

BILL NO. _____

ORDINANCE NO. 588 _

AN ORDINANCE APPROVING A SETTLEMENT AGREEMENT WITH CENTURYLINK AND ASSIGNING A PERCENTAGE OF THE SETTLEMENT PROCEEDS TO THE MISSOURI MUNICIPAL LEAGUE

WHEREAS, the City of LaGrange, 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, et 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 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 Missouri Municipal League as provided there;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF LAGRANGE, MISSOURI AS FOLLOWS:

Section One. The City of LaGrange, Missouri hereby approves, accepts, and adopts all terms and provisions of the Settlement Agreement as a binding and enforceable agreement between the City of LaGrange, Missouri and Defendants, as if the City of LaGrange, Missouri was an original signatory thereto.

Section Two. The City of LaGrange, Missouri further approves the estimated Back Tax Payment of \$ 4,368.58 as shown on the CenturyLink Landline Municipal Tax Settlement Claim Form (subject to adjustment as provide 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 LaGrange, Missouri against Defendants.

Section Three. The City of LaGrange, Missouri, further assigns to the Missouri Municipal League \$218.00 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 Four. The Mayor of the City of LaGrange, 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 Five. This Ordinance shall be in full force and effect after passage and approval as required by law.

ORDINANCES IN CONFLICT: All Ordinances or parts thereof in conflict with or inconsistent with the terms of this Ordinance are hereby repealed.

SEVERABILITY: If any portion of this Ordinance is declared illegal or void by a court of competent jurisdiction, the remainder of the Ordinance shall survive and not be affected thereby.

FULL FORCE AND EFFECT: This Ordinance shall be in full force and effect from and after a copy of the proposed Ordinance has been made available to the general public by posting a copy thereof in the City Office, 118 S. Main Street, LaGrange, Missouri, after it has been read by title two (2) times before the City Council of the City of LaGrange, Missouri, approved by the City Council, and after it has been approved by the Mayor of the City of LaGrange, Missouri.

Adopted this ____ day of _____, 20__ _____
Mayor/Presiding Officer

Approved this ____ day of _____, 20__ _____
Mayor/Presiding Officer

ATTEST:

City Clerk