

December 21, 2020

Delaware City Secretary Britney Loveland
PO Box 4159
407 Clinton Street
Delaware City, DE 19706

Subject: Fort DuPont Campground Approval: Request for Repeal or Referendum

DEC 21 2020

Dear City Secretary Loveland,

The attached Legal Notice states "Notice is hereby given that on December 2, 2020, the Mayor & Council of the City of Delaware City, at a special meeting, granted final approval for the "Final Site Plan for Fort DuPont Campground," dated August 6, 2020 and sealed by professional engineer on November 7, 2020, also referred to as the proposed Blue Water Campground Project, located at 100/108 North Reedy Point, Delaware City, tax parcel nos. 22-013.00-001, 002."

There is significant community opposition to this project that has thus far failed to influence the city's decision to approve the Fort DuPont Campground. Therefore, qualified voters of the City of Delaware City are requesting that Mayor & Council repeal approval of the Fort DuPont Campground, or, approve or reject it at a Delaware City election pursuant to Article XIII of the Delaware City charter.

A committee of five qualified voters, so named below, has been established to commence the referendum proceedings. This letter serves as their affidavit to constitute the petitioner's committee and acknowledges their responsibility to circulate the petition and file it in proper form. The petition asks Mayor & Council to repeal their approval of the "Final Site Plan for Fort DuPont Campground/Blue Water Campground Project" given on December 2, 2020, or to add the topic to the ballot in a referendum vote.

Petitioner's Committee to Repeal or Conduct Referendum on approval of Fort DuPont Campground:

Erica Lindsey PO Box 427 905 A Fifth Street Delaware City, DE 19706 ixionangel@aol.com	Oksana Jordan PO Box 4108 133 Washington Street Delaware City, DE 19706 Mikeswife1@icloud.com	Chris Walls PO Box 747 220 Franklin Street Delaware City, DE 19706 wallsdump@aol.com
Jennifer Haugh Campen PO Box 385 305 Monroe Street Delaware City, DE 19706 Jennylynn217@yahoo.com	Jeanne Sadot 228 Hamilton Street Delaware City, DE 19706 jesadot@gmail.com	

Please confirm via email response that this letter satisfies Delaware City Charter Article XIII: Initiative and Referendum, Section 13-02: Commencement of Proceedings Petitioners' Committee; Affidavit. If not, please describe any alteration needed to complete the filing. If this letter is sufficient, please promptly provide the petition blanks for disbursement to the committee members.

Thank you!

"A Historic Past"



"A Bright Future"

CITY OF DELAWARE CITY
407 Clinton Street - P.O. Box 4159
Delaware City, Delaware 19706
302-834-4573

DEC 21 2020

LEGAL NOTICE

The City of Delaware City

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Posted: December 10, 2020 Town Hall, Sunset Market, Post Office, Valero Gas Station, www.delawarecity.delaware.gov

Article XIII Initiative and Referendum

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Sec. 13-01. General Authority.

A. Initiative. The qualified voters of the City shall have power to propose ordinances to the Mayor and Council and, if the Mayor and Council fail to adopt an ordinance so proposed without any change in substance, other than those changes recommended by the City Solicitor for reasons of legality, to adopt or reject it at a City election, provided that such power shall not extend to the budget or capital program or any ordinance relating to appropriation of money, levy of taxes or salaries of city officers or employees.

B. Referendum. The qualified voters of the City shall have power to require reconsideration by the Mayor and Council of any adopted ordinance and, if the Mayor and Council fail to repeal an ordinance so reconsidered, to approve or reject it at a City election, provided that such power shall not extend to the budget or capital plan or any emergency ordinance or ordinance relating to appropriation of money or levy of taxes.

Sec. 13-02. Commencement of Proceedings; Petitioners' Committee; Affidavit.

Any five (5) qualified voters may commence initiative or referendum proceedings by filing with the City Secretary an affidavit stating they will constitute the petitioners' committee and be responsible for circulating the petition and filing it in proper form. stating their names and addresses and specifying the address to which all notices to the committee are to be sent, and setting out in full the proposed initiative ordinance or citing the ordinance sought to be reconsidered .

Promptly after the affidavit of the petitioners' committee is filed the City Secretary shall issue the appropriate petition blanks to the petitioners' committee.

Sec.13-03. Petitions.

A. Number of Signatures. Initiative and Referendum petitions must be signed by qualified voters of the City equal in number to at least twenty-five percent (25%) of the total number of voters who voted at the last regular municipal election.

B. Form and Content. All papers of a petition shall be uniform in size and shall be assembled as one instrument for filing. Each signature shall be executed in ink or indelible

pencil and shall be followed by the address of the person signing. Petitions shall contain or

**Section 13-03
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Section 13-

have attached thereto throughout their circulation the full text of the ordinance proposed or sought to be reconsidered.

C. Affidavit of Circulator. Each paper of a petition shall have attached to it when filed, an affidavit executed by the circulator thereof stating that he personally circulated the paper, the number of signatures thereon, that all the signatures were affixed in his presence, that he believes them to be the genuine signatures of the persons whose names they purport to be and that each signer had an opportunity before signing to read the full text of the ordinance proposed or sought to be reconsidered.

D. Time for Filing Referendum Petitions. Referendum petitions must be filed within thirty (30) days after adoption by the Mayor and Council of the ordinance sought to be reconsidered.

Sec. 13-04. Procedure After Filing.

