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Resolution No. 23- _____

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE BOARD OF PUBLIC WORKS OF THE CITY OF LEWES REGARDING THE CREATION OF A COMMITTEE TO EXAMINE CONTINGENCY OPTIONS FOR THE LEWES BPW WASTEWATER TREATMENT PLANT

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;

WHEREAS, the Lewes BPW Bylaws authorize 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 Committee to review and further evaluate Options 1 and 2, as described in the draft November 28, 2022 GHD Lewes WWTP Long Range Planning Study ("GHD Study"), and make recommendations to the Board of Directors concerning the same.

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE LEWES BOARD OF PUBLIC WORKS, IN SESSION MET THIS 26TH DAY OF JULY, 2023, THAT:

Section 1. The Board hereby establishes a Committee as set forth herein, to review and provide recommendations to the Board concerning contingency plans for Options 1 and 2 from the GHD Study. The Board shall retain all decision-making authority.

Section 2. The Committee shall be comprised of at least six (6) members, but no more than eight (8) members, three of whom shall include a Member of the Board, who will also serve as Chair of the Committee, the General Manager of the Lewes BPW or his designee, and a member of the Mayor and City Council ex officio. The remaining members shall not be members of the Board during their service on the Committee. The Committee members shall be chosen by the Board.

46 **Section 3.** The Chair’s duties shall include ensuring proper function and organization
47 of the Committee, creating an agenda prior to any meetings, and presenting the Board with the
48 Committee’s final report and recommendations. The Board shall have the power to remove any
49 member of the Committee at any time for any reason, in which case the Board shall vote on a
50 replacement nominee, provided by the Chair, to replace the removed member.
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52 **Section 4.** The Committee shall keep minutes of each meeting, which must include an
53 attendance record, a copy of the agenda, and a report of topics and recommendations. The Chair
54 shall file the minutes with the Board no later than twenty-one (21) days after each meeting. The
55 Committee may hold meetings in person or virtually, meaning video conference or any other
56 teleconference communications technology as allowed under Delaware’s Freedom of Information
57 Act. The Committee may invite non-members to meetings as deemed necessary by the Chair. All
58 meetings shall comply with Delaware’s Freedom of Information Act under 29 Del. C. Section
59 10001 et. al.
60

61 **Section 5.** The Committee’s purview shall include consideration of the following:
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- 63 1) Research, review, and evaluate costs, benefits, and feasibility of alternative
64 technologies for Option 1: Hardening the Existing WWTP and Option 2: Construction
65 of a New WWTP from the GHD Study;
66
- 67 2) Any other tasks, responsibilities, or duties specifically requested by the Board.
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69 **Section 6.** The Committee shall issue its final report to the Board no later than July 31,
70 2024, after which date the Committee shall be dissolved, unless extended by the Board.
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72 **Section 7.** This Resolution shall take effect immediately upon its adoption by the Board of
73 Directors of the Lewes Board of Public Works.
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78 Adopted as Amended by the Board of Directors
79 Of the Lewes Board of Public Works
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83 I, D. Preston Lee, Secretary of the Board of Public Works of the City of Lewes, do hereby
84 certify that the foregoing is a true and correct copy of the Resolution as adopted by action of the
85 Board of Directors of the Lewes BPW at its meeting on July 26, 2023, at which meeting a quorum
86 was present and voting throughout and the same is still in full force and effect.
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Secretary