



City of Racine, Wisconsin
Common Council

AGENDA BRIEFING MEMORANDUM

COMMITTEE: Finance and Personnel

LEGISLATION ITEM #: 0635-19

AGENDA DATE: June 10, 2019

DEPARTMENT: City Attorney’s Office

Prepared By: Assistant City Attorney Marisa L. Roubik

Reviewed By: N/A

SUBJECT: Communication from Alderman Q.A. Shakoor II submitting the claim of D’Angelo Development for consideration for disallowance.

EXECUTIVE SUMMARY:

The City of Racine was served with written notice of the circumstances of D’Angelo Development’s claim on or about April 1, 2019, which requested \$3,897.00 in reimbursement for repair expenses allegedly arising on October 18, 2018 after the execution of a search warrant at 2501-03 Seventeenth Street in Racine. Because this claim was not served on the City within the statutorily required 120 days after the happening of the event giving rise to the claim, this claim should be disallowed.

BACKGROUND & ANALYSIS:

On or about April 1, 2019, the Claimant, of D’Angelo Development of 2236 University Street, Des Plaines, Illinois, served the City of Racine with this notice of circumstances and claim for reimbursement in the amount of \$3,897.00 for repair expenses allegedly arising on October 18, 2018 after the execution of a search warrant at 2501-03 Seventeenth Street in Racine. The City denies liability.

This claim alleges that, during the Racine Police Department’s execution of a search warrant on October 18, 2018, the exterior front door of the subject property was kicked in, a second floor window was broken, and the ceiling had been damaged. The City did not have actual notice of the type of damage alleged to be suffered by the claimant prior to the untimely receipt of this notice of circumstances and claim.

30 This notice of circumstances was not served upon the City within 120 days after the occurrence of
31 the event giving rise to the claim, as required by Wisconsin Statute section 893.80(1d)(a). Rather, this
32 notice of circumstances was served 165 days after the happening of the event giving rise to the claim.

33 As such, the City Attorney's Office recommends that this claim be disallowed, as it is not legally
34 actionable due to its untimely service.

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36 **BUDGETARY IMPACT:**

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

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40 **OPTIONS/ALTERNATIVES:**

41 If the recommendation to disallow this claim is rejected, and the Committee recommends that this
42 claim be paid by the City, this item would have up to a \$3,892.00 impact on the City's 2019 claims budget.

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44 **RECOMMENDED ACTION:**

45 The City Attorney's Office respectfully advises this Committee to recommend that the Common
46 Council deny the claim of D'Angelo Development.

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48 **ATTACHMENT(S):**

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