



Exhibit B

**AGENDA ITEM STAFF ANALYSIS**

**Project/Issue Name:** Bill #08-34 An Ordinance Approving a Settlement Agreement with AT&T Mobility and Assigning a Percentage of the Settlement Proceeds to the Missouri Municipal League.

**Submitted by:** Ron Dirickson, City Attorney

**Date:** March 5, 2008

**Issue Statement**

The proposed settlement being used by the various cell phone companies states that either an ordinance or other proof of authorization to approve settlement agreements must be provided to the company.

**Discussion and/or Analysis**

As you will recall, the city has received four settlements to this point with regard to the class action lawsuit involving cell phone service providers. The settlement document provides that the authority to approve the settlement must be shown by ordinance or some other proof of authorization to enter into the settlement agreement. Staff recommended that the "other proof" could be a Resolution adopted by Council. On January 28<sup>th</sup> Council adopted such a Resolution. The City has now been advised by one of the cell companies that the Model Ordinance provided by MML must be adopted and presented to the cell company to show authorization to approve the settlement.

**Recommended Action**

In order to avoid delay or argument over what is required by the terms set forth in the settlement agreement; staff is recommending adopting an emergency ordinance approving the settlement.