

(March 10 DRAFT – For Discussion Purposes)

Proposed Problems/Issues with current Charter and Recommended fixes

Section		Description
1 4a	x	<p><u>Clarify</u> What is meant by “inhabitants” (used here and in 4(a)) – residents versus individuals with voting rights? Need to clarify or define</p> <p>How to distinguish between an individual commissioner and the Commissioners of Dewey Beach; how to refer to the Commissioners of Dewey Beach</p>
2c, 3	x	<p><u>Unify</u> “signed by the President” – delete references to Mayor as President (see also 3), call the Mayor the presiding officer of the Commissioners of Dewey Beach in 8(a), but use the term Mayor everywhere</p>
2d 5b & 5c 10 b	x	<p><u>Unify</u> Who has a vote: “the property owners and the residents” versus “qualified voters and property owners of record” versus every property owner or leaseholder as defined in this Charter or resident who is not a property owner or long-term leaseholder versus every property owner ... whether an individual, partnership or corporation (of the target acquisition territory, and possibly a second vote if a resident)? Define once and use “qualified voter” thereafter?</p> <p>Should voting rights in annexation be different from that in a general election?</p> <p>Should partnerships and corporations be able to vote in annexation elections? Should they be limited to one vote and, if so, how?</p> <p>Does not address partnerships or corporations in Dewey nor how many votes per partnership/corporation.</p> <p>How does, “whose property or whose improvement located on leased land is exempt from taxation or is not assessed shall not be entitled to vote.” apply to Dewey</p>
2d	x	<p><u>Correct</u> Notice requirements: says one week for notice of public hearing date but only 15 days for letters regarding this hearing, thirty days for the special election notice in papers and 15 days for posting – as a land-use issue should be at least 15 days everywhere</p>
3	x	<p><u>Unify</u> Also defines the mayor as “President of the Commissioners of Dewey Beach”; is this an appropriate term and does it need to be defined further? 8(a) refers to this position as “the presiding officer of the Commissioners”, which seems a more apt term</p>
4a		<p><u>Clarify</u> “...use a corporate seal which maybe altered, changed or renewed at pleasure;...(Shouldn’t this specify who has the power to change or renew at pleasure and use the corporate seal.) – is it clear that all of this applies to the Town</p>
4a 23(a)10		<p><u>Conflict</u> Is there a conflict between “Except ... relative to the power to issue bonds” with authority granted in 23(a)10?</p>

4a 23a 23a 1 23a13	x	<u>Update</u> Goals of Town governance listed differently in several places? “governance of the Town; its peace and order ...” First of several appearances. Is this the right set? Should we add issues related to financial sustainability, resilience to global climate change, transition to a more-year-round destination ... which are clearly identified in our comp plans?
4b	x	<u>Clarify & possibly remove conflict</u> All powers of the Town of Dewey Beach, whether expressed or implied, shall be exercised as prescribed by this Charter, or, if not prescribed herein, by ordinance or resolution of the Commissioners. – do we need to <i>emphasize that by ordinance or resolution Commissioners can not grant themselves power to administrate departments or expand their roles beyond budgetary or ordinance or making law that agrees with Charter and Delaware Constitution. Should the Commissioners be able to summarily limit the authority given to the Town Manager within this Charter? Or to adjudicate some issue of ordinance or resolution on behalf of a town citizen or visitor?</i>
5b, 5c 2d & 10 b	x	<u>Consider:</u> Is the list of qualifications for resident and other commissioners meant to be the same versus more stringent than that to be eligible for voting? Why not, any qualified voter over the age of 21?
5b	x	<u>Clarify</u> What does “a lease “of a term of five (5) years” mean? Would 6 months remaining on an extended lease qualify? What about one with 4 ½ years left? (also a question in 5c and regarding voting rights) Would a Commissioner have to have a lease of at least 7 years at the beginning of his/her election to satisfy the 5 year criteria throughout her/his term?
5e, 7b	x	<u>Consider</u> Regarding the ipso facto clause, what if the commissioner who no longer meets the required qualifications refuses to vacate his/her office (as has happened)? Should this rather require the remaining commissioners to act to remove? If so, need a mechanism and process. (Similar issues seen elsewhere, including 7c) What does, “The Commissioners shall be the judges of the qualifications of the members.” mean? Introduces the term “members”. Does this allow the Commissioners to vote in a Commissioners’ meeting that Commissioner X no longer holds a 5 year lease? Is there any opportunity for appeal of such a vote? The process for filling a vacated commissioner’s seat needs to be addressed in 7(b)
6d 13, 14b, 15a,c Et seq	x	<u>Clarify</u> What is meant by “majority vote”, e.g., of entire commission (3) or of members present at hearing (possibly 2)? (same issues appears often throughout Charter)
7a	x	<u>Clarify</u> “All other offices shall be appointive and the person filling such appointive offices shall be appointed by the Commissioners of Dewey Beach.” What does this refer to, to Committees? And if so what are the Committee term limits (presumably “one” year)? Might Police Chief or Building Official be considered an “office”?

