



1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

**City of Racine, Wisconsin
Common Council**

AGENDA BRIEFING MEMORANDUM

COMMITTEE: Finance and Personnel

LEGISLATION ITEM #: 0287-23

AGENDA DATE: April 10, 2023

DEPARTMENT: City Attorney's Office

Prepared By: Deputy City Attorney Marisa Roubik

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

EXECUTIVE SUMMARY:

Claimant April Puryear filed a claim with the City requesting an unspecified amount of damages to her fence allegedly caused by a Department of Public Works ("DPW") solid waste collection vehicle during unspecified dates in September and October of 2022. Due to defects in the claim as filed and because there are no witnesses, proof, or evidence that the City caused the alleged damage to the claimant's fence, it is the recommendation of the City Attorney's Office that this claim be disallowed.

BACKGROUND & ANALYSIS:

Claimant April Puryear, of 3319 9th Avenue, Racine, Wisconsin 53402, filed a claim with the City on December 29, 2022, requesting an unspecified amount of damages to her fence allegedly caused by a Department of Public Works ("DPW") solid waste collection vehicle during unspecified dates in September and October of 2022.

When a complaint of this nature was originally called into the DPW on or about August 3, 2022 for the subject address, a DPW supervisor went to the address to investigate the complaint, but found no visible damage to the resident's fence. The DPW received no other complaints from this address for the remainder of 2022.

29 Moreover, the claim does not identify any witnesses who observed a DPW solid waste vehicle
30 causing any alleged damage to the fence in question. Therefore, if any damage to this fence occurred in
31 September or October 2022 as alleged, there is no proof that the City was responsible for causing it.

32 Because there was no apparent damage to the fence, no witnesses, proof, or evidence that the City
33 caused the alleged damage, and the dates of the alleged incidents are uncertain, this claim should be
34 disallowed.

35 Furthermore, pursuant to Wisconsin Statute section 893.80(1d)(b), a claim must contain an
36 itemized statement of the relief sought. Because this claim failed to specify the amount of damages
37 requested, this claim is deficient under Wisconsin law and should be disallowed for that reason as well.

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

40 _____

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.

44 _____

45 **RECOMMENDED ACTION:**

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

47 _____