

MEMORANDUM

TO: Charlotte City Council

FROM: Thomas M. Hitch, City Attorney

RE: **CITY ATTORNEY REPORT**

DATE: November 7, 2018

The following is my report to the City Council on issues in which our office has been engaged since the last Council meeting:

1. **Roberts Real Estate of Charlotte, LLC v City of Charlotte.** The transcript has been filed with the Circuit Court. The attorney for Roberts Real Estate has 21 days from the filing of that transcript to file a supplemental brief with the court. I have 21 days after that (I hope to file it sooner than the 21 days) and then the court will schedule oral arguments.

2. **Ford Hamman v MERS.** In something of a change of position, MERS has now concluded that it will award years of service for eligibility purposes only to Mr. Hamman. The interplay of two sections of the retirement act has been a struggle but MERS has now concluded that in Mr. Hamman's case his pension should not be reduced for taking an early retirement, as MERS had initially informed Mr. Hamman he would be eligible to retire with 20 years of credited service, thus suffering no early retirement penalty.

I have reviewed this matter with the City Manager and we both concluded that is the proper interpretation. Mr. Hamman worked for the City of Charlotte for 17 years, and that is the number that will be used to calculate his benefit amount. That benefit amount, because he is credited with 20 years of service, will not be reduced.

TMH:ddy