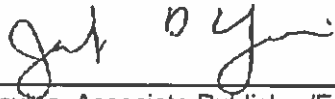


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MILWAUKEE COUNTY } S.S.

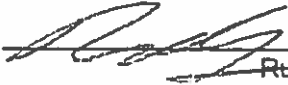
Joe Yovino, being the first duly sworn on oath, says that he or she is the Associate Publisher/Editor of THE DAILY REPORTER, which is a public newspaper of general circulation, printed and published daily in the English language in the City of Milwaukee, in said county, and fully complying with the laws of Wisconsin, relating to the publication of legal notices; that the notice of which the printed one attached is a true copy, which was clipped from the said newspaper, was inserted and published in said newspaper on

Jan. 19, 2022

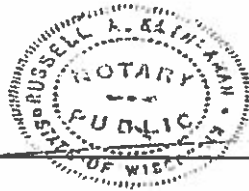


Joe Yovino, Associate Publisher/Editor

Sworn to me this 19th day of January 2022



Russell A. Klingaman
Notary Public, Milwaukee County, Wisconsin
My Commission Is Permanent



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Official Publication

FROM THE OFFICE OF GEORGE L. CHRISTENSON
MILWAUKEE COUNTY CLERK
County Ordinance No. 21-3
File No. 21-1877

AN ORDINANCE

The County Board of Supervisors of the County of Milwaukee does ordain as follows:
SECTION 1. Chapter 201.24(3.1) of the Milwaukee County Code of General Ordinances is hereby amended as follows:

Section 1

(I) Budget year contributions.
(a) The person board shall furnish to the county executive, prior to June 1 of each year:

- (i) An estimated budget contribution required by the county, including contributions required under section 3.3, to pay the following year's cost and to amortize the amount of unfunded obligation of the county over such period of years as determined from time to time by the county board; and
(ii) The established actuarial assumptions supporting said required amount. The county executive shall submit an informational report to the committee on finance and personnel for consideration during the June committee cycle, providing for an estimate of the contribution amount for the next year's budget and shall include the pension contribution amount in the executive budget as transmitted to the county board. The final amount appropriated in the adopted budget by the county board shall be the estimated contribution to be expended in the budget year
(b) Beginning with the first quarter ending after section 201.24(8.24) takes effect, any contribution required from the County under applicable law and regulations resulting from the County's assumption of liability for overpayments in lieu of collecting such overpayments from members or beneficiaries or related to any other payment due to the Retirement System [ERS] by the member or beneficiary under the Ordinance, including section 201.24(8.24), or any other applicable law or regulation, including ERS requirements for correcting qualified plan errors, shall be calculated and contributed as described below.

As soon as practicable but in no case later than five weeks thirty (30) days following the end of a quarter RPS shall submit to the Comptroller and the Director of the Department of Administrative Services a report of the aggregate overpayments and interest falling under Option 1 as determined under section 201.24(3)(c)(i), in addition to all other payments required to be paid by the County required under subsection 8.24(5) or 8.24(6) or ERS requirements (together, "Aggregate Contribution").

The Aggregate Contribution shall be paid by the County to ERS by no later than twenty (20) business days following the end of the prior quarter date RPS submits the Aggregate Contribution report from the Pension Obligation Bond Reserve or other authorized source of funds. Payments from the Pension Obligation Bond Reserve shall be approved by the Comptroller and the Director of the Department of Administrative Services.

(4)(c) For overpayments, RPS shall maintain an accounting of all collect amounts collected by RPS on behalf of the County from members or beneficiaries under Option 1 as specified in subsection 8.24(3)(ii), whether by VRS, VRP, or VOP, as specified in subsection 8.24(3)(ii).

