

# **COMPENSATION COMMISSION AGENDA**



**MARCH 22, 2017 - 6:00 P.M.**

**CITY HALL CONFERENCE ROOM  
15 LOOCKERMAN PLAZA  
DOVER, DELAWARE**

PUBLIC COMMENTS ARE WELCOMED ON ANY ITEM AND WILL BE PERMITTED AT APPROPRIATE TIMES. WHEN POSSIBLE, PLEASE NOTIFY THE CITY CLERK (736-7008 OR E-MAIL AT [CITYCLERK@DOVER.DE.US](mailto:CITYCLERK@DOVER.DE.US)) SHOULD YOU WISH TO BE RECOGNIZED.

## **AGENDA ADDITIONS/DELETIONS**

- 1. DETERMINATION OF DATA TO BE COLLECTED**
- 2. FUTURE MEETING DATES**
- 3. ADJOURNMENT**

**/JS**

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## **EXCERPT OF OCTOBER 24, 2016 REGULAR CITY COUNCIL MEETING MINUTES**

The Regular Council Meeting was held on October 24, 2016 at 7:51 p.m. with Council President Slavin presiding. Council members present were Mr. Anderson, Mr. Sudler, Mr. Neil, Mr. Lewis, Mr. Cole, Mr. Hosfelt, Mr. Hare, and Mr. Hutchison. Mayor Christiansen and City Solicitor Rodriguez were also present.

### **COUNCIL COMMITTEE OF THE WHOLE/LEGISLATIVE, FINANCE, AND ADMINISTRATION COMMITTEE REPORT - OCTOBER 11, 2016**

The Council Committee of the Whole Meeting was held on October 11, 2016 at 6:00 p.m., with Council President Slavin presiding. Members of Council present were Mr. Anderson, Mr. Sudler, Mr. Lewis, Mr. Cole, Mr. Hosfelt (arrived at 6:01 p.m.), Mr. Hare, and Mr. Hutchison. Mr. Neil was absent. Mayor Christiansen was also present (departed at 7:43 p.m.). Civilian members present for their Committee meetings were Mr. Shevock and Dr. Stewart (Legislative, Finance, and Administration).

### **LEGISLATIVE, FINANCE AND ADMINISTRATION COMMITTEE**

The Legislative, Finance, and Administration Committee meeting was held with Chairman Hare presiding.

#### **Initiate the Process Whereby the Review of the Mayor and Council Salaries Shall Be Conducted by the Compensation Commission**

Mr. Slavin stated that all appointments but one (1) had been made to the Compensation Commission, and he had the name of someone who had agreed to serve and was waiting for vetting by the individual's employer. Mr. Slavin believed that he would hear back by the time this matter comes before Council. Mr. Slavin thought that if members passed a motion stating that they would initiate the process, the Commission would be ready to go in two (2) weeks.

Members were provided a handout, entitled "Salaries of Mayors and Elected Government Officials - October 2016." (*City Clerk's Office Note: Subsequent to the meeting, this handout was revised to reflect updated information received regarding the salary of the Mayor of Wilmington.*)

The Committee recommended initiating the process whereby the review of the Mayor and Council salaries shall be conducted by the Compensation Commission.

**By consent agenda, Mr. Neil moved for approval of the Committee's recommendation. The motion was seconded by Mr. Hare and carried by a unanimous roll call vote.**

**Salaries of Mayors and Elected Government Officials**  
**October 2016**  
**(revised)**

<b>Jurisdiction</b>	<b>Mayor Salary</b>	<b>Elected Official Salary</b>	<b>Comments About Form of Government</b>
Annapolis, MD	\$98,000 per year	Aldermen \$13,500 per year	Mayor-Council - Mayor chairs meetings and serves as chief executive
Dover	\$45,000 per year	Council President \$8,652 per year, Council Members \$7,416 per year	Council-Manager form of government
Kent County	-	Commissioners \$30,806 per year	Levy Court - County Government
Middletown	\$300 per month (\$3,600 per year)	Council (including Vice Mayor) \$200 per month (\$2,400 per year)	Mayor-Council - Mayor serves part-time and Mayor's vote is a tie-breaker
Newark	\$8,400 per year	Council \$7,000 per year	Council-Manager - six (6) Council members and Mayor, each of whom have one (1) vote
Wilmington	Currently \$115,276; budget authorizes up to \$121,486	Council President \$34,950/year (will increase in 2017 to \$35,650), Council \$27,650 per year (will increase in 2017 to \$28,205)	Mayor-Council - Mayor is chief executive and administrative officer

