



City of Racine, Wisconsin
Common Council

AGENDA BRIEFING MEMORANDUM

COMMITTEE: Finance and Personnel

LEGISLATION ITEM #: 0616-20

AGENDA DATE: September 21, 2020

DEPARTMENT: City Attorney’s Office

Prepared By: Assistant City Attorney Marisa L. Roubik

SUBJECT: Communication sponsored by Alder Taft on behalf of the City Attorney’s Office submitting the claim of Vimlesh Patel for consideration for disallowance.

EXECUTIVE SUMMARY:

The City Attorney’s Office recommends that this Committee disallow the claim of Vimlesh Patel because the City and the Wastewater Utility cannot be held legally liable for, so-called, “acts of God,” such as record-setting rainfall events, over which the City and the Utility have no control.

BACKGROUND & ANALYSIS:

The Claimant, Vimlesh Patel of 2900 Illinois Street, Racine, Wisconsin 53403, filed this claim for reimbursement in the amount of \$3,000.00 for damages related to an alleged sewer backup that occurred at his residence after a record-setting rainfall event on or about May 17, 2020. The City and Wastewater Utility deny liability.

May 2020 was the wettest month of May that Racine has seen since 1950. The amount of rainfall on or about May 17, 2020 was of historic proportions. In turn, the City received several reports of residential sewer backups as a result of this record-setting rainfall event. The City and the Utility cannot be held legally liable for, so-called, “acts of God,” over which the City and the Utility have no control.

For the reasons set forth above, the City cannot be held legally liable for the alleged damages and this claim should be disallowed.

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30 **BUDGETARY IMPACT:**

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

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34 **OPTIONS/ALTERNATIVES:**

35 If the recommendation to deny this claim is rejected, and the Committee recommends that this
36 claim be paid by the City (contrary to any indication of the City's liability for the alleged damages), this
37 item would have up to a \$3,000.00 impact on the City's 2020 claims budget.

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39 **RECOMMENDED ACTION:**

40 The City Attorney's Office respectfully advises this Committee to recommend that the Common
41 Council disallow the claim of Vimlesh Patel.

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43 **ATTACHMENT(S):**

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