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**Resolution No. 19-001**

**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE BOARD OF PUBLIC WORKS OF THE CITY OF LEWES AMENDING THE POLICY REGARDING COLLECTION OF CONVENIENCE FEES ON CREDIT CARD TRANSACTIONS TOTALING AT LEAST \$5,000**

**WHEREAS**, Section 4.11, *inter alia*, 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 to fix rents, rates, fees, and assessments for utility systems within the Lewes BPW Service Area; and

**WHEREAS**, the Board of Directors of the Lewes Board of Public Works (the “Board of Directors”), on December 13, 2018, adopted Resolution No. 18-008, titled “A Resolution of the Board of Directors of the Board of Public Works of the City of Lewes Regarding Surcharge Fees on Credit Card Transactions Totaling at Least \$5,000”; and

**WHEREAS**, the Board of Directors deem it in the best interest of the ratepayers, both current and future, to amend Resolution 18-008 to replace all references of “surcharge” with “convenience fee”; and

**WHEREAS**, consistent with the policy behind Resolution 18-008 and in order to prevent customers from avoiding payment of a convenience fee by paying an outstanding balance in multiple credit card transactions of less than five thousand dollars (\$5,000.00), the Board of Directors deem it in the best interest of the ratepayers, both current and future, to require customers that have a total outstanding balance of at least five thousand dollars (\$5,000.00) to pay a convenience fee for each credit card transaction until the customer’s balance reaches zero dollars (\$0.00), regardless of the number of credit card transactions; and

**WHEREAS**, the Board of Directors reaffirms its belief that it is in the best interests of the Lewes BPW utility system and customers, both current and future, to impose a convenience fee on credit card transactions that total at least five thousand dollars (\$5,000) in order to pay for transaction processing costs.

**NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE LEWES BOARD OF PUBLIC WORKS, IN SESSION MET THIS \_\_\_\_ DAY OF JANUARY, 2019, THAT:**

**Section 1.** Resolution No. 18-008, adopted on December 13, 2018, *Resolution of the Board of Directors of the Board of Public Works of the City of Lewes Regarding Surcharge Fees on Credit Card Transactions Totaling at Least \$5,000*, shall be null and void and shall be replaced by this *Resolution of the Board of Directors of the Board of Public Works of the City of Lewes Amending the Policy Regarding Collection of Convenience Fees on Credit Card Transactions Totaling at Least \$5,000*.

46           **Section 2.** For customer credit card transactions that total at least five thousand dollars  
47 (\$5,000), transaction processing costs shall be the responsibility of the paying customer in the form  
48 of a convenience fee payable to the Lewes BPW in the amount of 2.95-percent of the total  
49 transaction amount.  
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51           **Section 3.** If at any time a customer has a total outstanding balance of at least five  
52 thousand dollars (\$5,000.00) and such customer uses a credit card to pay any portion of such  
53 balance, such customer shall pay the 2.95-percent convenience fee for each credit card transaction  
54 until such customer's outstanding balance reaches zero dollars (\$0.00).  
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56           **Section 4.** This Resolution shall take effect immediately upon its adoption by the  
57 Board of Directors of the Lewes Board of Public Works.  
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59 Adopted by the Board of Directors  
60 Of the Lewes Board of Public Works  
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64 I, Robert J. Kennedy, III, Secretary of the Board of Public Works of the City of Lewes, do  
65 hereby certify that the foregoing is a true and correct copy of the Resolution passed by the Board  
66 of Directors of the Lewes BPW at its meeting on \_\_\_\_\_, 2019, at which meeting a quorum  
67 was present and voting throughout and the same is still in full force and effect.  
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72 \_\_\_\_\_  
73 Secretary