7b	x	<u>Clarify</u> Why does this not simply say to fill a vacancy of commissioner ... While it stipulates the replacement term, it doesn't provide a process.
7b, 5e	x	<u>Consider</u> Need to define process to fill a commissioner vacancy
7c	x	<u>Correct</u> Starts with elective/appointive officer, agent or employee, then refers to self-removal only of a holder of an elective office and subsequent filling by the commissioners (employee position would be filled by Town Manager). Should this sub-section be solely aimed at elective officials (as per the section title)?
8a & 8b 17a Et seq	x	<u>Clarify & Unify</u> Term of mayor: listed as one (1) year from organizational meeting. Should this run through to the next election? Or the next organizational meeting? Or is it really a 365 day hard wall? 8(b) says until the organizational meeting after the next succeeding election There was a suggestion to extend the term of the mayor ALSO: to make the mayor an elected position, possibly a 3 year appointment
8	x	<u>Discussion</u> Consider, here or elsewhere, introducing the active form of government: <u>Council-Manager</u> . <u>As one of the most common forms of local government, a council-manager governing body means the city hires a professional city manager to administer the daily affairs of the city with the oversight of the city council. Usually small in size, the councils hold responsibility for establishing governmental policy and for supervising the city manager.</u> (https://www.gmanet.com/Advice-Knowledge/City-Clerk-Handbook/City-Charters.aspx)
8a, 2c, 3	x	<u>Clarify</u> for consistency maybe always refer to presiding officer as Mayor.
8b		<u>Clarify & possibly remove conflict</u> "They [Commissioners] may also choose other officers and employees as may be determined to be necessary." — Is this too broadly defined? Isn't it the job of the Town Manager to deal with hiring "employees" with the approval of the Commissioners? Is this necessary in the Charter?
8b	x	<u>Clarify</u> How "next succeeding election" should be interpreted if there were no election. Should this be "next scheduled election"?
8b 15a	x	<u>Conflict</u> Remove conflict regarding "secretary." Here a commissioner and in 15(a) the town manager
8c	x	<u>Conflict</u> Remove conflicts in role of commissioners in fixing individual salaries versus salary ranges. Gives the Commissioners the requirement to "by ordinance fix" compensation of all employees and contractors (agents) – versus salary ranges or aggregate-bonus pools. While the Commissioners are responsible for the overall budget, would this level of micro-management unduly hinder the Town Manager's ability to manage town business?

