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**City of Racine, Wisconsin
Common Council**

AGENDA BRIEFING MEMORANDUM

COMMITTEE: Finance and Personnel

LEGISLATION ITEM #: 0179-23

AGENDA DATE: February 27, 2023

DEPARTMENT: City Attorney's Office

Prepared By: Deputy City Attorney Marisa L. Roubik

SUBJECT: Communication sponsored by Alder Taft on behalf of the City Attorney's Office submitting the claim of AT&T Mobility LLC for consideration for disallowance.

EXECUTIVE SUMMARY:

AT&T Mobility LLC filed a claim with the City requesting \$268.27 in damages to its vehicle when it was allegedly struck by a Police Department vehicle on or about September 20, 2022. However, these damages resulted from a "chain reaction" crash, which was caused by a private citizen who was not acting as an employee or agent of the City of Racine. Although a City vehicle was one of three stopped vehicles affected by this "chain reaction" crash, the City is not at fault in this crash. As such, 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:

AT&T Mobility LLC, of St. Louis, Missouri, filed a claim requesting \$268.27 in damages to its vehicle, which was allegedly struck by a Police Department vehicle on or about September 20, 2022.

According to police reports, this "chain reaction" crash involved a total of four vehicles, three of which were legally stopped at a red light at the intersection of Washington Avenue and South Marquette Street. This accident occurred when a vehicle operated by a private citizen, Cheri Marie Towles of Canton, Georgia, allegedly made rear end contact with a stopped vehicle owned by another private citizen, which was then pushed forward into the rear end of a stopped City-owned and operated marked police vehicle, which was then pushed forward into the rear end of a stopped vehicle owned by the claimant, AT&T.

31 Because these alleged damages were caused by a private citizen who was not acting as an agent or
32 employee of the City, the City is not liable for these alleged damages. For this reason, it is the
33 recommendation of the City Attorney's Office that this claim be disallowed.

34 A letter was sent to the Claimant to notify it that it should attempt to recover any alleged damages
35 from the at-fault driver.

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37 **BUDGETARY IMPACT:**

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

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41 **RECOMMENDED ACTION:**

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

43 _____

44 **ATTACHMENT(S):**