



RESOLUTION 24-02

A RESOLUTION TO REQUEST AMENDMENTS TO THE CHARTER OF THE TOWN OF MILLVILLE, INCLUDING SECTION 5 (a)-(4), ENTITLED “QUALIFICATIONS FOR TOWN COUNCIL MEMBER,” SECTION 6 (a) & (b), ENTITLED “METHOD OF MAKING NOMINATIONS FOR TOWN COUNCIL MEMBER.”

WHEREAS the Town Charter serves as the chief governing document for the Town of Millville; and

WHEREAS the Town Council wishes to revise and update a section of the Charter; and

WHEREAS the Town Council held a public hearing on June 13, 2023, to allow public comment on the proposed revisions.

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Millville that proposed amendments to Section 5, Subsection (a)-(4), and Section 6, Subsection (a) & (b), of the Charter of the Town of Millville, be requested for passage by the State Legislature, with additions shown by bold and underline, and deletions shown in bold and strikethrough:

Section 5. Qualifications for Town Council Member

(a) The qualifications for Town Council member at the time of his or her election shall be as follows:

- (1) A citizen of the United States of America and bona fide resident of the Town of Millville for the period of at least ninety (90) days preceding the next Annual Municipal Election.
- (2) At least twenty-one (21) years of age on or before the date of the election.
- (3) Non-delinquent in taxes, utilities, or any other debt to the Town.
- (4) Not been convicted of a felony, and
- (5) Not been adjudged mentally incompetent.

(b) Each of the qualifications for Town Council member shall be continuing qualifications to hold office and the failure of any of the Town Council members to have

any of the qualifications required by this Section during his or her term of office shall create a vacancy in that Office.

(c) Prior to election, or appointment to Town Council, the person must submit an Ethics Form.

Section 6. Method of Making Nominations for Town Council Member

At a minimum, Title 15 of the Delaware Code shall be followed where applicable. However, certain items in this Section exceed those requirements and are to be followed. Each candidate for Town Council member shall be nominated as follows:

(a) Each candidate shall notify the Town Manager or designee in writing of his or her **intention to run candidaey** for the office of Town Council member. **At that time To do so**, the candidate shall fill out and file with the Town Manager or designee **all of the following**:

(1) Application for Town Council Member.

(2) Certificate of Intention.

(3) Proof of residency.

(4) Ethics Form.

(5) Consent Form for Criminal Background Check) the Ethics Form in Appendix B of this Charter.

(b) All **documents required under this Section such notifications of candidacy, consent to the required background check, and the completed Ethics Form, along with the Certificate of Intention or a Statement of Organization**, must be filed with the Town Manager or designee during the regular business hours of the Town on or before the close of business on the first Friday in the month of ~~February~~; **February. The results of the Criminal Background Check must be obtained by the candidate and provided to the Town Manager or designee at least one (1) week before the election.** The costs of the **Criminal Background Check shall be paid by the candidate. and thereupon it shall be the duty of the. The** Town Manager or designee ~~to shall~~ have a list of all candidates so filed printed in at least one (1) newspaper of general circulation in the Town of Millville at least fifteen (15) days prior to the date of the said Annual Municipal Election next ensuing; and, in the discretion of the Town Council, the Secretary may post a list of names of all candidates designating the office sought by each candidate in at least five (5) public places in the Town and on the Millville Town website. One of the public places shall be in or outside the Town Hall of the Town of Millville.

(c) The Town Manager or designee shall submit the names of candidates for each office up for election to the Sussex County Department of Elections no later than one (1) business day following the deadlines for the elected positions.

BE IT FURTHER RESOLVED that the Mayor or designee is authorized to forward the original Resolution or a copy thereof, along with a draft Bill for introduction and whatever documentation may be required or requested for Senator Gerald W. Hocker, Sr. and Representative Ronald E. Gray, with a request to introduce said Bill to the General Assembly at the soonest possible time in the current Legislative session.

BE IT FURTHER RESOLVED that the Mayor or designee and Town Solicitor are authorized to communicate and attend meetings with the Legislators in furtherance of the Bill's passage.

I, THE UNDERSIGNED, Secretary of the Town Council of the Town of Millville, do hereby certify that the above Resolution was passed at the meeting of the Town Council, duly called, and convened, held on the 13th day of June, 2023, at which a quorum was present and voting throughout and that same is still in full force and effect.

SECRETARY OF TOWN COUNCIL

SYNOPSIS

The Resolution requests amendments to the Charter of the Town of Millville to amend the process for Town Council candidates.
