

BILL NO. 2014-180
ORDINANCE NO. 180

**AN ORDINANCE APPROVING A SETTLEMENT AGREEMENT WITH
CENTURYLINK**

WHEREAS, the City of Arcadia, 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. 12SLCC01723, 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 BOARD OF ALDERMEN OF THE
CITY OF ARCADIA, MISSOURI AS FOLLOWS:**

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

Section Two. The City of Arcadia, Missouri further approves the estimated Back Tax Payment of \$ 4,238.09 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 Arcadia, Missouri against Defendants.

Section Three. The Mayor of the City of Arcadia, 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.

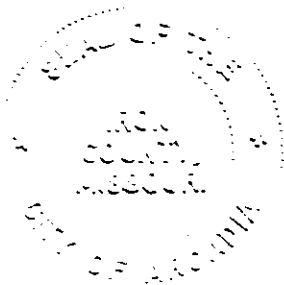
Section Four This Ordinance shall be in full force and effect after passage and approval as required by law.

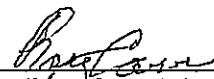
**READ THREE TIMES, PASSED AND APPROVED BY THE BOARD OF ALDERMEN
OF THE CITY OF ARCADIA, MISSOURI, THIS 20th DAY OF OCTOBER, 2014.**

ATTEST:



Lisa Light, City Clerk

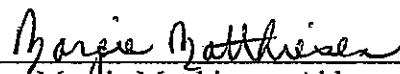





Roy Carr, Mayor



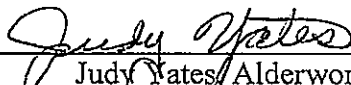
Susie Dennison, Alderwoman



Margie Matthiesen, Alderwoman



Paula Head, Alderwoman



Judy Yates, Alderwoman

IN WITNESS WHEREOF, the parties hereto have caused this contract to be executed in duplicate as of the day and year first above written.

ATTEST:

CENTURYTEL

SECRETARY

Tina Pietzsch

Mary Johnson
CITY CLERK

Roy Carr
MAYOR

