

**AN ORDINANCE APPROVING A SETTLEMENT AGREEMENT WITH AT&T
MOBILITY AND ASSIGNING A PERCENTAGE OF THE SETTLEMENT
PROCEEDS TO THE MISSOURI MUNICIPAL LEAGUE**

WHEREAS, the City of Republic, 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 AT&T Mobility (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 AT&T Mobility, and was filed with and preliminarily approved by the Circuit Court of St. Louis County on December 7, 2007 (the "Settlement Agreement"); and

WHEREAS, the Plaintiff and AT&T Mobility 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 Class Action Settlement and Approval Hearing, incorporated herein by reference, and an AT&T Mobility Municipal Tax Settlement Claim Form, incorporated herein by reference, which identify the Total Past Tax Consideration (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 Total Past Tax Consideration and further desires to assign a portion of the proceeds to the Missouri Municipal League as provided therein;

WHEREAS, the Plaintiff through the executive order of its Mayor did on the 18th day of January, 2008, authorize approval of settlements involved in the litigation above mentioned and in further indication of authorization to settle such litigation the City Council did on the 28th day of January, 2008, approve Resolution Number 08-R-11 authorizing settlement of the above litigation and in further confirmation of the City of Republic's desire to approve and accept the settlements it is the desire and direction of the City Council to adopt, ratify and approve all actions taken to accept the Settlement Agreement and to authorize all things necessary to accept the Settlement Agreement;

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

Section One. The City Council of the City of Republic, Missouri hereby approves, accepts, and adopts all terms and provisions of the Settlement Agreement as a binding and enforceable agreement between the City of Republic, Missouri and AT&T Mobility, and as if the City of Republic, Missouri was an original signatory thereto.

Section Two. The City of Republic, Missouri further approves the Total Past Tax Consideration of \$130,141.27 as shown on the AT&T Mobility 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 Republic, Missouri against AT&T Mobility as provided for in the Settlement Agreement.

Section Three. The City of Republic, Missouri further assigns to the Missouri Municipal League \$6,507.00 [*not to exceed the cap amount stated in the Claim Form*] of its Total Past Tax Consideration, 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 to fund future services performed on behalf of the League's member municipalities.

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

Section Five. The City of Republic, 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 Six: The City Council hereby finds and declares that this ordinance constitutes an emergency for the reason that certain of the Defendants in the litigation are requiring approval of the settlement by ordinance and such approval must be received by the Defendant by March 10, 2008, and such requirement that an ordinance be the sole means of approval was not conveyed until the last week in February to the City and action is needed to assure that no issue is involved as to authorization to approve the Settlement Agreement.

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

Section Eight. The provisions of this ordinance are severable.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF REPUBLIC,
MISSOURI, THIS _____ DAY OF _____, 2008.

Mayor, James H. Collins

ATTEST:

Brenda Jackson, City Clerk

Approved for Council Action: _____, City Administrator

Approved as to Form: _____, City Attorney