BEFORE THE PUBLIC SERVICE COMMISSION OF THE STATE OF MISSOURI

The City of Houston Lake, Missouri, Complainant,

VS.

Case No. WC-2014-0260

Missouri-American Water Company, Respondent.

AFFIDAVIT OF MICHAEL HALLAUER

STATE OF MISSOURI)
)ss
COUNTY OF PLATTE)

Michael Hallauer, being first duly sworn on his oath, states:

- My name is Michael Hallauer. I am the Mayor for the City of Houston Lake, Missouri.
- 3. I hereby swear and affirm that my answers contained in the attached testimony to the questions therein propounded are true and correct.

Michael Hallauer

Subscribed and sworn to before me this 15th day of December, 2014.

Notary Public

My commission expires:_

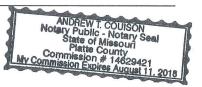


Exhibit No.

Issue:

Gross Receipt Tax

Witness:

Michael Hallauer

Type of Exhibit: Sponsoring Party: Direct Testimony Houston Lake

Case No.:

WC-2014-0260

Date Testimony Prepared: Nov. 14, 2014

Before the Missouri Public Service Commission

Direct Testimony

of

Michael Hallauer

December 15, 2014

DIRECT TESTIMONY OF MICHAEL HALLAUER ON BEHALF OF THE CITY OF HOUSTON LAKE, MISSOURI BEFORE THE MISSOURI PUBLIC SERVICE COMMISSION CASE NO. WC-2014-0260

1	Q.	PLEASE STATE YOUR NAME, TITLE, AND BUSINESS ADDRESS FOR
2		THE RECORD.
3	A.	Michael Hallauer. I am the Mayor for the City of Houston Lake, Missouri. My
4		business address is 5417 NW Adrian Dr., Kansas City, Missouri 64151.
5	Q.	PLEASE DESCRIBE YOUR EDUCATIONAL AND PROFESSIONAL
6		BACKGROUND.
7	A.	I have received a high school diploma. I have been involved in commercial
8		estimating for a landscape company for fifteen years. I have been the crew lead
9		and project manager for a landscape company for twenty years.
10	Q.	WHAT ARE YOUR PRIMARY DUTIES AS THE MAYOR FOR THE
11		CITY OF HOUSTON LAKE?
12	A.	I oversee all aspects of city government, which includes review of the City's
13		budget. Reviewing the City's budget includes, but is not limited to, reviewing
14		payroll, reviewing receipts for City expenditures, reviewing income, and
15		reviewing gross receipts paid to the City by utility companies that service the City.
16		I oversee all meetings of the Board of Aldermen. I have access to and ensure
17		maintenance of all City related documents which include but are not limited to all

- 1 records of the City, all contracts with the City, all Ordinances enacted by the City, 2 all minutes of meetings of the Board of Aldermen, all notices sent to the City by 3 any individual, entity, governmental body, or quasi-governmental body, and all 4 documents received by the Collector of the City, the Treasurer of the City, the 5 Secretary of the City, the Clerk of the City, and the Court Clerk of the City. I also 6 oversee all aspects of litigation that the City may be involved in, including this current controversy with Missouri-American Water Company. 7 8 Q. HOW LONG HAVE YOU BEEN THE MAYOR FOR THE CITY OF 9 **HOUSTON LAKE?** 10 A. I have been the Mayor for the City of Houston Lake since February of 2004. 11 Q. HAVE YOU PREVIOUSLY TESTIFIED BEFORE THE MISSOURI 12 **PUBLIC SERVICE COMMISSION?** A. 13 No. 14 Q. WHAT IS THE PURPOSE OF YOUR TESTIMONY IN THIS CASE? 15 A. I will support the position of the City of Houston Lake that the City did not receive 16 the 10% gross receipts tax from Missouri-American Water on Missouri-American 17 Water's sale of water to the residents of Houston Lake from approximately 2003 18 to approximately October of 2013 and that the City was damaged by Missouri-
- 21 THE CITY OF HOUSTON LAKE

19

20

22 Q. IS THE CITY OF HOUSTON LAKE INCORPORATED?

American Water's sale of water within Houston Lake.

American Water's failure to remit the ten percent gross receipts tax on Missouri-

1 A. Yes. The City of Houston Lake is a fourth class city incorporated pursuant to 2 R.S.Mo § 79.010. 3 Q. WHERE IS THE CITY OF HOUSTON LAKE LOCATED? 4 A. The City of Houston Lake is located in Platte County, Missouri. The address of 5 City Hall is 5417 NW Adrian Drive, Houston Lake, Missouri 64151. 6 Q. IS THERE A CERTAIN ENTITY THAT PROVIDES WATER TO THE 7 **RESIDENTS OF HOUSTON LAKE?** 8 A. Yes. Missouri-American Water Company provides water to the residents of 9 Houston Lake. 10 Q. HOW LONG HAS MISSOURI-AMERICAN WATER PROVIDED WATER 11 TO THE RESIDENTS OF HOUSTON LAKE? 12 When I took office as the Mayor for the City of Houston Lake in 2004, Missouri-A. 13 American Water Company was providing water to the residents of Houston Lake 14 at that time. From my review of Missouri-American Water Company's responses 15 to the City's discovery in this matter, upon information and belief, Missouri-16 American Water has provided water to the residents of Houston Lake since 17 approximately 1994. 18 GROSS RECEIPTS TAX ON WATER 19 Q. DOES HOUSTON LAKE IMPOSE AN OCCUPATIONAL LICENSE FEE 20 ON THE SALE OF WATER WITHIN ITS CITY LIMITS? 21 Yes. Pursuant to the Municipal Code of the City of Houston Lake Missouri § A.

