

## **BECOMING AN ELECTED OFFICIAL FOR THE TOWN OF SOUTH BETHANY 2021**

We welcome you as you consider a journey into local government. We strongly encourage anyone wishing to run for an elected position, to work first as a volunteer with a committee or Town-based organization, to become familiar with municipal government.

Please note: Town Hall remains closed to the public under Governor Carney's Emergency Declaration, effective March 13, 2020. Once the Emergency Declaration is lifted, meetings will be in-person and participation and absences will be in effect as set by the Charter.

### **WHAT SHOULD I KNOW ABOUT BEING AN ELECTED OFFICIAL?**

- **TOWN COUNCIL MEETINGS** - Due to the COVID-19 pandemic of 2020, Town Council meetings are held virtually pursuant to Governor Carney's State of Emergency Declaration, effective March 13, 2020. Meetings are held at 10:00 a.m. the second Friday of each month except for January. Town Council meetings can last from an hour and a half to two or three hours, depending on agenda item(s) and Council and/or public participation. However, by a majority decision of Town Council, meetings are limited to 240 minutes (4 hours). Once the COVID 19 State of Emergency is lifted, and dependent on group restrictions, Council will go back to in-person meetings with or without in-person public participation. The public will still be able to participate in virtual meetings.
- **TOWN COUNCIL WORKSHOPS** – Due to the COVID-10 pandemic of 2020, Town Council workshops are held virtually pursuant to Governor Carney's State of Emergency Declaration, effective March 13, 2020. Workshops are held at 3:00 p.m. the fourth Thursday of each month as needed. Exceptions include January, November, and December. The length of time of the workshop is dependent on what is under review by the Council.
- NORMALLY (pre-COVID), there is a 20-meeting commitment annually and 3 absences are allowed, as well as 3 remote participation calls. Four (4) members of the Town Council shall be present in order to constitute a quorum to conduct business and the meeting shall not be presided over by any person *not* physically present at the meeting.
- NORMALLY (pre-COVID), an absence shall be unexcused if a member has been absent for a total of three or more times, whether excused or unexcused or consecutive or nonconsecutive, in the 12 months immediately preceding the absence currently being considered. This action will be recorded in the minutes of the meeting. Participation by remote access is not considered an absence. However, Council Members may exercise the remote access option not more than twenty percent (20%) of the scheduled meetings annually.
- There is a total of 7 elected officials, the Mayor and six Council members. All have a 'vote'. No one council member can make a decision.
- Each Council member is required to chair, or be a liaison to, a special committee such as Canal Water Quality, Planning Commission, Community Enhancement, Community & Public Relations, Finance, or Charter and Code.

- Neither the Mayor nor any member of the Town Council shall be employed by the Town in any capacity during their term of office.

### **ORGANIZATIONAL MEETING**

NORMALLY (pre-COVID), an organizational meeting of the Town Council is held on the first Saturday following the date of the election. Most likely, the meeting will be conducted virtually in 2021. After the revisions to the Election Charter are approved by Legislation, the meeting date and time will change for the Town's 2022 election. The organizational meeting is held at Town Hall and is open to the public. The Mayor and other Town Council members assumes the duties of their respective offices, being first duly sworn or affirmed to perform their duties with fidelity. Such oath or affirmation takes place before a Notary Public, a Justice of the Peace, or by one (1) of the holdover Town Council members. At the organizational meeting, the Mayor appoints a President Pro Tempore, a Council Secretary and a Treasurer subject to ratification by majority vote of the Town Council. The Council Secretary and Treasurer need not be members of the Town Council. Each of these officers of the Town Council shall serve in that position for a term of one (1) year or until the organizational meeting after the next succeeding election.

### **MAYOR AND COUNCIL**

The Mayor is empowered to act on behalf of the town, without prior Town Council approval, in the event of a sudden emergency requiring prompt action, in order to protect the public health, safety and welfare of the Town, its inhabitants and property owners. A "sudden emergency," includes, by way of example and not in limitation, a major fire or conflagration, pandemic, national emergency, significant flooding or serious storm threatening significant damage, a civic disturbance or a toxic spill. A sudden emergency shall also include any emergency as declared by any county, state or federal agency having jurisdiction over the Town where the scope of the emergency so declared includes the Town and urgent, compelling circumstances prevent action being taken by the Town Council.

The President Pro Tempore (Mayor Pro Tem) shall function as Mayor during the absence or disability of the Mayor.

The Council Secretary shall be responsible for recording the proceedings of the Town Council and for maintaining safe custody of other Town records and shall perform such other duties as directed by ordinance or the Town Council.

The duty of the Treasurer or his/her designee will be required to attend all Town Council meetings. The Treasurer is responsible for maintaining custody of all town funds in a financial institution selected by the Town Council; for deposit of all town receipts and disbursement of town funds in payment of bills presented for payment; for presenting an annual financial report to the Town Council at the end of the fiscal year; and for performing such other duties as directed by ordinance or the Town Council. The Treasurer, before assuming the duties of such office, is required to give bond with sufficient surety to the Town Council in an amount at least equal to the funds likely to be handled in the discharge of such duties. The Treasurer shall, at the end of such term of office, deliver to his/her successor in office all fiscal records relating to such office and all town funds then held in the Treasurer's custody as part of the settlement of final account. The cost of a bond shall be paid out of town funds. In case of resignation, incapacitation or at the expiration of the term of office, an audit shall be performed.

The Council has the power in the name of the Town, to do and perform all acts and decisions appropriate to a municipal corporation and the general welfare of its residents and property owners, which are not specifically forbidden by the Constitution and the Laws of the State of Delaware.

It is important to note that the Council acts as a body. No single member has any extraordinary powers or authority beyond those of other members. The Council must work, and vote, as a 'whole'. While the Mayor may have some additional ceremonial and administrative responsibilities; in the establishment of policies, voting and in other significant areas, all members are equal. Policy is established by at least a majority vote of the Council. While individual elected officials may disagree with the decisions of the majority, a decision of the majority does bind the Council to a course of action. It is the responsibility of the Town Manager and/or Staff to ensure that the policy of the Council is upheld.

### **TOWN FUNDS**

The Town Council shall have full power and authority to use the money in the treasury of the Town or any portion thereof, from time to time, for the improvement, benefit, protection, ornamentation and best interest of the Town, as the Council may deem proper, and to use Town money to accomplish and carry into effect all acts and things which it has power to do by virtue of the Laws of the State of Delaware, this Charter and all ordinances and resolutions enacted by Town Council.

### **CHARTER AND CODE**

There are many other laws, plans, and documents that exist which bind the Council to certain courses of action and practices. It is pertinent that any new, or current, elected official become familiarized with the following:

- a. **Charter** – The Town Charter is issued and approved by the Delaware State Legislature. Any changes require a request from the majority of Council to the State Senator and State Representative for South Bethany. He/She may then sponsor a bill for the request. A majority of both Houses must approve the Bill that must be signed by the Governor.
- b. **Code** – The Town Code contains local laws and regulations by ordinance. The Code may be changed by majority vote of the Council.

A copy of the Town Charter and Code can be found on the website at [southbethany.delaware.gov](http://southbethany.delaware.gov) click on "Town Code". The document is also available for review at Town Hall.