(L) Collections in the current year shall reduce the total amount contributed from the County's General Fund to the ERS Trust as required under subsection 3.4(1)(b) in the subsequent year (if any) dollar-for-dollar. At the same time, any transfer under subsection 3.4(1)(b) to the subsequent year, any reduction made to the County's annual contribution under this subsection shall be separately transferred from the County's General Fund to the Pension Obligation Bond Fund. The amount collected on behalf of the County from members or beneficiaries under Option 1 as specified in subsection 8.24(3)(ii) in the current year shall be the County's required annual contribution under subsection 3.4(1)(b) in the subsequent year, any portion of the required transfer to the Pension Obligation Fund that remains after an offsetting reduction to the annual contribution under subsection 3.4(1)(b) shall be paid by the ERS Trust. RPS shall also collect, record and invest reimbursement money recovered from members or beneficiaries under Option 3 in the ERS Trust, per subsection 8.24(3)(iv), as directed by the Pension Board. RPS will on a monthly basis submit the collected amounts to the Comptroller and until such time as the amounts are submitted, RPS will retain the source amounts outside of ERS in a separate account.

(4) The amount collected on behalf of the County from members or beneficiaries under Option 1 as specified in subsection 8.24(3)(ii) in the current year exceeds the County's required annual contribution under subsection 3.4(1)(b) in the subsequent year, any portion of the required transfer to the Pension Obligation Fund that remains after an offsetting reduction to the annual contribution under subsection 3.4(1)(b) shall be paid by the ERS Trust to the County's Pension Obligation Fund in the subsequent year.

(4) (i) RPS shall also collect, record, and invest reimbursement monies recovered from members or beneficiaries under Option 2, in the ERS Trust, per subsection 8.24(3)(iv), as directed by the Pension Board, per Ordinance section 8.24(3)(iv) and those amounts shall be ERS Plan assets and paid to the ERS Trust.

SECTION 2. Chapter 201.24(8.24) of the Milwaukee County Code of General Ordinances is hereby amended as follows:

8.24. - Correction of Underpayment and Overpayment of Benefits

(1) General - In the event that a benefit paid to a member or beneficiary is determined to be incorrect, RPS shall take an appropriate action under this subsection and the Ordinances and Rules to: (i) correct such error; (ii) as soon as possible, calculate and pay the correct benefit amount on a prospective basis, including any net impact of multiple corrections, without regard to subsection 201.24(8.24)(8); and (iii) maintain the federal tax-qualified status of the retirement system under the Internal Revenue Code.

(2) Erroneous Underpayments - Unless the underpaid amount is less than the de minimis threshold amount set forth in subsection 8.24(5) below, if the benefit paid to a member or beneficiary is determined to be less than that to which the member or beneficiary is entitled under the provisions of the Ordinance section 201.24 and the Rules in Appendix B, RPS shall authorize a single sum corrective payment in an amount equal to: (i) the total amount of the underpayment for the claim period (as defined in subsection 8.24(4)) plus (ii) applicable interest (as defined in subsection 8.24(4)), calculated as of the through the date of each such correction.

(3) Erroneous Overpayments - If the benefit paid to a member or beneficiary is determined to be greater than that to which the member or beneficiary is entitled under the provisions of the Ordinance section 201.24 and the Rules in Appendix B, the following shall apply:

- (a) Notice of Overpayment - RPS shall provide a written "Notice of Overpayment" to the affected member and/or beneficiary at the overpayment within two (2) months a reasonable period of time of determining that an overpayment occurred. Such Notice shall specify the following substantive information:
- The currently payable incorrect monthly pension benefit (if any).
- The correct monthly pension benefit absent any collection offset (if any).
- An explanation of the benefit determination error and overpayment, and
- The Total Amount Owed in principal and interest.
- The Overpayment Options as defined in subsection 8.24(3)(c).
- The expected monthly benefit amount under either Overpayment Option 1 if the recoupment is not paid off in a VLS under subsection 8.24(3)(ii), and
- An explanation of interest applicable under subsection 8.24(4).
The Notice shall also include the following process-related information:
- A member may meet with a representative of ERS in-person to

review relevant documents, to receive an explanation related to the correction and collection, and/or to receive an explanation of the Overpayment Collection Options.

- The member or beneficiary should consult with an attorney before selecting either Overpayment Collection Option;
- The member or beneficiary shall be given a reasonable time to consult with an attorney, which in no case shall be less than seven (7) days after the date the Notice is mailed;
- The beneficiary or member shall be given no less than seven (7) days to revoke the selection of an Overpayment Collection Option following the date of execution of the Overpayment Collection Form;
- The process to request an exception to a monthly overpayment collection amount under subsection 8.24(3)(g);
- The appeal process under Rule 18 for challenging a benefit correction and/or IOP under Option 2; and
- Contact information for RPS.

