

AN ORDINANCE APPROVING A MUNICIPAL TAX SETTLEMENT AGREEMENT
BETWEEN THE CITY OF RICHMOND HEIGHTS, MISSOURI AND CRICKET
COMMUNICATIONS.

WHEREAS, the City of Richmond Heights, 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 *City of University City, Missouri, et al. v. AT&T Wireless, Services, Inc., et al.*, No. 01-CC-004454, and is pending in the Circuit Court of St. Louis County, Missouri (the “Lawsuit”); and

WHEREAS, the Plaintiff and Cricket (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 Cricket, and was filed with and preliminarily approved by the Circuit Court of St. Louis County on June 28, 2010 (the “Settlement Agreement”); and

WHEREAS, the Plaintiff and Cricket 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 Cricket Class Action Settlement and Approval Hearing, incorporated herein by reference, and a Cricket Municipal Tax Settlement Claim Form, incorporated herein by reference, which identify the Past Tax Payment (as defined in the Settlement Agreement) that will be paid 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 Past Tax Payment;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF RICHMOND HEIGHTS, MISSOURI, as follows:

SECTION 1. The City of Richmond Heights, Missouri hereby approves, accepts, and adopts all terms and provisions of the Settlement Agreement as a binding and enforceable agreement between the City of Richmond Heights, Missouri and Cricket, and as if the City of Richmond Heights, Missouri was an original signatory thereto.

SECTION 2. The City of Richmond Heights, Missouri further approves the Past Tax Payment of \$8.00 [*this is the amount shown as "Past Tax Payment" on the fourth line of the claim form table*] as shown on the Cricket 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 Richmond Heights, Missouri against Cricket as provided for in the Settlement Agreement.

SECTION 3. The City Manager of the City of Richmond Heights, Missouri, on behalf of the Plaintiff, is hereby authorized and directed to execute the Cricket Municipal Tax Settlement Claim Form and any other documents necessary under the Settlement Agreement.

SECTION 4. The City of Richmond Heights, Missouri, reserves the right to conclude settlement agreements with other wireless telecommunications service providers in the Lawsuit depending upon the circumstances of each case.

SECTION 5. This Ordinance shall be in full force and effect after passage and approval as required by law.

PASSED and SIGNED this 16th day of August, 2010.

JAMES J. BECK
MAYOR

ATTEST:

PATRICIA S. VILLMER
DEPUTY CITY CLERK

APPROVED AS TO FORM:

KENNETH J. HEINZ
CITY ATTORNEY

First reading: August 2, 2010
Second reading: August 16, 2010