

ENROLLED ORDINANCE 159-100

AUTHORIZE MEMBER SERVICES AGREEMENT WITH THE WISCONSIN
LOCAL GOVERNMENT TELECOMMUNICATIONS COALITION

WHEREAS, Waukesha County has contracted with telecommunications firms for local and long distance telephone services for County operations, and

WHEREAS, the Wisconsin Local Government Telecommunications Coalition (WTCO) was formed to assist local governments in various telecommunications matters to pursue member rights and remedies related to over billing and negotiating and administering telecommunications contracts with providers and educating members on current telecommunications matters of interest to local governments, and

WHEREAS, WTCO was also formed to assist members in auditing telecommunications services bills, invoices and providing legal regulatory and forensic advice and services, and

WHEREAS, County administration has joined WTCO to learn the benefits of a member services agreement, and

WHEREAS, participation in WTCO has led County administration to recommend the County enter into the Member Services Agreement with, and participate in the activities of WTCO and retain Wyte Hirshboeck Dudek S.C. as legal counsel pursuant to the terms and conditions of the Member Services Agreement.

THE COUNTY BOARD OF SUPERVISORS OF THE COUNTY OF WAUKESHA DOES ORDAIN that the agreement on file with the County Clerk entitled "Member Services Agreement" is approved.

BE IT FURTHER ORDAINED that Waukesha County's right to pursue claims is delegated to the Wisconsin Local Government Telecommunications Coalition and the Coalition (WTCO) is authorized to retain legal counsel and pursue claims related to telecommunications matters on behalf of Waukesha County.

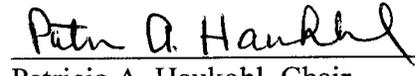
BE IT FURTHER ORDAINED that the Waukesha County Corporation Counsel is authorized to monitor the claims and litigation process and authorize any additional formal action necessary.

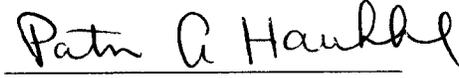
AUTHORIZE MEMBER SERVICES AGREEMENT WITH THE WISCONSIN
LOCAL GOVERNMENT TELECOMMUNICATIONS COALITION

Presented by:
Executive Committee

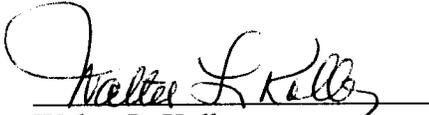
Approved by:
Finance Committee


James T. Dwyer, Chair


Patricia A. Haukohl, Chair


Patricia A. Haukohl

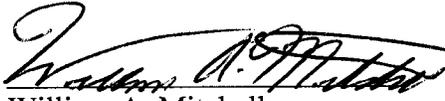

James R. Behrend

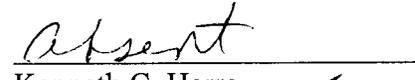

Walter L. Kolb


Donald M. Broesch


Richard L. Manke

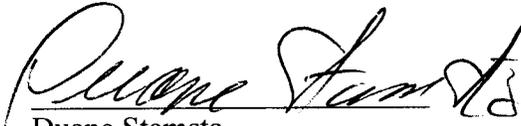

Genia C. Bruce


William A. Mitchell


Kenneth C. Herro

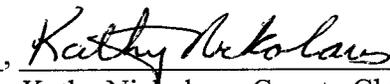

Duane E. Paulson


Joe C. Marchese


Duane Stamsta


Bonnie J. Morris

The foregoing legislation adopted by the County Board of Supervisors of Waukesha County, Wisconsin, was presented to the County Executive on:

Date: 1-28-05, 
Kathy Nickolaus, County Clerk

The foregoing legislation adopted by the County Board of Supervisors of Waukesha County, Wisconsin, is hereby:

Approved: ✓
Vetoed: _____

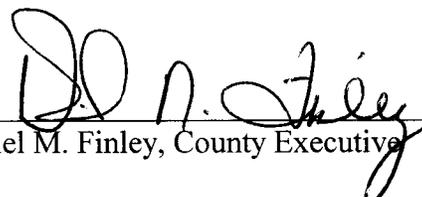
Date: 1-31-05, 
Daniel M. Finley, County Executive

Exhibit A

Fee Summary

Expenses**

1. Annual dues of \$250.
2. Annual out-of-pocket expenses estimated to be between \$1,000 and \$2,000, but not to exceed \$2,000. Out-of-pocket expenses for Waukesha County are based on the total out-of-pocket expenses incurred by the Coalition for the calendar year, allocated based on the percent Waukesha County's claim amount is to the total claim pursued by the Coalition.

For example, assume there are 20 governments with total claims of \$2,000,000, Waukesha County's estimated claim is \$150,000, and total out-of-pocket expenses for the year are \$20,000 (20 members x \$1,000).

$$\text{Waukesha County's Percentage of Expenses} = \frac{\$ 150,000}{\$2,000,000} = 7.5\%$$

$$\text{Coalition Total Expenses} = \$20,000 (20 \times \$1,000)$$

$$\text{Waukesha County's Share} = \$1,500 (\$20,000 \times 7.5\%)$$

Professional Fees**

1. The total fees to the Coalition for professional services. This is based on the legal, audit, and telecommunication consultant fees billed to the Coalition on an hourly basis, plus 5% of total Proceeds. This amount may not to exceed 50% of the total proceeds recovered for all Members pursuing claims. (There is an additional cap on fees incurred prior to January 28, 2004. These cannot exceed 25% of the total proceeds recovered for all Members pursuing claims. The Coalition must recover at least \$800,000 for its Members to recover the full amount of these fees (\$199,000/.25.))
2. All professional services fees are payable out of proceeds on a contingent fee basis. The Coalition does not recover any amounts for professional services, unless recoveries are made on behalf of its Members.
3. The remaining recovery proceeds are distributed based on the percentage Waukesha County's claim is to the total claim dollars by all the Coalition members pursuing a claim. Based on the most recent figures, Waukesha County's claim percentage is estimated to be approximately 7.5% of the total claims. This amount was based on an initial audit of Waukesha County's telecommunications bills for local services. The Coalition will request a full accounting by Waukesha County's telecommunications provider to determine a final number upon which to base Waukesha County's claim percentage. To the extent additional governments join the Coalition, Waukesha County's percentage of total claims would decrease, meaning Waukesha County's percentage of expenses and recoveries would decrease.

Exhibit B

Summary of Incurred Fees Through January 27, 2004

From April 30, 2003, the date on which Tariff Patrol approached Whyte Hirschboeck Dudek S.C. ("WHD") about billing problems local governments were experiencing with telecommunications carriers, until January 27, 2004, the date on which WTCO was legally formed as a limited liability company, WTCO incurred expenses of approximately \$197,728. These expenses were incurred as a result of significant work conducted by WHD and/or Tariff Patrol researching and analyzing claims, conducting conversations with the Federal Communications Commission, preparing membership documents, preparing corporate governance documents, preparing corporate formation documents, assisting local governments in forming a coalition, meeting with local governments to discuss their telecommunications concerns, reviewing billing information provided by local governments, and handling related matters to pursuing local government claims and interests.

Tariff Patrol spent 407.75 hours on its work and incurred fees in the amount of \$48,930.

Whyte Hirschboeck Dudek S.C. spent 614.95 hours on its work and incurred fees in the amount of \$148,798.

WTCO has approximately 40 pages of documentation detailing the time spent by WHD and Tariff Patrol on their work through January 27, 2004. These bills were approved by the WTCO Board of Directors, which is comprised entirely of local government officials.

WAUKESHA COUNTY BOARD OF SUPERVISORS

V

DATE-01/25/05

(ORD) NUMBER-1590083

- 1 K. HERRO.....AYE
- 3 D. STAMSTA.....AYE
- 5 J. MARCHESE.....
- 7 J. JESKEWITZ.....AYE
- 9 P. HAUKOHL.....AYE
- 11 K. HARENDA.....
- 13 J. MORRIS.....AYE
- 15 D. SWAN.....AYE
- 17 J. BEHREND.....AYE
- 19 W. MITCHELL.....AYE
- 21 W. KOLB.....AYE
- 23 J. TORTOMASI.....AYE
- 25 K. CUMMINGS.....AYE
- 27 D. PAULSON.....AYE
- 29 T. BULLERMANN.....AYE
- 31 V. STROUD.....AYE
- 33 D. PAVELKO.....AYE
- 35 C. SEITZ.....AYE

- 2 R. THELEN.....AYE
- 4 H. CARLSON.....
- 6 D. BROESCH.....AYE
- 8 J. DWYER.....AYE
- 10 S. WOLFF.....AYE
- 12 J. GRIFFIN.....
- 14 A. KALLIN.....AYE
- 16 R. MANKE.....
- 18 B. MORRIS.....AYE
- 20 M. KIPP.....AYE
- 22 G. BRUCE.....AYE
- 24 B. KRAMER.....AYE
- 26 S. KLEIN.....AYE
- 28 P. JASKE.....AYE
- 30 K. NILSON.....AYE
- 32 P. GUNDRUM.....
- 34 R. SINGERT.....AYE

TOTAL AYES-29

TOTAL NAYS-00

CARRIED X

DEFEATED _____

UNANIMOUS _____

TOTAL VOTES-29