

**CITY OF WAUKESHA****Administration**

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<b>Committee:</b> None	<b>Committee Meeting Date:</b> <a href="#">Click here to enter a date.</a>
<b>Agenda Item Number:</b> 18-1454	<b>Common Council Meeting Date:</b> 10/2/2018
<b>Submitted By:</b> Brian Running, City Attorney	<b>City Administrator Approval:</b> Kevin Lahner, City Administrator <a href="#">Click here to enter text.</a>
<b>Finance Department Review:</b> Rich Abbott, Finance Director <a href="#">Click here to enter text.</a>	<b>City Attorney's Office Review:</b> Brian Running, City Attorney BER
<b>Subject:</b>  Disallowance of Zach Danby claim for damages.	

**Details:**

Mr. Danby filed a claim for damages allegedly done to his car by a City Forestry crew. The claim does not show conclusive proof that the City is responsible for the damage, so the claim should be disallowed and Mr. Danby should file suit against the City to show satisfactory proof that the City is responsible. Formal disallowance of the claim shortens the time period in which Mr. Danby can file his claim to six months. Please see the accompanying memo and attachments.

**Options & Alternatives:**

There are two other options: One, allow the claim and pay Mr. Danby's claimed damages. Our liability insurance carrier has denied the claim. Two, take no action at all, in which case the claim would be deemed disallowed after the expiration of 120 days, and the period for filing suit against the City would be six years. Neither alternative is recommended.

**Financial Remarks:**

Disallowance will have no immediate financial impact to the City

**Staff Recommendation:**

City Attorney's office recommends that the claim be formally disallowed and notice thereof be sent to Mr. Danby.