(b) Overpayment Collection Option Form - The Notice of Overpayment shall include a separate Overpayment Collection Option Form (hereinafter "the Form") which shall include the following: (i) the Overpayment Collection Options (as defined in subsection 8.24(3)(c)); (ii) the expected monthly benefit amount for each Overpayment Collection Option if the recoupment is not paid off in a VLS, explaining (iii) a statement that the member or beneficiary must return the form within thirty (30) days, and explaining (iv) a statement that if the member or beneficiary fails to return the form, he or she will be placed into Overpayment Collection Option 2, as defined in subsection 8.24(3)(c)(ii).

(c) Overpayment Collection Options - A member or beneficiary shall have the following two (2) overpayment collection options set forth in an Overpayment Collection Option Form, which shall accompany the Notice of Overpayment, regardless of whether overpayment recoupment is collected through a VLS, VRP, VOP, or IOP, as defined in subsection 8.24(3)(g):

1. Option 1: For the exclusive benefit of the ERS trust, if the member or beneficiary signs an Overpayment Collection Option Form selecting Option 1, on behalf of the overpaid member or beneficiary, whether newly identified or currently in a recoupment process at the time of the process, the County shall make payment to the ERS trust of the TAO (i.e., the amount of the overpayment plus all interest applicable under subsection 8.24(4)) within the date of repayment, as prescribed in subsection 3.1(1)(c), and RPS shall, on behalf of the County, recoup from the member or beneficiary post-ERS an amount equal to the total amount of the overpayment for the claim period (as defined in subsection 8.24(4)), but not applicable interest (as defined in subsection 8.24(4)), referred to herein as the "Principal Amount Owed" or "PAO." Under Option 1, a member or beneficiary must agree to the benefit correction, accept the County's payment of the TAO on the member's behalf and, agree to waive any and all claims and rights to challenge the benefit correction and recoupment whether by a VLS, VRP, or VOP as defined in subsection 8.24(3)(g). Under Option 1, the member is only responsible for the PAO, and if a VRP or VOP is required, no interest on the PAO will accrue.

Option 1 shall not be available to a member or beneficiary if the overpayment is the direct or indirect result of the member's or beneficiary's fraud, material misrepresentation or material omission as determined by RPS. Option 1 shall not be available as of right to any member or beneficiary who has a pension benefit dispute that (i) is subject to an executed and binding settlement agreement, (ii) is the result of a correction, (iii) is currently before a court of competent jurisdiction, or (iv) has been finally adjudicated by a court of competent jurisdiction.

Any payments made to the retirement system ERS by the County prior to the effective date of the subsection shall be returned to the ERS trust and shall not be refunded or otherwise returned to the member, or beneficiary or the County. Further, no provision in this section 8.24 shall provide any member or beneficiary any retroactive rights or benefits.

2. Option 2: For the exclusive benefit of the ERS trust, if the member or beneficiary signs an Overpayment Collection Option Form selecting Option 2 or is placed into Option 2 as authorized under subsection 8.24(3)(b) after failing to make an affirmative selection within thirty (30) days of the date the Notice is mailed, RPS shall collect from the member or beneficiary an amount equal to: (i) the total amount of the overpayment for the claim period (as defined in subsection 8.24(4)); plus (ii) applicable interest (as defined in subsection 8.24(4)) calculated as of the date of each such overpayment through the date the County would have made payment to the ERS trust as defined in subsection 3.1(1)(c) if the member or beneficiary under Option 1, referred to herein together as the "Total Amount Owed" or "TAO," as detailed below, plus (iii) additional Pension Interest as specified in subsection 8.24(4) if a VRS, VOP, or IOP defined under subsection 8.24(3)(g) is required. Under Option 2, the member or beneficiary will be responsible for the TAO, and if a VRP, VOP, or IOP is required, the interest on the entire TAO, which will continue to accrue until the TAO is repaid in full.

