



CITY OF BALLWIN
14811 Manchester Road, Ballwin, MO 63011

BILL NO. 3850

ORDINANCE NO. _____

INTRODUCED BY
ALDERMEN TERBROCK, FINLEY, HARDER, DOGAN, FLEMING, LEAHY, KERLAGON, BOLAND

AN ORDINANCE APPROVING A SETTLEMENT AGREEMENT WITH CENTURYLINK.

WHEREAS, the City of Ballwin, 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;

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

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

Section Two. The City of Ballwin, Missouri further approves the estimated Back Tax Payment of \$57.25 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 Ballwin, Missouri against Defendants.

Section Three. The Mayor of the City of Ballwin, 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 Four. This Ordinance shall be in full force and effect after passage and approval as required by law.

PASSED THIS _____ DAY OF _____, 2014.

MAYOR

APPROVED THIS _____ DAY OF _____, 2014.

MAYOR

ATTEST:

CITY CLERK