

**RESOLUTION OF THE RATE COMMISSION OF THE
METROPOLITAN ST. LOUIS SEWER DISTRICT TO REQUEST
A 45-DAY EXTENSION FROM THE DISTRICT BOARD OF
TRUSTEES, AND AUTHORIZING THE ACTIONS OF CERTAIN
OFFICERS OF THE RATE COMMISSION**

WHEREAS, the Board of Trustees (“Board”) of the Metropolitan St. Louis Sewer District (“District”), pursuant to § 7.040 of the Charter Plan, approved by the voters of St. Louis and St. Louis County at a special election on February 9, 1954, as amended at a general election on November 7, 2000, has established the Rate Commission (“Rate Commission”) to review and make recommendations to the Board regarding proposed changes in wastewater rates, stormwater rates, and tax rates; and

WHEREAS, upon receipt of a Rate Change Notice (“Rate Change Notice”) from the District and pursuant to §§ 7,040, 7.280(b) of the Plan, the Rate Commission is to recommend changes in a wastewater, stormwater, or tax rate to the Board necessary to pay (i) interest and principal falling due on bonds issued to finance assets of the District, (ii) the costs of operation and maintenance and (iii) such amounts as may be required to cover emergencies and anticipated delinquencies; and

WHEREAS, any change in a rate recommended to the Board by the Rate Commission pursuant to § 7.270 of the Plan is to be accompanied by a statement of the Rate Commission that the proposed rate change (i) is consistent with constitutional, statutory, or common law as amended from time to time; (ii) enhances the District’s ability to provide adequate sewer and drainage systems and facilities, or related services; (iii) is consistent with and not in violation of any covenant or provision relating to any outstanding bonds or indebtedness of the District; (iv) does not impair the ability of the District to comply with applicable Federal or State laws or regulations as amended from time to time; and (v) imposes a fair and reasonable burden on all classes of ratepayers; and

WHEREAS, the Rate Commission pursuant to § 7.250 of the Plan is authorized to promulgate such operational rules, regulations, and procedures which are not inconsistent with Article 7 of the Plan; and

WHEREAS, in order to meet its obligations under the Charter Plan and pursuant to § 7.280(e) of the Plan, the Rate Commission adopted on August 16, 2001, Operational Rules, Regulations, and Procedures as amended on March 21, 2002, April 16, 2003, March 2, 2007, January 18, 2008, March 7, 2011, March 4, 2015, February 26, 2018, and March 4, 2019 (the “Operational Rules”) to govern the activities of the Rate Commission; and

WHEREAS, the Rate Commission received on March 4, 2019, from the District a Rate Change Notice for wastewater rates; and

WHEREAS, the Rate Commission pursuant to § 7.280(f) of the Plan is to issue its Rate Commission Report to the Board and to the public no later than July 2, 2019, unless the Board shall, upon application of the Rate Commission, extend that date for one additional 45-day period as provided by Section 7.280(f) of the Charter Plan; and

WHEREAS, in each Rate Commission Proceeding since its creation, the Rate Commission has requested and been granted the 45-day extension; and

WHEREAS, from its experience, the Rate Commission has found that the additional 45 days is needed in order for the Rate Commission to thoroughly and effectively undertake its duties under the Charter; and

WHEREAS, in order to assist in scheduling and planning for the members of the Rate Commission, District staff, and all participants in the Rate Change Review process, it is beneficial to request the 45-day extension at the beginning of the Proceeding and include those additional days in the overall schedule; and

WHEREAS, the Rate Commission finds and determines that a request for the 45-day extension is permitted by the Charter Plan and is feasible, necessary and in the public interest of the Rate Commission, the District, and those persons who wish to be heard on the Proposed Rate Change, and serves a public purpose of the Rate Commission, the District, and those persons who wish to be heard;

NOW, THEREFORE, the Rate Commission DOES HEREBY RESOLVE, DETERMINE AND ORDER as follows:

Section 1. Preambles Incorporated. The Rate Commission hereby finds and determines those matters set forth in the preambles hereof as fully and completely as if set out in full in this Section 1.

Section 2. Request for Extension. The Rate Commission hereby authorizes the Chair of the Commission to submit to the District Board of Trustees as permitted by the Charter Plan a request for a 45-day extension to file its Report by August 16, 2019.

Section 3. Actions of Officers Ratified and Authorized.

(a) All acts of the officers of the Rate Commission, the Consultant, and Legal Counsel which have been taken or made to carry out and perform the purposes of the Revised Procedural Schedule and this Resolution are hereby ratified and approved.

(b) The officers of the Rate Commission, the Consultant and Legal Counsel shall be, and they hereby are, authorized and directed to execute all documents and take such actions as they may deem necessary or advisable in order to carry out and perform the purposes of this Resolution, and as necessary a Revised Procedural Schedule and a Revised Publication of

Notice, and the execution of such documents or taking of such action shall be conclusive evidence of such necessity or advisability.

Section 4. Severability. It is hereby declared to be the intention of the Rate Commission that each and every part, section and subsection of this Resolution shall be separate and severable from each and every other part, section and subsection hereof, and that the Rate Commission intends to adopt each said part, section and subsection separately and independently of any other part, section and subsection. In the event that any part, section or subsection of this Resolution shall be determined to be or to have been unlawful or unconstitutional, the remaining parts, sections and subsections shall be and remain in full force and effect, unless the court making such finding shall determine that the valid portions standing alone are incomplete and are incapable of being executed in accordance with the intent of this Resolution.

Section 5. Governing Law. The laws of the State of Missouri shall govern this Resolution.

Section 6. Effective Date. This Resolution shall become effective immediately upon its passage.

ADOPTED by the Rate Commission this 4 day of March, 2019.

THE RATE COMMISSION OF THE
METROPOLITAN ST. LOUIS SEWER
DISTRICT

By Paul P. Benjie
Its Chairman

ATTEST:

Mark W. Schorack

Its SECRETARY