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Compensation Commission  
July 2011

	<b>Dover Delaware</b>	<b>Wilmington Delaware</b>	<b>Middletown Delaware</b>	<b>Magnolia Delaware</b>	<b>Newark Delaware</b>
Month of General Election	April	November	March	January	April
Population	36,047	70,851	18,871	211	31,454
# of Districts	4	8	1	1	6
# of Council Members	9	12	6	4	6
Average Square Miles/Council Member	2.48	0.908	1.07	0.125	1.58
Average Resident/Council Member	4,005	5,904	3,145	53	5,242
Frequency Required City Meetings	2x per Month	2x per Month	1x per Month	1x per Month	2x per Month
Mayor Compensation	\$45,000/yr	Max \$114,523	\$3,600/yr	\$0	\$8,400/yr
Council President Compensation	\$8,652/yr	\$34,950/yr	\$2,400/yr	\$0	\$7,000/yr
Council Member Compensation	\$7,416/yr	\$27,650/yr	\$2,400/yr	\$0	\$7,000/yr
Board of Assessment Appeals Compensation	\$75 per diem	\$0		No	\$0
Board of Adjustment Compensation	\$75 per diem	\$0	\$75/Mtg	\$0	\$0
Planning Commission Compensation	\$100 per diem	\$0	\$75/Mtg	\$0	\$0
Appointee Council Committee Compensation	\$75 per diem	\$0	\$0	\$0	\$0
Employee on Council Committee	\$25 per diem	No	No	No	No
Non-Employee Election Judge Compensation	\$200		*	*	**
Non-Employee Election Clerical Asst Comp.	\$150		*	*	**
Employee Election Officer Compensation	\$150		*	*	**
Benefits offered to Mayor/Council Members	No		Health	No	No

\* Forms a 3-7 member Volunteer Election Board Appointed by Mayor & Approved by Council Majority.

\*\* Forms an Election Board & Compensates \$50-\$75/Day + \$12/Hr for pre-election work

\*\*\* Mayor & Council Serve as Board of Assessment Appeals

\*\*\*\* Mayor \$0, Solicitor \$150/hr, Engineer \$100/hr for Board of Adjustment Meetings

\*\*\*\*\* Forms Election Board (1) Chair @ \$1,000, (2) Members @ \$800.

H/Compensation Committee/Survey

Compensation Commission  
July 2011

	<b>Lewes Delaware</b>	<b>New Castle Delaware</b>	<b>Georgetown Delaware</b>	<b>Seaford Delaware</b>	<b>Milford Delaware</b>
Month of General Election	May	April	May	April	April
Population	2,747	5,285	6,422	6,928	9,559
# of Districts	1	1	4	1	4
# of Council Members	4	5	4	5	8
Average Square Miles/Council Member	1.075	0.62	1.03	0.692	0.702
Average Resident/Council Member	687	1,057	1,606	1,385	1,195
Frequency Required City Meetings	1x per Month	1x per Month	1x per Month	2x per Month	1x per Month
Mayor Compensation	\$4,000/yr	\$3,750/yr	\$750/yr	\$3,800/yr	\$4,800/yr
Council President Compensation	\$3,000/yr	\$3,700/yr	\$500/yr	\$3,000/yr	\$50/Meeting
Council Member Compensation	\$3,000/yr	\$3,150/yr	\$500/yr	\$3,000/yr	\$50/Meeting
Board of Assessment Appeals Compensation	***	\$0	Council	***	\$0
Board of Adjustment Compensation	\$0	*****	\$0	\$0	\$0
Planning Commission Compensation	\$0	\$20/hr	\$0	\$0	\$0
Appointee Council Committee Compensation	\$0	\$0	\$0	\$0	\$0
Employee on Council Committee	No	No	No	No	No
Non-Employee Election Judge Compensation	*	*	**	\$50+Meals	*
Non-Employee Election Clerical Asst Comp.	*	*	**	Staff	*
Employee Election Officer Compensation	*	*	**	Staff	*
Benefits offered to Mayor/Council Members	No	No	No	No	No

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H/Compensation Committee/Survey

