

**CHAPTER 7**

**CLAIMS ADMINISTRATION PROCEDURE**

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7.01 **ADOPTION OF STATE LAW.** All applicable state laws including, but not limited to, statutes of limitations, procedures, and other requirements pertaining to municipal claims and damages, as from time to time amended, changed, deleted, modified, or created, are hereby adopted by reference, made effective, and incorporated as if fully set forth herein. Any act required to be performed or prohibited by any laws so incorporated by reference is required or prohibited by this resolution.

7.02 **ADOPTION OF WISCONSIN CIVIL JURY INSTRUCTIONS.** All applicable Wisconsin Civil Jury Instructions, as promulgated by the Wisconsin Civil Jury Instructions' Committee, currently in effect or any subsequent additions thereto or deletions therefrom are hereby adopted by the City of Green Bay as guidelines upon which to determine whether to deny, settle, or pay any claim filed against the City of Green Bay as may be appropriate on a case-by-case basis.

7.03 **DEFINITIONS.**

(1) CLAIM means a correct, complete, and proper, in substance and form, itemized written statement of personal injury, wrongful death, or property damage in strict conformity with the requirements of State law, which sets forth with specificity and particularity the correct and complete name, home address, and telephone number of the claimant together with a specific and legally-sufficient description and itemization of the nature, kind, and type of injury and/or damage, the specific dollar amount of damages claimed, together with a full and accurate statement of the facts and circumstances upon which the claim is based, including the reasons for believing the City is liable therefore.

(2) (Rep. & Rec. GO 44-96) CITY CLAIMS COMMITTEE means those persons who, from time to time, are appointed and authorized by the Mayor of the City of Green Bay to serve for an indeterminate period on the Claims Committee and who are charged with the responsibility of coordinating and administering the City's claims procedure and all claims filed in a manner consistent with the provisions of this chapter and all other applicable laws. The City Claims Committee shall have the sole, complete, and final authority to deny, to settle, or to pay certain claims as defined in the manner set forth below. The Claims Committee shall consist of two representatives of the City Attorney's Office and the Finance Director or his/her designee.

7.04 **PROCEDURE.** (Rep. & Rec. GO 4-97)

(1) Each and every claim of whatever kind or nature against the City shall be served upon the City Clerk, or his/her designee, by each aggrieved party or someone acting on his/her behalf in strict conformity with the time limits and manner required by State law. The City Clerk shall immediately forward such claim to the City Attorney, who shall cause a file to be created and maintained for each claim received and shall retain and process the original claim as required by law.

(2) The City Attorney, or his/her designee, shall promptly notify the claimant of the receipt of such claim and request of the claimant such additional information as may be necessary to process the claim. Information on the circumstances surrounding the claim shall be sought from the department within the City against whom the claim is made, asking for a statement of facts from such department concerning the claim.

(3) Upon the receipt of requested information from the appropriate department and from the claimant, the Claims Committee shall meet and review the claim.

(4) The Claims Committee shall utilize the services of a claims investigator/adjuster from time to time as they deem appropriate. The reports of the investigator/adjuster shall be made available to the claimant upon request pursuant to §19.35, Wis. Stats.

(5) Every three months, the Claims Committee shall file a report with the City Clerk to be presented to the Finance Committee and then the Common Council itemizing all claims that have been denied, settled, or paid during the previous three-month period.

7.05 **EMPOWERMENT**. (Rep. & Rec. GO 4-97)

(1) The Common Council of the City of Green Bay hereby fully, completely, and without reservation authorizes and empowers the City Claims Committee to deny any and all claims regardless of the face amount which in the Claims Committee's discretion, upon applying the principles of law as enunciated in the Wisconsin Civil Jury Instructions and State Statutes, it determines should be denied.

(2) The Common Council of the City of Green Bay hereby fully, completely, and without reservation authorizes and empowers the City Claims Committee to process, settle, defend, adjust, and/or pay any and all claims against the City of Green Bay of whatsoever kind or nature which, in the Committee's sole discretion upon review and verification, it finds should be compromised, adjusted, settled, defended, and/or paid. The Committee's decisions shall be based on those principles of law as enunciated in the Wisconsin Civil Jury Instructions and State Statutes.

(3) For all such claims paid, the Claims Committee shall, every three months, prepare and forward a written summary of each and every claim settled or paid, setting forth the name of the claimant, the date the claim was filed, the general description of the nature of the claim, the amount of the claim, the Claims Committee's determination and disposition, and the amount and date of compromise, settlement, and payment. Such report shall be filed with the City Clerk and be submitted to the Finance Committee and then to the Common Council to be received and placed on file.

(4) The Common Council of the City of Green Bay shall annually authorize the continuation of the City Claims Committee by the adoption of a resolution empowering the Claims Committee to continue to act on behalf of the Common Council of the City of Green Bay to deny, settle, defend, compromise, or pay claims made against the City of Green Bay. Such resolution shall be approved by the Common Council at or before the second Council meeting of December of each year.