

SPONSOR: Sen. Gay & Rep. Lambert

DELAWARE STATE SENATE 152nd GENERAL ASSEMBLY

SENATE BILL NO. 243

AN ACT TO AMEND THE CHARTER OF THE VILLAGE OF ARDENCROFT.

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

- 1 Section 1. Amend the Charter of the Village of Ardencroft by deleting the text of the Charter in its entirety and
- 2 making insertions as shown by underlining as follows:
- 3

Charter of the Village of Ardencroft

4 **Preamble**

5 We the people of the Village of Ardencroft, under the constitution and laws of the State of Delaware, in order to

6 secure the benefits of self-governance do hereby adopt this charter and confer upon the Village the following powers, subject

- 7 to the following restrictions, and prescribed by the following procedures and governmental structure. By this action, we secure
- 8 the benefits of home rule and affirm the values from our Georgist, conservationist, and integrationist history, including: equal

9 opportunity, direct democracy, common land ownership, environmental stewardship, diversity, inclusion, and belonging.

10 Section 1

11 Name and General Powers

12 (a) The inhabitants of the Village of Ardencroft in New Castle County, Delaware, and their successors within the

13 limits hereinafter prescribed or hereafter established, are hereby constituted, created and established a municipal corporation

14 and body public forever, by the name and style of the "Village of Ardencroft" hereinafter "the Village".

15 (b) Under that name they shall have perpetual succession; may have and use an official seal, which may be altered,

16 changed or renewed at pleasure; may sue or be sued; for any public, municipal educational or charitable purpose, may acquire

17 by gift, grant, purchase, lease, demise, bequest or otherwise hold, real and personal property within and without the limits

18 hereinafter prescribed; for the common benefit may dispose of real and personal property owned or held by it; and shall

- 19 possess in addition to the powers expressly enumerated or specifically mentioned in this Act, all powers, which under the
- Constitution of the State of Delaware, it is now or in the future may be, lawful for this Act to enumerate. All powers of the 20

21	Village, whether expressed or implied, shall be exercised as prescribed by this Act. If no procedure or manner of exercise be
22	prescribed herein the same shall be exercised as prescribed by an appropriate ordinance or resolution of the Village Assembly
23	of Ardencroft.
24	Section 2
25	Territorial Limits
26	(a) The corporate limits of the Village are described in Exhibit A, along with a mapped representation of that
27	description.
28	(b) The Village Assembly may at any time hereafter, cause a survey and plot of the Village to be made, and said
29	plot or any supplement thereto, when so made and approved by the Village Assembly signed by the Secretary of the Village
30	Assembly, and upon being recorded in the office of the Recorder of Deeds of the State of Delaware in and for New Castle
31	County, shall be the record thereof, and such record, or a duly certified copy thereof, shall be evidence in all Courts of Law
32	and Equity of this State.
33	Section 3
34	Definitions
35	The following are definitions as used in this Act:
36	(a) Village Assembly is the legislative body of eligible voters.
37	(b) Meetings of the Village Assembly are events held at various points in the year. At such meetings, whether regular
38	or special meetings, eligible voters choosing to attend conduct Village business by hearing updates from officers and
39	committees and by debating and voting on issues at hand. Village Assembly meetings are open to the public, but only eligible
40	voters may vote.
41	(c) Eligible voter shall mean a resident, age 18 years or older.
42	(d) Resident is defined as a person residing in the Village for a period of 30 consecutive days who currently resides
43	in the Village for the majority of the calendar year. Residents include those renting housing units in the Village, as well as
44	resident leaseholders.
45	(e) Officers of the Village Assembly shall be the Village Assembly Chair, Secretary, and Treasurer.
46	(f) An ordinance is a legislative act of the Village Assembly. It is the municipal equivalent of a statute.
47	(g) A resolution, like an ordinance, is a legislative act of the Village Assembly. A resolution is a formal decision of

