

Town of Milton

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Milton, DE 19968



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**RESOLUTION 2016-003**

**A RESOLUTION TO REQUEST AMENDMENT OF THE CHARTER OF THE TOWN OF MILTON.**

**WHEREAS**, a municipal Charter is the document which provides the legal framework for a local government; and

**WHEREAS**, the Delaware State Legislature has the ability to incorporate a municipality, and to reincorporate or revise its Charter; and

**WHEREAS**, the Town of Milton employed a Charter Review Committee, which met numerous times over many months, followed by the Mayor and Council holding many open meetings over multiple years; and

**WHEREAS**, the Town Council wishes to revise the Charter of the Town of Milton to accomplish a change to the percentage limitation on the Town's funds levied and collected from real property taxes to a specific dollar amount.

**NOW, THEREFORE, BE IT RESOLVED** by the Town Council of the Town of Milton that proposed amendment of the Charter of the Town of Milton be requested for passage by the Delaware State Legislature, with additions shown by underline and deletions shown by strike through on the attached draft Bill, incorporated by reference.

**BE IT FURTHER RESOLVED**, that the Mayor or his designee is authorized to forward this original Resolution, or a copy thereof, along with the draft Bill for introduction and whatever documentation may be required for the Town's State Senator and Representative, with a request to introduce said Bill to the General Assembly at the soonest possible time in the current Legislative session.

**BE IT FURTHER RESOLVED**, that the Mayor or his designee is authorized to appear at the General Assembly in order to answer any questions regarding the draft Bill and assist in the Bill's consideration.

**I, THE UNDERSIGNED**, Secretary of the Town Council of the Town of Milton, do hereby certify that the above resolution was passed at the meeting of the Town Council, duly called and convened, held on the 16 day of May, 2016, at which a quorum was present and voting throughout and that same is still in full force and effect.

**TOWN OF MILTON**

BY: James C. Gard  
SECRETARY OF TOWN COUNCIL

DATE: 5/18/16

SPONSOR: Rep. Smyk & Sen. Lopez

148TH GENERAL ASSEMBLY  
HOUSE/SENATE BILL NO.

AN ACT TO AMEND THE CHARTER OF THE TOWN OF MILTON RELATING TO TAXES.

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 Section 29(a)(26) of the Charter of the Town of Milton by making deletions as shown by strike through and insertions as shown by underline as follows:

(26) To levy and collect taxes for any and all municipal purposes upon all real estate and improvements located thereon; provided, however, that the amount to be raised from this source shall not exceed in any one year the sum equal to ~~one half of one percent (0.5%) of the assessed value of all such taxable real estate and improvements thereon situated within the corporate limits of the Town of Milton~~ One Million Seven Hundred Fifty Thousand Dollars (\$1,750,000); and provided further that there shall be no limitation upon the amount which may be raised from the taxation of real estate for the payment of interest on and principal of any bonded indebtedness whether herein before or hereafter incurred; ;

Section 2. This Act shall take effect immediately upon its enactment into law.

SYNOPSIS

This bill amends the Charter of the Town of Milton to place a "hard" cap of \$1.75 million on the amount of real property taxes that the Town can levy and collect. Currently, the Charter provides a "soft" cap of 0.5% of the total assessed value within the corporate limits, which calculates to about \$2 million presently.