

INDIANA STATEWIDE 911 BOARD

RESOLUTION NO. 2018-5

**RESOLUTION OF THE BOARD OF DIRECTORS OF THE INDIANA
STATEWIDE 911 BOARD AUTHORIZING THE EXECUTIVE DIRECTOR
OF THE BOARD TO NEGOTIATE AND EXECUTE FUTURE SETTLEMENT
AGREEMENTS WITH 911 FEE LITIGANTS**

WHEREAS, the Indiana Statewide 911 Board (the “Board”) is a separate public body corporate and politic of the State of Indiana (the “State”) created and existing under the authority of IND. CODE § 36-8-16.7-24;

WHEREAS, on July 30, 2015, the Board filed a Complaint in Marion Superior Court alleging that certain wireless service providers (“Litigants”) had not collected and paid the applicable 911 Fees to the Board; and

WHEREAS, on August 31, 2015, the Litigants removed the Board’s lawsuit from the Marion Superior Court to the United States District Court for the Southern District of Indiana as Case No. 1:15-cv-01376-WTL-TAB; and

WHEREAS, the Board’s lawsuit has since been consolidated with another lawsuit and is now pending in the United States District Court for the Southern District of Indiana as Case No. 1:15-cv-01105-SEB-MJD (the “Lawsuit”); and

WHEREAS, the Board has previously entered into settlement agreements with certain of the Litigants in order to compromise and settle the Lawsuit with respect to those Litigants and to resolve any and all claims and disputes between them arising out of or relating to the 911 System, the 911 Fees, or the Services; and

WHEREAS, further, the Board anticipates desiring to negotiate and execute potential future settlement agreements with those Litigants still remaining in the Lawsuit; and

WHEREAS, for efficiency purposes, the Board desires to authorize the Executive Director of the Board to negotiate such potential future settlement agreements and to grant the Executive Director the authority to execute any such settlement agreements in the event a settlement with one or more of the remaining Litigants is ultimately reached.

NOW, THEREFORE, BE IT RESOLVED BY THE INDIANA STATEWIDE 911 BOARD, THAT:

Section 1. Authority to Negotiate Settlement Agreements. The Board hereby authorizes the Executive Director and Chair of the Board to negotiate potential future settlements on behalf of the Board.

Section 2. Authority to Execute Settlement Agreements. The Board hereby authorizes the Executive Director of the Board to execute potential future settlement agreements on behalf of the Board.

Approved and adopted this 10th day of September 2018, in Indianapolis, Indiana.



Kelly M. Mitchell, Board Chair

ATTEST:



Edward Reuter, Executive Director

[Signature Page of Resolution 2018-5]