605.040, a copy of which is attached to this testimony as Schedule MH-1, Houston

22

- Lake maintains an occupational license fee in a sum equal to ten percent of the gross receipts of any individual corporation or entity that is engaged in the business of supplying water for compensation to residential, commercial and industrial users with the City of Houston Lake, Missouri.
- 5 Q. COULD YOU PLEASE PROVIDE A BRIEF HISTORY OF CODE
- 6 **SECTION 605.040?**
- 7 A. Yes, section 605.040 of the Houston Lake Municipal Code was codified through 8 the enactment of several Ordinances. On April 17th, 1957, Ordinance Number 21 9 was passed, a copy of which is attached to this testimony as Schedule MH-2. 10 Pursuant to Ordinance Number 21 an occupational license fee on the sale of water 11 within Houston Lake was created, said fee being in the sum of five percent of the 12 gross receipts on any individual or entity's sale of water within Houston Lake. 13 Thereafter, Ordinance Numbers 34, 35, and 46 were passed, a copy of which 14 collectively are attached to this testimony as Schedule MH-3. Said Ordinances 15 contain certain amendments to Ordinance Number 21. On September 8th, 1980, 16 Ordinance Number 141 was passed, a copy of which is attached to this testimony 17 as Schedule MH-4. Pursuant to Ordinance Number 141, the occupational license 18 fee on the sale of water was increased to a fee in the sum of ten percent of the 19 gross receipts on any individual or entity's sale of water within Houston Lake, 20 effective October 1, 1980. On February 23, 1981, Ordinance Number 142 was 21 passed, a copy of which is attached to this testimony as Schedule MH-5, for the 22 purpose of correcting clerical errors within Ordinance Number 141. On October

1		14, 1985, Ordinance Number 157 was passed, a copy of which is attached to this
2		testimony as Schedule MH-6. Pursuant to Ordinance Number 157, the
3		occupational license fee on the sale of water was maintained at the sum of ten
4		percent of the gross receipts on any individual or entity's sale of water within
5		Houston Lake.
6	Q.	SINCE OCTOBER OF 1985, HAS HOUSTON LAKE ENACTED ANY
7		OTHER ORDINANCES THAT WOULD AFFECT THE GROSS
8		RECEIPTS TAX ON THE SALE OF WATER WITHIN HOUSTON LAKE?
9	A.	No. Ordinance Number 157, which as passed on October 14, 1985, and thereby
0		maintained the ten percent gross receipt tax against water companies' sale of water
1		within Houston Lake, was the last ordinance passed that would affect the gross
2		receipts tax on the sale of water within Houston Lake.
13	Q.	DOES HOUSTON LAKE HAVE AN ORDINANCE THAT ADDRESSES
14		THE INFORMATION THAT WATER COMPANIES MUST PROVIDE TO
15		HOUSTON LAKE REGARDING ITS GROSS RECEIPTS ON THE SALE
16		OF WATER WITHIN HOUSTON LAKE?
17	A.	Yes. Section 605.040 of the Municipal Code of the City of Houston Lake,
8		subsection C (attached to this testimony as Schedule MH-1) requires that a
19		statement of the gross receipts from the sale of water within Houston Lake must be
20		provided to the Treasurer of Houston Lake on or before the 15th day of February,
21		May, August and November of each year.

1	Q.	SINCE 1994, WHEN MISSOURI-AMERICAN WATER BEGAN
2		PROVIDING WATER TO THE RESIDENTS OF HOUSTON LAKE, HAS
3		MISSOURI-AMERICAN WATER PROVIDED THE STATEMENTS AS
4		REQUIRED BY SECTION 605.040(c)?
5	A.	No. It has not.
6	Q.	SINCE 1994, WHEN MISSOURI-AMERICAN WATER BEGAN
7		PROVIDING WATER TO THE RESIDENTS OF HOUSTON LAKE, HAS
8		MISSOURI-AMERICAN WATER PROVIDED TO HOUSTON LAKE A
9		GROSS RECIEPT TAX OF TEN PERCENT ON ITS SALE OF WATER
10		WITHIN HOUSTON LAKE?
11	A.	No. I am of the opinion that Missouri-American Water has not paid a gross
12		receipts tax of ten percent on its sale of water within Houston Lake.
13	Q.	BETWEEN 1994 AND THE PRESENT DATE, WHEN DID MISSOURI-
14		AMERICAN WATER NOT PROVIDE TO HOUSTON LAKE A GROSS
15		RECEIPT TAX OF TEN PERCENT ON ITS SALE OF WATER WITHIN
16		HOUSTON LAKE?
17	A.	I reviewed the City's books and records that I ensure maintenance of, which
18		include the income from and all documents received from Missouri-American
19		Water regarding the gross receipts tax on its sale of water within Houston Lake.
20		Because Missouri-American Water has not complied with Code Section
21		605.040(c) the City was not able to determine, though the City's records, if
22		Missouri-American Water was providing a gross receipts tax of ten percent during

the time period of 1994 to the present date. What the City noticed from its records was a drastic decrease in approximately 2001 of the gross receipts tax remitted to the City by Missouri American Water on its sale of water within Houston Lake. I reviewed information from the discovery received from Missouri-

American Water and am attaching a copy of this information received from Missouri-American Water as Schedule MH-8. It is the City's position that since approximately the third quarter in 2003 through and including August of 2013, Missouri-American Water was only remitting to Houston Lake an approximate one percent gross receipt tax on its sale of water within Houston Lake. This is far below what Code Section 605.040 requires.

ARE THERE ANY OTHER FACTORS THAT WOULD AFFECT THE Q. GROSS RECEIPT TAX MISSOURI-AMERICAN WATER COMPANY WOULD COLLECT AND REMIT TO HOUSTON LAKE FROM IT SALE 14 OF WATER WITHIN HOUSTON LAKE?

A. Yes. If the Public Service Commission approves a tariff increase exceeding seven percent on Missouri-American Water's gross receipts of its sale of water within Houston Lake this could affect the gross receipts tax.

COULD YOU PLEASE EXPLAIN? Q.

