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**City of Racine, Wisconsin
Common Council**

AGENDA BRIEFING MEMORANDUM

COMMITTEE: Finance and Personnel

LEGISLATION ITEM #: 0275-20

AGENDA DATE: May 27, 2020

DEPARTMENT: City Attorney's Office

Prepared By: Assistant City Attorney Marisa Roubik

SUBJECT: Communication sponsored by Alder Taft on behalf of the City Attorney's Office submitting the claim of Progressive Universal Insurance Company for consideration for disallowance.

EXECUTIVE SUMMARY:

Progressive Universal Insurance Company filed a claim with the City, on behalf of their insured, Amanda Anguiano, requesting \$2,998.48 in damages to her vehicle, which was parked on a City street and allegedly struck by a school bus owned and operated by First Student, Inc. on or about January 21, 2020. Because these damages were caused by an individual who was operating a privately owned school bus and was not acting as an agent or employee of the City, the City is not liable for these alleged damages. For this reason, it is the recommendation of the City Attorney's Office that this claim be disallowed.

BACKGROUND & ANALYSIS:

Progressive Universal Insurance Company, filed a claim for reimbursement on behalf of their insured, Amanda Anguiano, requesting \$2,998.48 in damages to her vehicle, which was parked in the 1100 block of Hamilton Street on or about January 21, 2020, where it was allegedly struck by a school bus that was neither owned by the City nor operated by an agent or employee of the City. Rather, this school bus was owned and operated by First Student, Inc.

Because these damages were caused by an individual who was operating a privately owned school bus and was not acting as an agent or employee of the City, the City is not liable for these alleged damages. For this reason, it is the recommendation of the City Attorney's Office that this claim be disallowed.

31 **BUDGETARY IMPACT:**

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

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35 **OPTIONS/ALTERNATIVES:**

36 If the Committee recommends that this claim be paid by the City (contrary to any indication of the City's
37 liability for the alleged damages), this item would have up to a \$2,998.48 impact on the City's 2020 claims
38 budget.

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40 **RECOMMENDED ACTION:**

41 That the disallowance of the claim of Progressive Universal Insurance Company be recommended for
42 approval.

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44 **ATTACHMENT(S):**