

BILL NO. 10-14

ORDINANCE NO. _____

AN ORDINANCE APPROVING A SETTLEMENT AGREEMENT WITH CRICKET 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 Cricket (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 Cricket, 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 Cricket 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 Cricket 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 Cricket, 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 Cricket 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 Cricket 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 Cricket 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 _____

EXHIBIT B

**Cricket Municipal Tax Settlement Claim Form C
(No Claim Form Needed, but Ordinance Required for Future Tax Payments)**

Normandy
7700 Natural Bridge Road
Normandy, MO 63121-4988

To participate in the Settlement, you do not need to complete this form or submit it unless you disagree with the amount of the Past Tax Payment amount. If you disagree with the Past Tax Payment amount, submit this form along with the necessary claim information to the address below, if any information is requested, postmarked by September 14, 2010, after first reading the attached NOTICE.

PAYMENT OF PAST TAX LIABILITY

The Past Tax Payment that would be payable to you is as follows:

<i>Business License Tax on gross receipts for 9/1/2006 through 12/31/2007</i>	<0>
<i>Business License Tax at flat rate of <0> per year for 9/1/2006 through 12/31/2007</i>	<0>
<i>Business License Tax on <0> antenna(s) for 9/1/2006 through 12/31/2007</i>	<0>
PAST TAX PAYMENT	<0>

If you disagree with the amount of the Past Tax Payment, you must submit a detailed explanation as to why you believe the amount was incorrectly calculated. If you are unable to agree with Cricket on the amount of the Past Tax Payment, you may either opt-out of the settlement or accept the amount of the Past Tax Payment as calculated by Cricket.

CLAIM INFORMATION

You do not need to fill out and file this claim form unless you disagree with the amount of the past Tax Payment. If you disagree with the amount of the Past Tax Payment, you must submit a detailed explanation as to why you believe the amount was incorrectly calculated along with this claim form.

ORDINANCE NEEDED

However, in order to obtain prospective tax payments, you must send a copy of each ordinance imposing a Business License Tax from January 1, 2008, including any amendments thereto, if such exists, to Cricket. You may send this information to Cricket without a Claim Form.

If you have separate tax rates for non-residential and residential telephone service, then complete the attached ADDENDUM.

The Municipality's duly authorized representative, to whom all inquiries regarding this Claim Form may be directed, is:

Name: _____

Address: _____

Telephone number: _____

The Municipality's duly authorized representative, to whom all inquiries regarding its Business License Tax may be directed, is:

☐ Same as above