1

2

3

4

5

6

7

8

9

10

11

12

13

15

16

17

18

19

20

21

22

Yes, Pursuant to R.S.Mo. § 393.275, should the Missouri Public Service A. Commission authorize a tariff increase when the increase exceeds seven percent on the gross receipts of any water company, then the Missouri Public Service Commission shall notify the governing body of each city imposing a business

license tax on gross receipts of any water company of the percentage of increase approved for the water company together with an estimate of the annual increase in gross receipts resulting from the tariff increase on customers residing in that city. Pursuant to R.S.Mo. §393.275, the governing body of each city that is notified of an authorized tariff increase exceeding seven percent shall reduce the tax rate of its business license tax on the gross receipts of the water company pursuant to a particular formula which is set forth more fully within the statute. Pursuant to R.S.Mo. §393.275, a city may maintain the tax rate of its business license tax on the gross receipts of the water company, without reduction, if an ordinance to maintain the tax rate is enacted by the governing body of the city. Q. ARE YOU AWARE OF ANY TARIFF INCREASES FROM 1985 TO AND INCLUDING THE PRESENT DATE AUTHORIZED BY THE MISSOURI PUBLIC SERVICE COMMISSION FOR MISSOURI-AMERICAN WATER'S SALE OF WATER WITHIN HOUSTON LAKE WHEN THE **INCREASE EXCEEDED SEVEN PERCENT?** A. From my review of the past records of the City and from my knowledge of the records of the City during my terms, I am not aware of any such tariff increases approved for Missouri-American Water. However, from my review of the discovery responses of Missouri-American Water (a copy of said information being attached to this testimony as Schedule MH-7) it is my understanding that on or about December 5, 1995, September 20, 2000, October 22, 2007, November 28, 2008, July 1, 2010, and April 1, 2012 there were tariff increases authorized by the

1

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

1 Missouri Public Service Commission for Missouri-American Water's sale of water 2 within Houston Lake when the increase exceeded seven percent. 3 Q. IN YOUR REVIEW OF THE PAST RECORDS OF THE CITY AND FROM 4 YOUR KNOWLEDGE OF THE RECORDS OF THE CITY DURING 5 YOUR TERMS IN OFFICE, ARE YOU ABLE TO TESTIFY AS TO 6 WHETHER HOUSTON LAKE RECEIVED NOTICE OF ANY OF THESE 7 TARIFF INCREASES THAT EXCEED SEVEN PERCENT? 8 A. Yes. I have access to and maintain all City records as part of my responsibilities as 9 Mayor and this includes maintenance of all records prior to my terms in office. 10 From my review of the records of the City and from my knowledge of the records 11 of the City during my terms of office, Houston Lake did not receive notice of any 12 of the tariff increases I noted above that exceeded seven percent. BECAUSE THE CITY DID NOT RECEIVE NOTICE BETWEEN 1985 13 Q. 14 AND THE PRESENT DATE OF ANY TARIFF INCREASES THAT EXCEEDED SEVEN PERCENT, IS IT YOUR TESTIMONY THAT THE 15 ORDINANCE ENACTED BY THE CITY IN OCTOBER OF 1985 AND 16 17 CODIFIED AS CODE §605.040 IS STILL IN FULL FORCE AND EFFECT? 18 A. Yes. 19 HAS HOUSTON LAKE BEEN DAMAGED BY MISSOURI-AMERICAN Q. 20 WATER'S FAILURE TO PAY THE GROSS RECIEPT TAX OF TEN 21 PERCENT ON ITS SALE OF WATER WITHIN HOUSTON LAKE? 22 A. Yes.

Q. HOW HAS HOUSTON LAKE BEEN DAMAGED?

1

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

A.

A.

Houston Lake has lost approximately \$40,676.80, at least, from tax revenues that were to be paid by Missouri-American Water to Houston Lake on its sale of water within the City. This was calculated using the documentation that was provided by Missouri-American Water, and attached to this testimony on Schedule MH-8. This sum does not include the monetary damage for the time period of the third quarter of 2003 through and including the second quarter of 2004. In addition, this sum does not include any penalties. Pursuant to Section 605.040 subsection E of the Houston Lake Municipal Code (attached to this testimony as Schedule MH-1), if any individual or entity fails to file a statement as required by subsection C or if any individual or entity fails to pay the gross receipt tax when due, said individual or entity shall, in addition to the gross receipts tax, pay a penalty to Houston Lake in the sum of ten percent of the gross receipts tax due and unpaid for the first thirty days, and for each succeeding thirty days or any part thereof shall pay a penalty to Houston Lake in the sum of three percent of the gross receipts tax due and unpaid as long as the same shall remain unpaid.

Q. WHAT RELIEF IS HOUSTON LAKE REQUESTING FROM THE

PUBLIC SERVICE COMMISSION?

Houston Lake is requesting the Public Service Commission determine that

Houston Lake was not provided notice as required pursuant to R.S.Mo. §393.275

on any approved tariff increase exceeding seven percent on Missouri-American

Water's sale of water within Houston Lake from 1994 to the present date. Houston

Lake is requesting the Public Service Commission determine that, because Houston Lake was not notified of any such tariff increase, Missouri-American Water should have been remitting to Houston Lake a gross receipts tax of ten percent on its gross receipts of the sale of water within Houston Lake from 1994 to the present date. Houston Lake is requesting the Public Service Commission determine that Houston Lake has been damaged by Missouri-American Water's failure to remit the ten percent gross receipts tax. Houston Lake is requesting the Public Service Commission determine that Missouri-American Water failed to pay Houston Lake approximately \$40,676.80 in taxes, not including penalties. Houston Lake is requesting the Public Service Commission enter an order requiring Missouri-American water to provide written notice to Houston Lake at 5417 NW Adrian Drive, Houston Lake, Platte County, Missouri 64151 of each future tariff increase authorized by the Public Service Commission if the approved increase exceeds seven percent on Missouri-American Water's sale of water within Houston Lake. Houston Lake is requesting the Public Service Commission enter an order requiring Missouri-American Water to comply with Section 605.040 subsection C of the Houston Lake Municipal Code which requires Missouri-American Water to file a statement with Houston Lake each quarter detailing its gross receipts from the sale of water within Houston Lake for each quarter. And any other relief that the Public Service Commission has under their power.

