

RESOLUTION NO. 1104

A RESOLUTION OF THE REGIONAL METROPOLITAN UTILITY AUTHORITY, AN OKLAHOMA PUBLIC TRUST, APPROVING AND AUTHORIZING A THIRD AMENDMENT TO DECLARATION OF TRUST OF THE REGIONAL METROPOLITAN UTILITY AUTHORITY, WHICH PROVIDES THAT THE CHAIRMAN OF THE TULSA METROPOLITAN UTILITY AUTHORITY SHALL SERVE *EX OFFICIO* AS A TRUSTEE; WHICH FURTHER PROVIDES THAT THE MAYOR OF THE CITY OF TULSA SHALL APPOINT A TRUSTEE RATHER THAN THE COMMISSIONER OF WATERWORKS AND SEWERAGE OF THE CITY OF TULSA; WHICH FURTHER PROVIDES 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; WHICH FURTHER PROVIDES FOR CURRENT BENEFICIARIES; TO REAFFIRM AND RE-ACCEPT THE TRUST HEREIN CREATED FOR AND PROVIDED FOR; TO AGREE TO CARRY OUT THE PROVISIONS OF THE DECLARATION OF TRUST AND ALL AMENDMENTS THERETO; AND FINDING THAT SUCH ACTIONS ARE IN THE BEST INTERESTS OF THE REGIONAL METROPOLITAN UTILITY AUTHORITY AND ITS CITY BENEFICIARIES AND THE HEALTH, SAFETY, AND WELFARE OF THE RESIDENTS WITHIN AND NEAR THE TULSA METROPOLITAN REGION

WHEREAS, the Regional Metropolitan Utility Authority was created as a public trust pursuant to the provisions of Title 60, Oklahoma Statutes Sections 176 to 180, inclusive, as amended and supplemented, the Oklahoma Trust Act, and other applicable statutes and laws of the State of Oklahoma, by a Trust Indenture dated November 7, 1972, and the beneficial interest thereof accepted by the City of Tulsa, Oklahoma on November 7, 1972; and

WHEREAS, the Regional Metropolitan Utility Authority was formed for the purpose of permitting the cities of Tulsa, Broken Arrow, Bixby, Jenks and Owasso, as beneficiaries thereof, to provide, create, acquire, extend, enlarge, develop, improve, operate, maintain, regulate, conserve and protect water supply facilities; to provide, create, acquire, extend, enlarge, develop, improve, operate, maintain, regulate, conserve and protect waste water facilities including but not limited to solid waste, liquid waste, and industrial, commercial and domestic waste; to provide, create, acquire, extend, enlarge, develop, improve, operate, maintain, regulate, conserve and protect pollution control facilities; to institute, furnish, provide and supply to persons (natural, corporate, municipal or governmental, or any one or more thereof) services and the utilization of physical facilities of any and all kinds compatible with the nature of the Trust Estate; to fix, demand collect and expand rents, rates, fees and charges in consideration of any of the foregoing; to acquire by lease, purchase, production, reduction to possession, or otherwise, and to construct, equip, maintain, hold, store, operate and administer any property (real, personal and /or mixed), rights, privileges, immunities, franchises, benefits and any other things of value, designed, adaptable to or needful for utilization in instituting, extending, enlarging, furnishing, improving, providing or supplying any of the aforementioned services and physical facilities, or any of them; to provide funds for the costs of

financing the creation, acquisition, institution, development, operation, maintenance, regulation, administration, conservation and protection of the Trust Estate, and the aforesaid services and facilities, or any of them; and to expend any funds coming into the hands of the Trustees as revenues or otherwise, in the enlargement, maintenance and operation of the Trust Estate and in payment of the costs and expenses of executing the purposes of the Authority; and

WHEREAS, the Trustees of the Regional Metropolitan Utility Authority desire to amend the Trust Indenture to provide that the Trustees shall be comprised of the Chairman of the Tulsa Metropolitan Utility Authority, and an appointee by the Mayor of the City of Tulsa, and the City Managers for the cities of Broken Arrow, Bixby, Jenks, and Owasso, and one appointee each by the City Managers of the cities of Broken Arrow, Bixby, Jenks, and Owasso, or in the alternative, two appointees by the City Managers for the Cities of Broken Arrow, Bixby, Jenks, and Owasso if the City Manager elects not to serve, and

WHEREAS, the Trustees of the Regional Metropolitan Utility Authority further desire to amend the Trust Indenture to provide for identification of the correct beneficiaries.

NOW, THEREFORE, BE IT RESOLVED BY THE TRUSTEES OF THE REGIONAL METROPOLITAN UTILITY AUTHORITY AS FOLLOWS:

1. That the Third Amendment to Declaration of Trust of the Regional Metropolitan Utility Authority is hereby approved and authorized for execution and shall be executed substantially in the form thereof submitted at the meeting at which this Resolution was approved and as finally approved by all Trustees, and attested by the Secretary. The Third Amendment in the form to be so approved is hereby authorized for execution and delivery, subject to such minor changes, insertions and omissions and such filling of blanks therein as maybe approved and made in the form thereof.
2. That the Trust herein created for and provided for is hereby reaffirmed and reaccepted.
3. That the Trustees agree to carry out the provisions of the Declaration of Trust and all Amendments thereto.
4. That said actions are in the best interests of the Regional Metropolitan Utility Authority and its City beneficiaries; and for the health, safety, and welfare of the cities and residents within and near the cities; and
5. This Resolution shall become effective immediately upon its approval, passage and adoption by a majority of the Trustees of the Authority.

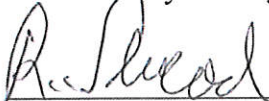
ADOPTED BY THE RMUA THIS 25 DAY OF April, 2018.



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

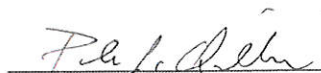
Commissioner of Waterworks and
Sewerage – Tulsa, which position no
longer exists

MAYOR OF CITY OF TULSA

ATTEST:


Secretary

APPROVED AS TO FORM:


Paula Quillin
Attorney for the Regional Metropolitan Utility Authority

RESOLUTION

THE REGIONAL METEOPOLITAN UTILITY AUTHORITY

APRIL 25, 2018

RATIFIED AND ACCEPTED:

