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From Corporation Counsel, Office of Corporation Counsel, requesting authorization to commence a large claim civil action against Host International, Inc., by recommending adoption of the following:

A RESOLUTION

WHEREAS, in 2006, Milwaukee Mitchell International Airport (MKE) entered into Agreement No. 1 Contract 1917 (the Lease), as subsequently amended from time-to-time with Host International, Inc. (HMS Host), leasing certain premises at MKE to HMS Host for operation of a food and beverage concession; and

WHEREAS, during the Coronavirus Disease pandemic, MKE has worked with HMS Host and other similarly situated concessionaires to mitigate the fiscal effects on such concessionaires, while striving to protect the interests of Milwaukee County (the County) and the fiscal health of the airport; and

WHEREAS, despite such efforts, HMS Host has been and continues to be in default of its obligations under the Lease, and has to date rejected MKE’s proposals that would enable the parties to move forward with a mutually beneficial business relationship; and

WHEREAS, MKE will continue in its negotiation efforts despite the apparent likelihood that those efforts will not succeed; and

WHEREAS, MKE and Corporation Counsel, Office of Corporation Counsel (OCC) recommends that, should it become necessary to do so, MKE and the OCC be authorized to pursue legal action against HMS Host for default of its obligations, terminating HMS Host’s lease and pursuing damages; and

WHEREAS, in order to enable the OCC to proceed as expeditiously as possible to protect the County’s interests should MKE’s negotiations with HMS Host not succeed, OCC respectfully requests authorization to commence a lawsuit against HMS Host, including termination of its lease due to default, and pursuit of any and all damages to which the County may be entitled; and

WHEREAS, the Committee on Judiciary, Safety and General Services, at its meeting of July 15, 2021, recommended adoption of File No. 21-621 (vote 4-0); and

42 WHEREAS, the Committee on Finance, at its meeting of July 26, 2021,
43 recommended adoption of File No. 21-621 (vote 7-0); now, therefore,
44

45 BE IT RESOLVED, the Milwaukee County Board of Supervisors (County Board)
46 hereby authorizes Corporation Counsel, Office of Corporation Counsel (OCC) to
47 commence a lawsuit against Host International, Inc. (HMS Host), including termination
48 of the HMS Host lease due to default, and pursuit of any and all damages to which
49 Milwaukee County (the County) may be entitled, consistent with the County Board
50 report and fiscal note contained in this file; and
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52 BE IT FURTHER RESOLVED the County Board hereby authorizes the County
53 Executive, Office of the Comptroller, County Clerk, OCC, Airport Director, and any other
54 County official deemed necessary to prepare and execute all documents, instruments,
55 agreements or otherwise, and to perform all actions necessary to effectuate the
56 termination of HMS Host's lease, and commencement of the above referenced large
57 claim civil action against HMS Host.
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60 srb
61 07/26/2021
62 S:\Committees\2021\Jul\FINANCE\Resolutions\21-621 OCC - Host Inc-Lg Claim Request.docx