Under Option 2, a member or beneficiary wishes to potentially dispute the benefit determination, the member or beneficiary and therefore, the member or beneficiary rejects the County's payment of the TAO on the member's behalf and agrees to waive any and all claims and rights to challenge the benefit correction and recoupment. Under Option 2, the member or beneficiary will be responsible for the entire amount of the TAO, and if a VRP, VOP, or IOP is required, as well as interest on the entire TAO that will continue to accrue at the higher Pension Interest Rate under subsection 8.24(4). Under Option 2, corrected benefit payments, along with any VRP, VOP, or IOP, shall continue unless and until the member or beneficiary obtains a final, favorable judgment from a court of competent jurisdiction and/or before an appropriate administrative body, or enters into a binding settlement agreement, whereby the benefit correction, overpayment collection, and/or applicable interest is deemed to be in error or otherwise negligent should such occur. RPS shall calculate the appropriate adjustments to the member's monthly benefit, collection amount, and/or interest and affix and account for those adjustments as soon as practicable.

(d) Other Waiver of Repayment - Notwithstanding anything else to the contrary in this Ordinance section 201.24, RPS shall waive the collection of any overpayment if TAO is below the de minimis threshold as set forth in subsection 8.24(5). The above notwithstanding, there shall be no reduction or waiver of any repayment if the overpayment is the direct or indirect result of the member's or beneficiary's fraud, material misrepresentation or material omission as determined by RPS.

(e) Collection Administered by RPS - RPS shall commence overpayment collection as specified herein, beginning the next full month following the receipt of the Overpayment Collection Option Form or the next full month following the 30th day after mailing of the Notice of Overpayment, regardless of whether any action or appeal is filed to challenge any element of, calculation of, or process related to the correction of the monthly benefit amount and/or collection of any overpayment and/or any applicable interest.

(f) Calculation of Minimum Monthly Overpayment Collection Offset Amount - The monthly overpayment collection offset amount shall be based upon the PAO under Option 1 or the TAO under Option 2, and shall be no less than the monthly repayment guidelines established by the Wisconsin Department of Employee-Traffic Funds under Wis. Stat. § 40.88. RPS shall implement and update ERS

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Continued from previous page

