

AN ORDINANCE APPROVING A SETTLEMENT AGREEMENT WITH CENTURYLINK AND ASSIGNING A PERCENTAGE OF THE SETTLEMENT PROCEEDS TO THE ST. LOUIS COUNTY MUNICIPAL LEAGUE

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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 O’Fallon, Missouri, at al. v. CenturyLink, Inc., et al.*, Case No. 12SL-CC01723, and is pending in the Circuit Court of St. Louis County, 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 County on August 22, 2014 (the “Settlement Agreement”); and

WHEREAS, the Plaintiff and CenturyLink 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 CenturyLink Class Action Settlement and Approval Hearing, incorporated herein by reference, and a CenturyLink 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 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 Defendants, as if the City of Richmond Heights, Missouri was an original signatory thereto.

SECTION 2. The City of Richmond Heights, Missouri further approves the estimated Back Tax Payment of \$2,456.75 as shown on the CenturyLink 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 Richmond Heights Missouri against Defendants.

SECTION 3. The City of Richmond Heights, Missouri further assigns to the St. Louis County Municipal League 5% of its Back Tax Payment, which amount shall be used for the public purpose of reimbursing the League for revenues expended in its legislative and settlement efforts relating to the Lawsuit and/or to fund future services performed on behalf of the League's member municipalities.

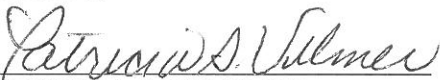
SECTION 4. The Mayor of the City of Richmond Heights, Missouri, on behalf of the Plaintiff, is hereby authorized and directed to execute the CenturyLink Landline Municipal Tax Settlement Claim Form and any other documents necessary under the Settlement Agreement.

SECTION 5. This Ordinance shall take effect and be in full force on the thirty-first day following its passage and being signed as provided by law.

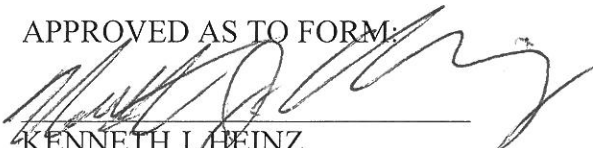
PASSED AND APPROVED this 20th day of October, 2014.

  
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JAMES J. BECK  
MAYOR

ATTEST:

  
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PATRICIA S. VILLMER  
DEPUTY CITY CLERK

APPROVED AS TO FORM:

  
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KENNETH J. HEINZ  
CITY ATTORNEY

First reading:           October 6, 2014  
Second reading:       October 20, 2014