

CHAPTER 9
FORMERLY
HOUSE BILL NO. 32

AN ACT TO AMEND THE CHARTER OF THE CITY OF LEWES, CHAPTER 170, VOLUME 57, LAWS OF DELAWARE, AS AMENDED, ENTITLED "AN ACT TO REINCORPORATE THE CITY OF LEWES", TO PROVIDE FOR MUNICIPAL TAX INCREMENT FINANCING AND TO PROVIDE FOR MUNICIPAL SPECIAL DEVELOPMENT DISTRICTS, TO PROVIDE FOR AN EXCEPTION TO COMPETITIVE BIDDING FOR CERTAIN CONTRACTS IN CONNECTION WITH MUNICIPAL TAX INCREMENT FINANCING AND MUNICIPAL DEVELOPMENT DISTRICTS AND TO INCREASE THE CONTRACT AMOUNT NOT SUBJECT TO COMPETITIVE BIDDING.

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 14, Contracts, of Chapter 170, Volume 57, Laws of Delaware, as amended, by adding a new paragraph "(c)" at the end of Section 14 to read as follows:

"(c) Notwithstanding the foregoing provisions of this Section 14 and without complying with the competitive bidding procedures described above, the Mayor and City Council of the City of Lewes may enter into any contract necessary or desired in connection with a special development district or tax increment financing district created or designated by the Mayor and City Council of the City of Lewes pursuant to Section 20A hereof except a contract in which the Mayor and City Council of the City of Lewes is directly contracting for the procurement of the labor or material for public improvements for the benefit of such district, provided that the foregoing exception shall not apply to development or similar type contracts between the Mayor and City Council of the City of Lewes and an owner of real property in such district when the contract is generally for the transfer by the owner to the Mayor and City Council of the City of Lewes of the work performed and the cost of labor or material provided by such owner for the benefit of such district."

Section 2. Amend the Charter of the City of Lewes, Chapter 170, Volume 57, Laws of Delaware, as amended, by adding a new section as follows:

"§ 20A. Tax Increment Financing and Special Development Districts.

In addition to all other powers the Mayor and City Council of the City of Lewes may have, and notwithstanding any limitation of law, the Mayor and City Council of the City of Lewes shall have all powers and may undertake all actions for the purposes set forth in, and in accordance with, Title 22 of the Delaware Code, Chapter 17, relating to the Municipal Tax Increment Financing Act and Chapter 18 relating to Special Development Districts. Bonds are non-recourse to the City of Lewes and shall only be paid from Tax Increment Financing and Special Development District [hereinafter 'TIF' and 'SDD' respectively] assessments permitted by Chapters 17 and 18 of Title 22 of the Delaware Code. Bonds are non-recourse to property owners who purchase subject to a TIF or SDD. Property owners who purchase subject to a TIF or SDD shall only be responsible for TIF or SDD obligations determined by the individual assessment of their property."

Section 3. Amend Section 14(b), Contracts, of Chapter 170, Volume 57, Laws of Delaware, as amended, by striking from said section, in the paragraph numbered "1.", "ten thousand dollars (\$10,000)" and substituting in lieu thereof "twenty-five thousand dollars (\$25,000)".

Approved April 09, 2009