49	(h) A policy is a set of principles used for making decisions or taking actions. A procedure is a set of rules, guidelines
50	or processes for implementing a policy. There is considerable overlap in the definitions and purposes of policies and
51	procedures.
52	(i) A motion is not a legislative action. Rather, it is a proposal for formal action that if approved by the Village
53	Assembly would enact an ordinance or resolution.
54	Section 4
55	Form of Government
56	The Village's form of government is an open town meeting, one of several historical forms of municipal
57	governments in the United States (others may include mayor-council, council-manager, city commission, and representative
58	town meeting).
59	The government of the Village and the exercise of all powers conferred by this Act, except as otherwise provided
60	herein, shall be vested in the Village Assembly of the Village of Ardencroft.
61	Section 5
62	Powers and Ordinances
63	The Village shall have all powers possible for the Village to have under the Constitution and laws of Delaware as
64	fully and completely as though they were specifically enumerated by this Act. In furtherance thereof, the Village Assembly
65	is hereby vested with the authority to enact ordinances and adopt resolutions relating to any subject within the powers of
66	functions of the Village, or relating to the government of the Village, its peace and order, its sanitation, beauty, the health,
67	safety, convenience and comfort of its population, and the protection and preservation of property, and to fix, impose and
68	enforce the payment of fines and penalties for the violation of such ordinances or resolutions on any particular subject shall
69	be held to be restrictive of the power to enact ordinances or resolutions on any subject not specifically enumerated.
70	The Village may exercise any of its powers or perform any of its functions and may participate in the financing
71	thereof, jointly or in cooperation, by contract or otherwise with any one or more states or civil divisions or agencies thereof,
72	including the government of New Castle County, or the United States or any agency thereof.
73	No ordinances of the Village concerning zoning, housing or building permits shall be less restrictive than the
74	requirements of the New Castle County codes now and hereafter in effect.
75	Section 6
76	Meetings of the Village Assembly
77	(a) A minimum of 4 regular meetings of the Village Assembly shall be held each year, barring any force majeure.
78	Meeting locations can be the Buzz Ware Village Center, the Arden Gild Hall, or other suitable public place. Meetings may
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79 also be virtual in whole or in part. The annual number and timing of regular meetings shall be established by the Village

80 Assembly.

81 (b) Special meetings of the Village Assembly may be called by the Secretary of the Village Assembly: 1. upon

82 written request of 15 eligible voters, provided that such request shall state the purpose for calling such meeting, which purpose

- 83 shall be set forth in the notice of such meeting; or 2. upon the affirmative vote of a majority of eligible voters at a regular or
- 84 special meeting shall state the purpose therefore, which purpose shall be set forth in the notice thereof.
- 85 (c) Notice of all meetings of the Village Assembly, regular or special, shall conform with County, State, and/or 86 Federal law Earther meetings of meetings shall be established by the Village Assembly.
- 86 <u>Federal law. Further specification on notices of meetings shall be established by the Village Assembly.</u>
- 87 (d) At all meetings of the Village Assembly, 14 eligible voters shall constitute a quorum for the enactment of all
- 88 ordinances, the adoption of all resolutions and motions, and the transaction of all business properly before the Village
- 89 Assembly. Village Assembly meetings are open to the public, including non-eligible voters.
- 90 (e) Each eligible voter attending a meeting of the Village Assembly shall have 1 vote on each matter brought before
- 91 such meeting. The Secretary of the Village Assembly shall take the yeas and nays and, unless otherwise specified in this Act,
- 92 <u>a majority of the yeas shall be sufficient to pass all ordinances, resolutions and motions at any meeting of the Village</u>
- 93 Assembly, and to transact all business properly brought before the meeting.
- 94 (f) No ordinance of the Village shall be voted upon by the Village Assembly unless submitted to the Village
- 95 Assembly in writing and read at 2 consecutive meetings whether regular or special, with a vote following the reading at the
- 96 <u>second meeting.</u>
- 97 (g) The Village Assembly shall determine its own rules and order of business and shall conform with County, State,
- 98 and/or Federal law. Minutes shall be kept by the appropriate officer.
- 99 <u>Section 7</u>
- 100 Officers
- (a) The Village Assembly shall elect an eligible voter to serve as Chair of the Village Assembly who shall preside
 at all meetings thereof, and who may be empowered by the Village Assembly to appoint members to Special Committees.
 The term length of the Chair shall be established by the Village Assembly but be no less than 1 year and no greater than 2
- 104 years. Each Chair shall serve until a successor is duly elected by the Village Assembly in accordance with the provisions
- 105 hereof. The signature, certifications or attestation of the Chair of the Village Assembly to any document pertaining to the
- 106 affairs of the Village called for by any act, statute, rule or regulation of the State of Delaware or any agency thereof shall be
- 107 good and sufficient compliance therewith, notwithstanding that such act, statute, rule or regulation designates such document
- 108 to be signed, certified or attested by the Mayor, City Manager, President or Council or like designated chief executive of an

