

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FESTUS, MISSOURI, DISSOLVING THE FESTUS-CRYSTAL CITY SEWAGE COMMISSION, REPEALING ALL ORDINANCES IN CONFLICT THEREWITH, AND ESTABLISHING AN EFFECTIVE DATE.**

WHEREAS, pursuant to Article VI, Section 16 of the Missouri Constitution and §§ 70.210 – 70.320, RSMo, municipalities and political subdivisions of the State of Missouri are empowered to enter into contracts with one another for common services, and to establish joint boards and commissions, which shall constitute separate legal entities and bodies corporate and politic, with such powers as may be set forth in the contracts approved by the municipalities; and

WHEREAS, the City of Festus (“Festus”) and the City of Crystal City (“Crystal City”) have, by ordinance, established the Festus-Crystal City Sewage Commission (the “Commission”), as a joint commission of the two cities to own and operate a sewage treatment plant to serve the cities and their residents; and

WHEREAS, § 70.260.4, RSMo provides that the “duration of any joint board or commission referred to in this section may be perpetual or as otherwise provided in the joint contract under which it was created; however, any property owned or held by such legal entity shall become the property of the municipalities or political subdivisions that are parties to the joint contract upon dissolution of the legal entity”; and

WHEREAS, on January 17, 2024, the Commission adopted Resolution No. 2024-03, authorizing the sale of the sewage treatment plant to the Jefferson County Public Sewer District (the “District”); and

WHEREAS, the sale of the sewage treatment plant to the District closed on February 15, 2024; and

WHEREAS, there are no outstanding bonds or indebtedness which the Commission is obligated to repay, and the Commission’s fiscal year will conclude on March 31, 2024; and

WHEREAS, the sale of the sewage treatment plant to the District has obviated the purpose for which the Commission was established; and

WHEREAS, the City of Crystal City has, by Ordinance No. 1940-2023 authorized the dissolution of the Commission and the termination the agreement establishing the Commission; and

WHEREAS, the City Council finds and determines that it would be in the best interest of the City of Festus to dissolve the Commission.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FESTUS, MISSOURI, AS FOLLOWS:**

SECTION I. Effective March 31, 2024, the City Council of the City of Festus hereby dissolves the Festus-Crystal City Sewage Commission, and terminates the City's agreement with the City of Crystal City establishing the Commission as a joint commission of the two cities, and terminates any amendments to such agreement.

SECTION II. The Mayor, City Administrator, and other officials of the City of Festus are authorized to take such administrative steps reasonably necessary to comply with the intent of this Ordinance, and to take all actions authorized by the agreements authorized by Section 1 of this Ordinance. The Mayor, City Administrator, and other officials of the City of Festus are authorized to execute contracts and agreements with the City of Crystal City to retain and store records of the Commission, and to dispose of any property owned by the Commission.

SECTION III. All Ordinances or parts of Ordinances in conflict with this Ordinance are hereby repealed.

SECTION IV. This Ordinance shall be in full force and effect upon its passage by the City Council and the approval by the Mayor.

SECTION V. Notwithstanding any provision of Sections I, II, III, and/or IV of this Ordinance to the contrary, it is expressly understood that the Commission shall not be terminated, and no agreement between the City of Festus and the City of Crystal City shall be terminated, unless and until an Ordinance substantially similar to this Ordinance has been adopted by the City of Crystal City.

READ TWO TIMES AND PASSED THIS 11th DAY OF MARCH, 2024.

  
President of the City Council

APPROVED THIS 11TH DAY OF MARCH, 2024.

  
of the City of Festus

  
Deputy City Clerk

