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Resolution No. 21-00

**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE BOARD OF
PUBLIC WORKS OF THE CITY OF LEWES REGARDING THE
CREATION OF A MITIGATION COMMITTEE**

WHEREAS, Section 4.1, *among other provisions*, of the Charter for the Board of Public Works of the City of Lewes (the "Lewes BPW"), being Chapter 10, Volume 77, Laws of Delaware, as amended (the "Lewes BPW Charter"), grants the Lewes BPW authority, responsibility, supervision, and control over current or future utility systems established within the Lewes BPW Service Area; and

WHEREAS, Section 4.5 of the Lewes BPW Charter authorizes Lewes BPW to do all things necessary for the location, erection, construction, equipment, maintenance, and operation of its utility systems as established by the BPW and to provide for the care and maintenance of the same; and

WHEREAS, Section 3.4 of the Lewes BPW Bylaws authorizes the Board of Directors of the Lewes BPW (the "Board") to, by Resolution, create certain committees to review and offer recommendations of issues for Board consideration; and

WHEREAS, the Board deems it in the best interest of the ratepayers to establish a Mitigation Committee to monitor existing and future threats to Lewes BPW infrastructure and make recommendations to the Board on how to mitigate said threats to protect Lewes BPW facilities and resources.

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE LEWES BOARD OF PUBLIC WORKS, IN SESSION MET THIS ____ DAY OF _____, 2021, THAT:

Section 1. The Board hereby establishes a Mitigation Committee, which shall be a standing committee of the Lewes BPW as set forth herein, to act in an advisory role to the Board by providing summaries and recommendations, when appropriate, on items requested by the Board. The Board shall retain all decision-making authority.

Section 2. The Mitigation Committee shall be comprised of at least seven (7) members, but no more than nine (9), four (4) of whom shall include the acting _____, _____, _____, and _____ of the Board. The remaining members shall not be members of the Board during their service on the Mitigation Committee. The Mitigation Committee members shall be chosen by the Board to serve one-year terms, beginning April 1 and ending March 31, subject to renewal.

Section 3. The _____ and _____ of the Board shall serve as Co-Chairs, whose duties shall include, nominating Mitigation Committee members for consideration

47 by the Board, ensuring proper function and organization of the Committee, creating an agenda
48 prior to any meetings, and presenting the Board with reports and recommendations made by the
49 Mitigation Committee. The Board shall have the power to remove any member of the Mitigation
50 Committee at any time for any reason, in which case the Board shall vote on a replacement
51 nominee, provided by the Co-Chairs, to replace the removed member for the unexpired portion of
52 said member's term.

53
54 **Section 4.** The Mitigation Committee shall meet four times each year, with possible
55 additional meetings scheduled at the discretion of the Co-Chairs. The Mitigation Committee shall
56 keep minutes of each meeting, which must include an attendance record, a copy of the agenda, and
57 a report of topics and recommendations. The Co-Chairs shall file the minutes with the Board no
58 later than twenty-one (21) days after each meeting. The Mitigation Committee may hold meetings
59 in person or virtually, meaning video conference or any other teleconference communications
60 technology as allowed under Delaware's Freedom of Information Act. The Mitigation Committee
61 may invite non-members to meetings as deemed necessary by the Co-Chairs. All meetings shall
62 comply with Delaware's Freedom of Information Act under 29 Del. C. Section 10001 et. al.

63
64 **Section 5.** The Mitigation Committee's responsibilities and duties shall include
65 periodic review of the following:

- 66
67 1)
68
69 2)
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71 3)
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73 **Section 6.** This Resolution shall take effect immediately upon its adoption by the
74 Board of Directors of the Lewes Board of Public Works.

75
76
77 Adopted by the Board of Directors
78 Of the Lewes Board of Public Works

79
80 _____
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82 I, Tom Panetta, Secretary of the Board of Public Works of the City of Lewes, do hereby
83 certify that the foregoing is a true and correct copy of the Resolution passed by the Board of
84 Directors of the Lewes BPW at its meeting on December ____, 2021, at which meeting a quorum
85 was present and voting throughout and the same is still in full force and effect.

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Secretary