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TO: Marcellia Nicholson, Chairwoman
Milwaukee County Board of Supervisors

FROM: Margaret C. Daun, Corporation Counsel
Karen L. Tidwall, Deputy Corporation Counsel

DATED: August 12, 2022

SUBJECT: Request to approve resolution authorizing Milwaukee County's reimbursement to the ERS Trust of an overpayment of pension benefits in further settlement of *Walker, et al., v. Milwaukee County and the Employees' Retirement System of the County of Milwaukee through its Pension Board*, Case No. 15-CV-6288 (Milwaukee County Circuit Court)

We request that this matter be referred to the Committee on Finance (and/or, at the Chairwoman's discretion, the Committee on Judiciary, Law Enforcement, and General Services), for approval of a resolution authorizing Milwaukee County to reimburse the ERS Trust for an overpayment of pension benefits, in further settlement of the *Kevin Walker, et al., v. Milwaukee County and the Employees' Retirement System of the County of Milwaukee through its Pension Board litigation*.

Please note that, on July 28, 2022, in **File No. 22-820**, the Milwaukee County Board of Supervisors approved the \$110,000 settlement payment to the Walkers (the Plaintiffs) consistent with the report and fiscal note contained therein from 55 Agency 194, Org. Unit 1961 – Litigation Reserve, and such payment has been made. **The relevant background regarding the Walker litigation is contained in the Report in File No. 22-820 and incorporated by reference herein.**

In addition to a monetary settlement payment to the Walkers, the settlement agreement with the Walkers includes the agreement that the overpayment made to Plaintiffs in the original amount of approximately \$200,000, plus interest, shall be forgiven and that they are released from any and all claims that they must repay such amount.

As required by applicable tax law and pursuant to Milwaukee County Code of Ordinances, § 201.24(8.24(4)), Milwaukee County must reimburse the ERS Trust the overpayment settlement amount. The total overpayment settlement amount owed to the ERS Trust as of 10/1/2022 is

\$427,266.15, representing the principal amount of \$204,752.78, plus interest of \$222,513.37, plus any additional interest accruing from 10/1/2022 through the date of repayment. The amount will be paid out of the contingency fund.

The Office of Corporation Counsel and outside counsel representing Milwaukee County and the Pension Board recommend approval of this settlement.

cc: MaryJo Meyers
Kelly Bablitch
Allyson Smith