		<p>Also, prohibits COLAs and small incentive bonuses for officers and employees with term appointments.</p> <p>The setting of salaries, etc has (presumably) not been standard practice since the evolution to a strong town manager governance model, and should probably be deleted.</p> <p>However, by approval of the annual budget, the Commissioners do, in essence, fix by ordinance the salaries and other compensation of employees, aggregated by department.</p>
8c		<p><u>Consider</u></p> <p><i>“No officer, employee or agent of the Town shall in any form have, take, or receive from the Town or otherwise any compensation, in any form, in addition to the salary or compensation fixed by the Commissioners.”</i> This is a strong statement, but perhaps needs to be stronger “or under penalty of immediate dismissal”. Or whatever language that is appropriate.</p>
8d	x	<p><u>Consider</u></p> <p>The last sentence says, “In the event that any person holds office for an indefinite term, the record shall so state.” Consider deleting this sentence and adding “no person shall hold office for an indefinite term”.</p>
9	x	<p><u>Update</u></p> <p>Replace the requirement to file with the Commissioners with one of filing with the Town Manager; ditto evaluation of candidate requirements. Perhaps it should also state that subsequent to verification the Town Manager will promptly notify the Commissioners.</p>
10a		<p><u>Consider</u></p> <p>Is it time for to broaden our accommodations for moving elections based on religion — for instance including the Muslim holiday of Ashura or strike the language accommodating any specific religion.</p>
10a		<p><u>Clarify</u></p> <p>In case of no contest for town commissioner offices, do polls need to open and then immediately close, or can they just not open?</p> <p>What about the case where a referendum election is being held concurrent with a town official election?</p>
10b 2d 5b&5c	x	<p><u>Possible conflict</u></p> <p>Review possible conflicts regarding voter qualifications for various types of elections. Section 10 appears to be only about “annual municipal elections” (also termed, “election of town officials”). Establishes voter qualifications, which appear in other places in Charter. Are these the rights ones? What about owners of time shares? Or partnerships or corporations that own property or long term leases? (ED: This may not be the time or venue for considering changes to voter qualifications, but we should be sure that the current intent is consistently carried through the Charter)</p> <p>The requirement to run for office age is 21, but voting age is 18. Should they both agree?</p> <p>Regarding 5 year lease, is one still qualified to vote if one’s lease expires the day after election day or, if voting absentee, prior to election day?</p>
10b	x	<p><u>Clarify rights to vote:</u> are these qualifications only for election of town officials, or do they confer to other voting activities, such as special elections, including referenda and annexations?</p>

10c		<p><u>Clarify</u> Apparently “Every election” only applies to “the Annual Municipal election”. What about other special elections (not including annexation elections)</p> <p>How many different types of elections do we need to consider; is there simplifying language that can be used?</p> <p>Should there be a section or sub-section on stand-alone referenda?</p>
10d		<p><u>Clarify</u> What is the process for filling of offices for resident- and other-commissioners? Highest vote-getting resident-commissioner(s) to fill resident positions plus other highest overall as needed? Does this need to be explicitly stated?</p>
10d		<p><u>Clarify</u> Says, “continue in office during the terms for which they were chose, or until their successors are duly elected or appointed and qualified.” What does this mean?</p>
10d		<p><u>Clarify</u> Number and terms of commissioners. Is there anywhere that states 2 year terms? Or need to stagger terms? Should there be?</p>
10c		<p><u>Clarify</u> “... election officials shall be judges of election, and shall decide upon the legality of the votes offered.” How do they do they? Do we need to define the responsibility of the Town Administrator’s role in qualifying voters? Joyce uses a log and crosses checks Sussex Records to make sure voter is on Property Deed. Not sure how she does it for leaseholders? Also the leaseholder can not be an LLC or a corporation? (Barbara says this is covered now. Joyce is no longer working from a log. It is all computerized and the Town gets monthly notifications from Sussex on any deed changes.)</p>
10g	x	<p><u>Clarify</u> “The book containing such matters [election results} shall be preserved by the Town Commissioners.” Shouldn’t this be changed to Town Manager, as is currently the case?</p>
11a		<p><u>Clarify</u> What is the intent of putting “or majority of Commissioners” in parentheses rather than plain text. Would a majority of commissioners reaching a consensus outside of noticed commissioner meetings to call a meeting violate FOIA?</p>
11b, 15c	x	<p><u>Conflict</u> Requires one meeting per quarter, elsewhere (15c) envisions monthly meetings. Recognizing that today there is a regular monthly Commissioners’ meeting, but sometime desire to take January off, what make sense?</p>
13		<p><u>Clarify</u> Should this section require a public record of such rules and procedures, as for example does the Board of Adjustment and Planning Commission? If so, what should be included, written minutes, audio and video recordings? Should it stipulate access via the town web site or in town hall</p>
13		<p><u>Clarify</u> Requires a voice vote everywhere on ordinances. At some times, e.g., land use issues before the Planning Commission, roll call votes are taken with commissioner rationale given (these are often framed as ordinances). Should provision be made for roll call votes?</p>
14b	x	<p><u>Discussion point</u> Establishes the mayor as the “chief executive” (lower case), but doesn’t embellish</p>

