



**RESOLUTION OF THE RATE COMMISSION OF THE METROPOLITAN ST. LOUIS SEWER DISTRICT APPROVING A RATE RECOMMENDATION REPORT ON THE WASTEWATER AND STORMWATER RATE CHANGE PROPOSAL; AND RELATED MATTERS**

WHEREAS, the Rate Commission of the Metropolitan St. Louis Sewer District (the “District”) is directed by § 7.040 of the Charter Plan, as approved and amended by the voters of the City and County of St. Louis, to review and make recommendations to the Board of Trustees of the District regarding proposed changes in wastewater rates, stormwater rates and tax rates or changes in the structure of any of the rates; and

WHEREAS, the District, on February 26, 2015, referred proposed rate changes in the wastewater and stormwater rates for review by the Rate Commission; and

WHEREAS, any change in a rate recommended to the Board of Trustees by the Rate Commission is to be accompanied by a statement complying with the provisions of §§ 7.040 and 7.270 of the Charter Plan; and

WHEREAS, in order to conduct its proceedings with utmost expedition consistent with procedural fairness to the parties, the Rate Commission, pursuant to the Charter Plan, (i) adopted Operational Rules on August 16, 2001, as amended on March 21, 2002, April 16, 2003, March 2, 2007, January 18, 2008, March 7, 2011, and March 4, 2015; and (ii) adopted a Procedural Schedule governing the proposed rate change on March 4, 2015, which was amended on May 20, 2015; and

WHEREAS, the Rate Commission received written testimony, exhibits, conducted technical conferences and public hearings, received legal and other memoranda, and has conducted these proceedings in a manner consistent with the requirements of the Charter Plan, the Operational Rules and Procedural Schedule (the “Proceedings”); and

WHEREAS, the Rate Commission discussed and considered each of the facts and circumstances disclosed during the Proceedings; and

WHEREAS, the Rate Commission has considered a statement specifically responsive to the criteria and factors set forth in §§ 7.040 and 7.270 of the Charter Plan, (the “Rate Recommendation Report”) to the Board of Trustees.

NOW, THEREFORE, the Delegates of the Rate Commission do hereby resolve, determine and order as follows:

Section 1. Findings. The Delegates of the Rate Commission hereby find and determine those matters set forth in the preambles hereof as fully and completely as if set out in full in this Section 1.

Section 2. Charter Plan Requirements. The Delegates of the Rate Commission find and determine that the Rate Recommendation Report in the form attached hereto as Exhibit "A" considered at this meeting satisfies the requirements of the Charter Plan.

Section 3. Rate Recommendation Report. The Delegates of the Rate Commission hereby approve the Rate Recommendation Report, attached hereto as Exhibit "A", in substantially the form presented to this meeting, and the officers of the Rate Commission are hereby authorized and directed to execute and deliver and attest, respectively, the Rate Recommendation Report, and are hereby further authorized and directed to make any such changes, modifications, insertions and omissions as may be consistent with the intent of this Resolution and as may be deemed necessary or desirable to effect the Rate Recommendation Report, with the necessity or desirability of such changes, modifications, insertions and omissions being conclusively evidenced by their execution thereof.

Section 4. Minority Reports.

(a) The Rate Commission hereby receives the Minority Report of Commissioners Schneider, Stein, Toenjes, and Williams Regarding the Amount of Capital Improvement and Replacement Program Debt Funding.

(b) The Rate Commission hereby receives the Minority Report of Commissioners Brockman, Mahfood, and Stein Regarding Waste Hauler Permit Revenue.

(c) The Rate Commission hereby receives the Minority Report of Commissioners Brockman, Kelling, Schneider, Stein, Tomazi, and Williams Regarding Bad Debt.

(d) The Rate Commission hereby receives the Minority Report of Commissioners Bowser, Chodes, Kelling, Mahfood, O'Connell, and Tomazi Regarding Late Charges.

(e) The Rate Commission hereby receives the Minority Report of Commissioner Stein Regarding Metered and Unmetered Ratepayers.

(f) The Rate Commission hereby receives the Minority Report of Commissioners Bowser, Mahfood, and O'Connell Regarding Utility Expense Escalation.

(g) The Rate Commission hereby receives the Minority Report of Commissioners Jones and Williams Regarding Allocation of Proceeds of the Stormwater Ad Valorem Tax Among the Yellow, Green, and Red Zones.

(h) The Rate Commission hereby receives the Minority Report of Commissioners Bowser, Chodes, Mahfood, Schneider, Stein, Toenjes, and Tomazi Regarding Ad Valorem Funding for Stormwater Services.

(i) The Rate Commission hereby receives the Minority Report of Commissioners Schoedel and Tomazi Regarding the Amount of Capital Improvement and Replacement Program Debt Funding.

Section 5. Actions of Officers Authorized. The officers of the Rate Commission shall be, and they hereby are, authorized and directed to deliver to the Board of Trustees of the Metropolitan St. Louis Sewer District the Rate Recommendation Report and the Minority Reports and to take such actions as they may deem necessary or advisable in order to carry out and perform the purposes of this Resolution and to make ministerial alterations, changes or additions in the foregoing documents herein approved, authorized and confirmed which they may approve and the execution or taking of such action shall be conclusive evidence of such necessity or advisability.

Section 6. 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 7. Governing Law. This Resolution shall be governed exclusively by and construed in accordance with the applicable laws of the State of Missouri.

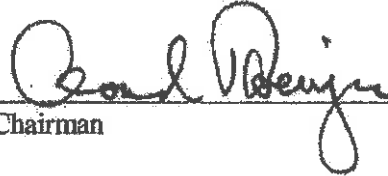
Section 8. No Personal Liability. No Delegate of the Rate Commission, officer, or agent of the Rate Commission shall have any personal liability for acts taken in accordance with this Resolution.

Section 9. Expenses. The Finance Committee is hereby authorized and directed to cause to be paid all costs, expenses and fees incurred in connection with or incidental to this Resolution.

Section 10. Effective Date. This Resolution shall become effective immediately upon its passage.

ADOPTED by the Delegates of the Rate Commission of the Metropolitan St. Louis Sewer District this 30th day of July, 2015.

RATE COMMISSION OF THE METROPOLITAN  
ST. LOUIS SEWER DISTRICT

  
\_\_\_\_\_  
Its Chairman

[SEAL]

ATTEST:

  
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Its Secretary