



**City of Racine, Wisconsin
Common Council**

AGENDA BRIEFING MEMORANDUM

COMMITTEE: Finance and Personnel

LEGISLATION ITEM #: 0746-21

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 Roger and Lucy McKinnie for consideration for disallowance.

EXECUTIVE SUMMARY:

Roger and Lucy McKinnie filed a claim with the City requesting \$300.00 in damages to their house allegedly caused by baseballs hit from Horlick Field. This claim does not identify or assert that the individual baseball players who caused these alleged damages were acting as officers, agents, or employees of the City of Racine at the time these alleged damages occurred. As such, the City is not liable for the actions of these individuals 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:

Roger and Lucy McKinnie, of 1700 Blake Avenue in Racine, filed a claim with the City requesting \$300.00 in damages to their house allegedly caused by baseballs hit from Horlick Field.

Contrary to the requirements of Wis. Stat. § 893.80(1d), the McKinnies' claim failed to specify the date of the event that gave rise to this claim, provide an itemized statement of the relief sought, nor did this claim identify or assert that the individual baseball players who caused these alleged damages were acting as officers, agents, or employees 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).

29 Furthermore, the City cannot be held liable for damages caused by unidentified individuals who
30 were not acting as officers, agents, or employees of the City of Racine at the time the alleged damages
31 occurred.

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

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35 **BUDGETARY IMPACT:**

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

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39 **RECOMMENDED ACTION:**

40 That the claim of Roger and Lucy McKinnie be disallowed.

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