

Donna Schwartz

From: John Reddington
Sent: Monday, July 27, 2020 4:20 PM
To: Tom Maly; Frank Twardzik; Bruce White; Berton Reynolds; Carol Houck; Dennis Schrader; Donna Schwartz
Subject: Term limits for Boards and Commission
Attachments: 2020-06-29 Memo re_ BOA P&Z Term Limits.docx; Ocean View Term Limits for Boards and Commission.docx

Attached are two documents, one from Dennis Schrader that references our ability to create term limits and the other is a discussion paper from me.

Donna, could you send us the current term expiration dates of all the board and commission members? Also, have we had any applications sent in from people who are interested in being on our boards?

I would like to put this on the agenda for our next council meeting.

John Reddington
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TOWN OF OCEAN VIEW
TOWN COUNCIL/COMMISSION/BOARDS

<u>Member</u>	<u>Elected/ Appointed</u>	<u>Expiration Date</u>	<u>Election District</u>
<u>TOWN COUNCIL (3-YEAR TERMS)</u>			
John Reddington, Mayor	April 2020,	April 2023	4
Thomas Maly, Mayor Pro Tem	Feb 2017, 2020	April 2023	3
Berton Reynolds	April 2018	April 2021	4
Frank Twardzik	April 2016, 2019	April 2022	2
Bruce White	April 2019	April 2022	1
<u>BOARD OF ASSESSMENT (1-YEAR TERMS)</u>			
Bob Lawless 725-0617	May 2017,2018,2019,2020	May 2021	4
Bob Vanderbeek 610-283-0940	May 2017,2018,2019,2020	May 2021	2
Bill Olsen	May 2020	May 2021	1
<u>BOARD OF ADJUSTMENT (3-YEAR TERMS)</u>			
Preston Coppels	May 2020	May 2022	4
Susan Kerwin, Chair	July 2014, 2017,2020	May 2023	2
Eugene Brendel, Secretary	Sept 2018	May 2021	1
Greg Neuner	June 2017,2020	May 2023	3
Don Walsh	May 2016, 2019	May 2022	4
<u>BOARD OF ELECTIONS (3-YEAR TERMS)</u>			
R. Thomas Sylvia, Chair	Jun 2012,2015,2018,	May 2021	2
Eugene Brendel, Vice Chair	Jun 2012,2015,2018,	May 2021	1
Pat Sharpe	Feb 2020	May 2022	3
Don Walsh	May 2014,2017	May 2020	4
Baptist Damiano	July 2014,2017	May 2020	1
<u>Alternates</u>			
Steve Cobb	May 2014,2017	May 2020	1
Richard Birkmeyer	May 2014,2017	May 2020	3
Marilyn Sheetz	May 2014,2017	May 2020	3
<u>PLANNING & ZONING COMMISSION (5-YEAR TERMS)</u>			
Kent Liddle	Jun 2018	May 2023	4
Norman Amendt (Ron Smith)	Jun 2018*	May 2021	3
Ken Sigvardson (Pat Sharpe)	Jun 2018*	May 2023	1
Mark Nicholson (Wichmann)	Jun 2019*	May 2022	2
Baptist Damiano, Chair	Aug 2015	May 2020	2

*These members of Council, the Planning and Zoning Commission and the Board of Adjustment were appointed to less than full terms so that only one member is appointed or reappointed each year.

To: Dennis Schrader
From: Michelle Bounds
Date: June 25, 2020
Re: **Town of Ocean View - Board of Adjustment and Planning and Zoning
Commission Term Limits**

Question Presented

Can Ocean View Town Council limit the number of terms an individual serves on Board of Adjustment and/or Planning and Zoning Commission?

Answer: Most likely, yes.

Discussion

The Delaware Code grants the legislative body of Ocean View the power to establish certain boards and commissions. Specifically, pursuant to 22 Del. C. § 322, “the legislative body of cities or incorporated towns shall provide for the appointment of a board to be known as the board of adjustment.” Similarly, pursuant to 22 Del. C. § 701, “any incorporated city or town may at any time establish a planning commission.” The provisions of §§ 322, et al. and 701 et al. outlined specific provisions relating to the appointment process, length of terms, board vacancies and removal but do not address term limits.

The Ocean View Town Charter states that the Town Council shall have all the powers it would be competent for the General Assembly to grant by specific enumeration, and which are not denied by statute.¹ The powers of the Town of Ocean View shall be construed liberally in favor of the Town, and specific mention of particular powers shall not be construed as limiting in any way the general powers stated in this section.² Specifically, Town Council has the power to create, change and abolish offices, departments or agencies other than offices, departments or agencies established by the Charter.³

Therefore, having no statute deny Town Council the power to impose term limits for members of the Board of Adjustment or Planning and Zoning Commission, the proposed term limits are likely within the powers of the Town Council.

¹ Town of Ocean View Town Charter § 2.313(a).

² Town of Ocean View Town Charter § 2.313(b).

³ Town of Ocean View Town Charter § 2.313(e).

Ocean View Term Limits for Boards and Commission

As per our last Town Council Meeting where we agreed to begin new recruiting methods for the Boards and Commission, we raised the issue of term limits. The Town Solicitor was to look into the statutes to see if we had the authority. Attached you will find his email that allows us to do that.

I would like to propose the following idea for discussion at our next Town Council Meeting that the Boards of Adjustments and Elections have the same term limits as the Town Councilmen two three-year terms. The Board of Assessments would be three two-year terms and the Planning & Zoning Commission would be two five-year terms.

I would also recommend that we stagger the terms so that not all members leave at once. I believe we currently do that but would ask that the Town Clerk give us the term expiration dates of all board and commission members.