Q. DOES THIS CONCLUDE YOUR TESTIMONY?

1

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

1 A. Yes.

(10%) of the tax due and unpaid and, for each succeeding thirty (30) days or any part thereof, shall pay as a penalty three percent (3%) of such tax as long as the same shall remain unpaid. (Ord. No. 18 §VI, 5-26-56; Ord. No. 142 §§1—4, 2-23-81; Ord. No. 157 §1, 10-14-85)

SECTION 605.020: GAS LICENSE TAX

The City of Houston Lake, in order to maintain its sources of revenue at its historical level, hereby determines to maintain the ten percent (10%) gross receipt tax rate against the gas company. (Ord. No. 224 §1, 7-19-93)

SECTION 605.030: TELEPHONE LICENSE TAX

- A. Every person, firm, company or corporation now or hereafter engaged in the business of furnishing exchange telephone service in the City of Houston Lake, Missouri, shall pay to said City an annual occupation license fee.
- B. It is hereby made the duty of such person, firm, company or corporation to file with the Treasurer of the City of Houston Lake, on or before the fifteenth (15th) day of December, 1961, a statement showing the estimated amount of gross receipts received from the business of furnishing telephone service within said City during the twelve (12) month period proceeding October 31, 1961, and thereafter on or before the fifteenth (15th) day of December of each year to file a statement showing the gross receipts for each twelve (12) month period terminating forty-five (45) days prior to such filing date and at the time of filing each such statement to pay to the City Treasurer a sum equal to ten percent (10%) of the gross receipts shown by such statements, respectively.
- C. All such persons, firms, companies or corporations licensed hereunder on the request of any person shall remove or raise or lower its wires temporarily to permit the moving of houses or other bulky structures. The expense of such temporary removal, raising or lowering of wires shall be paid by the party or parties requesting such raising or lowering of wires and payment in advance may be required. Not less than forty-eight (48) hours' advance notice shall be given or arrange for such temporary wire changes.
- D. The annual payment provided herein shall be paid in lieu of any other obligation, license or merchandising tax but shall not be in lieu of any ad valorem tax. (Ord. No. 45 §§2, 5—6, 2-9-61; Ord. No. 56 §1, 10-12-61; Ord. No. 142 §§1—4, 2-23-81; Ord. No. 157 §1, 10-14-85)

SECTION 605.040: WATER

- A. The word "person" wherever used in this Chapter, shall include any individual, partnership, firm, corporation, association, trustee, receiver or any other group or combination of individuals acting as a unit, either severally or jointly.
- B. Every person now engaged or hereafter to become engaged in the business of supplying water for compensation to residential, commercial and industrial users thereof within the City of Houston Lake, Missouri, shall, for the license period extending from July 1, 1961 to December 31, 1961 inclusive and thereafter for each annual license period from January first (1st) to and including December thirty-first (31st) of each year, pay to the City as an occupation license fee a sum equal



to ten percent (10%) of the gross receipts as hereinafter defined, derived by said person from the sale of such water within the boundaries of the City of Houston Lake for domestic, commercial and industrial consumption.

The term "gross receipts" as applied to water for domestic, commercial and industrial purposes, as used in this Section, shall include all revenues received by such persons from the operation of such water system within the limits of said City.

- C. It is hereby made the duty of such person to file with the Treasurer of the City of Houston Lake, on or before the fifteenth (15th) day of November 1961, a statement of the gross receipts of such person from the sale of water for domestic, commercial or industrial purposes, as above defined, during the period from July 1, 1961 to and including September 30, 1961 and thereafter on or before the fifteenth (15th) day of February, May, August and November of each year to file a like statement showing the gross receipts for each three (3) month period, terminating forty-five (45) days prior to such filing date and at the time of filing each statement to pay to the City Treasurer a sum equal to ten percent (10%) of the total gross receipts shown by such statements, respectively. Any duly designated representative of the City of Houston Lake shall, at any reasonable time, have the right to investigate the correctness of such statements and shall have access to the books and records of said person for such purpose.
- D. The tax herein required to be paid shall be paid in lieu of any other occupation license or merchandising tax but shall not be in lieu of any ad valorem tax.
- E. If the person shall fail to file a statement as herein required or if such person shall willfully fail or refuse to pay the occupation tax herein provided, when due, said person shall, for such failure, for the first (1st) thirty (30) days of any part thereof pay in addition to such tax a penalty of ten percent (10%) of the tax due and unpaid and for each succeeding thirty (30) days or any part thereof shall pay as a penalty three percent (3%) of such tax as long as the same shall remain unpaid. (Ord. No. 21 §§1, 4—5, 4-17-57; Ord. No. 34 §3, 10-4-57; Ord. No. 35 §3, 10-31-57; Ord. No. 46 §3, 2-9-61; Ord. No. 142 §§1—4, 2-23-81; Ord. No. 157 §1, 10-14-85)

AN ORDINANCE LEVYING A LICENSE TAX TO BE PAID BY ALL PERSONS, FIRMS, OR CORPORATIONS ENGAGED IN THE BUSINESS OF SUPPLYING WATER TO RESIDENTIAL, COMMERCIAL AND INDUSTRIAL USERS WITHIN THE VILLAGE OF HOUSTON LAKE, MISSOURI, PROVIDING FOR THE METHOD AND TIME OF PAYING SAID TAX, AND PROVIDING PENALTY FOR VIOLATION THEREOF.

BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE VILLAGE OF HOUSTON LAKE, MISSOURI, AS FOLLOWS:

Section 1. That the word "person" wherever used in this ordinance shall include any individual, partnership, firm, corporation, association, trustee, receiver, or any other group or combination of individuals acting as a unit, either severally or jointly.