275 guidelines by January 1 of each year using the most recent, effective
276 version of Wis. Stat. § 40.05 and Wisconsin Department of Employee
277 Trust Funds guidelines. In all cases, payments shall be applied first to
278 applicable Pension Interest, then County Interest, as further defined in
279 subsection 8.24(4), and then, respectively, to the PAO under Option 1
280 as the TAO under Option 2, by being on the amount necessary for the
281 individual to repay the PAO under Option 1 or the TAO under Option 2
282 over 60 consecutive months starting as prescribed in subsection (a)
283 above.
284
285 (g) Exceptions to Monthly Overpayment Collection Amount - If the member or
286 beneficiary presents verifiable documentation to RPS within 30 days of the
287 commencement of the collection or prior to the commencement of the
288 collection that either:
289 i. such member or beneficiary's adjusted gross household income is
290 at or below the federal poverty threshold as established by the
291 United States Department of Health and Human Services, then the
292 monthly repayment amount shall not exceed five percent (5%) of
293 the member or beneficiary's total monthly pension benefit; or
294
295 ii. such member or beneficiary is entitled to an equitable adjustment to
296 their monthly repayment amount, as determined by RPS, which
297 shall be unappealable to the Pension Board, based upon (a) the
298 financial status of the member or beneficiary and their household;
299 (b) the amount of the overpayment; (c) the amount of the monthly
300 benefit payment; (d) the culpability of the member or beneficiary in
301 the circumstances that gave rise to the overpayment; (e)
302 extraordinary medical or long-term care expenses; (f) whether the
303 member or beneficiary supports claimed dependents; and (g)
304 fairness to taxpayers.
305 Documentation required to be submitted by the member or
306 beneficiary to qualify for either adjustment under
307 subsection 8.24(3)(g) shall include, but is not limited to, the
308 member or beneficiary's (and similar documents related to the
309 member or beneficiary's household if the member or beneficiary
310 does not live alone) most recent IRS Form 1040 and a complete
311 disclosure of all member or beneficiary assets including
312 investments, real estate, savings, checking, or any other assets, as
313 well as the same documents and statement of assets for any
314 claimed dependent and/or spouse. Nothing in this subsection shall
315 operate to reduce the total TAO or PAO owed, in addition to any
316 applicable interest, as defined below in subsection 8.24(4). This
317 subsection applies regardless of which Overpayment Collection
318 Option a member or beneficiary selects under
319 subsection 8.24(3)(c). RPS and/or the Pension Board may
320 promulgate additional procedures and documentation mandates
321 under this subsection.
322
323 (h) Collection Methods - Overpayments may be collected by any of the
324 following methods, listed in order of preference:
325 i. Method 1 - Lump Sum - whether a member or beneficiary elects
326 Option 1 or 2 under subsection 8.24(3)(c), the PAO or TAO may be
327 collected through a timely Voluntary Lump Sum ("VLS") payment by
328 the member or beneficiary. If a VLS is made to the ERS trust by
329 the specified deadline paid within sixty (60) days from the date
330 the individual returns his or her Overpayment Collection
331 Option Form, then ongoing monthly pension benefits, if any, shall
332 be paid at the corrected amount. If a VLS is made to the ERS trust
333 paid after the specified sixty-day deadline, then the next monthly
334 pension benefit should be adjusted to account for additional
335 amounts owed, if any, and following that adjustment, the
336 reduction in subsection (f) above, and following the payment
337 of the VLS, monthly benefits shall be paid at the corrected amount.
338
339 ii. Method 2 - Voluntary Repayment Plan or Voluntary Offset Plan:
340 whether a member or beneficiary elects Option 1 or 2 under
341 subsection 8.24(3)(c), the PAO or TAO may be collected through
342 either a "Voluntary Repayment Plan" ("VRP"), where there is no
343 longer any ongoing benefit payment, under which and the
344 member or beneficiary agrees to make equal monthly direct
345 payments approved by the Director of RPS through an electronic
346 fund transfer or similar means to the ERS trust, or through a
347 "Voluntary Offset Plan" ("VOP"), where benefit payments are
348 ongoing, under which and the member or beneficiary agrees in
349 writing that each future monthly benefit payment will be reduced by
350 a specific amount that shall be no less than that required under
351 subsections 8.24(3)(f) and (g). If a member or beneficiary enters
352 into either type of voluntary agreement, such agreement may
353 provide for repayment over a shorter period and/or in a greater
354 amount than otherwise required under subsections 8.24(3)(f)
355 and (g).
356
357 iii. Method 3 - Involuntary Offset Plan: only where member or
358 beneficiary elects Option 3 as his or her selection between
359 Options 1 and 2, as specified under subsection 8.24(3)(c), or fails
360 to specify in a lump sum or an offset plan, RPS shall place the
361 member of beneficiary into an "Involuntary Offset Plan" ("IOP"),
362 whereby each future monthly benefit payment is offset by an
363 amount as prescribed under subsections 8.24(3)(f) and (g).
364
365 (i) Failure to Repay -
366 i. If the member or beneficiary fails to make a payment under a VLS,
367 or VRP, and such payment is outstanding for thirty (30) days, RPS
368 shall commence such recoupment by an IOP in the manner set
369 forth herein.

