



Legislation Text

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ORIGINAL

THE CHAIR

Resolution approving a settlement agreement in *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.

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. In *Bradley DeBraska, et al. v. City of Milwaukee, et al.*, Circuit Court Case No. 93-CV-016054 the charter ordinance was declared unconstitutional as applied to the extent that the mandatory duty disability retirement conversion age for certain policemen and firemen would be reduced to an age less than the age applicable to such plaintiffs on the date of their hire. Substitute 2 of common council file no. 980130 was adopted by the common council to implement the judgment in that case. In *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, the plaintiffs sought a declaratory judgment and injunction that substitute 2 of charter ordinance common council file no. 980130 violated their property rights. This resolution approves a settlement agreement resolving all disputed issues in the aforementioned cases and also *Elias v. City of Milwaukee*, Circuit Court Case No. 97-CV-000973 for those consenting to the settlement. The implementation of this settlement agreement will result in the dismissal of the cases as required under the terms of the global pension settlement approved by the common council for those participating in the settlement.

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, In *Bradley DeBraska, et al. v. City of Milwaukee, et al.*, Circuit Court Case No. 93-CV-016054, the charter ordinances were declared unconstitutional as applied to the extent that the mandatory duty disability retirement conversion age of policemen and firemen would be reduced to an age less than the age applicable of such policemen or firemen on the date of their hire; and

Whereas, The common council adopted substitute 2 of charter ordinance common council file no. 980130 to implement the judgment in *Bradley DeBraska, et al. v. City of Milwaukee, et al.*, Circuit Court Case No. 93-CV-016054 and in *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, the plaintiffs sought a declaration and injunction that this charter ordinance violated their property rights; and

Whereas, The parties have negotiated a settlement agreement that would dispose of all disputed

issues in the aforementioned cases for those consenting to the settlement and also result in the dismissal of also *Elias v. City of Milwaukee*, Circuit Court Case No. 97-CV-000973; now, therefore, be it

Resolved, By the common council of the city of Milwaukee that the settlement agreement entered into between the plaintiffs' counsel and the city attorney on behalf of defendants, a copy of which is attached to the file, be and hereby is approved and the city attorney is authorized to proceed with the implementation of such settlement; and, be it

Further Resolved, That the proper city officers be and hereby are authorized and directed to deliver a city check in the amount of \$1,000 as the city's contribution per the settlement agreement to each of the named individuals in paragraph 3 of the settlement agreement and a check in the amount of \$16,000 payable to the law firm of Fuchs Snow DeStefanis, S.C., such checks to be drawn from the damages/claims fund, Account No. 0001-1490-0001-S118-2000-006300 and delivered upon receipt of properly executed releases approved by the city attorney.

City Attorney

09/20/2000 TEH:kef

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