



**City of Racine, Wisconsin
Common Council**

AGENDA BRIEFING MEMORANDUM

COMMITTEE: Finance and Personnel

LEGISLATION ITEM #: 0702-21

AGENDA DATE: September 13, 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 Beth Dessart for consideration for disallowance.

EXECUTIVE SUMMARY:

Beth Dessart filed a claim with the City requesting \$382.85 in damages that occurred to a vehicle she was driving on Carlisle Avenue allegedly caused by a baseball hit from Horlick Field. This claim does not identify or assert that the individual baseball player who caused these alleged damages was acting as an officer, agent, or employee of the City of Racine at the time these alleged damages occurred. As such, the City is not liable for the actions of this individual or the damages caused thereby. For this reason, it is the recommendation of the City Attorney's Office that this claim be disallowed.

BACKGROUND & ANALYSIS:

Beth Dessart, of 1608 Carlisle Avenue in Racine, filed a claim with the City requesting \$382.85 in damages that occurred to a vehicle she was driving on Carlisle Avenue allegedly caused by a baseball hit from Horlick Field.

Contrary to the requirements of Wis. Stat. § 893.80(1d), Ms. Dessart's claim failed to identify or assert that the individual baseball player who caused these alleged damages was acting as an officer, agent, or employee of the City of Racine at the time these alleged damages occurred. As such, this claim does not satisfy the requirements of Wis. Stat. § 893.80(1d). Furthermore, the City cannot be held liable for damages caused by unidentified individuals who were not acting as officers, agents, or employees of the City of Racine at the time the alleged damages occurred.

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

33 _____

34 **BUDGETARY IMPACT:**

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

37 _____

38 **RECOMMENDED ACTION:**

39 That the claim of Beth Dessart be disallowed.

40 _____