



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

3 **AGENDA BRIEFING MEMORADUM**

4 **COMMITTEE: Finance and Personnel** **LEGISLATION ITEM #:1069-18**

5 **AGENDA DATE: October 22, 2018**

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

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

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10 **SUBJECT: Claim of Breanna Guenther, City Attorney File No. 2018-0040**

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12 **EXECUTIVE SUMMARY:**

13 Breanna Guenther filed a claim with the city requesting \$400.00 worth of damages to her vehicle’s
14 windshield allegedly arising from an electrical arc from a WE Energies pole in the 1400 block of Chatham
15 Street on or about July 5, 2018. The City denies liability because this incident allegedly involved property
16 owned by WE Energies.

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

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20 **BACKGROUND & ANALYSIS:**

21 Breanna Guenther, of 22 Langdon St. #107, Madison, Wisconsin, filed a claim for reimbursement
22 in the amount of \$400.00 for damage to her vehicle’s windshield allegedly arising after an electrical pole
23 arced and caused an explosion. According to Ms. Guenther, debris flew from the location of the incident
24 and struck her windshield causing it to crack. After reviewing the circumstances of this claim, the City
25 Attorney’s Office contends that the City is not liable for this damage, rather WE Energies would be liable
26 for these alleged damages because the pole and electrical service is owned by WE Energies.

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

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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.

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34 **OPTIONS/ALTERNATIVES:**

35 If the Committee recommends that this claim be paid by the City (contrary to any indication of
36 the City's liability for the alleged damages), this item would have up to a \$400.00 impact on the City's
37 2018 claims budget.

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39 **RECOMMENDED ACTION:**

40 The City Attorney's Office respectfully advises this Committee to recommend that the Common
41 Council deny the claim of Breanna Guenther.

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43 **ATTACHMENT(S):**

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