

Resolution No. 20-001

**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE BOARD OF  
PUBLIC WORKS OF THE CITY OF LEWES REGARDING AN  
ADMINISTRATIVE REVIEW FEE CONCERNING UTILITY  
INFRASTRUCTURE FOR SUBDIVISION, DEVELOPMENT, AND  
REDEVELOPMENT OF LAND WITHIN THE LEWES BPW SERVICE  
AREA**

**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 1 of the Lewes BPW Charter defines the Lewes BPW Service Area as "the corporate limits of the City of Lewes, the territory beyond such limits authorized in [the Lewes BPW Charter], and any franchised service area"; and

**WHEREAS**, Section 4.20 of the Lewes BPW Charter more specifically authorizes the Lewes BPW to supply utility services to properties located within two (2) miles of the corporate limits of the City of Lewes; and

**WHEREAS**, Section 4.20 of the Lewes BPW Charter further vests authority with the Lewes BPW to "enact and adopt such rules and regulations as the [Lewes BPW] may deem proper in order to supply said utility services"; and

**WHEREAS**, the Lewes BPW provides an important service to its customers, which include the citizens of the City of Lewes (domiciled and non-domiciled) and those ratepayers residing outside of the Lewes city limits, as steward of the utility systems within its jurisdiction and, accordingly, takes care to ensure that current and future customers have access to safe, reliable, and affordable services; and

**WHEREAS**, the Lewes BPW plays an important role, and provides an important service, in the review, approval, inspection, and acceptance of utility infrastructure associated with new subdivision, development, and redevelopment projects; and

**WHEREAS**, in performing the above-referenced service, the Lewes BPW often incurs administrative expense above and beyond the amounts reflected in the invoices from the professionals assisting with this review and approval process; and

**WHEREAS**, on June 24, 2009, the Board of Directors concluded that the assessment of an administrative fee in the amount of fifteen-percent (15%) of the estimated cost to install the utility infrastructure for new subdivision, development, and redevelopment projects was a fair and

46 reasonable fee to cover those costs that the BPW was likely to incur in the review, approval,  
47 inspection, and acceptance of utility infrastructure associated with said projects; and  
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49 **WHEREAS**, notwithstanding the decision of the Board of Directors during its June 24,  
50 2009 meeting, the Lewes BPW has primarily assessed only those costs reflected in invoices from  
51 the professionals assisting with the above-referenced service, including legal and engineering  
52 professionals; and  
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54 **WHEREAS**, the Board of Directors desires to capture those administrative expenses  
55 incurred by the Lewes BPW in reviewing, approving, inspecting, and accepting utility  
56 infrastructure above and beyond the amounts reflected in professional invoices; and  
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58 **WHEREAS**, the Board of Directors, as steward of the above-described utility systems,  
59 deems it in the best interest of the ratepayers to accomplish the objective stated herein by making  
60 clear that there shall be an administrative fee assessed as set forth herein for all new subdivision,  
61 development, and redevelopment projects within the Lewes BPW Service Area.  
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63 **NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE**  
64 **LEWES BOARD OF PUBLIC WORKS, IN SESSION MET THIS 23RD DAY OF SEPTEMBER**  
65 **2020, THAT:**  
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67 **Section 1.** The Lewes BPW shall assess an administrative fee for any new subdivision,  
68 development, or redevelopment of land within the Lewes BPW Service Area in the amount of  
69 fifteen-percent (15%) of the estimated cost to install utility infrastructure for Lewes BPW utility  
70 service to the subject subdivision, development, or redevelopment of land. This fee shall be used  
71 to offset the expenses incurred by the Lewes BPW in reviewing, approving, inspecting, and  
72 accepting said utility infrastructure.  
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74 **Section 2.** This Resolution shall take effect immediately upon its adoption by the  
75 Board of Directors of the Lewes Board of Public Works.  
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77 Adopted by the Board of Directors  
78 Of the Lewes Board of Public Works  
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82 I, Robert J. Kennedy, III, Secretary of the Board of Directors of the Board of Public Works  
83 of the City of Lewes, do hereby certify that the foregoing is a true and correct copy of the  
84 Resolution passed by the Board of Directors of the Lewes Board of Public Works at its meeting  
85 on September 23, 2020, at which meeting a quorum was present and voting throughout and the  
86 same is still in full force and effect.  
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Secretary