

## City of Racine, Wisconsin Common Council

## AGENDA BRIEFING MEMORADUM

<b>COMMITTEE:</b>	Finance and Personnel I	LEGISLATION ITEM #: 0205-18
AGENDA DATE:	March 12, 2018	
<b>DEPARTMENT:</b>	City Attorney's Office	
Prepared By:	Assistant City Attorney Marisa	Roubik
Reviewed By:	City Attorney Scott Letteney	
<b>SUBJECT:</b> Communiconsideration.	nication from the City Attorney sub	mitting the claim of Elias and Irma Moreno for
EXECUTIVE SUM	MARY:	
The City Atto	orney's Office advises this Commit	tee to recommend that the Common Council deny
the claim of Elias and	l Irma Moreno because it was impro	operly filed against the wrong municipality.
BACKGROUND &	ANALYSIS:	

## **BACKGROUND & ANALYSIS:**

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Elias and Irma Moreno of 6636 State Road 31, Caledonia, Wisconsin filed a claim for reimbursement in the amount of \$500.00 for the replacement of a mailbox at their residence that was allegedly struck by a snowplow on or about February 9, 2018.

Because this property is located in the Village of Caledonia, which is outside of the City of Racine limits, the City would not have any of its trucks plowing the roadway in front of the Moreno's residence. As such, this alleged damage was likely caused by a snow plow owned and operated by Racine County, pursuant to a contract between the State and the County under Wisconsin Statute section 84.07.

The City has notified the claimants that they should present their claim to Racine County for consideration.

28 29 30	The City Attorney's Office respectfully advises this Committee to recommend that the Common Council deny the claim of Elias and Irma Moreno because their claim was improperly filed against the wrong municipality.
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32	BUDGETARY IMPACT:
33 34	Assuming the recommendation to deny this claim is adopted, this item would have a \$0.00 impact on the City's budget.
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36	OPTIONS/ALTERNATIVES:
37 38 39	If the recommendation to deny this claim is rejected, and the Committee recommends that this claim be paid by the City (contrary to any indication of the City's liability for this alleged accident), this item would have up to a \$500.00 impact on the City's 2017 claims budget.
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41	RECOMMENDED ACTION:
42 43	The City Attorney's Office respectfully recommends that this Committee deny this claim because it was improperly filed against the wrong municipality.
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45	ATTACHMENT(S):