

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 26<sup>th</sup> 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

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

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

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

- 1) Resiliency of all Lewes BPW utility systems;

**Section 6.** This Resolution shall take effect immediately upon its adoption by the Board of Directors of the Lewes Board of Public Works.

Adopted by the Board of Directors  
Of the Lewes Board of Public Works

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I, Thomas S. Panetta, Secretary of the Board of Public Works of the City of Lewes, do hereby certify that the foregoing is a true and correct copy of the Resolution passed by the Board of Directors of the Lewes BPW at its meeting on January 26, 2022, at which meeting a quorum was present and voting throughout and the same is still in full force and effect.

  
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Secretary