

1.0 PURPOSE:

To describe the procedures to be followed by citizens presenting claims against the City of West Allis.

2.0 ORGANIZATIONS AFFECTED:

This policy applies to all claims and lawsuits against the City.

3.0 POLICY:

It is the policy of the City to consider all claims against the City promptly and courteously. All claims will be considered in light of all interests concerned.

4.0 REFERENCES:

Sections 62.09(12), 62.25 and 893.80, Wisconsin Statutes.
 Sections 2.15 and 2.65, City of West Allis Revised Municipal Code.
 Section 1102 (Risk Management), City of West Allis Policies & Procedures Manual.

5.0 PROCEDURES:

5.1 RESPONSIBILITY

5.1.1 The City Clerk is responsible for receiving all written claims and scheduling the claim for consideration by the Mayor and Council. Moreover, the City Clerk is responsible for forwarding a copy of all written claims to the City Attorney.

5.2 GENERAL POLICIES

5.2.1 Written claims will be as factual as possible, including such pertinent information as the name and address and telephone of the claimant, the specific nature of the claim, the reason the claimant thinks the City is responsible, and specific, itemized estimates for making restitution for the damages alleged to have been incurred. The claim should also state when the alleged damages occurred, where they occurred, and what the specific situation was at the time of the alleged damages.

5.2.2 The City Clerk will promptly schedule all claims for consideration by the Mayor and Council. Moreover, the City Clerk shall immediately file a copy of the complete claim with the City Attorney. The Common Council shall refer all claims to the City Attorney for investigation and recommendation.

- 5.2.3 The City Attorney shall forward any claims covered by insurance to the appropriate carrier for disposition in accordance with any such contract of insurance.
- 5.2.4 The City Attorney's Office will investigate or cause to be investigated all claims with the assistance of other departments as requested, and make a recommendation to the Common Council. Where a claim has the potential to exceed the City's self-insured retention, the investigation may be turned over to the applicable insurance company. If the City Attorney recommends denying a claim/lawsuit, the City Attorney's Office will submit a Claims Report to the Common Council, through the Administration and Finance Committee. If the City Attorney recommends approval, claims/lawsuits of up to \$10,000.00 may be paid without being referred to the Administration and Finance Committee; claims/lawsuits may be paid without being considered by the Common Council. However, the City Attorney shall prepare a Claim Report for the Common Council and state why the office approved paying the claim/lawsuit. The City Attorney may consult with the Common Council, through the Administration and Finance Committee, prior to payment being made. The City Attorney's office may settle nuisance claims regardless of legal merit up to \$100,000.00 without notification to the Common Council.
- 5.2.5 The Administration and Finance Committee may, on behalf of the Common Council, authorize the City Attorney to settle claims/lawsuits up to \$100,000.00. All claims/lawsuits for which the City Attorney seeks authorization to settle that exceed \$100,000.00 shall be referred to the Common Council. The City Attorney is authorized to make settlement of claims of up to \$10,000.00 without the authorization of the Common Council. Notification to the Common Council shall be made as set forth in 5.2.4.
- 5.2.6 Nothing contained in this statement of policy, nor any action taken by the City of West Allis or by the Office of the City Attorney pursuant to this policy, shall be construed to impose any liability for damages or otherwise, upon the City or the Office of the City Attorney.