

LAWS OF DELAWARE  
VOLUME 85  
CHAPTER 14  
153rd GENERAL ASSEMBLY  
FORMERLY  
HOUSE BILL NO. 25

AN ACT TO AMEND THE CHARTER OF THE TOWN OF MILLSBORO RELATING TO TOWN OF MILLSBORO ELECTION DISTRICTS, VACANCIES, AND THE TOWN SECRETARY.

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 5 of the Charter of the Town of Millsboro by making deletions as shown by strikethrough and insertions as shown by underline as follows:

**District Limits**

**Section 5. Election Districts.**

5.1 There are hereby created and established three (3) Representative election districts ~~Districts~~ for The Town of Millsboro, as follows:

(a) District One: The area located North of United States Route 113 and East of Main Street to the Town limits;

(b) District Two: The area located North of United States Route 113 and West of Main Street to the Town limits;

(c) District Three: The area located South of United States Route 113 to the Town limits.

5.2 The Town Council shall adjust the boundaries of the 3 districts to comply with the requirements under this section. Using the data from the 2020 federal decennial census, the first adjustment of the boundaries of the 3 districts shall occur no later than January 1, 2026. Thereafter, the Town Council shall adjust the boundaries of the 3 districts to comply with the requirements under this section no later than the first day of January of the second year following the federal decennial census.

(a) Each district must be formed of contiguous territory.

(b) To the extent possible and practicable, each district must be nearly equal in population based on the most recent federal decennial census information.

(c) Upon enactment, the new districts and boundaries supersede previous district boundaries for all purposes of the next annual municipal election, including nominations. The new districts and boundaries supersede

previous districts and boundaries for all other purposes on the date of the annual meeting when the members of the Town Council elected at the annual municipal election take office.

Section 2. Amend Section 13 of the Charter of the Town of Millsboro by making deletions as shown by strikethrough and insertions as shown by underline as follows:

**VACANCIES**

**Section 13. Vacancies.**

~~If any vacancy shall occur in the office of Councilman by death, resignation, loss of residence in the district which the Councilman represents, loss of residence in the Town of Millsboro, refusal to serve, or otherwise, the same may be filled by a majority vote of the remaining members of the Town Council, the person or persons so chosen to fill such vacancy shall be qualified as in the case of newly elected members and shall hold office for the remainder of the unexpired term.~~

In case of a vacancy on the Town Council for any reason:

(a) If the vacancy occurs when there is less than 1 year remaining in the term of the person whose seat has become vacant, the Town Council shall appoint some person qualified in accordance with the Charter and, if applicable, who resides in the election district in which the vacancy occurred, to fill the vacancy until the next regular municipal election.

(b) If the vacancy occurs when there is more than 1 year remaining in the term of the person whose seat has become vacant, the Town Council shall call a special election to be held not less than 30 days nor more than 90 days following the occurrence or vacancy. The person elected at the special election shall serve for the remainder of the unexpired term of the vacant seat.

(c) Any vacancies on the Town Council to be filled by appointment shall be filled by the favorable votes of the majority of the remaining members on the Town Council. The results of any such vote shall be recorded in the minutes of the Town Council.

(d) Notwithstanding the provisions of subparagraph (b) above, in the event no qualified person shall file for election to fill such vacancy in a special election, the Town Council shall use its power of appointment set forth in subparagraph (c) above to fill such vacancy.

Section 3. Amend Section 17 of the Charter of the Town of Millsboro by making deletions as shown by strikethrough and insertions as shown by underline as follows:

## **Secretary**

### **Section 17. Secretary.**

(a) The Secretary shall have charge and custody of books, journals, records, papers and other effects of the Town and shall keep the same in a safe and secure place. He shall keep a full and complete record of all the transactions in The Town of Millsboro. He shall be a voting member of all committees and shall keep a record of the transactions and proceedings of the same, together with such other duties as may be prescribed by this Charter or by Ordinance or rule of the Town Council of The Town of Millsboro. He shall file and keep in a safe place the seal of The Town of Millsboro and all papers and documents arising out of the proceedings of the Town Council of The Town of Millsboro relative to the affairs of the town. He shall deliver the same to his successor in office. He shall attest the seal of The Town of Millsboro when authorized by the Town Council and shall perform such other duties and have such other powers as may be prescribed by Ordinance.

(b) All books, records and journals of The Town of Millsboro in the custody of the Secretary may, in the presence of the Mayor, Secretary, Assistant Secretary or any member of the Town Council of The Town of Millsboro, be inspected by any voter of the Town desiring legitimate information at any time, or times, as may be convenient and will not interfere with the regular routine of the business of the Town.

(c) All books, records, papers and documents in the custody of the Secretary shall be open for inspection by members of the Town Council of The Town of Millsboro.

(d) Compensation, if any, of the Secretary for his duties, shall be determined by the Town Council.

(a) The Secretary shall be selected from members of the Town Council.

(b) In addition to any other duties prescribed by Town Council, the Secretary shall be responsible for recording and providing minutes for executive sessions. Such minutes will be circulated to members of Town Council for approval at the following meeting or as soon thereafter as possible.

(c) The Secretary shall sign all resolutions and ordinances once adopted by Town Council.

(d) The Secretary shall coordinate with the Town Clerk on the development and keeping of minutes of all Town Council meetings.

Approved May 7, 2025