



SPONSOR: Sen. Pettyjohn & Rep. Vanderwende

DELAWARE STATE SENATE
150th GENERAL ASSEMBLY

SENATE BILL NO. 229

AN ACT TO AMEND THE TOWN OF BRIDGEVILLE CHARTER RELATING TO DISQUALIFICATION OF ELECTIVE OFFICERS.

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

Section 1. Amend the Town of Bridgeville Charter by making deletions as shown by strike through and insertions as shown by underline as follows:

Section 7A. Disqualification of Elective Officers

The Commission shall declare the office of a Commissioner vacant when any of the following apply to the person elected or appointed to the office:

(1) Fails to qualify within 7 days after the term of the office begins.

(2) Dies, resigns, or ceases to be a resident of the Town or the district from which the person was nominated.

(3) Convicted of a felony.

(4) Absent from 6 consecutive regular meetings of the Commission.

(5) Found by a court to be mentally competent.

(6) Forfeits the office under any provision of this Charter.

(7) Removed from office by a court.

Section 2. Amend Section 13A of the Town of Bridgeville Charter by making deletions as shown by strike through and insertions as shown by underline as follows:

Section 13A. Vacancies

If any ~~vacancy shall occur in the office of President or Commissioner, by death, resignation, loss of residence in the City of Bridgeville, refusal to serve, failure to elect or otherwise, the same~~ a vacancy occurs under Section 7A of this charter, the vacancy may be filled by a majority vote of the Commissioners of ~~Bridgeville, the~~ Bridgeville. The person ~~or persons so chosen to fill such the vacancy or vacancies shall~~ must be qualified as in the case of newly elected Commissioners and shall hold office until the next annual election, at which time ~~said the vacancy or vacancies shall~~ must be filled by an election for the remainder of the unexpired term.

SYNOPSIS

This Act amends the Town of Bridgeville Charter to establish a clear standard to determine whether a Commissioner is unable to fulfill the duties and responsibilities of the office of Commissioner under the Charter. The current language of the Town of Bridgeville Charter is unclear regarding under what circumstances, if any, a Commissioner may be found to be unable to fulfill the duties and responsibilities of the office. This Act also makes corresponding changes to an existing section of the Town of Bridgeville Charter.

This Act requires a 2/3 majority vote of the General Assembly because it amends a municipal charter.

Author: Senator Pettyjohn