Section 2. That every person now engaged or hereafter to become engaged in the business of supplying water for compensation to residential, commercial and industrial users thereof within the Village of Houston Lake, Missouti, shall pay to the Village as a license fee a sum equal to five per cent (5%) of the gross receipts derived by said person from the sale of such water within the present or any future boundaries of the Village of Houston Lake, Missouti, for domestic, commercial and industrial consumption, as hereinafter defined.

The term "Gross Receipts" as applied to water for domestic, commercial, and industrial purposes, as used in this section, shall include all revenues received by such persons from the operation of such water system within the Village limits of the Village of Houston Lake.

Section 3. It is hereby made the duty of such person to file with the Treasurer of the Village of Houston Lake, on or before the 5th day of July, 1957, a statement of the gross receipts of such person from the sale of water for domestic, commercial and industrial purposes, as above defined, for the period beginning with the date hereof to and including June 30, 1957, and thereafter on or before the 5th days of July and January of each year, to file a like statement showing the gross receipts for such domestic, commercial and industrial business for each succeeding six months, based upon the business done during the preceding period of six months ending, respectively, on the last days of June and December; and at the time of filing such statements shall pay to the Treasurer a sum equal to five per cent (5%) of the amount shown by such statements, respectively. Any

duly designated representative of the Village of Houston Lake shall, at all reasonable times, have the right to investigate the correctness of such statements and shall, at all reasonable times, have access to the books and records of said person for such purposes.

Section 4. The tax herein required to be paid shall be paid in lieu of any other occupation license or merchandising tax, but shall not be in lieu of any ad valorem tax.

Section 5. If the person shall fail to file a statement as herein required, or if such person shall willfully fail or refuse to pay the occupation tak herein provided, when due, said person shall, for such failure, for the first thirty (30) days of any part thereof, pay in addition to such tax a penalty of ten per cent (10%) of the tax due and unpaid, and, for each succeeding thirty (30) days or any part thereof, shall pay, as a penalty, three per cent (3%) of such tax as long as the same shall remain unpaid.

Approved this 17 day of april,

AN ORDINANCE AMENDING SECTIONS TWO AND THREE OF ORDINANCE NO. 21
OF THE VILLAGE OF HOUSTON LAKE BY PROVIDING A SET FEE TO BE PAID
ANNUALLY AS OCCUPATION LICENSE FOR THE BUSINESS OF SUPPLYING WATER
WITHIN THE LIMITS OF THE VILLAGE OF HOUSTON LAKE.

BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE VILLAGE OF HOUSTON LAKE, MISSOURI, AS FOLLOWS:

Section 1. Ordinance No. 21 of the Village of Houston Lake is hereby amended by the deletion therefrom of Sections 2 and 3 as they have heretofore been and the enactment of the following sections in lieu thereof, which shall be in words and figures as follows:

"Section 2. That every person now engaged or hereafter to become engaged in the business of supplying water for compensation to residential, commercial and industrial users thereof within the Village of Houston Lake, Missouri, shall pay to the Village as annual license fee the sum of Two Hundred Eighty Dollars (\$280.00) which shall be payable as follows: One Hundred Forty Dollars (\$140.00) on July 5th of each year, and One Hundred Forty Dollars (\$140.00) on January 5th of each year.

Section 3. Any person, firm, or corporation who shall have prior to the enactment of this amendment engaged in the business of supplying water within the village limits of the Village of Houston Lake shall pay to the Village of Houston Lake five percent (5%) of the gross receipts for the months of May and June, 1957, as heretofore provided by this ordinance, and the sum of \$140.00 immediately upon enactment of this ordinance as the payment which was due on July 5, 1957, by the terms of this amendment if said person is still engaged in the sale of water within the village limits."

Passed this 4 day of October, 1957

at the Cct 16, 1957 Vallage Board Westing which The Haloway Peres of the Parkwill Water Co. attended, and able heaving his case the Board devaded that a hope fee of \$175 or annually would be acceptable.

Bosis for acceptance was as follows

5500 Estimated goos recept surveily

\$27.50 Payrile Jan 5 & July 5 20ch

That change in ordinarie 5 is aurrilly

ALL-STATE LEGAL®

AN ORDINANCE AMENDING SECTIONS TWO AND THREE OF ORDINANCE NO. 34
OF THE VILLAGE OF HOUSTON LAKE BY PROVIDING A SET FEE TO BE PAID
ANNUALLY AS OCCUPATION LICENSE FOR THE BUSINESS OF SUPPLYING
WATER WITHIN THE LIMITS OF THE VILLAGE OF HOUSTON LAKE.

BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE VILLAGE OF HOUSTON LAKE, MISSOURI, AS FOLLOWS:

Section 1. Ordinance No. 34 of the Village of Houston Lake is hereby amended by the deletion therefrom of Sections 2 and 3 as they have heretofore been and the enactment of the following sections in lieu thereof, which shall be in words and figures as follows:

"Section 2. That every person now engaged or hereafter to become engaged in the business of supplying water for compensation to residential, commercial and industrial users thereof within the Village of Houston Lake, Missouri, shall pay to the Village as annual license fee the sum of Two Hundred Seventy-Five Dollars (\$275.00) which shall be payable as follows: One Hundred Thirty-Seven and 50/100 Dollars (\$137.50) on July 5th of each year, and One Hundred Thirty-seven and 50/100 Dollars (\$137.50) on January 5th of each year.

