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**City of Racine, Wisconsin  
Common Council**

**AGENDA BRIEFING MEMORADUM**

**COMMITTEE:** Finance and Personnel      **LEGISLATION ITEM #:** 1256-18

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**AGENDA DATE:** December 10, 2018

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**DEPARTMENT:** City Attorney's Office

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

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**SUBJECT:** Claim of Maria Mancera, City Attorney File No. 2018-0211

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**EXECUTIVE SUMMARY:**

Maria Mancera filed a claim with the city requesting \$3,010.00 worth of damages for alleged fence repairs after a person with a warrant supposedly damaged said fence while she ran from police officers on or about July 30, 2018. The City was unable to substantiate that the alleged damage was caused by this suspect; furthermore, the City is not liable for alleged damages that result from the illegal acts of criminal suspects.

For this reason, it is the recommendation of the City Attorney's Office that the Finance and Personnel Committee recommend that the Common Council deny this claim.

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**BACKGROUND & ANALYSIS:**

Maria Mancera, of 1519 12th Street in Racine, Wisconsin, filed a claim for reimbursement in the amount of \$3,010.00 for alleged fence repairs after a person with a warrant supposedly damaged said fence while she ran from police officers on or about July 30, 2018. The two Racine Police Officers who observed the suspect running from them did not observe any damage to the fence in question that would corroborate this claim. Furthermore, the suspect herself, not the City, would be liable for any property damage that allegedly resulted from her own illegal acts (e.g., running from the police). After reviewing the circumstances of this claim, the City Attorney's Office contends that the City is not liable for this damage.

29           As such, the City Attorney’s Office recommends that this Committee deny the claim of Maria  
30 Mancera because the alleged damages at issue were not substantiated by witnesses and were supposedly  
31 caused by a suspect who was running from police.

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33   **BUDGETARY IMPACT:**

34           Assuming the recommendation to deny this claim is adopted, this item would have a \$0.00 impact  
35 on the City’s budget.

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37   **OPTIONS/ALTERNATIVES:**

38           If the Committee recommends that this claim be paid by the City (contrary to any indication of  
39 the City’s liability for the alleged damages), this item would have up to a \$3,010.00 impact on the City’s  
40 2018 claims budget.

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42   **RECOMMENDED ACTION:**

43           The City Attorney’s Office respectfully advises this Committee to recommend that the Common  
44 Council deny the claim of Maria Mancera.

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46   **ATTACHMENT(S):**

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