

Charter Change Meeting for New Castle City took place on June 30, 2011 at 1:00 p.m. in the City of New Castle's Town Hall.

Members Present:

Dr. Genevive Miller, Chairperson

John Houben

James Vincent

Josephine Moore

Members Absent:

Dan Losco, City Solicitor

Dr. Miller called the meeting to order at 1:00 p.m. Roll call was taken and a quorum was declared.

Recap of June 28, 2011 Meeting. If Mayor's court was revived, would the fines and court costs be worth it.

Discussion of Gender biased wording, Committee went through and changed gender specific wording. Outdated wording was also looked at, Constable, being replaced with Law Enforcement Officer.

Section 12.- The **M**ayor shall keep a record of all judicial proceedings had before **(him/the Mayor)**, which record shall be the property of the City and subject to the control of the Council. Process issued by the **M**ayor shall be similar in form to that prescribed in like cases before justices of the peace and shall run throughout New Castle County, and shall be directed to the Sheriff or to any constable of said County, or to any police constable of said City. The costs of any proceedings before the **M**ayor shall be the same as are provided by law in like proceedings before justices of the peace, and shall be collected from the defendant in cases of conviction in addition to any fine imposed or shall be paid by **(him/them)** before **(his/their)** discharge from imprisonment, but the said costs may be remitted in the discretion of the **M**ayor. In case the charge is for the violation of a City ordinance and the party so charged be acquitted, the costs shall be paid by the City.

Section 13 – The City Council shall annually appoint a suitable number of **(police constables/law enforcement officers)** for said City, and shall have power to supply by new appointment all vacancies that may occur, and for good and sufficient cause may remove or suspend any **(police constables/law enforcement officers)** from office. The City Council shall appoint any number of special police constables to perform all the duties of police constables during any riot, breach of the peace, or other emergency or occasion for which the permanent police force is not adequate, and shall have authority to call upon the **(sheriff / law enforcement officers)** of New Castle County at all times to assist in preserving the peace of the City.

Section 14 – The police constables and special police constables so appointed shall carry into effect the ordinances of the City and laws of the State, and shall be under the exclusive direction and control of The City Council. They shall have, within said City, the same powers as are possessed by the constables of the County of New Castle, and are hereby declared conservators of the peace within the limits of said City, and they may pursue and arrest beyond the limits of the City any violator of the laws or ordinances of the city.

Section 15– All the legislative powers of the corporation shall be vested in the Council, the members of which shall assemble as soon as may be after their election, and organize by electing a clerk, who need not, but may, be one of their own number. They shall adopt rules for the government of their own body and the transaction of business. The President of Council shall be the presiding officer and a member of the Council. The Council shall meet for the transaction of business on the second Tuesday of every month and at such other times as the said Council may determine, and a majority of the whole number of members shall constitute a quorum to do business. All meetings of the Council shall be public, except meetings for the transaction of executive business. No ordinance shall pass the Council unless the same shall have the concurrence of a majority of all the members of the Council and have had at least two readings at a previous meeting thereof. No ordinance shall be repealed other than by an ordinance duly passed. On the final passage of an ordinance the vote shall be taken by yeas and nays and the names of the persons voting for and against the same shall be entered on the minutes. The yeas and nays on any question shall at the desire of any member be entered on the minutes. No ordinance authorizing the borrowing of money and the issuing of bonds therefor shall pass the Council without the concurrence of at least two-thirds of all the members. Every ordinance after it shall have passed the Council, shall be signed by the President of Council and the Clerk of Council in authentication of its passage, and on the next day thereafter presented to the Mayor. If **(he/the Mayor)** approves it, **(he/the Mayor)** shall sign it; but if not, **(he/the Mayor)** shall return it with **(his/the Mayor's)** objections to the Council who shall enter the objections on the minutes and proceed to reconsider it. If two-thirds of all the members of the Council shall then agree to pass the same, it shall become an ordinance of the City; otherwise it shall be inoperative. Every ordinance that shall not be returned to the Council by the Mayor within five days after having been received by **(him/the Mayor)**, shall become an ordinance of the City in like manner as if he had signed it. All ordinances of the City shall be preserved by the clerk of Council and recorded at length on the ordinance book.

Section 16– The Council is invested with all the power and authority formerly invested by law in the Town Commissioners of New Castle, not inconsistent with the provisions of this charter, and especially with power to make and enforce sanitary regulations and to prevent the introduction of infectious or contagious diseases, for which purposes its jurisdiction shall extend to a distance of one mile beyond the limits of the City; to define, abate and remove nuisances; to lay out, open, regulate the use of, fix the grade of, alter, extend, pave, improve or vacate roads, streets, squares, parks, lanes and alleys; to grant franchises and privileges within the City and over the roads and streets thereof upon such terms and conditions as it may prescribe; to construct, regulate and maintain sewers, drains, gutters and other works for the drainage of said City and the disposition of sewage; to direct, and regulate the paving of footways and sidewalks and prescribe the width of the same and to direct and regulate the fixing or maintenance of curbs; to prescribe the extend of steps, porches, cellar doors and other inlets to buildings; to provide police protection and to make such regulations as may be necessary to protect persons and property and to maintain the public peace and prevent crime; to provide for the extinguishment of fires and to purchase, own or control all necessary apparatus therefor; to provide for supplying the City and its inhabitants with water and to provide for the acquisition or erection of such works and apparatus as may be necessary or convenient for the same; to provide for lighting the streets and public places and supplying the inhabitants with light, and to provide for the acquisition or erection of such works and apparatus as may be necessary or convenient for the same; to regulate public amusements; to regulate party walls and the erection of buildings within the City and to require licenses to be taken out for the erection or repair of the same; to regulate the markets; to regulate the storage of gunpowder or other dangerous combustible matter; to prevent the running at large of any hog, dog, or other animal; and in

general to exercise all municipal powers necessary to the proper administration of the municipal government and for the well-being of the said City and the inhabitants thereof, whether expressly enumerated herein or not, not inconsistent with the Constitution or laws of this State.

