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**City of Racine, Wisconsin  
Common Council**

**AGENDA BRIEFING MEMORANDUM**

**COMMITTEE:** Finance and Personnel

**LEGISLATION ITEM #:** 1326-19

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**AGENDA DATE:** December 9, 2019

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**DEPARTMENT:** City Attorney's Office

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

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**SUBJECT:** Communication sponsored by Alder Shakoor II on behalf of the City Attorney's Office submitting the claim of Kelsey Thomas for consideration for disallowance.

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**EXECUTIVE SUMMARY:**

Kelsey Thomas filed a claim with the City requesting \$3,300.00 in damages to his vehicle, which was parked on a City street and allegedly struck by a privately-owned vehicle that was fleeing from police on or about November 8, 2019. Because these damages were caused by an individual who was operating a privately-owned vehicle and was not acting as an agent or employee of the City, the City is not liable for these alleged damages. For this reason, it is the recommendation of the City Attorney's Office that this claim be disallowed.

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**BACKGROUND & ANALYSIS:**

Kelsey Thomas, of 2553 Hansen Avenue, Racine, WI 53405, filed a claim for reimbursement requesting \$3,300.00 in damages to his vehicle, which was parked on a City street and allegedly struck by a privately-owned vehicle that was fleeing from police on or about November 8, 2019.

On the afternoon in question, Mr. Thomas's vehicle was parked on a City street, specifically, the 2300 block of Hansen Avenue, and was unoccupied. The vehicle that allegedly collided with Mr. Thomas's vehicle was owned and operated by a private party. The operator of the vehicle that allegedly collided with Mr. Thomas's vehicle was fleeing from police at the time of this incident, and was not acting as an agent or employee of the City at that time.

30 Because these damages were caused by an individual who was operating a privately-owned vehicle and  
31 was not acting as an agent or employee of the City, the City is not liable for these alleged damages. For  
32 this reason, it is the recommendation of the City Attorney's Office that this claim be disallowed.

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34 **BUDGETARY IMPACT:**

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

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38 **OPTIONS/ALTERNATIVES:**

39 If the Committee recommends that this claim be paid by the City (contrary to any indication of the City's  
40 liability for the alleged damages), this item would have up to a \$3,300.00 impact on the City's 2019 claims  
41 budget.

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43 **RECOMMENDED ACTION:**

44 That the disallowance of the claim of .Kelsey Thomas be recommended for approval.

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46 **ATTACHMENT(S):**