Compensation Commission  
July 2011

	<b>Chester Pennsylvania</b>	<b>New Town Pennsylvania</b>	<b>Annapolis Maryland</b>	<b>Easton Maryland</b>	<b>Salisbury Maryland</b>
Month of General Election	November	November	November	May	April (2015 Nov)
Population	33,972	2,368	38,992	15,945	30,343
# of Districts	1	2	8	4	2
# of Council Members	4	6	8	5	5
Average Square Miles/Council Member	1.202	0.104	0.897	2.58	2.28
Average Resident/Council Member	8,493	395	4,874	3,189	6,069
Frequency Required City Meetings	2x per Month	1x per Month	1x per Month	2x per Month	2x per Month
Mayor Compensation	\$46,000/yr	\$0	\$98,000/yr	\$8,500/yr	\$25,000/yr
Council President Compensation	(Mayor)	\$0	(Mayor)	\$6,000/yr	\$12,000/yr
Council Member Compensation	\$40,000/yr	\$0	\$12,600/yr	\$5,000/yr	\$10,000/yr
Board of Assessment Appeals Compensation	Council	\$0	\$0	\$0	\$0
Board of Adjustment Compensation	Council	\$0	\$0	\$0	\$0
Planning Commission Compensation	\$0	\$0	\$0	\$0	\$0
Appointee Council Committee Compensation	\$0	\$0	\$0	\$0	\$0
Employee on Council Committee	No	No	No	No	No
Non-Employee Election Judge Compensation	*	*	*	\$12/Hr	*****
Non-Employee Election Clerical Asst Comp.	*	*	*	\$12/Hr	*****
Employee Election Officer Compensation	*	*	*	(N)	*****
Benefits offered to Mayor/Council Members	Full	No	No	Health	No

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H/Compensation Committee/Survey

Compensation Commission  
July 2011

**Smyrna  
Delaware**

**Kent County  
Delaware**

Month of General Election	April	November
Population	10,092 in 2008	162,310
# of Districts	3	6
# of Council Members	6	7
Average Square Miles/Council Member	0.97	600.73 sq. mi/6=100.12
Average Resident/Council Member	1,682	27,052
Frequency Required City Meetings	2x per Month	4x per Month
Mayor Compensation	\$25 per meeting	n/a
Council President Compensation	n/a	\$29,180/yr
Council Member Compensation	\$25 per meeting	\$29,180/yr
Board of Assessment Appeals Compensation	\$81.21/1x per yr (net \$75)	\$9,000/yr
Board of Adjustment Compensation	n/a	\$100/meeting
Planning Commission Compensation	n/a	\$100/meeting
Appointee Council Committee Compensation	n/a	\$100/meeting
Employee on Council Committee	comp time	\$0
Non-Employee Election Judge Compensation	\$81.21 per election/voter registration (net \$75)	n/a
Non-Employee Election Clerical Asst Comp.	n/a	n/a
Employee Election Officer Compensation		n/a
Benefits offered to Mayor/Council Members	No	Yes

Appointed by Mayor & Approved by Council

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\*\*\* Mayor & Council Serve as Board of Assessment Appeals

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H/Compensation Committee/Survey



## SURVEY OF CITY COUNCIL MEMBER RESPONSIBILITIES

Responsibility/Activity	Estimated Hours Per Month	Comments
Attending City Council meetings		
Attending Committee, Commission, or Board meetings		
Attending meetings with City staff		
Reviewing packet materials in preparation for meetings		
Performing research on municipal matters		
Responding to constituent concerns		
Attending public events in an official capacity		
Other (please specify)		
Additional Comments (attach additional sheets if necessary):		
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Name of Council Member:		Date

## CHAPTER 2 – ADMINISTRATION

### ARTICLE IV. - OFFICERS AND EMPLOYEES

#### DIVISION 1. - GENERALLY

Sec. 2-201. - Compensation and expenses for mayor, council, employees and other elected or appointed officials.