The Council shall also have the power and authority to levy and collect reasonable taxes upon all telephone, telegraph, electric light and trolley poles and other erections of like character, erected within the City of New Castle, and may by ordinance prescribe the mode of levying and collecting the same. In case any of the owners or lessees of any such poles or erections within said City shall refuse or neglect to pay the taxes that may be levied upon such poles or erections, the Council shall have authority to cause the same to be removed and may cause to be instituted by the collector suit to recover the amount of taxes so levied and the expenses incident to the removal of such poles or erections.

The Council shall also have power and authority to pass any and all reasonable ordinance or resolutions, to require all street railway companies, now or hereafter running their cars over or along any of the streets of New Castle, to pave the bed of the streets over and along which they pass, between the rails of their track and for a distance of not more than three feet on each side of said track, so as to conform at all times, as to material and otherwise, to, and be on a level with, the other adjoining parts of said street, to keep the same in good repair, clean and clear and in a reasonably safe condition, and to keep in repair all culverts and drains constructed for their use across and along said streets. In the event of said railway companies or any of them neglecting or refusing to pave the bed of the street and for a distance of not more than three feet on each side of the track, or to keep the same on a level with the other part of said street, or to keep their tracks and right of way in good repair and condition, clean and clear, or to keep in repair all culverts and drains constructed for their use, then and in such case, after twenty days' notice so to do, the Council may proceed to have the contemplated work done and recover the expenses and all costs incurred thereby, by distress and sale of the goods and chattels of said railway company failing so to do found within said city, or the Council may bring suit against said railway company in the name of "The Mayor and Council of New Castle", in an action of debt to recover said expenses, and upon recovery of judgment, issue execution and proceed thereon to sell in the usual way provided by law for the collection of judgments. In all cases of sale by distress, notice of the day, hour and place of sale and a description of the property to be sold shall be given by public advertisement posted in at least ten public places within said City. The proceeds of said sale shall be first applied towards paying the expenses and costs as contemplated by this Act, and all surplus money thereafter, if any, shall be paid or returned to the railway company so proceeded against. Notices as aforesaid served upon either the president, treasurer, secretary, manager or other officer or agent of any railway company shall be sufficient. The Council shall also have the additional authority and power to enforce any and all the requirements of this Act and all reasonable ordinances passed by authority of this Act by imposing such fines and penalties and prescribing for their recovery, as shall in the judgment of Council be deemed reasonable, necessary and proper.

Section 17– Subject to the restrictions hereinafter provided the Council is authorized and empowered to borrow on the faith and credit of the corporation at such time or times as it may deem proper and necessary, money for municipal purposes and to issue bonds of the corporation therefor, to an amount not exceeding, in the aggregate of all bonds issued and outstanding, twenty percentum of the assessed value of the real estate in said City. Such bonds shall be issued at such times, in such amounts of such denomination, bearing such rate of interest, in such form, and payable at such time and manner, as the Council by an ordinance passed by vote of two-thirds of all the members shall determine and prescribe.

They shall be signed by the Mayor, president of Council and the treasurer, and sealed with the corporate seal. The Council is authorized and empowered to levy and collect annually, in the same manner as other taxes for municipal purposes are levied and collected, an amount of tax sufficient to pay all interest on such bonds as the same shall accrue, and to provide a fund for the payment of the bonds when due.

The Council shall not at any time have power to borrow money and issue bonds under the provisions of this section until a special election has been called by the Council and held by three persons to be appointed by it, and a majority of the legal votes cast at such election has been ascertained to be in favor of the borrowing money and issuing bonds. Due notices of the time and place of such election shall be given by the Council by advertisements posted in at least ten public places in said City at least ten days prior to any election. The voting at such election shall be by ballot. Every resident of the City of New Castle, both male and female, of the age of twenty-one years, shall on personally appearing before the election officers, be entitled to one vote for every one hundred dollars of assessment assessed as personal or poll tax against him or her or against property which he or she may own at the time of such election, provided the City tax for the preceding year on such assessment has been paid, no fraction of one hundred dollars to be considered. The election officers shall take the same oath and be subject to the same duties and penalties as are hereinbefore provided for the biennial City election. The Council shall furnish the election officers with the last city assessment or a certified copy of the same.

The provisions of this section shall not apply to special bond issues now or hereafter authorized by special Act, except that such bonds issued thereunder shall be counted in computing the aggregate bonds issued and outstanding in estimating the bonds that may be issued under this section.

Next Meeting – The next scheduled meeting is 7/06/11 at 1:00 p.m.

Adjournment – **A motion was made and seconded to adjourn the meeting. The meeting was adjourned at 2:03 p.m.**

Respectfully submitted,

Kimberly Burgmuller