

**CITY OF MOLINE ACRES, MISSOURI**

BILL NO. 26-2009

ORDINANCE NO. 1033

**AN ORDINANCE OF THE CITY OF MOLINE ACRES, MISSOURI,  
APPROVING A SETTLEMENT AGREEMENT WITH AT&T:**

**BE IT ORDAINED BY THE CITY BOARD OF ALDERMEN OF THE CITY OF  
MOLINE ACRES, MISSOURI, as follow:**

**WHEREAS**, the City of Moline Acres, Missouri (the “Plaintiff”) is either a named plaintiff or a putative class member in a lawsuit to recover unpaid Business License Taxes (as defined in the Settlement Agreement described below), which lawsuit is styled *AT&T* Case No. 044-02645, and is pending in the Circuit Court of St. Louis County, Missouri (the “Lawsuit”); and

**WHEREAS**, the Plaintiff and AT&T (as defined in the Settlement Agreement) wish to avoid the expense and uncertainty of continued litigation and desire to settle their dispute(s) without further litigation; and

**WHEREAS**, a settlement agreement settling the Lawsuit was signed by the named plaintiffs (as class representatives) and AT&T, and was filed with and preliminarily approved by the Circuit Court of St. Louis County on April 18, 2008 (the “Settlement Agreement”); and

**WHEREAS**, the Plaintiff and AT&T have conducted an investigation and evaluation of the facts and the law relating to the claims in the Lawsuit and believe that the Settlement Agreement is fair, reasonable, adequate and in the best interest of all the parties; and

**WHEREAS**, pursuant to the Settlement Agreement, the Plaintiff has received a Notice of Class Action Settlement and Approval Hearing, incorporated herein by reference, and a AT&T Municipal Tax Settlement Claim Form, incorporated herein by reference, which identify the Total Past Tax Consideration (as defined in the Settlement Agreement) that will be paid and released to the Plaintiff pursuant to the Settlement Agreement after the Settlement Agreement becomes Final (as defined in the Settlement Agreement); and

**WHEREAS**, the Plaintiff desires to approve and accept the Settlement Agreement and the Total Past Tax Consideration;

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY BOARD OF ALDERMEN OF THE CITY OF MOLINE ACRES, MISSOURI AS FOLLOWS:**

**Section One.** The City of Moline Acres, Missouri hereby approves, accepts, and adopts all terms and provisions of the Settlement Agreement as a binding and enforceable agreement between the City of Moline Acres, Missouri and AT&T, and as if the City of Moline Acres, Missouri was an original signatory thereto.

**Section Two.** The City of Moline Acres, Missouri further approves the Total Past Tax Consideration of **\$32,419.14** as shown on the AT&T Wireless Municipal Tax Settlement Claim Form, along with the other relief provided in the Settlement Agreement, as adequate consideration for the release of claims by the City of Moline Acres, Missouri against AT&T Wireless as provided for in the Settlement Agreement.

**Section Three.** The Mayor of the City of Moline Acres, Missouri, on behalf of the Plaintiff, is hereby authorized and directed to execute the AT&T Municipal Tax Settlement Claim Form and any other documents necessary under the Settlement Agreement.

**Section Four.** The City of Moline Acres, Missouri, reserves the right to conclude settlement agreements with other telecommunications service providers in the Lawsuit depending upon the circumstances of each case.

**Section Five.** This Ordinance shall be in full force and effect after passage and approval as required by law.