

From the Office of Corporation Counsel requesting approval of a resolution authorizing Milwaukee County, Department of Parks, to enter into a Settlement Agreement and Mutual Release with Grandview Management, Inc. d/b/a Zilli Hospitality Group resolving certain disputes under the 2013 Boerner Catering and Facility Management Services Agreement, as amended by the May 2, 2019 First Amendment, by recommending adoption of the following:

### **A RESOLUTION**

WHEREAS, disputes between Milwaukee County (the County) and Grandview Management, Inc., doing business as Zilli Hospitality Group (ZHG) (collectively, the Parties) have arisen relating to the respective duties and obligations of the Parties concerning Boerner Botanical Gardens (the Facility) under the 2013 Boerner Botanical Gardens Catering and Facility Management Services Agreement (the Boerner Agreement), as amended by the May 2, 2019, First Amendment; and

WHEREAS, such disputes include, but are not limited to, a disagreement over whether ZHG owes the County certain commissions and utility expenses incurred during the global coronavirus disease pandemic, when the Facility was unable to be used and, if so, the sum owed (collectively, the Boerner Disputes); and

WHEREAS, the Parties desire to resolve the Boerner Disputes without further expenditure of time and money, including attorneys' fees, and without the need for judicial intervention; and

WHEREAS, the Parties have reached an agreement to settle the Boerner Disputes on the terms and conditions set forth in the proposed Settlement Agreement and Mutual Release (the Settlement), attached hereto as Exhibit 1, subject to the approval of the Milwaukee County Board of Supervisors; and

WHEREAS, pursuant to the Agreement, ZHG shall pay the County the lump sum of \$82,072, and the Parties will enter into a Second Amendment to the Boerner Agreement, attached as Exhibit A to Exhibit 1, granting ZHG an additional three-year option to renew the Boerner Agreement, in exchange for a mutual release of all claims relating to the Boerner Disputes and the Facility; and

WHEREAS, the Department of Parks, Recreation, and Culture, and the Office of Corporation Counsel agree that this settlement is a reasonable compromise of the claims at issue and is in the best interest of the County; and

WHEREAS, the Committee on Judiciary, Law Enforcement, and General Services (JLEGS), at its meeting of April 15, 2025, laid over File No. 25-268 for one meeting (vote 5-0); and

47 WHEREAS, the Committee on Parks and Culture, at its meeting of May 6, 2025,  
48 recommended adoption of File No. 25-268 (vote 4-3); and  
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50 WHEREAS, JLEGS, at its meeting of May 13, 2025, recommended adoption of  
51 File No. 25-268 (vote 4-1); and  
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53 WHEREAS, the Committee on Finance, at its meeting of May 15, 2025,  
54 recommended adoption of File No. 25-268 (vote 3-2); now, therefore,  
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56 BE IT RESOLVED, the Milwaukee County Board of Supervisors (County Board)  
57 hereby authorizes the Department of Parks, Recreation, and Culture to enter into the  
58 proposed Settlement Agreement and Mutual Release (the Settlement) with Grandview  
59 Management, Inc., doing business as Zilli Hospitality Group, on the terms and  
60 conditions set forth therein, consistent with the report and fiscal note submitted  
61 herewith; and  
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63 BE IT FURTHER RESOLVED, the County Board hereby authorizes the County  
64 Executive, Office of the Comptroller, County Clerk, Office of Corporation Counsel, and  
65 any other Milwaukee County official deemed necessary, to execute all documents,  
66 instruments, agreements, or otherwise, and to perform all other actions that may be  
67 necessary to complete this Settlement.  
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