as follows:

ARTICLE III. ETHICS COMMISSION

Sec. 30-71. Established; composition; removal; terms of office; vacancies; chairperson; quorum; compensation; legal counsel.

(a) Established; composition; removal. The city ethics commission is hereby established to administer and implement this chapter. The ethics commission shall consist of five members appointed by the mayor and confirmed by the city council. No member of the commission shall hold any elected or appointed office under the government of the United States or the state, county, or city. Members of the ethics commission may be removed by the mayor, with the concurrence of the city council, for substantial neglect of duty, gross misconduct in office or a violation of this chapter.

BE IT FURTHER ORDAINED

That Chapter 58 - Human Relations, Article II - Human Relations Commission, Section 58-32 - Established; composition; appointment; representation; holding other office; removal from office; terms of office; vacancies; reappointments, Paragraph (d) - Holding other office; removal, be amended to read as follows:

Sec. 58-32. **Established; composition; appointment; representation; holding other office; removal from office; terms of office; vacancies; reappointments.**

(d) *Holding other office; removal.* No member of the commission shall hold any elected or appointed office under the government of the United States or the state, county, or city. The mayor or the city council president may remove members of the commission, with the concurrence of the city council, for substantial neglect of duty, or gross misconduct in office.

ADOPTED: AUGUST 23, 2010

SYNOPSIS

This amendment would remove the requirement to step down when running for other office from the Ethics Commission, Dover Human Relations Commission, and City Council members.

Actions History

- August 23, 2010 - Final Reading
- August 9, 2010 - First Reading at Council
- July 26, 2010 - Legislative, Finance, and Administration Committee