

**Resolution No. 10-002**

**RESOLUTION PROPOSING TO AMEND THE CHARTER OF THE BOARD OF PUBLIC WORKS OF THE CITY OF LEWES, VOLUME 77, CHAPTER 10, LAWS OF DELAWARE, AS AMENDED, TO EXPAND THE PERIOD OF TIME FOR NOMINATIONS TO THE BOARD OF PUBLIC WORKS AND TO MODIFY THE PROCEDURES FOR THE BOARD TO CEASE TO OPERATE, SELL, LEASE, ABANDON OR DISPOSE OF ANY PUBLIC UTILITY.**

**WHEREAS**, it is deemed desirable that the Charter of the Board of Public Works of The City of Lewes, being Chapter 10, Volume 77, Laws of Delaware, as amended, be amended to clarify certain provisions in the recent reincorporation of the Board of Public Works of the City of Lewes; and

**WHEREAS**, the present Charter of the Board of Public Works of The City of Lewes was reincorporated in 2009 with an effective date of August 7, 2009; and

**WHEREAS**, inconsistencies and limitations have become apparent which should be resolved in favor of more flexibility in the election process and for management decisions for the Board of Public Works; and

**WHEREAS**, the Board of Public Works has determined that the election process, especially the timing for filing of notice of candidacy, should be the same as required by the filing provision for candidates for the Mayor or City Council in the City of Lewes; and

**WHEREAS**, the Board of Public Works and the Mayor and City Council have determined that the requirements imposed by the Charter on the Mayor and City Council prior to ceasing to operate or otherwise selling, leasing or disposing of any utility system owned by the City are exceedingly burdensome and lengthy resulting in the very possible effect of preventing any such action to be taken.

**NOW THEREFORE, BE IT RESOLVED** by the Board of Public Works of The City of Lewes, in session met, a quorum pertaining at all times thereto, that the Charter of the Board of Public Works of the City of Lewes, Volume 77, Chapter 10, Laws of Delaware, as amended, be and is hereby further amended as follows:

*Section 1.*

Section 2.4, Filing of Intent to be a Candidate, be and is hereby amended by striking the last sentence of said subsection and substituting in lieu thereof the following:

All such notifications of candidacy shall be filed in the office of the General Manager during the regular business hours of the Board of Public Works not earlier than the opening of business on February 1 and prior to 4:30 p.m., prevailing time, on the first Thursday in April.

*Section 2.*

Section 9.6, be and is hereby amended by striking said subsection in its entirety and substituting in lieu thereof the following:

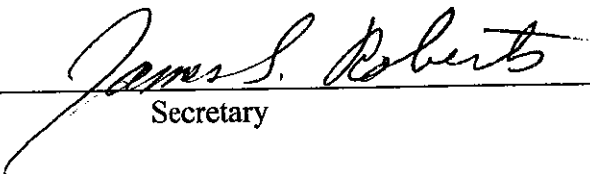
Section 9.6. The BPW may cease to operate, or to sell, lease, abandon, or in any other way dispose of any utility system owned by it provided that the Mayor and City Council shall have granted prior consent.

Synopsis

This amendment is intended to clarify the date for filing Notice of Intent to be a candidate to more closely parallel that of the City of Lewes, similar to other provisions in the Charter and to clarify and make more practical provisions for sale of a utility system of the Board of Public Works.

**AND BE IT FURTHER RESOLVED THAT** the General Manager be and is hereby directed to send a copy of this Resolution and Charter Amendment to the Mayor and City Council of The City of Lewes for its consideration and approval prior to its submission to the General Assembly of the State of Delaware.

I, James S. Roberts, 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 a Resolution passed by the Board of Public Works at its special meeting held on March 31, 2010, at which a quorum was present and voting throughout and the same is still in full force and effect.

  
Secretary

# The City of Lewes



April 14, 2010

The Honorable Gary Simpson  
Senate – State of Delaware  
PO Box 1401  
Dover DE 19903

Dear Senator Simpson;

Enclosed you will find a Resolution amending the Lewes Board of Public Works Charter, approved by the Lewes Mayor & City Council and the Board of Public Works, as follows:

- To expand the period of time for nominations to the Board of Public Works
- To modify the procedures for the Board to cease to operate, sell, lease, abandon or dispose of any public utility.

I am herewith respectfully requesting that you introduce the amendments to the General Assembly at your earliest convenience. I can be present when the proposed changes are introduced to the General Assembly.