		<p>on what is meant nor distinguish between chief executive, President of the Commission and mayor. Mayor has few additional powers than other commissioners – other than signatory authority.</p> <p>There was a suggestion to delete the first sentence (chief executive). Should the term CEO be replaced here by President of the Commissioners or presider of the commissioners?</p>
14b	x	<p><u>Discussion</u></p> <p>The Mayor should have some added special powers over the other four commissioners on an individual level, but not if the other 4 outvoted the mayor. A hurricane would be a time we'd turn to the mayor, or act of terror, etc. – Can we articulate a set of unique powers the mayo might exercise on an individual basis; actions that could be over-ruled at a subsequent meeting/emergency meeting by a majority of commissioners?</p>
14b	x	<p><u>Update</u></p> <p>Define process for appointing President Pro Tempore</p> <ul style="list-style-type: none"> • It shall be his <u>the Mayor's</u> duty to preside at all meetings of the Commissioners and he <u>the Mayor</u> shall have a vote therein and in case of his <u>the Mayor's</u> absence a the Secretary of the Commissioners shall serve as President Pro Tempore shall be appointed in his place from the other Commissioners. <p>or</p> <ul style="list-style-type: none"> • It shall be his <u>the Mayor's</u> duty to preside at all meetings of the Commissioners and he <u>the Mayor</u> shall have a vote therein and in case of his <u>the Mayor's</u> absence a President Pro Tempore shall be appointed in his place from the other Commissioners <u>by majority vote of all Commissioners present.</u>
14b or 8	x	<p><u>Discussion</u></p> <p>Provide for removal/replacement of the mayor – possibly by unanimous vote of remaining commissioners. Some thought that in a 1 year term, why bother.</p>
14b	x	<p><u>Update</u></p> <p>Requires the appointment of at least one commissioner to be “in charge” of each department or division of the town government created by the commissioners. What exactly does this mean?</p> <p>Add language re: appointments of commissioner liaisons, with some explanation of what is meant? One suggestion: Rewrite sentence 4 to read as follows: “At least one commissioner must be appointed as a liaison between the Council and each department or division of government created by the Commissioners.”</p> <p>Should also add power to remove such commissioner liaisons</p> <p>Alternative POV: suggested there should be no interference with town operations by the commissioners and this section should be deleted.</p>
14b	x	<p><u>Discussion Point</u></p> <p>Herein the mayor is made responsible to see that the town's laws and ordinances are</p>

