



1 **City of Racine, Wisconsin**  
2 **Common Council**

3 **AGENDA BRIEFING MEMORANDUM**

4 **COMMITTEE: Finance and Personnel**

**LEGISLATION ITEM #: 0614-20**

---

5 **AGENDA DATE: September 21, 2020**

---

6  
7 **DEPARTMENT: City Attorney’s Office**

8 **Prepared By: Assistant City Attorney Marisa L. Roubik**

---

9  
10 **SUBJECT: Communication sponsored by Alder Taft on behalf of the City Attorney’s Office submitting**  
11 **the claim of Patricia Chapple for consideration for disallowance.**

---

12  
13 **EXECUTIVE SUMMARY:**

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

---

17  
18 **BACKGROUND & ANALYSIS:**

19 The Claimant, Patricia Chapple of 10 McKinley Avenue, Racine, Wisconsin 53404, filed this claim  
20 for reimbursement in the amount of \$10,204.00 for damages related to an alleged sewer backup that  
21 occurred at her residence after a record-setting rainfall event on or about May 17, 2020. The City and  
22 Wastewater Utility deny liability.

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

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

29

---

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.

33

---

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 \$10,204.00 impact on the City's 2020 claims budget.

38

---

39 **RECOMMENDED ACTION:**

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

42

---

43 **ATTACHMENT(S):**

44