Section 3. Any person, firm or corporation who shall have prior to the enactment of this anendment engaged in the business of supplying water within the village limits of the Village of Houston Lake shall pay to the Village of Houston Lake five percent (5%) of the gross receipts for the months of May and June, 1957, as heretofore provided by this ordinance, and the sum of \$137.50 on January 5, 1958, covering the period of operation from July 1, 1957, to December 31, 1957, if said person is still engaged in

AN ORDINANCE AMENDING SECTION TWO AND THREE OF ORDINANCE NO. 34 OF THE CITY OF HOUSTON LAKE BY PROVIDING FOR AN OCCUPATION LICENSE FEE EQUAL TO FIVE PER CENT OF THE GROSS RECEIPTS FROM THE BUSINESS OF SUPPLYING WATER WITHIN THE LIMITS OF THE CITY OF HOUSTON LAKE AND PROVIDING EFFECTIVE DATE OF SUCH CHANGE IN OCCUPATION LICENSE FEE.

BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF HOUSTON LAKE, MISSOURI, AS FOLLOWS:

Section 1. Ordinance No. 34 of the City of Houston Lake is hereby amended by the deletion therefrom of the paragraphs numbered Section 2 and Section 3 as they have heretofore been and the enactment of the following paragraphs in lieu thereof, which shall be in words and figures as follows:

"Section 2. That every person now engaged or hereafter to become engaged in the business of supplying water for compensation to residential, commercial and industrial users thereof within the City of Houston Lake, Missouri shall, for the license period extending from July 1, 1961 to December 31, 1961 inclusive, and thereafter for each annual license period from January 1st to and including December 31st of such year, pay to the City as an occupation license fee a sum equal to five per cent (5%) of the gross receipts as hereinafter defined, derived by said person from the sale of such water within the boundaries of the City of Houston Lake for domestic, commercial and industrial consumption.

The Term 'Gross Receipts' as applied to water for domestic, commercial and industrial purposes, as used in this section, shall include all revenues received by such persons from the operation of such water system within the limits of said City.

Section 3. It is hereby made the duty of such person to file with the Treasurer of the City of Houston Lake, on or before the fifteenth day of November, 1961, a statement of the gross receipts of such person from the sale of water for domestic, commercial or didustrial purposes, as above defined, during the period from July 1st, 1961 to and including September 30th, 1961, and thereafter on or before the fifteenth day of February, May, August and November of each year to file a like statement showing the gross receipts for each three month period, terminating forty-five days prior to such filing date, and at the time of filing each such statement to pay to the City Treasurer a sum equal to five per cent (5%) of the total gross receipts shown by such statements, respectively. Any duly designated representative of the City of Houston Lake shall, at any reasonable time, have the right to investigate the correctness of such statements and shall have access to the books and records of said person for such purpose."

BILL NO. 46

ORDINANCE NO. 46

Passed this 9th day of February, 1961

Frank E. Barnes, Mayor

ATTEST:

James Thatran

James L. Nathan, City Clerk

Approved this 9th day of February, 1961

Frank E. Barnes, Mayor

AN ORDINANCE AMENDING ORDINANCE NUMBERS 3, 36 AND 38 WITH RESPECT TO THE AMOUNT OF THE LICENSE TAX FOR UTILITIES, INCREASING THE LICENSE TAX FROM A SUM EQUAL TO 5% OF THE LICENSEE'S GROSS RECEIPTS TO A SUM EQUAL TO 10% OF THE LICENSEE'S GROSS RECEIPTS AND FIXING THE EFFECTIVE DATE.

BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF HOUSTON LAKE, MISSOURI, AS FOLLOWS:

Section 1. The license fee fixed by Ordinance No. 3, Ordinance No. 36 and Ordinance No. 38 is increased effective upon the date hereinafter provided from a sum equal to 5% of the licensee's gross receipts to read as follows:

"A sum equal to 10% of the licensee's gross receipts."

Section 2. The effective date of this amendment to each utility shall be as follows:

ELECTRIC COMPANIES GAS COMPANIES WATER COMPANIES TELEPHONE COMPANIES ALL OTHER UTILITIES

October 1, 1980 September 1, 1980
September 1, 1980
September 15, 1980
September 1, 1980 September 15, 1980

It is expressly stated that the purpose of the different effective dates is to correspond with the billing dates of the existing utilities.

Section 3. Ordinances Numbered 3, 36 and 38 shall remain in full force and effect without change except as expressly set out herein.

PASSED THIS BOAY OF

ATTEST:

Schedule MH-4

AN ORDINANCE TO NUNC PRO TUNC ORDINANCE NO. 141 FOR THE PURPOSE OF CORRECTING CLERICAL ERRORS

BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF HOUSTON LAKE, MISSOURI, AS FOLLOWS:

Section 1. Ordinance No. 141 which was adopted by the Board of Aldermen on September 8, 1980 contains clerical errors which are to be corrected by this Ordinance as for the limited purpose to nunc pro tunc the clerical errors previously mentioned.

Section 2. The title of Ordinance No. 141 be and hereby is corrected to read as follows:

"AN ORDINANCE AMENDING ORDINANCE NUMBERS 18, 20, 34, 45 and 46 WITH RESPECT TO THE AMOUNT OF LICSENSE TAX FOR UTILITIES, INCREASING THE LICENSE TAX FROM A SUM EQUAL TO 5% OF THE LICENSEE'S GROSS RECEIPTS TO A SUM EQUAL TO 10% OF THE LICENSEE'S GROSS RECEIPTS AND FIXING THE EFFECTIVE DATE."

Section 3. That Section 1 of Ordinance No. 141 be and hereby is corrected to read as follows:

"The license fee fixed by Ordinance No. 18, 20, 34, 45 and 36 is increased effective upon the date hereinafter provided from a sum equal to 5% of the licensee's gross receipts to read as follows:

'A sum equal to 10% of the licensee's gross receipts.'"

Section 4. Section 3 of Ordinance 141 be and hereby is corrected to read as follows:

"Ordinances numbered 18, 20, 34, 45 and 46 shall remain in full force and effect without change except as expressly set out herein."

PASSED THIS 23rd DAY OF Februar

1981.

ATTEST:

Schedule MH-5

AN ORDINANCE TO MAINTAIN GROSS RECEIPT TAXES IMPOSED UPON THE ELECTRIC, GAS, TELEPHONE, WATER AND CABLE T.V. COMPANIES.

