

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

LEGISLATIVE FINDINGS

1. The City of Gladstone, Missouri (the "City") is a putative class member in a lawsuit to recover unpaid Business License Taxes, which lawsuit is styled *City of O'Fallon, Missouri, et al. v. CenturyLink, Inc., et al.*, Case No. 12 SL-CC01723, and is pending in the Circuit Court of St. Louis County, Missouri (the "Lawsuit"); and
2. The parties to the Lawsuit wish to avoid the expense and uncertainty of continued litigation and desire to settle their dispute(s) without further litigation; and
3. A settlement agreement settling the Lawsuit was signed by the named parties and was filed with and preliminarily approved by the Circuit Court of St. Louis County on August 22, 2014 (the "Settlement Agreement"); and
4. The Plaintiff (as class representatives) 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 the parties; and
5. Pursuant to the Settlement Agreement, the City has received a Notice of CenturyLink Class Action Settlement and Approval Hearing and a Municipal Tax Settlement Claim Form, which identify the estimated Back Tax Payment that will be paid and released to the City pursuant to the Settlement Agreement after the Settlement Agreement becomes Final; and
6. The estimated Back Tax Payment amount has been confirmed by staff and the City desires to approve and accept the Settlement Agreement and estimated Back Tax Payment.

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

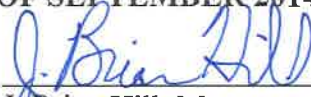
Section One. The City of Gladstone, Missouri hereby approves, accepts, and adopts all terms and provisions of the Settlement Agreement as a binding and enforceable agreement between the City and CenturyLink, Inc., as if the City was an original signatory thereto.

Section Two. The City of Gladstone, Missouri further approves the estimated Back Tax Payment of Nineteen Thousand, Nine Hundred and Sixty Two Dollars and 87/100 (\$19,962.87) as shown on the CenturyLink Landline Municipal Tax Settlement Claim Form (subject to any 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 against the class defendants.

Section Three. The City Manager for Gladstone, Missouri is hereby authorized and directed to execute and submit the 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.

INTRODUCED, READ, PASSED, AND ADOPTED BY THE COUNCIL OF THE CITY OF GLADSTONE, MISSOURI THIS 22nd DAY OF SEPTEMBER 2014.



J. Brian Hill, Mayor

ATTEST:



Ruth Bocchino, City Clerk

1st Reading: September 22, 2014

2nd Reading: September 22, 2014