

CITY OF MOLINE ACRES, MISSOURI

BILL NO. 28-2009

ORDINANCE NO. 1035

AN ORDINANCE OF THE CITY OF MOLINE ACRES, MISSOURI, APPROVING A SETTLEMENT AGREEMENT WITH AT&T/SBC LANDLINE

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 *State of Missouri, et al. v. SBC Communications, et al.*, No. 044-02645, and is pending in the Circuit Court of St. Louis City, Missouri (the "Lawsuit"); and

WHEREAS, the Plaintiff and Defendants (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 Defendants, and was filed with and preliminarily approved by the Circuit Court of St. Louis City on June 26, 2009 (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 of the parties; and

WHEREAS, pursuant to the Settlement Agreement, the Plaintiff has received a Notice of AT&T Class Action Settlement and Approval Hearing, incorporated herein by reference, and an AT&T Landline Municipal Tax Settlement Claim Form, incorporated herein by reference, which identify the estimated Back Tax Payment (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 estimated Back Tax Payment [and further desires to assign a portion of the proceeds to the St. Louis County or the Missouri Municipal League as provided therein];

NOW, THEREFORE, BE IT ORDAINED BY THE 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 Defendants, 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 estimated Back Tax Payment of **\$32,419.14** as shown on the AT&T Landline Municipal Tax Settlement Claim Form (subject to adjustment as provided by the Settlement Agreement), 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 Defendants.

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

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