- (a) *[Fees established.]* In accordance with section 12 of the Charter, authorizing the council to establish compensation and expenses for the mayor and councilmembers, city employees and other elected or appointed officials, the following fees are hereby established:

- (1) *Mayor.* The mayor shall receive an annual salary of \$45,000.00. For the period beginning July 27, 2009, and ending July 26, 2010, the mayor shall receive an annual salary of \$44,100.00. In addition, the mayor shall receive an expense allotment of up to \$5,000.00, to be included in the city's annual budget for miscellaneous expenses, to be reimbursed upon submission of receipts or proper documentation. Expenses in excess of this amount shall only be permitted by council approval. The mayor shall be entitled to all benefits customary to an employee of the city, except pension benefits, and sick and vacation leave.
- (2) *Councilmembers generally.* Each councilmember shall receive an annual salary of \$7,416.00, to be paid monthly. For the period beginning July 27, 2009, and ending July 26, 2010, each councilmember shall receive an annual salary of \$6,674.40, to be paid monthly. The council president shall receive an annual salary of \$8,652.00, to be paid monthly. For the period beginning July 27, 2009, and ending July 26, 2010, the council president shall receive an annual salary of \$7,786.80, to be paid monthly. Councilmembers shall receive reimbursement for actual and necessary expenses incurred when on official business as prescribed by ordinance or policy.
- (3) *Board of assessment appeals.* Each appointed member of the board sitting to hear appeals from the municipal assessment shall receive \$75.00 per diem reimbursement for expenses for the preparation and attendance at each meeting of the board of assessment appeals.
- (4) *Nonemployee election officers.* Each person not a city employee appointed to serve as an election judge for any municipal election shall receive \$200.00 for per diem reimbursement for each election attended. Each person chosen to serve as a clerical assistant for any municipal election shall receive \$150.00 for per diem reimbursement for each election attended.
- (5) *Employee election officers.* Employees of the city appointed to serve as election judges or officials for any municipal election shall receive \$150.00 for per diem reimbursement for expenses for each municipal election attended in addition to their regular salary.
- (6) *Appointee to council committee.* Each appointed member to any city council committee, not serving an elected term to any city office, shall receive \$75.00 for preparation and attendance at each committee meeting to which the member is appointed.
- (7) *Employee on council committee.* For any city employee appointed to a council committee shall receive \$25.00 for reimbursement for expenses per diem for each meeting attended which is held after 5:00 p.m. on a scheduled workday or at any time on a weekend or city-approved holiday.
- (8) *Planning commission.* Each appointed member of the planning commission shall receive \$100.00 per diem reimbursement for expenses to be paid monthly for preparation and attendance at each meeting of the planning commission.
- (9) *Board of adjustment.* Each appointed member of the board of adjustments shall receive \$75.00 per diem reimbursement for expenses to be paid monthly for preparation and attendance at each meeting of the board of adjustment, to become effective July 1, 2007.

- (b) *Compensation commission.* There is hereby created a compensation commission to consider compensation for the mayor, city council, and paid members of city committees and commissions. The compensation commission shall consist of five members, one member appointed by the mayor,

one member appointed by the council president, and three members appointed by city council during the annual meeting. Members shall be city residents who are registered to vote in city elections. Members shall serve two-year terms and cannot be reappointed within the next two years. The controller/treasurer and human resources director shall serve as ex-officio, nonvoting members.

The compensation commission shall meet as needed, with a report due to council six months prior to the regular municipal election, with one public hearing held prior to their submission of the report to council. Upon receiving the resolution of the commission, the city council may reduce or reject the commission's recommendation, but it may not increase any item in the resolution. The recommendations contained in the resolution, and any permitted changes to such recommendations, shall not become effective unless adopted by ordinance enacted at least three months prior to the elections of the next succeeding mayor and council, and shall take effect only for the next succeeding terms of office of the mayor and council.

(Code 1981, § 2-70; Ord. of 9-14-1987; Ord. of 8-27-1990; Ord. of 11-26-1990, § 1; Ord. of 1-11-1993; Ord. of 6-27-1994; Ord. of 2-24-1997(2); Ord. of 1-10-2000; Ord. of 10-9-2000; Ord. of 1-22-2001; Ord. of 6-24-2002; Ord. of 6-25-2007; Ord. No. 2009-16, 7-27-2009; Ord. No. 2009-23, 10-26-2009; Ord. No. 2009-17, 11-9-2009)

Sec. 2-202. - Representation and indemnification of mayor, councilmembers and employees.