		<p>“faithfully executed”. Why is that not the responsibility of the commissioners as a body, or of the town manager and (?) police chief and beach patrol captain?</p> <p>Should parallel language be added to sections 15 (town manager) and 23 (commissioners), and possibly 19 (police)? It is important to have a “buck stops here” statement, but who loses their job when laws are not faithfully enforced?</p> <p>If the Mayor is uniquely responsible for laws being faithfully executed, should we add something to the effect: The Mayor shall ensure that Town Manager and Department heads faithfully execute their duties under the law and in accordance with this Charter and in accordance with the policies of the government for the administration of public services?</p>
14b		<p><u>Specific Amendment/Update</u> Strike 3rd sentence, “He shall execute [all agreements, etc]”</p>
14e	x	<p><u>Discussion /Update</u> ADD a new Section 14(e) as follows: The Mayor can be removed and replaced by another Commissioner by a majority vote by the Commissioners at any time.</p>
14f	x	<p><u>Discussion /Update</u> ADD a new Section 14(f) as follows: “The Mayor shall be paid a salary to be specifically approved by a vote of the Town Council at the Town Organizational meeting that is held after each annual Town election.”</p>
15a	x	<p><u>Unify/update</u> Refers to the town manager as “Chief Administrative Officer” (upper case), Secretary of the Commission (conflict with 8 (b)) and Treasurer of the Town. Is there a simpler designations, e.g., Administrator (as per EPA)?</p> <p>Should we clarify: the Town manager is responsible for directing a variety of administrative processes that allow a city to operate. It is their job is to implement and faithfully oversee and policies crafted by city council.</p> <p>Also, The Town manager serves as the chief liaisons between elected officials and the members of the public the elected officials are elected to serve. The Town Manager shall attend Town Council meetings and issue reports on policy, budget and other public information.</p>
15 general	x	<p><u>Discussion & update</u> Add language re: term of appointment, possible residency requirements, professional (e.g., executive and administrative) qualifications, and general job description, e.g., borrow from the current Town Manager employment contract or job description.</p> <p>In particular, update terms of appointment of Town Manager.</p> <p>ALSO: elsewhere (possibly Section 19) update terms of appointment of department heads.</p> <p>AGAIN: What “department” are we considering? Are these just police and beach patrol? Or do we add code enforcement? Maintenance; a one person operation? Finance; which doesn’t have a budget category?</p>
15c	x	<p><u>Update and remove conflicts</u></p>

		From a perspective of simplicity: the town manager should report to the Mayor and commissioners, and he should oversee the entire operation of the town, with oversight on police and lifeguards but however you'd work this...not oversight on hiring of individual guards and policemen other than department heads.
15c	x	<p><u>Clarify/update – discussion</u> There is no mention of any term of employment/length of contract for the town manager.</p> <p>Should there be some such direction, including provisions for renewal and termination/non-renewal? One suggestion was to insert the following as the first sentence of the section: “The Town Manager shall be hired under contract for a Term of 5 years. The Town Manager may be removed for just cause during the term of his contract by a majority vote of the Commissioners of the Town of Dewey Beach”.</p> <p>Another suggestion was to retain the ability to fire for just cause, but also there should be a provision requiring a contract for the position with the ability for the Council to opt not to renew that contract without regard to just cause. The term of the contract could be specified in the Charter or left to determination by the Council. The term could be governed by a contract or left indefinite. I think what is important is the public process needed for removing the Town Manager</p>
15j		<p><u>Discussion</u> Possibly remove language allowing commissioners or active town employees from serving dual position</p>
16a	x	<p><u>Remove Conflicts</u> The town manager can hire and fire employees for cause (unless prohibited by a commission resolution), but only at a salary/compensation in a commission resolution. Should this be changed to have the town commissioners define appropriate wage ranges and give the town manager latitude within such ranges? Is it the responsibility of the commission to determine individual employee wages/compensation?</p> <p>Staff hiring, firings and compensation issues pervade town manager, police/beach patrol heads, and commissioners. Probably should resolve some of this overlap.</p> <p>One suggestion was to insert the following after the first sentence: “The appointment and hiring of police officers and Beach Patrol staff are the responsibilities of the Police Chief and Beach Patrol Captain, respectively, subject to the Town Manager being given notice of the proposed action and the opportunity to seek Council input if deemed appropriate.” And the following sentence to state “All employees in the town manager’s charge may be removed by the town manager”</p>
16a	x	<p><u>Discussion</u></p> <p>“All employees may be removed by the Town Manager ...<i>unless otherwise provided by resolution of the Commissioners.</i>” Should this be removed? Seems to establish a conflict in the chain of command, and conflict with Commissioners as board of appeals. Need to get the commissioners out of administrative actions and protection of</p>

