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**City of Racine, Wisconsin
Common Council**

AGENDA BRIEFING MEMORANDUM

COMMITTEE: Finance and Personnel

LEGISLATION ITEM #: 0766-20

AGENDA DATE: November 23, 2020

DEPARTMENT: City Attorney's Office

Prepared By: Assistant City Attorney Marisa Roubik

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

EXECUTIVE SUMMARY:

Amanda Gomez filed a claim with the City requesting \$205.25 worth of damages for a tire that was allegedly punctured as a result of road construction on Lathrop Avenue near the intersection of Durand Avenue on or about September 1, 2020. The contracted party performing this road work was Zignego Company Inc. The contractor, rather than the City, is liable for the alleged damages that result from contracted road construction projects, and the City will notify the claimant of the contractor's name and address.

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

BACKGROUND & ANALYSIS:

Amanda Gomez, of 4424 Taylor Avenue in Mt. Pleasant, filed a claim with the City requesting \$205.25 worth of damages to a tire that was allegedly punctured as a result of road construction at the corner of Lathrop Avenue near the intersection of Durand Avenue on or about September 1, 2020. On the date in question, this road was undergoing construction which was being performed by a contracted company, Zignego Company Inc. As such, any construction debris that allegedly punctured Ms. Gomez's tire was not created by City employees—rather Zignego Company Inc. is liable for this alleged damage.

For the reasons forth above, the City Attorney's Office recommends that this claim be disallowed.

31 **BUDGETARY IMPACT:**

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

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35 **OPTIONS/ALTERNATIVES:**

36 If the Committee recommends that this claim be paid by the City (contrary to any indication of the
37 City's liability for the alleged damages), this item would have up to a \$205.25 impact on the City's 2020
38 claims budget.

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40 **RECOMMENDED ACTION:**

41 The City Attorney's Office respectfully advises this Committee to recommend that the Common Council
42 disallow the claim of Amanda Gomez.

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44 **ATTACHMENT(S):**

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