

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46

Resolution No. 22-00 §

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE BOARD OF PUBLIC WORKS OF THE CITY OF LEWES TO AMEND THE LEWES BPW'S POLICY CONCERNING ADMINISTRATIVE FEES ON UTILITY INFRASTRUCTURE FOR SUBDIVISIONS, DEVELOPMENTS, AND REDEVELOPMENTS 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 administrative role in coordinating and engaging consultants and professionals as part of the review, approval, inspection, and acceptance of utility infrastructure associated with new subdivision, development, and redevelopment projects; and

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

WHEREAS, on June 24, 2009, the Board of Directors (the "Board") concluded that the assessment of an administrative fee in the amount of fifteen percent (15%) of the invoices from said consultants and professionals assisting with this review and approval process was a fair and reasonable fee to cover those costs that the Lewes BPW was likely to incur in the review, approval, inspection, and acceptance of utility infrastructure associated with said projects; and