

RESOLUTION OF THE RATE COMMISSION OF THE METROPOLITAN ST. LOUIS SEWER DISTRICT APPROVING A RATE RECOMMENDATION REPORT ON THE WASTEWATER 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 March 4, 2019, referred a rate change proposal to increase the District's wastewater 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 Restated Operational Rules on March 4, 2019; and (ii) adopted a Procedural Schedule governing the proposed rate change on March 8, 2019; 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 Restated 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 Commissioner Palans Regarding the Amount of Bonding Proposed.

(b) The Rate Commission hereby receives the Minority Report of Commissioners Stein and Toenjes Regarding the Appropriate Allocation of Infiltration/Inflow Costs.

(c) The Rate Commission hereby receives the Minority Report of Commissioner Stein Regarding Deferring Some of the Capital Improvement and Replacement Projects (CIRP).

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.

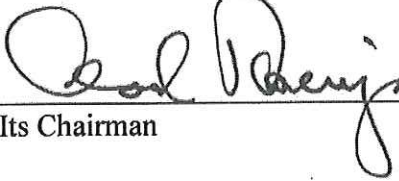
Section 8. No Personal Liability. No Delegate of the Rate Commission, officer, professional, consultant or agent of the Rate Commission shall have any personal liability for acts taken in accordance with this Resolution.

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 12th day of August, 2019.

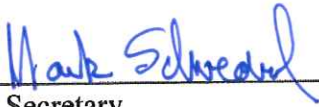
RATE COMMISSION OF THE
METROPOLITAN ST. LOUIS
SEWER DISTRICT



Its Chairman

[SEAL]

ATTEST:



Its Secretary