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Resolution No. 22-002

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 26th DAY OF January, 2022, 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 seven 7 members, three of whom shall include the General Manager of the Lewes BPW, a member of the Board selected by the Board, and a member selected by the Mayor and City Council of the City of Lewes. 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 three-year terms, subject to renewal, beginning June 1, except that two members selected for the initial Committee shall serve until May 31, 2025, and two members selected for the initial Committee shall serve until May 31, 2024.

Section 3. The member selected by the Board shall serve as Chair, whose duties shall include nominating Mitigation Committee members for consideration by the Board, ensuring