

THIRD AMENDMENT TO
DECLARATION OF TRUST
OF
THE REGIONAL METROPOLITAN UTILITY AUTHORITY

KNOW ALL MEN BY THESE PRESENTS:

THAT on the 25th day of April, 2018, at a Special Meeting of the Regional Metropolitan Utility Authority (the "Authority"), with all Trustees present Except Dr. Josh Wedman, Jenks, Oklahoma Mayor, Jarred Cottle, Bixby, Oklahoma City Manager and John Easton, Bixby, Oklahoma Mayor. It duly resolved that the original Declaration of Trust of Regional Metropolitan Utility Authority, as twice amended by Amendment of Declaration of Trust of the Regional Metropolitan Utility Authority dated June 12, 1974, and Amendment of Declaration of Trust of the Regional Metropolitan Utility Authority dated October 12, 1988, be amended to provide that the Chairman of the Tulsa Metropolitan Utility Authority shall serve *ex officio* as a Trustee, to provide that the Mayor of the City of Tulsa shall appoint a Trustee rather than it being *ex officio* the Commissioner of Waterworks and Sewerage of the City of Tulsa, and to provide for appointment of Trustees by the City Managers of the Cities of Broken Arrow, Bixby, Jenks, and Owasso rather than appointment by the City Councils of the Cities of Broken Arrow, Bixby, Jenks and Owasso which also required each Trustee to be a member of the appointing City's utility authority, and to provide for all current beneficiaries. The Resolution having been unanimously carried by all Trustees present, the Declaration of Trust of Regional Metropolitan Utility Authority, as amended, is hereby amended as follows:

THIRD AMENDMENT

Article VI, Section (b) of the Declaration of Trust of Regional Metropolitan Utility Authority, as amended, is hereby amended to read as follows:

The Trustees shall be a minimum of ten (10) in number. The Trustees of the Authority shall be *ex-officio*, the chair of the Tulsa Metropolitan Utility Authority; *ex-officio* the City Managers of the Cities of Broken Arrow, Bixby, Jenks and Owasso; one Trustee shall be appointed by the Mayor of the City of Tulsa; and one Trustee shall be appointed by each of the City Managers of the Cities of Broken Arrow, Bixby, Jenks and Owasso. Alternatively, the City Managers of the Cities of Broken Arrow, Bixby, Jenks and Owasso may elect to appoint two Trustees, rather than serve *ex-officio*, of the Cities of Broken Arrow, Bixby, Jenks and Owasso.

Article VIII, Section (a) of the Declaration of Trust of Regional Metropolitan Utility Authority, as amended, is hereby amended to read as follows:

The term "Beneficiaries" as used in this instrument collectively and severally shall denote the corporate government entities for which the Authority shall be furnishing and providing, or proposes to furnish and provide the services and facilities described in Section III of this instrument, or any part thereof, and which shall have accepted beneficial interest under this instrument, as amended, and as provided by law, and including the incorporated cities of Tulsa, Broken Arrow, Jenks, Bixby, and Owasso.

This Third. Amendment shall become effective after a Resolution accepting the beneficial interest by the Cities of Tulsa, Broken Arrow, Jenks, Bixby, and Owasso is duly passed by their respective governing bodies.

IN WITNESS WHEREOF, we have hereunto set our hands, executing this Third Amendment to Declaration of Trust of The Regional Metropolitan Utility Authority in multiple duplicates all of which constitute one and the same instrument on this 25th day of April, 2018.

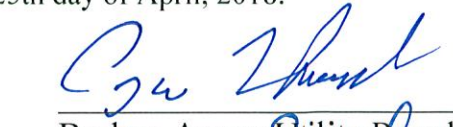

Broken Arrow City Manager


Bixby City Manager


Jenks City Manager

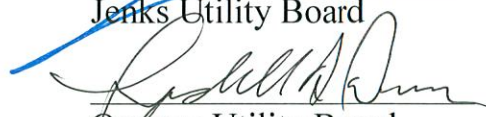

Owasso City Manager

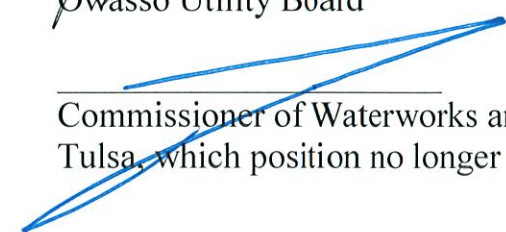

TMUA Appointment


Broken Arrow Utility Board


Bixby Utility Board


Jenks Utility Board


Owasso Utility Board


Commissioner of Waterworks and Sewerage –
Tulsa, which position no longer exists

ATTEST:


(Seal) Secretary

APPROVED AS TO FORM:


PAULA QUILLIN, ATTORNEY FOR RMUA

“City Manager Appoints 2”

THIRD AMENDMENT
TO DECLARATION OF TRUST
OF
THE REGIONAL METEOPOLITAN UTILITY AUTHORITY
APRIL 25, 2018

RATIFIED AND ACCEPTED:

