



1 **City of Racine, Wisconsin**  
2 **Common Council**

3 **AGENDA BRIEFING MEMORANDUM**

4 **COMMITTEE:** Finance and Personnel

**LEGISLATION ITEM #: 1098-23**

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5 **AGENDA DATE:** November 27, 2023

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7 **DEPARTMENT:** City Attorney's Office

8 **Prepared By:** Deputy City Attorney Marisa Roubik

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10 **SUBJECT:** Communication sponsored by Alder West on behalf of the City Attorney's Office submitting  
11 the claim of Matthew Britson, for consideration for disallowance.

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13 **EXECUTIVE SUMMARY:**

14 Claimant Matthew Britson filed a claim with the City on September 13, 2023, requesting an  
15 unspecified amount in damages allegedly arising from damage to multiple sidewalk squares at 2314 20th  
16 Street in Racine, occurring in October 2022, during a scheduled alley work project. The contracted party  
17 performing this alley work was LaLonde Contractors, Inc. The contractor, rather than the City, is liable for  
18 damages allegedly resulting from this contracted alley work project, and the City has notified the claimant  
19 of the contractor's name and address so he may file his claim with the contractor. Because the City is not  
20 liable for these alleged damages and due to defects in the claim as filed, it is the recommendation of the  
21 City Attorney's Office that this claim be disallowed.

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23 **BACKGROUND & ANALYSIS:**

24 Claimant Matthew Britson, of 2314 20th Street, Racine, Wisconsin 53403, filed a claim with the  
25 City on September 13, 2023, requesting an unspecified amount in damages allegedly arising from damage  
26 to multiple sidewalk squares at 2314 20th Street in Racine, occurring in October 2022, during a scheduled  
27 alley work project.

28 The contracted party performing this alley work was LaLonde Contractors, Inc. The contractor,  
29 rather than the City, is liable for damages allegedly resulting from this contracted alley work project, and  
30 the City has notified the claimant of the contractor's name and address so he may file his claim with the  
31 contractor.

32           The notice of the circumstances of this claim was not timely filed. Wisconsin Statute section  
33 893.80(1d)(a) requires a claimant to file written notice of the circumstances of a claim within 120 days after  
34 the event giving rise to the claim. In the instant case, the event giving rise to the claim allegedly occurred  
35 in October 2022. When the City received notice of the circumstances of this claim on September 13, 2023,  
36 it was well past the 120-day deadline. As such, the notice of circumstances for this claim was untimely  
37 filed.

38           Furthermore, this claim fails to specify the damages sought, as required by law. Pursuant to  
39 Wisconsin Statute section 893.80(1d)(b), a claim must contain an itemized statement of the relief sought.  
40 Therefore, this claim is defective.

41           For the reasons set forth above, it is the recommendation of the City Attorney's Office that this  
42 claim be disallowed.

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44 **BUDGETARY IMPACT:**

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

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48 **RECOMMENDED ACTION:**

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

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