

SPONSOR: _____

149TH GENERAL ASSEMBLY

BILL NO. _____

AN ACT TO AMEND THE CHARTER OF THE TOWN OF SOUTH BETHANY

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

1 Section 1. Amend Section 8.1.1, Chapter 268, Volume 69, Laws of Delaware, as amended,
2 by making insertions as shown by underlining and deletions as shown by strike through as follows:

3 8.1.1 Appointment and Removal. ~~Pursuant to ordinance the Town Council, by a majority~~
4 ~~vote of all members, may appoint a Town manager~~ The Town Council may appoint a Town
5 Manager who shall be the chief managerial administrative officer of the Town. All departments
6 in the Town, including the Police Department, shall report directly to the Town Manager. The
7 terms and conditions of such employment shall be included in a written agreement between the
8 Town Council and the Town Manager. The Town Manager shall be appointed solely on the basis
9 of professional, executive, and administrative qualifications and experience. Such person shall
10 reside no farther than thirty (30) miles from the Town. No member of the Town Council may
11 serve as Town Manager unless he or she first resigns. Subject to any limitations set forth in the
12 written agreement between the Town Manager and the Town Council, the Town Manager shall
13 serve at the pleasure of the Town Council. In case of the temporary absence, disability, or other
14 interruption of service of the Town Manager, the Town Council may designate some other
15 competent person to perform the duties of the office during such period.

16 Section 2. Amend Section 17.2, Chapter 268, Volume 69, Laws of Delaware, as amended,
17 by making insertions as shown by underlining and deletions as shown by strike through as follows:

18 17.2 ~~Police Department Operational Control. Staffing shall be determined by the Town~~
19 ~~Council and operational control of the Police Department shall be the responsibility of the Chief~~
20 ~~of Police. The Chief of Police shall be answerable to the Town Manager for all administrative~~
21 ~~duties and responsibilities, but he or she shall be subordinate to the Mayor and Town Council.~~
22 Police Department Administration. Subject to the supervision of the Town Manager, the Chief of
23 Police shall be responsible for the operational control, management, and administration of the
24 Police Department. Anything herein to the contrary notwithstanding, as determined by the Town
25 Manager to be in the best interest of the Town, the Town Manager may assume any of the duties
26 and responsibilities associated with the operational control, management, and/or administration
27 of the Police Department and/or assign certain duties and responsibilities to the Chief of Police.

28 Section 3. Amend Section 17.4, Chapter 268, Volume 69, Laws of Delaware, as amended,
29 by making insertions as shown by underlining and deletions as shown by strike through as follows:

30 17.4 Beach Patrol. There shall be a Beach Patrol, the number of which shall be
31 determined by the Town Council. ~~The Beach Patrol shall consist of a Captain and such other~~
32 ~~members and subordinates as the Town Council shall determine.~~ The Town Council shall have
33 the power to establish administrative rules and regulations governing the qualifications of
34 members of the Beach Patrol; provided, however, that each member of the Beach Patrol shall
35 pass a test substantially equal to the test required of a senior lifesaver by the American Red
36 Cross. The primary responsibility of the Beach Patrol shall be the preservation of human life on
37 and adjacent to all beaches of the Town. In addition, the Beach Patrol shall have such other
38 related duties as the Town Manager may prescribe.

SYNOPSIS

Section 1 eliminates the need to use an ordinance to appoint a Town Manager and specifies that all departments, including the Police Department, report directly to the Town Manager.

Section 2 outlines the Town Manager's responsibility for the Police Department.

Section 3 eliminates the organizational details of the beach patrol.