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Resolution No. 26-003

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE BOARD OF PUBLIC WORKS OF THE CITY OF LEWES REGARDING THE RECREATION 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 previously created a Mitigation Committee but disbanded the Committee once it completed a comprehensive review of the Lewes BPW infrastructure and issued a report addressing recommendations for future infrastructure resiliency; and

WHEREAS, the Board deems it in the best interest of the ratepayers to reestablish a Mitigation Committee to revisit existing and future threats to Lewes BPW infrastructure in light of newly available data and information and to 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 27TH DAY OF MAY, 2026, THAT:

Section 1. The Board hereby establishes a Mitigation Committee, as set forth herein, to review prior recommendations and newly available information and to provide recommendations to the Board concerning the identification and assessment of risks impacting Lewes BPW infrastructure, development of risk reduction strategies, and prioritization of corrective actions across utility operations. The Board shall retain all decision-making authority.

Section 2. The Mitigation Committee shall be comprised of seven (7) members, four of whom shall include the General Manager of the Lewes BPW, two members of the Board selected by the Board, and a member selected by the Mayor and City Council of the City of Lewes.

46 The remaining members shall not be members of the Board during their service on the Mitigation
47 Committee. The Mitigation Committee members shall be chosen by the Board.

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49 **Section 3.** One of the members selected by the Board shall serve as Chair, whose duties
50 shall include nominating Mitigation Committee members for consideration by the Board, ensuring
51 proper function and organization of the Committee, creating an agenda prior to any meetings, and
52 presenting the Board with reports and recommendations made by the Mitigation Committee. The
53 Board shall have the power to remove any member of the Mitigation Committee at any time for
54 any reason, in which case the Board shall vote on a replacement nominee, provided by the Chair,
55 to replace the removed member for the unexpired portion of said member's term.

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

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66 **Section 5.** The Mitigation Committee's purview shall include consideration of the
67 following:

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69 1) Research and review of issues impacting the resiliency of all Lewes BPW utility
70 systems;
- 71
72 2) Research and review whether 11.64' is the correct minimum freeboard level based on
73 the most recently available information;
- 74
75 3) Review and revise, as appropriate, the prior Mitigation Committee report considering
76 new data;
- 77
78 4) Evaluate potential concerns related to impacts from hurricanes and other significant
79 natural events and impacts related to back bay flooding;
- 80
81 5) Any other tasks, responsibilities, or duties specifically requested by the Board.

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83 **Section 6.** The Mitigation Committee shall issue its final report to the Board no later
84 than December 31, 2026, after which date the Committee shall be dissolved, unless extended by
85 the Board.

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87 **Section 7.** This Resolution shall take effect immediately upon its adoption by the
88 Board of Directors of the Lewes Board of Public Works.

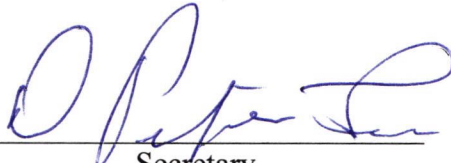
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92 Adopted by the Board of Directors
93 Of the Lewes Board of Public Works

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97 I, D. Preston Lee, P.E., Secretary of the Board of Public Works of the City of Lewes, do
98 hereby certify that the foregoing is a true and correct copy of the Resolution passed by the Board
99 of Directors of the Lewes BPW at its meeting on May 27, 2026, at which meeting a quorum was
100 present and voting throughout and the same is still in full force and effect.

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Secretary