

**RESOLUTION NO. R-17-04**

**A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT WITH TRACFONE WIRELESS, INCORPORATED, THAT ASSIGNS FIVE-PERCENT OF A PROPOSED CLASS ACTION SETTLEMENT TO THE MISSOURI MUNICIPAL LEAGUE.**

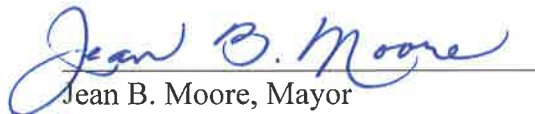
**WHEREAS**, the City of Gladstone, Missouri, will receive a class action settlement proposal from TracFone Wireless, Incorporated, in the approximate amount of \$48,125.32 and no further action is required by the City Council to accept said settlement; and

**WHEREAS**, the City of Gladstone desires to approve that settlement and assign 5% of the proceeds to the Missouri Municipal League, via the attached Notice Exhibit 3.


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

**Section One.** The City of Gladstone, Missouri, hereby assigns to the Missouri Municipal League 5% of the proposed Settlement Agreement with TracFone Wireless, Incorporated, 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.

**INTRODUCED, READ, PASSED AND ADOPTED BY THE COUNCIL OF THE CITY OF GLADSTONE, MISSOURI, THIS 13<sup>th</sup> DAY OF FEBRUARY, 2017.**

  
Jean B. Moore, Mayor

ATTEST:

  
Ruth E. Bocchino, City Clerk



*Department of General Administration  
Memorandum*

**DATE:** JANUARY 31, 2017  
**TO:** SCOTT WINGERSON  
CITY MANAGER  
**FROM:** ROBERT M. BAER  
ASSISTANT CITY MANAGER  
**RE:** TRACFONE SETTLEMENT ASSIGNMENT TO MISSOURI MUNICIPAL  
LEAGUE

A telecommunications settlement for a class action lawsuit, of which we are a member, has been approved with TracFone Wireless, Inc. The City will receive a settlement in the approximate amount of \$48,125.32; no further action is required by the Council to receive this settlement.

Staff is proposing that 5% of the settlement be assigned to the Missouri Municipal League for revenues expended in its legislative and settlement efforts relating to this class action lawsuit and to fund future services performed on behalf of the League's member municipalities. This amount is expected to be approximately \$2,407.00.

I respectfully recommend approval of the Resolution assigning a portion of the settlement with TracFone to the Missouri Municipal League via Notice Exhibit 3, attached.

Thank you.

Sincerely,

A handwritten signature in blue ink, appearing to read "Robert M. Baer", is written over a faint, larger version of the same signature.

Robert M. Baer  
Assistant City Manager



Growing Our Communities Together

Dan Ross  
Executive Director

January 5, 2017

Kathleen Rose  
Mayor, Riverside  
President

Jean Moore, Mayor  
City of Gladstone  
7010 N Holmes; PO Box 10719  
Gladstone, MO 64118

Matthew Robinson  
Mayor, Hazelwood  
Vice President

Randall Rhoads  
Mayor, Lee's Summit  
Past President

Dear Mayor Moore:

In October the City of Gladstone received notification of a proposed class action suit settlement with TracFone. Once the proposed settlement receives court approval the City of Gladstone is estimated to receive \$48125.32 in unexpected past tax revenue.

The Missouri Municipal League provided support for the suit and settlement plus MML successfully blocked passage of two telecom industry House bills, each of which would have derailed the class action suit resulting in your pending tax refund payment.

Included in the settlement information you received was the opportunity to assign/contribute at least 5% of your TracFone settlement proceeds to the MML Advocacy fund to help cover the costs of our legislative lobbying and advocacy efforts, and our intervention in court cases in Missouri and Washington DC which are only partially supported by the dues cities pay. An assignment form was provided on page 19 to be completed and returned to TracFone who will handle the assignment payments to MML. A copy is attached for your convenience.

I don't have to tell you that local control and traditional municipal revenue streams are under attack by well-funded interests from outside and from within Missouri. It takes resources and your help to combat them. As your MML President, I am asking you for two things to help us combat those that would take away or diminish local control and municipal revenues. First, be willing to call and speak with your legislator about harmful legislation when MML alerts you to a problem. My second request is for you to complete the form to assign a minimum of 5% of your pending TracFone settlement funds to the Missouri Municipal League which will allow MML to continue to fight for cities in the legislature and in the courts. I want to express our sincere appreciation to those cities which have already allocated 5% or more.

Thank you for your consideration and please don't hesitate to contact me or MML Executive Director, Dan Ross at 573-635-9134 if you have any questions.

Sincerely,

Missouri Municipal League

Kathleen L. Rose, President  
Mayor, Riverside

**NOTICE EXHIBIT 3**

**ASSIGNMENT TO MISSOURI MUNICIPAL LEAGUE OR MUNICIPAL LEAGUE OF  
METRO ST. LOUIS**

If you wish to assign part of your Past Tax payment to the Missouri Municipal League or the Municipal League of Metro St. Louis (if you are located within St. Louis or St. Louis County), please complete, sign and mail this form to TracFone's attorneys, postmarked on or before \_\_\_\_\_. The amount of your Past Tax payment will be reduced by the amount assigned.

Political Subdivision: CITY OF GLADSTONE

Name of Authorized Representative: SCOTT WINGERSON

Title: CITY MANAGER

Address: 7010 N. HOLMES GLADSTONE, MO 64118

Assignment Amount: \$ \_\_\_\_\_ or % 500

Signature: Scott Wingerson

Date: 2/14/17

Mail to the TracFone Settlement Administrator:

Thompson Coburn LLP  
Attn: TracFone Settlement Administrator  
One US Bank Plaza  
Suite 3500  
St. Louis, MO 63101