- (a) *Representation.* The mayor, councilmembers and employees, in any criminal or civil action against them arising from their official duties or from acts which were within the scope of employment and were not performed with wanton negligence or willful and malicious intent and do not arise out of official misconduct, bribery, robbery, receiving unlawful gratuities or other abuse of office or employment, shall be entitled to have the city solicitor appointed to represent their interest in the matter. Representation by the city solicitor shall be without charge to the person. The city solicitor shall represent the person charged at all stages, trial and appellate, until the final determination of the matter.
- (b) *Indemnification.* In addition to the right of representation provided in subsection (a) of this section, the mayor, councilmembers and employees who, but for the application of any provision of the constitutions or laws of the United States or the state to the contrary, would be entitled to immunity in accordance with 10 Del. C. § 4010 et seq., shall be indemnified by the city against any expenses, including attorneys' fees and disbursements, judgments, fines and costs, actually and reasonably incurred by said person in defending against the action, suit or proceeding giving rise thereto; provided, however, if the person seeking indemnification chooses to retain his own attorney rather than use the city solicitor, he shall be responsible to bear all costs incurred thereby. The right to indemnification shall automatically apply upon the final determination of any court or administrative tribunal of competent jurisdiction that no claim or cause of action existed, or, but for the application of the constitution or laws of either the United States or the state, that no such claim or cause of action would have existed, or upon a verdict or ruling in favor of the person. If a court or administrative tribunal shall determine that no right to indemnification exists because of the absence of any of the elements of immunity, said determination shall be final and binding at such time as any and all rights of appeal from the decision giving rise to such determination shall have been exhausted. If, for whatever reason, including a settlement agreed upon by the parties, the court or administrative tribunal having jurisdiction shall fail or refuse to make the determination required by this subsection, then the indemnification shall only be granted as to the person upon the affirmative recommendation of a majority of members elected to the council.
- (c) *Insurance.* The city manager is hereby authorized to obtain a policy or policies of insurance, sufficient to provide coverage for the mayor, councilmembers and employees, which is co-extensive with the standard for indemnification as provided in subsection (b) of this section.

(Code 1981, § 2-6; Ord. of 3-12-1984)

Sec. 2-203. - Security officers.

- (a) *Generally.* In order to protect city property and to prevent damage to it by theft and vandalism, and to promote the health, safety and welfare of the citizens of the city, there shall be security officers

appointed by the city manager in such numbers, for such terms and for such compensation as determined by the city manager.

- (b) *Termination.* Security officers appointed by the city manager may be terminated by him in his sole discretion.
- (c) *Jurisdiction and authority.* The jurisdiction and authority of all such security officers shall be confined to city-owned property, where they shall have the power to enforce all ordinances of the city and issue summons for the arrest of all persons violating ordinances on city-owned property.

(Ord. of 9-27-1976, §§ 1—4; Code 1981, § 2-4)

Secs. 2-204—2-220. - Reserved.

## DIVISION 2. - MAYOR

Sec. 2-221. - Duties and responsibilities.

The mayor shall have all of those duties and responsibilities set forth in sections 14 and 53 of the Charter, and as otherwise assigned in the Charter and this Code. In addition thereto, the mayor shall be available on a full-time basis to promote the economic and social interests of the city and the general welfare of its citizens by:

- (1) Interacting with private citizens, city employees, business people, and other major employers;
- (2) Interacting with civic and neighborhood associations;
- (3) Interacting with officials and representatives of other governments and lobbying said officials, as necessary, to promote the welfare of the city and its citizens;
- (4) Maintaining memberships and/or contacts with various organizations and committees whose purposes, services, or results significantly affect or could significantly affect the government of or the citizens of the city;
- (5) Representing the government of the city at various community functions;
- (6) Consulting with the council on policy issues and, from time to time, offering policy initiatives;
- (7) Consulting with the city manager on budgeting, policy and operational issues;
- (8) Representing the city, in consultation with the council and city manager, regarding major projects within or near the corporate boundaries of the city;
- (9) Making appointments to various commissions and committees as delineated in the city Charter and elsewhere in the city Code;
- (10) Taking such other decisions and actions, within the mayor's Charter and Code assigned authority, as necessary to promote the safety, health, and welfare of the citizens of the city.

Note: In reference to interacting with city employees, this provision does not grant the authority or responsibility to the mayor to intercede in personnel matters which are the responsibility of council or council appointed staff members, unless otherwise granted by city Charter or Code. Furthermore, such interaction shall also be governed by the provisions of section 36 of article III of the city Charter.

(Code 1981, § 2-91; Ord. of 4-28-1997; Ord. of 1-24-2005)

Secs. 2-222—2-240. - Reserved.