WHEREAS, the General Assembly of the State of Missouri enacted in its 1985 Session House Bill Number 200 repealing and enacting a new Section 393.275 RSMo., and

WHEREAS, by authority of this law the City can maintain gross receipt tax that it imposes upon the electric, gas, telephone, water and cable t.v. companies, and

WHEREAS, the City has been notified by the Missouri Public Service Commission under the authority of Section 393.275 RSMo. that said corporation has received a tariff increase in excess of 7 percent, and

WHEREAS, it is necessary for the continued operation of the City that the municipal gross receipt tax upon said company be maintained at its present rate.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMAN OF THE CITY OF HOUSTON LAKE, MISSOURI, AS FOLLOWS:

Section 1. That the City of Houston Lake, in order to maintain its sources of revenue at its historical level, hereby determines to maintain the 10 percent gross receipt tax against the electric, gas, water, telephone and cable t.v. companies.

Section 2. The City Clerk is hereby directed to send a copy of this ordinance to the electric, gas, water, telephone and cable t.v. company and to the Public Service Commission.

PASSED THIS 14th DAY OF October , 1985.

	MAYOR	Frank E. Barnes
ATTEST:		
Nancy Oackalon	W)	
Nancy C. Jackalone		
APPROVED THIS DAY	OÈ	October , 1985.
		Rela
	<u> </u>	Tenfa ourse
	MAYOR	Frank P. Rarnes

Missouri-American Water

Platte County Rate Increases over 7%

Date of Increase	5/8" Customer Charge	Usage Charge Per/1,000 gals	Average _Usage (gals)	Total Charge	\$ Increase	% Increase
December 5, 1995	8.29	1.6400	5,000	16.49	\$ 1.50	10.0%
September 20, 2000	7.08	3.4685	5,000	24.42	8.71	55.4%
October 22, 2007	8.55	4.2965	5,000	30.03	5.16	20.8%
November 28, 2008	11.01	5.5324	5,000	38.67	8.64	28.8%
July 1, 2010	13.12	6.5930	5,000	46.09	7.41	19.2%
April 1, 2012	15.47	7.7731	5,000	54.34	8.25	17.9%

The City of Houston Lakes was served by the Missouri Cities Water Company until 1994 when Missouri American acquired the utility. The first rate increase by Missouri American was December 5, 1995. Missouri American Water continues to provide service to the residents of Houston Lakes.

Ě	ax Payments	
souri-American Water Compa	uston Lake Gross Receipts Tax	e Years 1999-2014