Your support has been sincerely appreciated. Please feel free to contact me on my cell phone at (302) 228-2214 or by email at [jimfordiii@aol.com](mailto:jimfordiii@aol.com).

Sincerely,

A handwritten signature in black ink, appearing to read "James L. Ford III". The signature is fluid and cursive.

James L. Ford III  
Mayor, City of Lewes

JLF:ae

Enclosed:

cc: George Wright, Exec. Direc. DLLG

Simpson.4-14-10.BPW.CharterAmendments

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The First Town in the First State

**RESOLUTION APPROVING THE PROPOSED AMENDMENT TO THE CHARTER OF THE BOARD OF PUBLIC WORKS OF THE CITY OF LEWES, VOLUME 77, CHAPTER 10, LAWS OF DELAWARE, AS AMENDED, TO EXPAND THE PERIOD OF TIME FOR NOMINATIONS TO THE BOARD OF PUBLIC WORKS AND TO MODIFY THE PROCEDURES FOR THE BOARD TO CEASE TO OPERATE, SELL, LEASE, ABANDON OR DISPOSE OF ANY PUBLIC UTILITY.**

**WHEREAS**, the Board of Public Works has adopted a resolution to amend its Charter, being Chapter 10, Volume 77, Laws of Delaware, as amended, to clarify certain provisions in the recent reincorporation of the Board of Public Works of the City of Lewes; and

**WHEREAS**, the present Charter of the Board of Public Works of The City of Lewes was reincorporated in 2009 with an effective date of August 7, 2009; and

**WHEREAS**, inconsistencies and limitations have become apparent which should be resolved in favor of more flexibility in the election process and for management decisions for the Board of Public Works; and

**WHEREAS**, the Board of Public Works has determined that the election process, especially the timing for filing of notice of candidacy, should be the same as required by the filing provision for candidates for the Mayor or City Council in the City of Lewes; and

**WHEREAS**, the Board of Public Works and the Mayor and City Council have determined that the requirements imposed by the Charter on the Mayor and City Council prior to ceasing to operate or otherwise selling, leasing or disposing of any utility system owned by the City are exceedingly burdensome and lengthy resulting in the very possible effect of preventing any such action to be taken.

**NOW THEREFORE, BE IT RESOLVED** by the Mayor and Council of The City of Lewes, in session met, a quorum pertaining at all times thereto, that the Charter of the Board of Public Works of the City of Lewes, Volume 77, Chapter 10, Laws of Delaware, as amended, be and is hereby further amended as follows:

*Section 1.*

Section 2.4, Filing of Intent to be a Candidate, be and is hereby amended by striking the last sentence of said subsection and substituting in lieu thereof the following:

All such notifications of candidacy shall be filed in the office of the General Manager during the regular business hours of the Board of Public Works not earlier than the opening of business on February 1 and prior to 4:30 p.m., prevailing time, on the first Thursday in April.

*Section 2.*

Section 9.6, be and is hereby amended by striking said subsection in its entirety and substituting in lieu thereof the following:

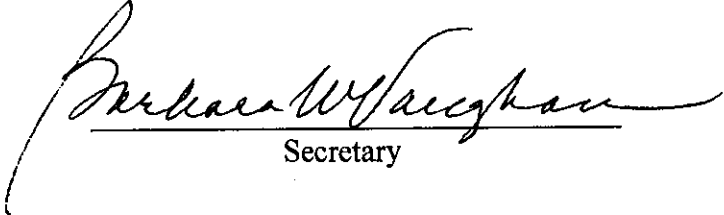
Section 9.6. The BPW may cease to operate, or to sell, lease, abandon, or in any other way dispose of any utility system owned by it provided that the Mayor and City Council shall have granted prior consent.

*Synopsis*

This amendment is intended to clarify the date for filing Notice of Intent to be a candidate to more closely parallel that of the City of Lewes, similar to other provisions in the Charter and to clarify and make more practical provisions for sale of a utility system of the Board of Public Works.

**AND BE IT FURTHER RESOLVED THAT** the City Manager be and is hereby directed to send a copy of this Resolution, the Resoluiton of the Board of Public Works, and the proposed Charter Amendment to Senator Gary Simpson and Representative Ruth Briggs King for submission to the General Assembly of the State of Delaware.

I, Barbara W. Vaughan, Secretary of the Mayor and City Council of The City of Lewes do hereby certify that the foregoing is a true and correct copy of a Resolution passed by the Mayor and City Council at its regular meeting held on April 12, 2010, at which a quorum was present and voting throughout and the same is still in full force and effect.

  
Secretary