



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

3 **AGENDA BRIEFING MEMORANDUM**

4 **COMMITTEE:** Finance and Personnel

LEGISLATION ITEM #:

5 **AGENDA DATE:** November 11, 2024

7 **DEPARTMENT:** City Attorney's Office

8 **Prepared By:** Deputy City Attorney Marisa Roubik

10 **SUBJECT:** Communication sponsored by Alder Horton on behalf of the City Attorney's Office submitting
11 the claim of Jeffery Persons for consideration for disallowance.

13 **EXECUTIVE SUMMARY:**

14 Claimant Jeffery Persons filed a claim with the City requesting an unspecified amount of damages
15 to his vehicle allegedly caused by a Department of Public Works ("DPW") solid waste collection vehicle
16 on February 15, 2024. Due to defects in the claim as filed and because there is no evidence that the City
17 caused the alleged damage to the claimant's vehicle, it is the recommendation of the City Attorney's Office
18 that this claim be disallowed.

20 **BACKGROUND & ANALYSIS:**

21 Claimant Jeffery Persons, of 5225 Douglas Avenue, Apartment 222, Racine, Wisconsin 53402,
22 filed a claim with the City on August 2, 2024, requesting an unspecified amount of damages to his vehicle
23 allegedly caused by a Department of Public Works ("DPW") solid waste collection vehicle in the vicinity
24 of 1902 Linden Avenue on February 15, 2024. Due to defects in the claim as filed and because there is no
25 evidence that the City caused the alleged damage to the claimant's vehicle, it is the recommendation of the
26 City Attorney's Office that this claim be disallowed.

27 The City cannot be held liable for this claim due to defects in the claim as filed. This claim did not
28 include an itemized statement of the relief sought, as required by
29 Wis. Stat. § 893.80(1d)(b). Furthermore, the notice of circumstances that the claimant filed with the City
30 on or about August 2, 2024 was filed untimely. Per Wis. Stat. § 893.80(1d)(a), a claimant must file a notice
31 of the circumstances of a claim within 120 days of the happening of the event giving rise to the claim. The

32 event giving rise to this claim occurred on or about February 15, 2024; therefore, the notice of circumstances
33 for this claim would need to have been filed on or before June 14, 2024, in order to be timely filed, which
34 it was not. As such, this claim is not actionable under the law.

35 Moreover, the City did not have actual notice of the claimant's damages because neither the
36 Department of Public Works nor the Racine Police Department were notified of this purported accident at
37 the time it occurred or within 120 days thereafter. Due to this lack of notification by the claimant and the
38 lack of any photographs of the damages, video of the incident, eye-witness statements or reports, or other
39 evidence supporting the claimant's allegations, the City has no reason to believe that it is liable for the
40 alleged damages.

41 For the reasons stated above, it is the recommendation of the City Attorney's Office that this claim
42 be disallowed.

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44 **BUDGETARY IMPACT:**

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

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48 **RECOMMENDED ACTION:**

49 That the disallowance of this claim be recommended for approval.

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