

Introduced by: Council Present

AN ORDINANCE OF THE CITY OF BERKELEY, MISSOURI, APPROVING A SETTLEMENT AGREEMENT WITH UNION ELECTRIC COMPANY

WHEREAS the City of Berkeley, Missouri (the "Plaintiff") is either a named plaintiff or a putative class member in a lawsuit to recover Business License Taxes (as defined in the Settlement Agreement described below), which is styled *City of Winchester, Missouri, and City of Creve Coeur, Missouri v. Union Electric Company d/b/a Ameren Missouri*, Cause No. 11SL-CC04561, and is pending in the Circuit Court of the County of St. Louis, Missouri (the "Lawsuit"); and

WHEREAS, pursuant to the Settlement Agreement, the Plaintiff has received a Notice of Union Electric Company Class Action Settlement, incorporated herein by reference, which identify the settlement proceeds that will be paid to the Plaintiff pursuant to the Settlement Agreement after the Settlement Agreement comes Final (as defined in the Settlement Agreement); and

WHEREAS, the Plaintiff desires to approve and accept the Settlement Agreement and the settlement proceeds;

Now, Therefore, Be it ordained by the City Council of the City of Berkeley, Missouri, as follows:

Section 1 The City of Berkeley, Missouri hereby approves, accepts, and adopts all terms and provisions of the Settlement Agreement as a binding and enforceable agreement between the City of Berkeley, Missouri and Union Electric Company d/b/a Ameren Missouri, as if the City of Berkeley, Missouri was an original signatory thereto.

Section 2 The City of Berkeley, Missouri further approves the payment(s) totaling \$85,822.54 as shown on the Tax Settlement Notice, along with the other relief provided in the Settlement Agreement, as adequate consideration for the release of claims by the City of Berkeley, Missouri against Ameren Missouri as provided for in the Settlement Agreement.

Section 3 The Mayor of the City of Berkeley, Missouri, on behalf of the Plaintiff, is hereby authorized and directed to execute the Assignment to Municipal League of Metro St. Louis the Assignment Amount of zero, per the approval of the Council.

Section 4 This Ordinance shall be in full force and effect from and after its passage, as required by law.

1st Reading this 18th day of September 2017

2nd Reading this _____ day of _____ 2017

3rd Reading, PASSED and APPROVED, this _____ day of _____ 2017

Theodore Hoskins, Mayor

ATTEST:

Deanna L. Jones, City Clerk

Approved As To Form:
Donnell Smith, City Attorney

Final Roll Call:

Mayor Hoskins	Aye	___	Nay	__	Absent	__	Abstain	__
Councilwoman Hoskins	Aye	___	Nay	__	Absent	__	Abstain	__
Councilwoman Kirkland	Aye	___	Nay	__	Absent	__	Abstain	__
Councilwoman Mathison	Aye	___	Nay	__	Absent	__	Abstain	__
Councilman-at-Large McDaniel	Aye	___	Nay	__	Absent	__	Abstain	__
Councilwoman Mitchell	Aye	___	Nay	__	Absent	__	Abstain	__
Councilwoman Williams	Aye	___	Nay	__	Absent	__	Abstain	__