	% Tax to Rev Comments																					∕•	29	9	78 v	SP 34	9 40		Ŋ#	. ور	•	,		•																N/A Sti Misc Invoice (Allocated) *		1.0% April 1 - May 19	1.0% May 20 - June 30	10 (A) 10 (A) (A)
	% Tax to Rev																					1.09	113	1.0%	70%	4 -	10%	10	1.0%	108	1.0%	10%	1,0%	1.0%	801.	1.0%	1.0%	1.0%	1.0%	1.0%	1.0%	70%	70%	10%	108	10%	1.0%	1.6%	1 5	N/A	10%	1.0%	10%	
	Gross Revenue																					9,077.84	8,621.40	8,387.48	8,200.57	3,286,38 8,471,65	8,451.55	8,787.08	10,895.90	8,839.84	8,372.12	12,858.48	6,936.47	13,061,48	6,721.90	10,645.52	12,425.47	13,057.49	13,502.27	11.291.09	13,058.00	17,133,16	15,227.59	14 383 82	16,652.11	14,495.15	13,501.06	11,517.68	24,041.47	N/A	70.716,21	4,989.95	9,845,70	
		1998 Q4	10 665	1989.03	1999 04	2000	2000 0/2	2000 03	2000 C/4	2001 01	2001 02	2001 03	2002	2002 02	2002 03	2002 Q4	2003 QI	2003 02	2003 C3	2004 01	2004 02	2004 03	2004 0,4	2005 Q1	2005 02	2005 04	2006 Q1	2006 02	2006 Q3	2006 Q4	2007.01	2007 03	2007 Q4	2008 01	2008 02	2008 C4	2009 Q1	2009 02	2009 03	20002	2010 22	2010 Q3	2010 Q4	201102	2011 03	2011 Q4	2012 01	2012 02	2012 04	2012 04	2013 01	2013 02	2013 02	
	Remarks											4TH OTH EBANCHISE TAX	Franchise Taxilst Quarter	Franchise TaxJune 2002	Houston Lake Franchise Tax	FRANCHISETAX	Houston Lk Franch Tax 1003	Houston Lake Junii3 Franch Tax	FR Tax 12/03	FRANCH TAX 102004	GR TAX 06/04	GRTAX 09/04	GR TAX 12/04	GR TAX 03/05	GR Lax 05/05 GR TAX 09/05	GR TAX Q4 - 05	GR TAX 03/06	GR TAX 2Q06	GR TAX 3QUE	GR 1AX 4Q 06 MO 68 1O 1/1/02.2/31/07	GR TAX HOLK 20 06/07	GR TAX 3Q 2007	GR TAX 4Q 2007	GR TAX 1Q 2008	GR TAX 3QTR 2008	GR TAX 1208	GR TAX 1QTR 2009	GR TAX 2Q HOUSTON UK	GR TAX 4TH OTB 1209	GR TAX 157 QTR 09/10	GR TAX 2ND QTR 6/2010	GR TAX 3RD QTR 9/2010	GR TAX 1st Oldrier 2010	GR TAX 2ND QUARTER 2011	GR TAX 3RD QUARTER 2011	GR TAX 4TH QUARTER 2011	GR TAX 15T QUARTER 2012	GRIGAZAND QUARIER 2012	SR TAX 4TH QTR 2012 - HOUSTON LAKE	GR TAX - Q1 2013 - HOUSTON LAKE	GR TAX - Q1 2013 - HOUSTON LAKE	GR TAX - 2013 - HOUSTON LAKE	GR TAX - 2013 - HOUSTON LAKE	
	Amount Explanation	619.53 City of Houston Jake		_	_				985.31 City of Houston Lake		1.170 SE City of Houston Lake						GDS 50 Houston Lake City of REMIT		89.99 Houston Lake City of REMIT					83.89 Houston Lake City of REMIT					108.91 Houston Lake City of REMIT	83.15 Houston Lake City of REMIT			69.06 Houston Lake City of REMIT	130.63 Houston Lake City of REMIT 64.78 Houston Take City of REMIT				130.02 Houston Lake City of REMIT	121.87 Houston Lake City of REMIT		130.63 Houston Lake City of REMIT	170.47 Houston Lake City of REMIT	143.62 Houston Lake City of REMIT				131.78 Houston Lake City of REMIT	233.65 HOUSTON LAKE CITY OF REMIT	161.92 HOUSTON JAKE CITY OF	35.51 HOUSTON LAKE CITY OF	159.05 HOUSTON LAKE CITY OF	98 45 HOUSTON LAKE CITY OF	38.45 HOUSTON LAKE CITY DE	
	Month Year	4 1999	7 1999	10 1999	1 2000	4 2000			1007 F				4 2002		2002		2003	11 2003	1 2004	4 2004	7 2004	10 2004	1 2005	2005	10 2005		4 2006		11 2006	4 2007	7 2007	10 2007		7 2008	10 2008	1 2009	4 2009	2002 /		2010	2010	10 2010	4 2011	2011	10 2011		7 2012			4 2013	4 2013	7 2013	2013	
	Si Date N	04/30/99	07/26/99	10/27/99	01/31/00	04/28/00	07/28/00	10/30/00	04/17/01	17/31/01	10/12/01	20/06/10	04/30/02	20/52/00	10/30/02	50/TE/TO	67/31/03 (17/31/03	10/27/03	07/08/04	04/26/04	07/13/04	10/18/04	20/11/09	SD/02/20	30/19/05	01/24/06	04/13/06	10/30/06	10/30/05	04/11/07	70/61/70	70/11/01	01/23/08	07/15/08	10/14/08	01/12/09	04/21/09	50/97/00	01/22/10	04/17/10	01/55/70	01/81/01 01/24/11	17/61/4	11/92/10	10/20/11	21/92/10	04/24/12	10/25/12	61/72/13	04/22/13	24/22/13	27/23/13	01/43/13	
	Doc#	105901	109072	112373	115714	120538	131366	141565	158812	170372	178179	40046800	40129654	40205054	40291089	4035/330	40514937	40588287	40646832	40733456	40795906	10873712	10941672	11098145	11168560				\$1490940	1561390	1645093	1726511	11815852				2200107	2350572	8419919		258323		2777322	_			43079194 (5			5000043545		•	
	Document Type Veucher	Voucher	Voucher				Voucher		Voucher	Voucher			Voucher	Voucher	Disbursement Request	Dishimement Segment	Disbursement Request	Disbursement Request	Disbursement Request			Disbursement Request	Disbursement Request	Disbursement Request	Disbursement Request	Disbursement Request		Disbursement Request			•		Distursement Request 4	Disbursement Request 4	•	4	Disbursement Request 4	Disbursement Request 4	Disbursement Request 4	Disbursement Request 4	Osbursement Request 4	* 4	. 4	4			Disbursement Request 43 Disbursement Request 43				Elec Disburse Request 50			
	Ook Type	¥.	≩	Ş.	≥ i	≳à	2 2	2 2	: 2	ž	Ž.	Z	₹	≥ :	c K	: X	: K	æ	ĸ	S :	& 1	£ F	C E	. %	82	S.	£ 8	£ Z	2 E	8	PS.	X b	S 50	. K		X :					2 %					x :		20						
i	241248	241248	241248	241248	241248	247748	241748	241248	241248	241248	241248	165100	241998	241998	241998	241998	241246	241246	241246	241246	241246	241245	241246	241246			241246				241246					241246		241246			247742					241246 P		8			24173000 ZF			
27-11	170498	170498	170498	170498	170498	170498	170498	170498	170498	170498	170498	170405	170405	170405	170405	170405	170405	170405	170405	170405	170405	170405	170405	170405	170405	170405	170405	170405	170405	170405	1,70405	170405	170405	170405	170405	170405	170405	170405	170405	170405	170405	170405	170405	170405	170405	170405	170405	1704	1704	1701	1704	i	1,001	- 1

ALL-STATE LEGAL® Schedule MH-8

Missouri-American Water Company Houston Lake Gross Receipts Tax Payments For the Years 1999-2014

** Tax to Rev Comments 4.25 ** "13" for July & Aug. 10% for Sept. 10.0% 10.0% 2.55 ** 10.0%	
Gross Revenue : 16,879,09 11,728,99 11,836,94 11,661,84	1
Period Gra 2013 03 2013 04 2014 01 2014 02	27
Redistricts RTAX 2023 - HOUSTON LAKE GR TAX 2023 - HOUSTON LAKE GR QL/24 - HÖUSTON LAKE GR QL/24 - HÖUSTON LAKE GR SSC/74 - HOUSTON LAKE GR SSC/74 - HOUSTON LAKE	3
Disk Month Year Ameunt Explanation 10/13 10 2013 71.173 HOUSTON LARECITY OF 18/14 1 2014 1375.02 HOUSTON LARECITY OF 18/14 7 2014 1353.82 HOUSTON LARECITY OF 18/14 10 2014 43857.1 HOUSTON LARECITY OF	
DDC# GL Date 50000655.4 10/30/13 5000071380 01/25/14 5000018868 04/23/14 600018984 10/23/14	
Object Doe Trag <	
Business, Lott	

* St Louis Mist invoices incorrectly posted to Parkville Profit Center and tax portion allocated to all Parkville areas