



MAYOR AND COUNCIL

COUNCIL RESOLUTION NO. 2010-09

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

That the Mayor and Council have determined that the Charter of the City of Dover, Article II - Mayor and Council, Section 5 - Council to be legislative body; size; districts; terms of mayor and councilmen; qualifications, should be amended by removing the requirement for a Councilperson to relinquish their Council seat in order to be a candidate for Mayor. Therefore, the Mayor and Council of the City of Dover respectfully request the General Assembly of the State of Delaware to amend its Charter, which amendment, if adopted by the General Assembly, would be 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).

ADOPTED: AUGUST 23, 2010

CARLETON E. CAREY, SR.
MAYOR

KENNETH L. HOGAN
COUNCIL PRESIDENT

Actions History:

Aug 23, 2010 - Introduced at City Council

August 24, 2010

Sponsor: _____

House of Representatives
145th General Assembly
House Bill No. _____

AN ACT TO AMEND THE CHARTER OF THE CITY OF DOVER BEING CHAPTER 130, VOLUME 77 OF THE LAWS OF DELAWARE, AS AMENDED, REGARDING THE REQUIREMENT THAT A COUNCILPERSON RELINQUISH THEIR COUNCIL SEAT IN ORDER TO BECOME A CANDIDATE FOR MAYOR

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE (Two-thirds of all members elected to each House concurring therein):

Section 1. Amend Section Article II - Mayor and Council, Section 5 - Council to be legislative body; size; districts; terms of mayor and councilmen; qualifications of Chapter 130, Volume 77, Laws of Delaware, by deleting the last paragraph in its entirety.

Section 2. This Act shall be effective upon its enactment in accordance with law.

SYNOPSIS

This act would remove the requirement that a Councilperson relinquish their Council seat in order to become a candidate for Mayor

1 **CITY OF DOVER - PROPOSED CHARTER AMENDMENT IN FULL CONTEXT**

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

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

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

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

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

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23 the date of the election be:

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26 to the city during the two years next preceding the day of the election;
27 (3) A resident of the election district from which they are seeking election, unless they
28 are seeking election as an at-large councilman or mayor;
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33 member shall hold any other city office or employment during the term for which the member was
34 elected to the council. No former council members shall hold any compensated appointive office or
35 employment with the city until one year after the expiration of the term for which the member was
36 elected to the council, unless granted a waiver by the Board of Ethics (Ethics Commission).

37 ~~If a councilman files and runs for mayor, whether or not they are elected to said~~
38 ~~office, the term as councilman shall automatically expire on the second Monday of May on~~
39 ~~the year of the election; and if they have a year remaining on their term, then their office~~
40 ~~as councilman shall be filled at the same annual election in which they have filed to run for~~
41 ~~the office of mayor.~~