

**MILWAUKEE COUNTY OFFICE
OF CORPORATION COUNSEL**

Milwaukee County Courthouse
901 N. 9th Street, Room 303
Milwaukee, WI 53233
Telephone: 414-278-4300
FAX: 414-223-1249



SCOTT F. BROWN
Corporation Counsel

KAREN L. TIDWALL
WILLIAM G. DAVIDSON
Deputy Corporation Counsel

ALAN M. POLAN
KATHRYN M. WEST
DALE R. NIKOLAY
NELSON W. PHILLIPS III
MELINDA S. LAWRENCE
JUDD H. TABACK
RACHEL L. EBERT
JAMES G. DAVIES
ABIGAIL BLUETT
JONATHAN T. BECK
Assistant Corporation Counsel

TO: Marcelia Nicholson, Chairwoman
Milwaukee County Board of Supervisors

FROM: Scott F. Brown, Corporation Counsel
Karen L. Tidwall, Deputy Corporation Counsel

DATED: March 21, 2025

SUBJECT: Request to approve 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

The Office of Corporation Counsel (“OCC”) respectfully requests that this file 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, Parks Department (the “County”), to enter into a Settlement Agreement and Mutual Release resolving certain disputes between Grandview Management, Inc. d/b/a Zilli Hospitality Group (“ZHG”) and the County (collectively, the “Parties”).

The County and ZHG are parties to the 2013 Boerner Catering and Facility Management Services Agreement, as amended by the May 2, 2019 First Amendment (“Boerner Agreement”) under which ZHG is the exclusive caterer for the Boerner Botanical Gardens (the “Facility”). Disputes between the Parties have arisen concerning the respective duties and obligations of the Parties under the Boerner Agreement. The disputes include, but are not limited to, a disagreement over whether ZHG owes the County certain commissions and expenses incurred during the global COVID-19 pandemic when the Facility was unable to be used and, if so, the sum owed.

After the OCC and representatives of the Parks Department conducted due diligence and analyzed ZHG’s claims, the Parties engaged in negotiations and ultimately reached a resolution as set forth in the proposed Settlement Agreement and Mutual Release attached hereto as Exhibit 1. The material terms of the proposed settlement are as follows:

1. ZHG shall pay the County a one-time, lump sum of \$82,072.00 this budget year;

2. The Parties will enter into a Second Amendment to the Boerner Agreement, attached as Exhibit A to Exhibit 1, granting Grandview an additional three-year option to renew the Boerner Agreement. The option renewal schedule is set forth in Exhibit B to Exhibit 1.
3. The Parties will mutually release all claims, through the date of the settlement, which concern the Boerner Disputes and the Parties' respective contractual obligations under the Boerner Agreement concerning the Facility.

The OCC and the Milwaukee County Parks Department agree that this settlement is a reasonable compromise of the claims at issue, is in the best interests of the County, and support and recommend approval of this settlement.

cc: Supervisor Willie Johnson, Jr.
Supervisor Justin Bielinski
MaryJo Meyers
Janelle Jensen
Kelly Bablitch
Allyson Smith