



Finance Committee Agenda Item

Meeting Date:	January 26, 2021
Agenda Item:	Liability Claim
Staff Contact (name, email, phone):	Steve Hatton, shatton@whitewater-wi.gov , 262-473-1380

BACKGROUND

(Enter the who, what when, where, why)

The claim is being brought before the Finance Committee as the body to hear/resolve claims against the City.

On September 30, 2020, a local minor resident was injured when using the skate park. The family filed a claim with the City to recover \$1,800.00 of costs incurred to treat the injuries.

The Finance Director consulted CVMIC, our insurance carrier, for guidance to review the circumstances and the application of recreational immunity created under state statute. CVMIC confirmed that the statute is broad in nature and confirmed there is no legal liability to the City. If the City were liable, we maintain a Liability Policy under which the City is responsible for the first \$25,000 of expense for each claim, up to four claims per year. Our policy covers the excess after this first \$25,000 amount to a limit of

PREVIOUS ACTIONS – COMMITTEE RECOMMENDATIONS

(Dates, committees, action taken)

None

FINANCIAL IMPACT

(If none, state N/A)

The claim is for \$1,800.00. Any amount approved would be drawn against Fund 271: Insurance-SIR (Self-Insured Retention)

STAFF RECOMMENDATION

Staff recommends denial of claim under Recreational Immunity per State Statute.

ATTACHMENT(S) INCLUDED

(If none, state N/A)

1. Claim and Police Report
2. State Statute 895.52