

Sponsor: Rep. Hocker

HOUSE OF REPRESENTATIVES

145th GENERAL ASSEMBLY

HOUSE BILL NO. _____

AN ACT TO AMEND CHAPTER 59, VOLUME 63 OF THE LAWS OF DELAWARE, AS AMENDED, THE CHARTER OF THE TOWN OF DEWEY BEACH, TO PROVIDE FOR A STABLE PERIOD OF EMPLOYMENT THROUGH CONTRACT WITH THE TOWN MANAGER IN SUPPORT OF CURRENT TOWN PRACTICE, AND TO CLARIFY TERMS OF EMPLOYMENT FOR TOWN EMPLOYEES.

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 Chapter 59, Volume 63 of the Laws of Delaware, as amended, by deleting Section 15, Subsection (c), in its entirety and replacing it with new Section 15, Subsection (c), to read as follows:

(c) The Council shall appoint a Town Manager who shall be the Chief Administrative Officer of the Town. He or she shall be appointed solely on the basis of his or her professional, executive and administrative qualifications. He or she need not, when appointed, be a resident of the Town or of the State of Delaware, but shall, within six months of his or her appointment, as a condition of employment, become domiciled within such radius of the Town Hall as determined by Council at the time of his or her appointment. The Town Manager shall hold office at the pleasure of the Town Council and may be removed with or without cause unless a written agreement between the Town Manager and the Town Council or ordinance provide otherwise.

Section 2. Amend Subsection (a), Section 16, Chapter 59, Volume 63 of the Laws of Delaware, as amended, by deleting the following two sentences, as such sentences appear therein:

(a) The Town Manager shall be responsible to the Commissioners of the Town of Dewey Beach for the proper administration of the affairs of the Town placed in his charge and to that end, he shall have the power to make such appointments and to hire such employees at such compensations as the Commissioner, by resolution, shall determine, subject to such rules and regulations as may be adopted by the Commissioners. All employees shall be hired for an indefinite term and may be removed by the Town Manager at any time for just cause unless otherwise provided by resolution of the Commissioners.

and by inserting the following two sentences in lieu thereof:

(a) The Town Manager shall be responsible to the Commissioners of the Town of Dewey Beach for the proper administration of the affairs of the Town placed in his charge and to that end, he 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. All employees shall be employed at will and may be removed by the Town Manager at any time unless otherwise provided by resolution of the Commissioners.

Section 3. If any provision of this Act shall be deemed or held to be invalid or unenforceable for any reason whatsoever, then such invalidity or unenforceability shall not affect any other provision of this Act that may be given effect without the invalid or unenforceable provision, and to this end, the provisions of this Act are hereby declared to be severable.

Section 4. This Act shall become effective upon its enactment into law.

SYNOPSIS

This Act amends the Charter for the Town of Dewey Beach to recognize the use of a written agreement or ordinance to provide a stable period of employment for the Town Manager. The Town Manager shall be removable as provided by the terms of the written agreement, or by the terms of the ordinance. This Act also amends the Charter for the Town of Dewey Beach to clarify that Town employees are employed at will.