A. Certificate of City Secretary; Amendment. Within twenty (20) days after the petition is filed, the City Secretary shall complete a certificate as to its sufficiency, specifying, if it is insufficient, the particulars wherein it is defective and shall promptly send a copy of the certificate to the petitioners' committee by registered mail. A petition certified insufficient for lack of the required number of valid signatures may be amended once if the petitioners' committee files a notice of intention to amend it with the City Secretary within two (2) days after receiving the copy of his certificate and files a supplementary petition upon additional papers within ten (10) days after receiving the copy of such certificate. Such supplementary petition shall comply with the requirements of subsections B and C of Section 13-03, and within five (5) days after it is filed the City Secretary shall complete a certificate as to the sufficiency of the petition as amended and promptly send a copy of such certificate to the petitioners' committee by registered mail as in the case of an original petition. If a petition or amended petition is certified sufficient, or if a petition or amended petition is certified insufficient and the petitioners' committee does not elect to amend or request Council review under subsection B of this Section within the time required, the City Secretary shall promptly present his certificate to the Mayor and Council and the certificate shall then be a final determination as to the sufficiency of the petition.

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B. Mayor and Council Review. If a petition has been certified insufficient and the petitioners' committee does not file notice of intention to amend it or if an amended petition has been certified insufficient, the committee may, within two

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(2) days after receiving the copy of such certificate, file a request that it be reviewed by the Mayor and Council. The Mayor and Council shall review the certificate at its next meeting following the filing of such request and approve or disapprove it, and the Council's determination shall then be a final determination as the sufficiency of the petition.

C. Court Review; New Petition. A final determination as to the sufficiency of a petition shall be subject to court review. A final determination of insufficiency even if sustained upon court review, shall not prejudice the filing of a new petition for the same purpose.

Sec.13-05. Referendum Petitions; Suspension of Effect of Ordinance.

When a referendum petition is filed with the City Secretary, the ordinance sought to be reconsidered shall be suspended from taking effect. Such suspension shall terminate when:

- (1) There is a final determination of insufficiency of the petition, or
- (2) The Petitioners' committee withdraws the petition, or
- (3) The Mayor and Council repeal the ordinance, or
- (4) Five (5) days have elapsed after a vote of the City on the ordinance.

Sec. 13-06. Action on Petitions.

A. Action by Mayor and Council. When an initiative or referendum petition has been finally determined sufficient, the Mayor and Council shall promptly consider the proposed initiative ordinance in the manner provided in Article *N* or reconsider the referred ordinance by voting its repeal. If the Mayor and Council fail to adopt a proposed initiative ordinance without any change in substance within sixty (60) days or fail to repeal the referred ordinance within thirty (30) days after the date the petition was finally determined sufficient, it shall submit the proposed or referred ordinance to the voters of the City.

B. Submission to Voters. The vote of the City on a proposed or referred

ordinance shall be held not less than thirty (30) days and not later than one (1) year from the date of the final Mayor and Council vote thereon. If no regular City election is to be held within the period prescribed in this subsection, the Mayor and Council shall provide for a special election; otherwise, the vote shall be held at the same time as such regular election, except that the Mayor and Council may in its discretion provide for a special election at an earlier date within the prescribed period. Copies of the proposed or referred ordinance shall be made available at the polls.

C. **Withdrawal of Petitions.** An initiative or referendum petition may be withdrawn at any time prior to the fifteenth (15th) day preceding the day scheduled for a vote of the City by filing, with the City Secretary a request for withdrawal signed by at least four (4) members of the petitioners' committee. Upon the filing of such request the petition shall have no further force or effect and all proceedings thereon shall be terminated.

Sec. 13-07. Results of Election.

A. **Initiative.** If two-thirds of the qualified voters voting on a proposed initiative ordinance vote in its favor, it shall be considered adopted upon certification of the election results and shall be treated in all respects in the same manner as ordinances of the same kind adopted by the Mayor and Council. If conflicting ordinances are approved at the same election, the one receiving the greatest number of affirmative votes shall prevail to the extent of such conflict.

B. **Referendum.** If two-thirds of the qualified voters voting on a referred ordinance vote against it, it shall be considered repealed upon certification of the election results

Article XIV Transitional Provisions

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Sec. 14-01. Former Government in Force.

All ordinances, resolutions, orders, rules or regulations in force in the City of Delaware City, made or enacted by the Mayor and Council of Delaware City at the time this Charter takes effect, regardless of the authority under which originally enacted, shall continue in full force and effect until the Mayor and Council otherwise provide by ordinance, resolution, order, rule or regulation whichever may be appropriate, notwithstanding any change in organization effected by this Charter.

All acts and doings of the "Mayor and Council of Delaware City", or any officer of said City, lawfully performed under the provisions of any Law of this State, or any ordinance of said City are hereby ratified and confirmed and continue in force. All debts, fines, penalties or forfeitures due said City, and all debts due from said City to any person or persons or to any corporation are declared to be unaffected and unimpaired, and all the Laws of this State for the collection and enforcement of taxes in said City, heretofore assessed and uncollected shall continue in full force until the same shall be lawfully paid.

Sec. 14-02. Continuance in Office.

All persons holding any non-elective office or employment with the Mayor and Council of Delaware City at the time this Charter takes effect shall continue in such office or employment and shall draw the same rate of compensation as during the month preceding the adoption of this Charter until removed or until the compensation is changed.

Sec. 14-03. Repeal of Prior Charters; Severability.

This Act shall operate to amend, revise and consolidate Chapter 209, Volume 57, Laws of Delaware and Chapter 588, Volume 58, Laws of Delaware, and the several amendments and supplements thereto, and to repeal such parts thereof only as may be inconsistent herewith. The Act shall be deemed to be a public Act and the parts hereof shall be severable and, in the event any part or section hereof shall be held unconstitutional, such holding shall not in any way invalidate the remaining provisions of this Act." ³

³ 2013 Charter Adopted by M&C by Resolution 13-0318-01 on 3-18-13 and Signed by Governor on 7-15-13