109 incorporated municipality of the State of Delaware. The Chair may have other powers and responsibilities as prescribed by

110 the Village Assembly.

- 111 (b) The Village Assembly shall elect an eligible voter to serve as Secretary of the Village Assembly. The term length 112 of the Secretary shall be established by the Village Assembly but be no less than 1 year and no greater than 2 years. Each 113 Secretary shall serve until a successor is duly elected by the Village Assembly in accordance with the provisions hereof. The 114 Secretary shall have charge of all papers and documents arising out of the proceedings of the Village Assembly and shall 115 maintain an accurate public record of ordinances, resolutions, and policies in response to changes. The Secretary may have 116 other powers and responsibilities as may be prescribed by the Village Assembly. 117 (c) The Village Assembly shall elect an eligible voter to serve as Treasurer of the Village Assembly. The term length 118 of a Treasurer shall be established by the Village Assembly but be no less than 1 year and no greater than 2 years. Each 119 Treasurer shall serve until a successor is duly elected by the Village Assembly in accordance with the provisions hereof. It shall be the duty of the Treasurer to furnish annually to the Coordinating Committee (hereinafter referred to) all necessary 120 121 information upon which the Coordinating Committee can recommend a proposed budget to the Village Assembly at least 2 122 months prior to the next fiscal year. Such information shall include the actual expenditures of the Village during the prior 123 fiscal year and the budget adopted by the Village Assembly for the current fiscal year of the Village. The Treasurer shall 124 regularly update the Village Assembly on income and expenditures. The Treasurer may have other powers and responsibilities 125 as prescribed by the Village Assembly. 126 Section 8 127 Committees 128 (a) The Village Assembly shall elect such officials and agents, committees, and commissioners of the Village which 129 the Village Assembly may deem proper and necessary for the management of the Village and for the operation and 130 enforcement of this Act and of any ordinances and resolutions adopted hereunder. Any person so elected must be an eligible 131 voter of the Village and shall serve at the pleasure of the Village Assembly but in no event longer than 2 years unless re-132 elected. 133 (b) The Village Assembly may at such times as it deems appropriate empower the Village Assembly Chair to appoint 134 members to Special Committees. Any person so elected or appointed must be an eligible voter of the Village and shall serve 135 for the duration of the committee's purpose. 136 (c) All persons presently serving on committees of the Village Assembly shall continue in office until their 137 successors are duly elected in the manner herein provided.
- 138 <u>Section 9</u>

139 **Registration Committee** 140 (a) The Registration Committee shall consist of at least 3 eligible voters elected for terms of 2 years. Number of 141 members and staggering of members' terms shall be established by the Village Assembly. 142 (b) The Registration Committee shall register all eligible voters as defined in Section 3(c) of this Act and keep a 143 complete up-to-date record denoting all eligible voters of the Village of Ardencroft including the date of the establishment of 144 residence. The Registration Committee shall keep an accurate record of eligible voters. 145 (c) The Registration Committees shall have complete supervision of all elections of officers, agents, committees and 146 commissioners of the Village, and shall certify in writing the results of such voting to the Village Assembly held hereunder. 147 Section 10 148 **Coordinating Committee** 149 (a) The Coordinating Committee shall consist of Village Assembly officers, the chairs of all standing and special 150 committees, and the immediate past Village Assembly Chair. The Village Assembly Chair shall serve as Chair of the 151 Coordinating Committee. The Village Assembly Secretary shall serve as secretary of the Coordinating Committee. 152 (b) The Coordinating Committee shall be advisory to the Village Assembly; coordinate and review the committee 153 activities of the Village; advise on preparation of agendas for the meetings of the Village Assembly; and prepare a budget 154 governing the expenditure of all Village funds and report the same to the Village Assembly at the regular meeting next 155 preceding the beginning of the new fiscal year. The Village Assembly can modify or amend all or any portion of the budget 156 proposed by the Coordinating Committee. The Village budget, as approved by the Village Assembly, with or without 157 modification, shall govern the use and expenditure of the monies therein specified for and during the fiscal year of the Village 158 next following. 159 (c) The Coordinating Committee shall present annually nominations for all vacancies in standing committees; and 160 officers of the Village Assembly to the Village Assembly for elections to be held annually. They shall make every effort to 161 submit more nominees than are to be elected to each committee and office. Additional nominations may also be made from 162 the floor at the regular Village Assembly meeting preceding the meeting at which elections are to be held. Nominations may 163 also be made until 30 days before the date of election by petitions, presented to the Registration Committee, containing 164 signatures of 10 eligible voters of the Village of Ardencroft. 165 Section 11 166 Elections 167 (a) Elections shall be held annually. 168 (b) Officers and committee members shall be elected by secret ballot.

