



**City of Racine, Wisconsin
Common Council**

AGENDA BRIEFING MEMORANDUM

COMMITTEE: Finance and Personnel

LEGISLATION ITEM #: 0236-21

AGENDA DATE: April 12, 2021

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 Charles Edwards for consideration for disallowance.

EXECUTIVE SUMMARY:

Charles Edwards filed a claim with the City requesting \$13,846.95 for damages allegedly arising from a crash involving a Police Department vehicle at the intersection of Spring Street and Luedtke Court on or around June 24, 2019. Because the parties disagree on the value of the vehicle that was allegedly damaged, it is the recommendation of the City Attorney's Office that this claim be disallowed at this time in order to preserve the six-month statute of limitations while settlement negotiations continue.

BACKGROUND & ANALYSIS:

Charles Edwards, of 508 S. Stuart Road, Mt. Pleasant, WI, filed a claim with the City requesting \$13,846.95 for damages allegedly arising from a crash involving a Police Department vehicle at the intersection of Spring Street and Luedtke Court on or around June 24, 2019. These claimed damages consist of \$5,567.95 in personal injury expenses and \$8,279.00 in property damages.

Specifically, the claimant alleges that his 1999 Chevrolet Suburban was a total loss due to the purported crash. The claimant further alleges that the value of his 1999 Chevrolet Suburban, including an aftermarket brush guard that was mounted on the vehicle, is \$8,279.00 (\$6,810.00 for the vehicle and \$1,469 for the brush guard). This estimate far exceeds the Kelly's Blue Book estimate, which, for a private sale, indicates the vehicle's value averages around \$3,266.00.

30 The parties are currently attempting to come to an agreement on the value of the alleged property
31 damages in order to settle this claim. Although the City Attorney's Office intends to continue to work with
32 the claimant and his representatives to resolve this matter, the law requires that the Common Council
33 disallow a claim within 120 days after presentation of the written notice of the claim in order for the six-
34 month statute of limitations in Wis. Stat. § 893.80(1g) to be enforceable should the claimant subsequently
35 decide to file an action in circuit court. Based on the date this claim was properly filed, the Common
36 Council will need to disallow this claim at its April 17, 2021 meeting in order to meet the statutory 120-
37 day deadline.

38 As such, it is the recommendation of the City Attorney's Office that this claim be disallowed in
39 order to permit the parties to continue settlement negotiations while preserving the six-month statute of
40 limitations.

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42 **BUDGETARY IMPACT:**

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

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46 **OPTIONS/ALTERNATIVES:**

47 If the Committee recommends that this claim be paid by the City, this item would have up to a
48 \$13,846.95 impact on the City's 2021 claims budget.

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50 **RECOMMENDED ACTION:**

51 That the claim of Charles Edwards be disallowed.
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53 **ATTACHMENT(S):**
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