369
370
371 ii. If the member or beneficiary refuses, despite reasonable efforts, to
372 enter into a VLS or VRP when an overpayment exists with no future
373 benefits are payable, and any amount remains outstanding for
374 more than thirty (30) days, RPS shall report the same to the County
375 and ERS, which each may elect to collect any amounts remaining
376 through legal action or other methods.
377
378 iii. Upon the death of a member or beneficiary that becomes known to
379 ERS, the County or ERS may elect to attempt to collect any
380 remaining amount owed from the estate or from future benefits
381 payable to any remaining non-spouse beneficiary.
382
383 iv. Outstanding Collection amounts, where no reasonable method
384 of collection is available to the County or RPS, may be written off
385 after a period of five (5) years, if owed to the County under Option
386 1. Any uncollected amounts owed to the ERS trust under Option 2,
387 where no reasonable method of collection is available, may be
388 written off after a period of five (5) years. Such written off balances
389 under Option 2, shall require payment to ERS by the County as
390 provided by the IRS, Employee Plans Compliance
391 System.
392
393 (j) Settlement Authority Remains - Nothing in this Ordinance impacts or curtails
394 the County or the Pension Board's authority to settle litigation matters where
395 the Pension Board, ERS or the County are named as parties.
396
397 (4) Applicable Interest -
398 (a) The calculation of underpayments and overpayments, including the
399 calculation of a TAO, shall include simple annual compound interest at a
400 rate of five percent (5%) per annum equal to the actuarial equivalence
401 interest rate as stated in Rule 1014(b)(2) on the underpaid or overpaid
402 amount from the date of incorrect payment(s) through the applicable period
403 of payment to the member by the trust in the case of an underpayment,
404 or to the trust by the County or member in the case of an overpayment,
405 also known as the "Pension Interest Rate" or "PIR." The above
406 notwithstanding, to the extent that a different interest rate is mandated
407 by the Internal Revenue Service pursuant to the terms of a VOP
408 submission under Ordinance section 8.23, such rate shall be the
409 applicable interest rate or "PIR" (if referring to the interest portion of the
410 TAO, also known as "Pension Interest Rate" or "PIR") rate the underpayment
411 is paid to the individual.
412
413 (b) If the member or beneficiary selects Option 1 under
414 subsection 8.24(3)(c), once an overpayment is repaid to the trust by the
415 County under subsection 3.11(a), and the member or beneficiary is
416 placed in an either a VOP or VRP under subsection 8.24(3)(h)(ii), RPS
417 shall not apply interest after the VOP or VRP begins, to the remaining
418 balance of the PAO, over the entire repayment period.
419 The calculation of overpayments shall include compound interest at a
420 rate of five (5%) percent per annum on the overpaid amount from the
421 date of incorrect payment(s) through the applicable period of full
422 repayment by the County under Option 1 or the member or beneficiary
423 under Option 2.
424
425 (5) De Minimis Amounts
426 (a) Overpayments. RPS shall waive any member or beneficiary's repayment
427 obligation if the total of all overpayments paid to the recipient is less than
428 one hundred sixty-five dollars (\$165.00) two hundred and fifty dollars
429 (\$250.00), inclusive of applicable interest under subsection 8.24(4).
430
431 (b) Underpayments. If the total underpayment payable to a member or
432 beneficiary is seventy-five dollars (\$75.00) or less inclusive of applicable
433 interest under subsection 8.24(4), RPS will not pay such amounts to the
434 member or beneficiary if RPS determines in its sole discretion that the
435 reasonable direct costs of processing and delivering the distribution to
436 the affected individual would exceed the amount of the distribution.
437
438 (6) Claim Period - This subsection 8.24(6) applies only to benefit payments made on
439 or after July 1, 2019. Any claim related to a benefit overpayment made on
440 or after July 1, 2019, must be initiated by the approved party RPS, in writing on or
441 before the sixth anniversary of the date on which the payment is issued by the
442 retirement system. For purposes of this subsection, a payment shall be a single
443 benefit payment or any single periodic payment if the benefit is paid in an
444 installment or annuity form. Any claim with respect to a periodic payment shall
445 apply to each subsequent periodic payment. A timely claim made during the
446 claim period shall remain valid during the period of appeal to the Pension
447 Board or any court of law) and through final disposition of such appeal even if
448 such disposition occurs after the sixth anniversary of the date of payment. This
449 subsection 8.24(6) shall not apply to: (i) any matter that is subject to a binding
450 settlement agreement or commitment of correction; (ii) any matter currently
451 before a court of competent jurisdiction; (iii) any matter that has been finally
452 adjudicated by a court of competent jurisdiction; or (iv) any matter that is subject
453 to a contrary directive by the IRS through its Employee Plans Compliance
454 Resolution System. For any overpayment amounts that are outside the
455 claim period, the County shall contribute the amounts to ERS.
456
457 (7) Effective Date - Except as otherwise set forth above, this section shall apply to
458 any overpayment or underpayment that as of January 1, 2019, (i) is not
459 otherwise subject to an agreement or commitment of correction; (ii) is not
460 currently before a court of competent jurisdiction; and (iii) has not been finally
461 adjudicated by a court of competent jurisdiction.
462
463 SECTION 3. The provisions of the Ordinance shall become effective upon passage and
464 publication.
465
466 Adopted by the Milwaukee County Board of Supervisors
467 December 16, 2021
468 12068204/1-19