

GENERAL ORDINANCE NO. 4-11

AN ORDINANCE
REPEALING AND RECREATING CHAPTER 7,
GREEN BAY MUNICIPAL CODE,
CLAIMS ADMINISTRATION PROCEDURE

THE COMMON COUNCIL OF THE CITY OF GREEN BAY DOES ORDAIN AS FOLLOWS:

SECTION 1. Chapter 7, Claims Administration Procedure, Green Bay Municipal Code, is repealed and recreated. A copy of the new Chapter 7 is attached hereto.

CHAPTER 7

CLAIMS ADMINISTRATION PROCEDURE

- 7.01 Adoption of State Law
- 7.02 Adoption of Wisconsin Civil Jury Instructions
- 7.03 Definitions
- 7.04 Procedure

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 all claims in the amount of \$5,000.00 or less as defined in the manner set forth below. The City Claims Committee shall have the authority to recommend approval or denial of all claims in an amount greater than \$5,000.00 as defined in the manner set for the below to the Finance Committee and Common Council. 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) The Common Council of the City of Green Bay authorizes the City Claims Committee to meet and review all claims to make a recommendation to the Common Council for approval or denial. The Committee's recommendations shall be based on those principles of law as enunciated in the Wisconsin Civil Jury Instructions, State Statutes, or any other appropriate legal basis.

(6) Every month, the Claims Committee shall file a report with the City Clerk to be presented to the Finance Committee and then the Common Council describing all claims.

SECTION 2. All ordinances, or parts of ordinances, in conflict herewith are hereby repealed.

SECTION 3. This ordinance shall take effect on and after its passage and publication.

Dated at Green Bay, Wisconsin this 1st day of March, 2011.

APPROVED:

James J. Schmitt
Mayor

ATTEST:

Lauri A. Marenger
Clerk

First Reading - 2/14/11

Effective Date - 3/5/11