		<p>(potentially) noon-productive staff.</p> <p>ALSO: <i>“The Town Manager shall be the sole judge of the competence or incompetence of any such person so appointed by him.”</i> I think the last part of this sentence needs to be removed. It limits the Town Manager’s oversight of department heads that existed before his/her hiring?</p>
16a		<p><u>Discussion & removal of conflicts</u> Hiring, firing, compensation & other personnel authority. Need to get right in one place and delete conflicting statements everywhere else. Define the chain of administrative command and answer the question: when a given employee fails to perform their job, who is disciplined?</p>
16a	x	<p><u>Discuss/Update</u> Establishes the commissioners as a board of appeal to personnel actions by the town manager. First line of appeal results in final bind decision.</p> <p>ALSO: It seems there needs to be a mechanism of “appeal” for employees. This allows the Commissioners to “vote” to not “hear” a case brought against the Town Manager. If so, we need to define due process requirements and ensure employees have due process if denied by Council or if Council decision not in their favor. What is the “appeal” mechanism if the Commission votes that a hearing (of an employee complaint is not warranted). And what are the procedures and process to address an employee complaint to ensure equal protection of all employees. Required reporting to Council (at each regular town meeting?)</p> <p>Probably need to revisit in terms of current situation and personnel law. One suggestion was to strike the next-to-last sentence and replace with the following: “The Commissioners of the Town of Dewey Beach shall sit as a Board of Appeal for the protection of all Town employees.”</p>
16c 22d	x	<p><u>Discussion/possible update</u> Add language re: town manager responsible for operating town within approved budget (see also 22d – seems both town manager and commissioners should be bound by the budget in administration & policy)? To what level, or at what granularity is the town manager bound by the budget?</p>
		<p><u>Clarify</u> “It shall be the duty of the Town Manager to supervise the administration of the affairs of the Town under his charge and to make <u>such reports</u> to the Commissioners as are required by the Commission.” -- There should be minimal reporting standards defined here</p> <p>ALSO: “He shall make such recommendations to the Commission concerning the affairs of the Town <u>as may seem to him desirable.</u>” – Does this need clarification of amplification?</p>
16f	x	<p><u>Clarification</u> Here should it be added supervision over all public safety department heads (police, lifesaving), and code enforcement departments. If he/she has the responsibility of the</p>

		Town, but has no supervisory authority of all department heads than he/she has no real power to run the Town.
16g		<u>Discussion</u> In light of recent seemingly financial irregularities, how can the town manager “keep a full and strict account of all monies received and all disbursements made” ...? Does sub-section (g) need to be revisited or is this being taken care of elsewhere?
16h		<u>Clarification</u> “He shall give to the Town of Dewey Beach a bond , if required by the Commission, ...” Has this ever been required - a bond? Isn’t this covered in his/her contract?
16h		<u>Discussion</u> ADD a new sub-section to read as follows: “ In accordance with Section 8 of this Charter , the Town Manager shall maintain a staffing plan for all active employees, officers, agents and independent contract employees. An annual update of the plan shall be approved by ordinance by the Town Council. “
16j		<u>Clarification</u> “... <i>who may be an elected</i> or appointed official of the Town of Dewey Beach....” Here maybe Charter should get rid of elected? Again don’t think Commissioners should even on temporary basis be able to fill the job of Town Manager while in office.
16		<u>Possible update</u> Chapter 101 of the Town Code also assigns other responsibilities related to Flood Management to the town manager, does this need to be added herein?
17		<u>Consider Updating</u> Audit committee eligibility requires “property owner[ship]” with a majority as residents – very different from voting qualifications. Is it time to update to look more like overall voter qualifications?
17a 8a & 8b	x	<u>Unify</u> One year term language
18		<u>Clarify</u> I think this is meant to provide that the attorney only takes direction from the body of commissioners unless such authority has been appropriately delegated to an individual, as has been done in the past. Past Mayors and individual commissioners have taken it as their authority to direct attorney efforts.
18		Do we need to address other legal services; perhaps being approved by the Commissioners and contracted by the Town Manager? Or is the present situation sufficient: Town Manager contracts when such a need is required?
19	x	<u>Discussion</u> Consider 5 year terms for the Chief and Captain; hired/renewed as a joint effort involving the Town Manger and Commissioners – would need to define the process.
19	x	<u>Discussion needed</u> Town Commissioners establish the rules and regulations for the police force, but the Town Manager provides direction. Town Commissioners establish the rules and regulations for the beach patrol, but there is nothing indicating an appropriate chain of command unless it falls understood the police force. May need an extensive revision re: chain of command, personnel, operations? One suggestion was to change the last sentence in 19a to “The Chief of Police and the members of the police force shall be subject to the direction of the Town Manager acting

