

BILL NO. 10-13

ORDINANCE NO. _____

AN ORDINANCE APPROVING A SETTLEMENT AGREEMENT WITH T-MOBILE MISSOURI AND ASSIGNING A PERCENTAGE OF THE SETTLEMENT PROCEEDS TO THE ST. LOUIS COUNTY MUNICIPAL LEAGUE

WHEREAS, the City of Normandy, 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 T-Mobile Missouri (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 T-Mobile Missouri, 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 T-Mobile Missouri 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 a T-Mobile Missouri 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 St. Louis County or the Missouri Municipal League as provided therein;

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

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

Section Two. The City of Normandy, Missouri further approves the Total Past Tax Consideration of \$32,770.52 as shown on the T-Mobile Missouri 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 Normandy, Missouri against T-Mobile Missouri as provided for in the Settlement Agreement.

Section Three. The City of Normandy, Missouri further assigns to the St. Louis County Municipal League \$1,638.53 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 Mayor of the City of Normandy, Missouri, on behalf of the Plaintiff, is hereby authorized and directed to execute the T-Mobile Missouri Municipal Tax Settlement Claim Form and any other documents necessary under the Settlement Agreement.

Section Five. The City of Normandy, 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. This Ordinance shall be in full force and effect after passage and approval as required by law.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF NORMANDY, MISSOURI, THIS 10th DAY OF AUGUST, 2010.

Presiding Officer

Attest:

Pam Rogers, City Clerk

APPROVED THIS ____ DAY OF _____, 2010.

Patrick Green, Mayor

Attest:

Pam Rogers, City Clerk

First Reading _____

Second Reading _____

BILL NO. 10-13

ORDINANCE NO. _____

AN ORDINANCE APPROVING A SETTLEMENT AGREEMENT WITH T-MOBILE MISSOURI

WHEREAS, the City of Normandy, 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 T-Mobile Missouri (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 T-Mobile Missouri, and was filed with and preliminarily approved by the Circuit Court of St. Louis County on October 30, 2007 (the "Settlement Agreement"); and

WHEREAS, the Plaintiff and T-Mobile Missouri 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 a T-Mobile Missouri 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;

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

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

Section Two. The City of Normandy, Missouri further approves the Total Past Tax Consideration of \$9,418.72 as shown on the T-Mobile Missouri 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 Normandy, Missouri against T-Mobile Missouri as provided for in the Settlement Agreement.

Section Three. The Mayor of the City of Normandy, Missouri, on behalf of the Plaintiff, is hereby authorized and directed to execute the T-Mobile Missouri Municipal Tax Settlement Claim Form and any other documents necessary under the Settlement Agreement.

Section Four. The City of Normandy, 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 Five. This Ordinance shall be in full force and effect after passage and approval as required by law.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF NORMANDY, MISSOURI, THIS 10th DAY OF AUGUST, 2010.

Presiding Officer

Attest:

Pam Rogers, City Clerk

APPROVED THIS _____ DAY OF _____, 2007.

Patrick Green, Mayor

Attest:

Pam Rogers, City Clerk

First Reading _____
Second Reading _____

T-MOBILE MUNICIPAL TAX SETTLEMENT ADMINISTRATOR
PO BOX 545
MINNEAPOLIS, MN 55440-0545

IMPORTANT LEGAL MATERIALS ENCLOSED

**T-MOBILE MISSOURI MUNICIPAL
TAX SETTLEMENT**

CLAIM FORM (CLASS B CITIES)

00006361
456 - B
CITY OF NORMANDY
ATTN: MAYOR
7700 NATURAL BRIDGE ROAD
NORMANDY MO 63121-4988

If you want to participate in the settlement, you must complete this form and submit it along with the necessary claim information to the address below, postmarked by September 14, 2010, after first reading the attached NOTICE.

ESTIMATE OF PAYMENT TO BE RECEIVED UNDER SETTLEMENT

Based on information available, Class Counsel and T-Mobile have estimated the amount of the payment(s) to be paid to you if you participate in the settlement and you otherwise qualify to participate. Below is an estimate of the amount of the payment(s) you may receive under the settlement:

I. SETTLEMENT PAYMENT

A.	<i>Business License Taxes on 25% of T-Mobile's gross receipts in City through 8/31/2007 at 8.00%, plus Business License Tax at flat rate of 0 per year and Business License Tax on 0 antenna(s) for period 9/1/2005 through 8/31/2007</i>	\$19,103.46
B.	<i>Business License Taxes from 9/1/2007 through 12/31/2007, plus amount of Business License Taxes underpaid from 1/1/2008 through 1/17/2008 ("Future Tax Period Payment")</i>	\$13,667.06
LESS		
C.	<i>Business License Taxes Actually Paid plus Protest and Escrow Payments To Be Released to the City ("Credit for Taxes Paid" prior to 1/1/2008)</i>	\$0.00
	SETTLEMENT PAYMENT (A + B) - C =	\$32,770.52

II. EXHIBIT G PAYMENT

A.	<i>Business License Taxes underpaid by T-Mobile from 1/18/2008 through 12/31/2009</i>	\$0.00
	SETTLEMENT PAYMENT PLUS EXHIBIT G PAYMENT	\$32,770.52

If you disagree with the amount of the Settlement Payment or Exhibit G Payment, you must submit a detailed explanation as to why you believe the amount(s) was incorrectly calculated. If you are unable to agree with T-Mobile on the amount of the Settlement Payment or Exhibit G Payment, you may either opt out of the settlement or accept the amount of the Settlement Payment as calculated by T-Mobile.

