

ORDINANCE #69400
Board Bill No. 292
Committee Substitute

An ordinance authorizing the City of St. Louis, Missouri TO ENTER INTO AN INTERGOVERNMENTAL COOPERATION AGREEMENT WITH THE METROPOLITAN SEWER DISTRICT AND ST. LOUIS COUNTY and TO EXPEND MUNICIPAL REVENUES for the purpose of COMMISSIONING A DISPARITY STUDY FOR THE CITY OF ST. LOUIS; authorizing the City to execute certain documents related thereto; authorizing and directing the taking of other actions and approval and execution of other documents as necessary or desirable to carry out and comply with the intent hereof; containing a severability clause, A GOVERNANCE CLAUSE AND AN EMERGENCY CLAUSE.

WHEREAS, the City of St. Louis, Missouri (the “City”) is authorized and empowered under the Intergovernmental Agreement Act, Sections 70.210 to 70.325, inclusive, of the Revised Statutes of Missouri, to contract and cooperate with any other municipality or political subdivision for the planning, development, construction, acquisition or operation of any public improvement or facility, or for a common service.

WHEREAS, pursuant to Resolution # 211] adopted on January 18, 2013 (the “Approving Resolution”), the City approved commissioning a Disparity Study for the City of St. Louis, Missouri; and

WHEREAS, the County intends to approve the commissioning of a Disparity Study for St. Louis County, Missouri; and

WHEREAS, the Metropolitan Sewer District (“MSD”) has engaged the firm of Mason Tillman Associates, LTD (“Mason Tillman”), a nationally recognized consultant firm, to conduct a Disparity Study for MSD (“the MSD Study”) and has entered into an agreement with Mason Tillman to provide the MSD Study and recommendations for implementation of the findings; and

WHEREAS, the City of St. Louis (“the City”) and St. Louis County (“the County”) see a substantial benefit in collaborating with MSD and joining the MSD Study to realize a cost savings from the work on the MSD Study that overlaps with work required for both a City and County disparity study and that may lead to a more uniform implementation of minority and women-owned business programs in the region; and

WHEREAS, MSD, the City and the County desire to enter into an Intergovernmental Cooperation Agreement in substantially the form attached to this Authorizing Ordinance (the “Intergovernmental Agreement”); and

WHEREAS, the Intergovernmental Agreement provides that MSD will amend its contract with Mason Tillman to include services for the City and the County and the City share of expenses will be equally apportioned to the City, the St. Louis Development Corporation and Lambert-St. Louis International Airport; and

WHEREAS, the Board of Aldermen of the City hereby finds it is advisable, necessary and in the best interests of the City to enter into the Intergovernmental Agreement and to provide funds to pay the City’s proportion of the study expenses.

BE IT ORDAINED BY THE CITY OF ST. LOUIS AS FOLLOWS:

SECTION ONE. The Board of Aldermen hereby confirms its approval of the Intergovernmental Cooperation Agreement. The Board of Aldermen further finds and determines that it is necessary and desirable to enter into the Intergovernmental Agreement with the Metropolitan Sewer District and St. Louis County to facilitate a Disparity Study for the City (hereinafter, “the City Disparity Study”) and the County in conjunction with the MSD Disparity Study, in substantially the form attached hereto as EXHIBIT A and incorporated herein by reference.

SECTION TWO. The Board of Aldermen hereby finds and determines that it is necessary and in the best interests of the City to provide a portion of the financing for the Disparity Study, pursuant to the Intergovernmental Agreement, in an amount not to exceed Seventy-Five Thousand Dollars (\$75,000). The total cost for the City Disparity Study is estimated to be Two-Hundred Twenty-Five Thousand Dollars (\$225,000) to be shared equally by the City, the St. Louis Development Corporation and Lambert-St. Louis International Airport.

SECTION THREE. The City is hereby authorized to enter into, and the Mayor and the Comptroller and such other officers of the City as are appropriate are hereby authorized and directed to execute, seal, attest and deliver, for and on behalf of the City, the Intergovernmental Agreement, with such changes as are consistent with the intent of this Authorizing Ordinance, as shall be approved by the appropriate officers of the City executing the Intergovernmental Agreement, such officers’ signatures thereon

being conclusive evidence of their approval thereof without further action of the Board of Aldermen necessary to authorize such changes by the Mayor and the Comptroller or their designated representatives. The Mayor, the Comptroller, and other appropriate officers, agents and employees of the City, with the advice and concurrence of the City Counselor, are hereby further authorized and directed to execute and deliver such agreements as are necessary and desirable in order to carry out and comply with the intent this Authorizing Ordinance, and to carry out, comply with and perform the duties of the City with respect to the Intergovernmental Agreement and the City Disparity Study .

SECTION FOUR. It is hereby declared to be the intent of the Board of Aldermen that each and every part, section and subsection of this Ordinance shall be separate and severable from each and every other part, section and subsection hereof and that the Board of Aldermen 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 Ordinance 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 accord with the legislative intent.

SECTION FIVE. In the event of any inconsistency between the provisions of this Ordinance and the provisions of any prior ordinances, the provisions of this Ordinance shall prevail.

SECTION SIX. This Ordinance shall be governed exclusively by and construed in accordance with the applicable laws of the State of Missouri.

SECTION SEVEN. Passage of this Ordinance being deemed necessary for the immediate preservation of the health and welfare of the residents of the City of St. Louis, it is hereby declared to be an emergency measure within the meaning of Sections 19 and 20 of Article IV of the Charter of the City of St. Louis and shall become effective immediately upon its passage and approval by the Mayor.

EXHIBIT A
FORM OF INTERGOVERNMENTAL COOPERATION AGREEMENT
(Attached hereto.)

Is on file in the Register's Office.

Approved: February 14, 2013