		<p>on behalf of the Town Commissioners.” (as Rehoboth) with similar language added at the end of 19b.</p> <p>One suggestion: Captain should be responsible for his lifeguards, budget, and enforcement of all beach activities and beach safety. There is a role here for Town Manager ioversight of the Captain on Admin things, liaison with beach goers, awareness of special event needs, and an independent perspective on daily beach operations/safety.</p> <p>Another: The police chief should be responsible for his officers, budget, seasonals, and enforcement of laws. I think there is a role for the Town Manager in oversight of the Chief and his Admin things, but not in daily operations.</p> <p>Another: Strike the last sentence of 19a and replace with: The Town Council shall with the written input from the Town Manager appoint a Police Chief under a 5-year contract to be in charge of the Police Force. The Police Chief shall be accountable to the Mayor and Town Council for all matters involving the core function of enforcing the laws of the Town and those of the State of Delaware. The Police Chief shall have the power to make such appointments and to hire such employees at such compensations as the Commissioners, by resolution, shall determine, subject to such rules and regulations as may be adopted by the Commissioners. The Police Chief shall be accountable to the Town Manager for all matters associated with the administrative functions ancillary to policing operation such as finances, human resource management, facilities and equipment maintenance and intergovernmental cooperation and regulatory and reporting requirements.</p> <p>Similarly adding for 19b, The Town Council shall with the written input from the Town Manager appoint a Beach Patrol Captain under a 5-year contract to be in charge of the Beach Patrol. The Beach Patrol Captain shall be accountable to the Mayor and Town Council for all matters involving the core function of keeping the beach safe and orderly. The Beach Patrol Captain shall have the power to make such appointments and to hire such employees at such compensations as the Commissioners, by resolution, shall determine, subject to such rules and regulations as may be adopted by the Commissioners. The Beach Patrol Captain shall be accountable to the Town Manager for all matters associated with the administrative functions ancillary to Patrol operations such as finances, human resource management, facilities and equipment maintenance and intergovernmental cooperation and regulatory and reporting requirements.</p>
19	x	<p><u>Consider</u> Simple “fix”: add language to the effect, “The <u>Chief of Police and the members of the police force</u> shall be subject to the administrative oversight of the Town Manager acting on behalf of the Town Commissioners.”</p>
19	x	<p><u>Consider</u> Need to better define role of Chief and BP Captain in supervision of their department, budget, execution of goals, management and relationship with Town Manager. Also required reporting to Council (1 x per quarter)?</p>
19	x	<p><u>Consider</u> Charter addresses roles and responsibilities for all departments EXCEPT Building Official, this should also be included in Charter and if the Town Continues to recognize a separate functioning department re: Parking Enforcement, may want to include that too</p>

