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**City of Racine, Wisconsin
Common Council**

AGENDA BRIEFING MEMORANDUM

COMMITTEE: Finance and Personnel

LEGISLATION ITEM #: 0847-23

AGENDA DATE: August 28, 2023

DEPARTMENT: City Attorney's Office

Prepared By: Deputy City Attorney Marisa Roubik

SUBJECT: Communication sponsored by Alder West on behalf of the City Attorney's Office submitting the claim of RaeAnn DeGroot for consideration for disallowance.

EXECUTIVE SUMMARY:

RaeAnn DeGroot filed a claim with the City requesting an unspecified amount for damages allegedly arising from her illegally parked vehicle being struck by a City of Racine-owned solid waste truck while her vehicle was parked on the 1300 block of Summit Avenue on or about May 19, 2023. The city denies liability due to defects in the claim as filed. Furthermore, the claimant was negligent for illegally parking within four feet of an alleyway entrance.

For these reasons, it is the recommendation of the City Attorney's Office that this claim be disallowed.

BACKGROUND & ANALYSIS:

RaeAnn DeGroot filed a claim with the City requesting an unspecified amount for damages allegedly arising from her illegally parked vehicle being struck by a City of Racine-owned solid waste truck while her vehicle was parked on the 1300 block of Summit Avenue on or about May 19, 2023. The city denies liability due to defects in the claim as filed. Furthermore, the claimant was negligent for illegally parking within four feet of an alleyway entrance.

The claim that the claimant filed with the City on or about June 12, 2023 did not include an itemized statement of the relief sought, as required by law. As such, the claimant did not satisfy the statutory

30 requirements for filing a claim in accordance with Wis. Stat. § 893.80(1d), and she does not have a right to
31 maintain an action against the City.

32 Furthermore, the claimant's vehicle was parked illegally within four feet of an alleyway entrance.
33 If a driver parks their vehicle illegally, the driver is negligent and shares liability for any accidents that may
34 result from their negligence.

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

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38 **BUDGETARY IMPACT:**

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

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42 **RECOMMENDED ACTION:**

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