169	(c) The officers shall be elected by a majority of votes cast. If no candidate for an office receives a majority of the
170	votes cast, a run-off election shall be held between the two candidates receiving the highest number of votes.
171	(d) Committee members shall be elected by plurality of those voting.
172	Section 12
173	Vacancies
174	In case of vacancy created in any office established under the provisions of this Act and the doings of the Village
175	Assembly, the Village Assembly, at the earliest possible meeting, shall elect some suitable person to serve the unexpired term
176	of such office.
177	Section 13
178	Records
179	Officers and committee chairs shall oversee the maintenance and security of pertinent electronic and tangible Village
180	records, and backups thereof, transferring secure access to successors. Access to records for residents and the public shall
181	conform with County, State, and/or Federal law.
182	Section 14
183	Enforcement, Fines and Penalties
184	(a) The Justices of the Peace sitting (whether regularly, specially or otherwise) in the Justice of the Peace Court
185	located nearest to the Village shall have jurisdiction and cognizance of all offenses against the provisions of this Act or the
186	authorized ordinances of the Village committed within the limits of the Village as far as to arrest and hold to bail or fine
187	offenders, provided that he shall impose no fine or penalty in excess of that fixed by ordinance.
188	(b) The Village Assembly shall set a municipal fine structure.
189	Section 15
190	Contracts of the Village Assembly
191	The Village Assembly shall set policy and procedures on contracting for the rendering of services to the Village
192	and/or the purchase of supplies and doing of work for any municipal purpose of the Village consistent with this Act.
193	Section 16
194	Severability
195	If any part of this Act shall be held unconstitutional, such holding shall not in anywise invalidate the remaining
196	provisions of this Act.
197	Section 17
198	Public Act
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199

This Act shall be deemed and taken to be a public Act, superseding prior versions of the Ardencroft Municipal

- 200 Charter. It shall go into effect July 1, 2024.
- 201 <u>Exhibit A</u>
- 202 Metes and Bounds Description from 1976 Charter