		and required reporting to Council
19	x	<p><u>Consider</u></p> <p>Do we need to address the requirements of the state, federal government or any professional organization that governs standards for beach safety and lifeguards to ensure that those requirements and regulations supercede local and state requirements if more stringent? Also address role of Captain in supervision of this department and relationship and obligation to Town Manager and Commissioners. Address required reporting to Council and possible attendance at meetings for reporting (1 x a quarter?)</p>
22		<p><u>Clarify</u></p> <p>Should section 22 contain a specific reference back to 16(c)?</p>
22c		<p><u>Clarify</u></p> <p>Much of what is required to be in the “budget” is not actually in the budget but in other town financial documents, and therefore possibly less accessible.</p>
22d 16	x	<p><u>Clarify</u></p> <p>Roles of commissioners and town manager in adhering “to the Budget ... in the making of appropriations” and in conducting operations and personnel actions.</p>
23a, 23a1, 23a13, 4a	x	<p><u>Unify/update</u></p> <p>Goals of governance (see 4a)</p>
23a13		<p><u>Discussion</u></p> <p>Why is the fiscal year defined in sub-section 23 (a) 13 rather than, e.g., in Section 22 Town Budget?</p>
23a16	x	<p><u>Discussion</u></p> <p>Remove last sentence This residential rental accommodations tax does not apply to the rental or lease of any property being assessed a public accommodation lodging excise tax under Chapter 61 of Title 30. --- without this change, if the state extends it's version of accommodations/short term rental tax to everyone in town, it is possible that we wouldn't be able to collect our accommodation fee from short term residential renters.</p> <p>ALSO: Is it time to consider extending the residential rental accommodation tax to longer-term (one year or longer) rentals?</p>
24a		<p><u>Possible conflict</u></p> <p>Roles and responsibilities of town manager and police [captain] regarding advising commissioners of unpaid debts owed to the town</p>
24 a & b		<p><u>Possible conflict</u></p> <p>Seems to be some conflict: Sub-section (a) puts all such collections under the authority of the town manager, who is to keep the commissioners informed of delinquencies, while (b) requires the commissioners to instruct the town manager to act when delinquencies are noted.</p> <p>Goes to Courtney’s and Marcia’s question of when a violation exists</p>
25		<p><u>Discuss/Update/Remove conflict</u></p> <p>Seems to push role of mitigating obstructions, nuisances and unsanitary conditions onto the town commissioners on a one-by-one basis rather than enactment of general policy and/or ordinance, with enforcement by the town manager.</p>

		What are appropriate roles for commissioners, town manager, police/building official?
25c		<u>Discuss/Update</u> Authorizes the town manager or designee under certain conditions to enter into private property and remediate as authorized by the town commissioners, and to subsequently bill the property owner for such work without providing for due process. Does this need to be revised?
26a	x	<u>Correct</u> Missing text in 2 nd line? What to do?
26d	x	<u>Clarify</u> What is meant by “call a special election of taxables of the Town”? Taxables would seem to be different from eligible voters. “Taxables” also used in 21c and 31c
26e	x	<u>Correct</u> Missing language regarding manner of exercise power to borrow money. What to do?
27(a)7	x	<u>Clarify</u> What is meant by the exemption “under the supervision of the Town Manager”? Does this need clarification?
28	x	<u>Question</u> Limits statute of limitations for suit against the town to 90 days. I thought there were cases of ones reaching 3 years. What is state limit?
29	x	<u>Correct</u> Possible suggestion: “The Commissioners may provide for indemnification of elected and appointed officials from liability arising out of their acts performed in good faith on behalf of the Town.” This should probably be moved elsewhere
30 23(a)12	x	<u>Unify</u> Slightly different language in two places – possible conflict. Fix the language differences or remove language from 23(a)12?
31(c)	x	<u>Update/Correct</u> Seems to equate “taxables” with “inhabitants”, versus eligible voters. Does this need to be fixed?
		Typos and Administrative Corrections
		Correct gender bias everywhere
2d		“in” to “is” in 3 rd paragraph
7b		Deal with the “period” in the middle of the second line
8d		“of” to “or” in 3 rd line
24 (c)		Bold amendment info at end
16b		Replace “injury” with “inquiry”
26d, 31c		Replace “taxables” with “eligible voters” everywhere?
6e 11 c		Del C. Section 100001 et seq (6e) versus Chapter 100 (11c) – reference for DE FOI Act
		Lots of other typos

