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**City of Racine, Wisconsin
Common Council**

AGENDA BRIEFING MEMORADUM

COMMITTEE: Finance and Personnel **LEGISLATION ITEM #:** 0118-18

AGENDA DATE: February 12, 2018

DEPARTMENT: City Attorney’s Office

Prepared By: Assistant City Attorney Marisa L. Roubik

SUBJECT: Communication from the City Attorney submitting the claim of Francisco X. Rodriguez for consideration.

EXECUTIVE SUMMARY:

The City Attorney’s Office recommends that this Committee deny the claim of Francisco Rodriguez because the construction sign at issue was part of a We Energies construction project, and the City is not liable for alleged damages that result from construction projects that the City is not party to.

BACKGROUND & ANALYSIS:

Claimant Francisco X. Rodriguez of 1934 State Street, Racine, Wisconsin, filed this claim for reimbursement in the amount of \$2,892.46 for vehicle damage allegedly arising after he drove over a construction sign in a We Energies construction zone in the 3500 block of Rapids Drive on or about December 5, 2017.

The City is not liable for alleged damages that result from construction projects that the City is not party to.

On or about the date in question, We Energies was performing a construction project to relocate natural gas lines in the immediate vicinity of the 3500 block of Rapids Drive. The City did not have any concurrent road construction projects located on this block on the date in question. As such, the reflective construction sign which allegedly damaged the claimant’s vehicle belonged to We Energies, and We Energies is the proper party for the claimant to seek recovery from.

30 The City Attorney's Office recommends that this Committee deny the claim of Francisco
31 Rodriguez because the construction sign at issue was part of a We Energies construction project, and the
32 City is not liable for alleged damages that result from construction projects that the City is not party to.

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34 **BUDGETARY IMPACT:**

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

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38 **OPTIONS/ALTERNATIVES:**

39 If the recommendation to deny this claim is rejected, and the Committee recommends that this
40 claim be paid by the City (contrary to any indication of the City's liability for the alleged damages), this
41 item would have up to a \$2,892.46 impact on the City's 2018 claims budget.

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43 **RECOMMENDED ACTION:**

44 The City Attorney's Office respectfully recommends that this Committee deny the claim of
45 Francisco Rodriguez.

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47 **ATTACHMENT(S):**

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