



1 **City of Racine, Wisconsin**
2 **Common Council**

3 **AGENDA BRIEFING MEMORANDUM**

4 **COMMITTEE:** Finance and Personnel

LEGISLATION ITEM #: 1095-23

5 **AGENDA DATE:** November 27, 2023

7 **DEPARTMENT:** City Attorney's Office

8 **Prepared By:** Deputy City Attorney Marisa Roubik

10 **SUBJECT:** Communication sponsored by Alder West on behalf of the City Attorney's Office submitting
11 the claim of Delesia Jackson, for consideration for disallowance.

13 **EXECUTIVE SUMMARY:**

14 Claimant Delesia Jackson filed a claim with the City on September 15, 2023, requesting an
15 unspecified amount in damages allegedly arising from damage to a fence at 2504 20th Street in Racine,
16 occurring in August 2022, during a scheduled alley work project. The contracted party performing this
17 alley work was LaLonde Contractors, Inc. The contractor, rather than the City, is liable for damages
18 allegedly resulting from this contracted alley work project, and the City has notified the claimant of the
19 contractor's name and address so she may file her claim with the contractor. Because the City is not liable
20 for these alleged damages and due to defects in the claim as filed, it is the recommendation of the City
21 Attorney's Office that this claim be disallowed.

23 **BACKGROUND & ANALYSIS:**

24 Claimant Delesia Jackson, of 2504 20th Street, Racine, Wisconsin 53403, filed a claim with the
25 City on September 15, 2023, requesting an unspecified amount in damages allegedly arising from damage
26 to a fence at 2504 20th Street in Racine, occurring in August 2022, during a scheduled alley work project.

27 The contracted party performing this alley work was LaLonde Contractors, Inc. The contractor,
28 rather than the City, is liable for damages allegedly resulting from this contracted alley work project, and
29 the City has notified the claimant of the contractor's name and address so she may file her claim with the
30 contractor.

31 The notice of the circumstances of this claim was not timely filed. Wisconsin Statute section
32 893.80(1d)(a) requires a claimant to file written notice of the circumstances of a claim within 120 days after
33 the event giving rise to the claim. In the instant case, the event giving rise to the claim allegedly occurred
34 in August 2022. When the City received notice of the circumstances of this claim on September 15, 2023,
35 it was well past the 120-day deadline. As such, the notice of circumstances for this claim was untimely
36 filed.

37 Furthermore, this claim fails to specify the damages sought, as required by law. Pursuant to
38 Wisconsin Statute section 893.80(1d)(b), a claim must contain an itemized statement of the relief sought.
39 Therefore, this claim is defective.

40 For the reasons set forth above, it is the recommendation of the City Attorney's Office that this
41 claim be disallowed.

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43 **BUDGETARY IMPACT:**

44 Assuming the recommendation to disallow this claim is adopted, this item would have a \$0.00
45 impact on the City's budget.

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47 **RECOMMENDED ACTION:**

48 That the disallowance of this claim be recommended for approval.

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