



Legislation Text

File #: 000789, **Version:** 1

000789
SUBSTITUTE 1
980130
THE CHAIR

A substitute charter ordinance relating to implementation of the negotiated settlement of Bradley DeBraska, et al. v. City of Milwaukee, et al., Circuit Court Case No. 98-CV-006533, Dunn v. City of Milwaukee, et al., Circuit Court Case No. 95-CV-011125, Rehrauer, et al. v. City of Milwaukee, et al., Circuit Court Case No. 98-CV-007745, and Elias v. City of Milwaukee, Circuit Court Case No. 97-CV-000973, as it relates to the employees' retirement system.

This charter ordinance implements the negotiated settlement in the above-captioned cases. It also extends the implementation to similarly situated policemen and firemen.

Whereas, A series of charter ordinances enacted by the City of Milwaukee commencing in 1976 reduced the duty disability retirement conversion ages for policemen and firemen members of the employees' retirement system; and

Whereas, Such charter ordinances were declared unconstitutional as applied to the extent that the mandatory duty disability retirement conversion age for the disability recipients would be reduced to an age less than the age applicable for such recipients on the date of their hire; and

Whereas, Substitute 2 of charter ordinance common council file number 980130 was adopted to implement the judgment in DeBraska, et al. v. City of Milwaukee, et al. Circuit Court Case No. 93-CV-016054 to the plaintiffs and similarly situated firemen and policemen; and

Whereas, The plaintiffs in DeBraska, et al. v. City of Milwaukee, et al., Case No. 98-CV-006533, Dunn v. City of Milwaukee, et al., Case No. 95-CV-011125, and Rehrauer, et al. v. City of Milwaukee, et al., Case No. 98-CV-007745, have brought an action to enjoin the aforementioned charter ordinance on the ground that it violates their property rights under the employees' retirement act; and

Whereas, Many of the parties to the above-entitled action have negotiated a settlement agreement resolving all disputed issues; now, therefore

The Mayor and Common Council of the City of Milwaukee do ordain as follows:

Part 1. Notwithstanding any provision of s. 36-05-3-c-3 of the city charter or substitute 2 of common council file number 980130 to the contrary, the conversion ages specified in Exhibit A shall apply to firemen and policemen who retired on duty disability retirement allowance, are subject to a conversion in the employees' retirement system and returned signed releases pursuant to the settlement agreement approved in common council file number 000789.

Part 2. This charter ordinance shall be retrospectively applied to permit firemen and policemen participating in the settlement to be made whole for any loss of retirement income from the

commencement date as specified in Exhibit B to the effective date of this charter ordinance resulting from application of former charter ordinances reducing the duty disability retirement conversion age for such retirees to an age lower than the age applicable for such retirees as specified in Exhibit A. For purposes of this charter ordinance the loss of retirement allowance "shall not include interest". For purposes of this ordinance the commencement date shall be as specified in Exhibit B of this file.

Part 3. This is a charter ordinance and shall take effect 60 days after its passage and publication, unless within such 60 days a referendum petition is filed as provided in s. 66.01(5), Wis. Stats., in which event this ordinance shall not take effect until submitted to a referendum and approved by a majority of the electors voting thereon.

APPROVED AS TO FORM

Legislative Reference Bureau

Date: _____

IT IS OUR OPINION THAT THE ORDINANCE
IS LEGAL AND ENFOCEABLE

Office of the City Attorney

Date: _____

City Atty.

THE:kef

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TWM/rk

09/25/00