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**City of Racine, Wisconsin  
Common Council**

**AGENDA BRIEFING MEMORANDUM**

**COMMITTEE:** Finance and Personnel      **LEGISLATION ITEM #:** 1092-23

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**AGENDA DATE:** November 27, 2023

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**DEPARTMENT:** City Attorney’s Office

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

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**SUBJECT:** Communication sponsored by Alder West on behalf of the City Attorney’s Office submitting the claim of AT&T c/o The Claims Center, LLC for consideration for disallowance.

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**EXECUTIVE SUMMARY:**

AT&T c/o The Claims Center, LLC claims reimbursement in an unspecified amount for damages allegedly arising from an AT&T vehicle being struck by a City of Racine-owned vehicle while it was parked in the 1600 block of Arthur Avenue in Racine on or about March 27, 2023. Due to defects in the claim as filed, it is the recommendation of the City Attorney’s Office that this claim be disallowed.

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**BACKGROUND & ANALYSIS:**

The claimant, AT&T c/o The Claims Center, LLC, filed this claim for reimbursement in an unspecified amount for damages allegedly arising from an AT&T vehicle being struck by a City of Racine-owned vehicle while it was parked in the 1600 block of Arthur Avenue in Racine on or about March 27, 2023. The claimant submitted this claim to the City on or about August 15, 2023 and it was received by the City Clerk’s Office on August 18, 2023.

Wisconsin Statute section 893.80(1d)(a) requires a claimant to file written notice of the circumstances of a claim within 120 days after the event giving rise to the claim. In the instant case, the event giving rise to the claim allegedly occurred on March 27, 2023. Therefore, written notice of the circumstances of this claim should have been filed on or before July 25, 2023. When the City received notice of the circumstances of this claim on August 18, 2023, it was well past the 120 day deadline. As such, the notice of circumstances of this claim was untimely filed.

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

35           Due to the aforementioned defects in this claim as filed, it is the recommendation of the City  
36 Attorney's Office that this claim be disallowed.

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38 **BUDGETARY IMPACT:**

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

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42 **RECOMMENDED ACTION:**

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

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