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From the Office of Corporation Counsel requesting authorization to settle a lawsuit filed by Michael Hoffmann against the County of Milwaukee related to the service credits for pension benefits, by recommending adoption of the following:

**A RESOLUTION**

WHEREAS, Michael Hoffmann (Hoffman) was employed as a zookeeper by Milwaukee County (the County) beginning in 1989; and

WHEREAS, in 2017, Hoffmann sought to retire from the County, and was told at that time that his service credits for pension benefits did not include service credits for which Hoffmann understood that he had bought in; and

WHEREAS, in 2017, Hoffmann filed suit against the County in the United States (U.S) Eastern District of Wisconsin, *Hoffman vs. Milwaukee County, et al, Case No. 2018-17-CV-524*, under 42 U.S. Code, Section 1983, alleging a deprivation of property, which the suit was subsequently dismissed; and

WHEREAS, in 2017, Hoffmann filed suit against the County, et al., in County Circuit Court, *Hoffman vs. Milwaukee County et al, Case No. 2017-CV-11634*, alleging breach of contract, deprivation of property, and estoppel; and

WHEREAS, there is dispute based on the County Code of General Ordinances, Pension Board rules, and Wisconsin State Statutes over the correct pension benefit amount to be paid to Michael Hoffmann; and

WHEREAS, the Employees Retirement System, the Pension Board, the County, and Hoffmann have diligently pursued through mediation a settlement of all disputes related to the pension benefit amount to be paid to Hoffmann, and have arrived at an agreement as to the correct pension benefit amount; and

WHEREAS, the terms of the settlement agreement have been incorporated into the litigation memo; and

WHEREAS, the Office of Corporation Counsel recommends this settlement; and

WHEREAS, the Committee on Judiciary, Safety, and General Services, at its meeting of October 24, 2019, recommended adoption of File No. 19-801 (vote 4-0); now, therefore,

43 BE IT RESOLVED, the Milwaukee County Board of Supervisors (County Board)  
44 approves the settlement with Michael Hoffmann (Hoffman) consistent with the board  
45 report and fiscal note contained in this file; and

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47 BE IT FURTHER RESOLVED, the County Board authorizes the County  
48 Executive, Office of the Comptroller, County Clerk, Office of Corporation Counsel, and  
49 any other Milwaukee County official deemed necessary to prepare and execute all  
50 documents, instruments, agreements or otherwise, and to perform all actions necessary  
51 to complete the settlement with Hoffmann, consistent with the board report and fiscal  
52 note contained in this file.

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10/24/19

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