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**City of Racine, Wisconsin
Common Council**

AGENDA BRIEFING MEMORANDUM

COMMITTEE: Finance and Personnel **LEGISLATION ITEM #:** 0398-24

AGENDA DATE: May 13, 2024

DEPARTMENT: City Attorney’s Office

Prepared By: Deputy City Attorney Marisa L. Roubik

SUBJECT: Communication sponsored by Alder West on behalf of the City Attorney’s Office submitting the claim of Maria Martinez for consideration for disallowance.

EXECUTIVE SUMMARY:

 Maria Martinez claims reimbursement in the amount of \$161.32 in damages allegedly arising from the City charging her for two recycling bins in 2023 when she asserts that there was only one recycling bin on the property located at 1122 Metron Court in Racine in 2023. The City denies liability due to defects in the claim as filed. Furthermore, the City disputes that the claimant was charged for the recycling bins as alleged. Finally, the City disputes its liability for the claimed damages. As such, the City Attorney’s Office recommends that this Committee disallow this claim.

BACKGROUND & ANALYSIS:

 The claimant, Maria Martinez, filed this claim for reimbursement in the amount of \$161.32 in damages allegedly arising from the City charging her for two recycling bins in 2023 when she asserts that there was only one recycling bin on the property located at 1122 Metron Court in Racine in 2023.

 The City denies liability due to defects in the claim as filed. Pursuant to Wis. Stat. § 893.80(1d)(b), a claim must contain the claimant’s address. However, Ms. Martinez failed to provide the City with her address on this claim. As such, the claimant did not satisfy the statutory requirements for filing a claim in accordance with Wis. Stat. § 893.80(1d), and she does not have a right to maintain this action against the City.

31 The only address mentioned in this claim is 1122 Metron Court, Racine, Wisconsin 53404, which
32 the claimant identifies as the “location of the incident.” However, the two-family residence located at 1122
33 Metron Court is owned by Guadalupe R. Villegas. Therefore, Guadalupe R. Villegas was the person
34 charged for recycling bins in 2023, and the claimant has provided no evidence that she was charged or paid
35 for these recycling bins.

36 Finally, the City asserts that the two-family residence located at 1122 Metron Court was properly
37 assigned and provided with two recycling bins in 2023 and, in turn, properly charged therefore.

38 For the reasons set forth above, the City Attorney’s Office recommends that this Committee
39 disallow this claim.

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41 **BUDGETARY IMPACT:**

42 Assuming the recommendation to disallow this claim is adopted, this item would have a \$0.00
43 impact on the City’s budget.

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45 **RECOMMENDED ACTION:**

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

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