203 Beginning at the point of intersection of the centerline of the Bird or Veale Road with the centerline of the Grubb or 204 Harvey Road; thence along the centerline of the Grubb or Harvey Road, South thirty-five degrees fifty-eight minutes East 205 four hundred eighty and eighty hundredths feet and South thirty-six degrees twelve minutes East three hundred twenty-two 206 and fifty-five hundredths feet to a corner of lands formerly of Adam Williamson now the lands of Frank L. Speakman; thence 207 along the boundary line of lands of said Frank L. Speakman South fifty degrees fifty-nine minutes West, passing over a three-208 quarter inch diameter iron pipe at a distance of twenty-five and three hundredths feet, a total distance of eleven hundred sixty-209 eight and thirty-one hundredths feet to old fence post at an angle point; thence continuing along the boundary line of lands of 210 said Frank L. Speakman South fifty-three degrees fifty minutes five seconds West three hundred twenty-seven and seventy-211 two hundredths feet to a four and one-half inch diameter iron post marking the corner of lands formerly of James S. Conly, 212 later lands of W. W. Weiman, now the lands of J. Christy Conner, Jr.; thence along the boundary line of lands now of J. 213 Christy Conner, Jr. North twenty-four degrees twenty-five minutes twenty seconds West, passing through a four and one-half 214 inch diameter iron post at a distance of one thousand forty-three and two hundredths feet, a total distance of one thousand 215 sixty-one and forty-nine hundredths feet to the centerline of the Bird or Veale Road; thence along the centerline of said Bird 216 or Veale Road North eighty-seven degrees thirty-nine minutes thirty seconds West one hundred thirty-three and seventeen 217 hundredths feet to a point, said point being on the extension Southeasterly of the Southwesterly side of a twenty-five feet 218 wide right of way, and a corner of lands recently conveyed by Mary A. Burnham to Ralph P. Ryan and Isabel S. Ryan, his 219 wife; thence along the boundary line of the land of Ralph P. Ryan and Isabel S. Ryan and along the Southwesterly side of a 220 twenty-five feet right of way above mentioned North twenty-two degrees forty-one minutes fifteen seconds West seven 221 hundred twenty-seven and seventy-seven hundredths feet to an iron pipe, a corner of land of said Ryans and said Mary A. 222 Burnham; thence North seventeen degrees thirty two minutes fifty-five seconds West one hundred and thirty-nine and fifteen 223 hundredths feet to an iron pipe and North twenty-two degrees forth-one minutes fifteen seconds West one hundred and forty-224 nine and fifty-nine hundredths feet to an iron pipe, a corner of said land of said Ryans and of the real estate development 225 known as Arden; thence along the boundary line of said Arden tract North fifty-seven degrees thirty-eight minutes fifty 226 seconds East eight hundred and nine and seventy-seven hundredths feet to a one-half inch diameter pipe that marks the corner 227 of lands of Foord Von Bichowsky; thence partly along the boundary lines of Foord Von Bichowsky, E. F. Harford, and H. E. 228 Wolcott, South thirty-five degrees fifty-four minutes fifteen seconds East seven hundred four and forty-nine hundredths feet

- 229 to a one inch diameter iron pipe that marks the corner of property of H. E. Wolcott; thence along the boundary line of lands
- 230 of H.E. Wolcott North fifty-four degrees fifty-seven minutes thirty seconds East, passing over a three-quarter inch diameter
- 231 pipe at a distance of three hundred five and fifteen hundredths feet to the centerline of the above mentioned Grubb or Harvey
- 232 Road; thence along the centerline of the said Grubb or Harvey Road South thirty-five degrees fifty-eight minutes East four
- 233 hundred eighty and seventy-four hundredths feet, a total distance of three hundred thirty and fifteen hundredths feet to the
- 234 centerline of the above mentioned Grubb or Harvey Road; thence along the centerline of the said Grubb or Harvey Road
- 235 South thirty-five degrees fifty-eight minutes East four hundred eighty and seventy-four hundredths feet to the centerline of
- 236 the above mentioned Bird or Veale Road and the place of Beginning. Containing within said metes and bounds sixty and
- 237 <u>seven hundredths acres be the same more or less.</u>



SYNOPSIS

This Act deletes the current Charter of the Village of Ardencroft (the "Village") and replaces it with a new charter that differs in several respects.

Among other changes, the Act changes the Village's governing body from the "Town Meeting" to the "Village Assembly."

The Act also adds a requirement for residents to qualify as eligible voters. Under the current charter, eligible voters are persons 18 or older who have resided in the Village for a period of 30 consecutive days. The new charter provides that an "eligible voter" means a resident who is 18 years or older, and defines "resident" to mean a person who has resided in the

Village for a period of 30 consecutive days and who currently resides in the Village for the majority of the calendar year. In addition, the Act clarifies that "resident" includes persons renting housing units in the village, as well as resident leaseholders.

The Act decreases the minimum required number of regular meetings of the governing body from 6, under the current charter, to 4, under the new charter, and clarifies that they may be held virtually, in whole or in part, and that they are open to the public, which includes persons who are not eligible to vote.

Finally, the Act removes the current charter's provisions concerning a town police force.

Author: Senator Gay