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**City of Racine, Wisconsin
Common Council**

AGENDA BRIEFING MEMORANDUM

COMMITTEE: Finance and Personnel

LEGISLATION ITEM #: 0158-22

AGENDA DATE: April 11, 2022

DEPARTMENT: City Attorney's Office

Prepared By: Deputy City Attorney Marisa Roubik

SUBJECT: Communication sponsored by Alder Taft on behalf of the City Attorney's Office submitting the claim of Patricia Pacheco for consideration for disallowance.

EXECUTIVE SUMMARY:

Patricia Pacheco filed a claim with the City demanding \$1,018.50 in damages to her parked vehicle allegedly arising from a collision involving a Department of Public Works ("DPW") snowplow in the 600 block of Hagerer Street on January 3, 2022. Because there is no proof that the damage to the claimant's vehicle was caused by the City, it is the recommendation of the City Attorney's Office that this claim be disallowed.

BACKGROUND & ANALYSIS:

On January 4, 2022, the claimant, Patricia Pacheco of Racine, Wisconsin, filed a report with the City of Racine Police Department alleging that her vehicle was damaged by a City snow plow while it had been parked on the street in the 600 block of Hagerer Street in Racine, Wisconsin on January 3, 2023. The claimant reported that the alleged damage to her 2004 Honda Accord consisted of damage to the front bumper on the driver's side of the vehicle.

In the police report that Ms. Pacheco filed regarding this matter, she stated that her "Honda was struck by an unknown vehicle at an unknown time, sometime between 0200 hrs (1-3-22) and [the time the report was filed on the morning of January 4, 2022]." The police report further states that there was "no evidence left at the scene and no evidence to confirm the vehicle was struck by a plow truck."

30 Records from the City of Racine’s DPW reveal that there were no reports of any collision or
31 incident involving a DPW snowplow in the 600 block of Hagerer Street on the date in question.

32 Because there is no proof or evidence that the City caused the alleged damages to Ms. Pacheco’s
33 vehicle, this claim should be disallowed.

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35 **BUDGETARY IMPACT:**

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

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39 **OPTIONS/ALTERNATIVES:**

40 If this claim were to be paid by the City—contrary to any indication of the City’s liability for the
41 alleged damages—this item would have up to a \$1,081.50 impact on the City’s 2022 claims budget.

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43 **RECOMMENDED ACTION:**

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

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46 **ATTACHMENT(S):**