

**VILLAGE OF SLINGER
POLICIES & PROCEDURES**

Policy Subject:	4.2 Claims
Point of Contact:	Administrator/Clerk/Treasurer
Last Revised On:	19 April 2017
Adopted by Village Board On:	17 April 2017

Purpose

The purpose of this document is to clarify Village of Slinger policy regarding claims filed against the Village and the procedures to be followed upon receipt of a claim. There are primarily two types of claims experienced by the Village, damages for which a party is claiming the Village has liability and utility billing disputes. There are separate and distinct procedures to be used for each type.

Scope

Claims for damages: All claims against governmental bodies, officers and employees fall under the jurisdiction of WI Statute 893, and Subchapter VIII of that statute gives specific information about time limitations and other aspects of the claim process.

Utility billing disputes: Billing items disputed by utility customers are regulated by the Public Service Commission (PSC) and those regulations are documented in the PSC Administrative Code.

- ◆ Electric utility billing dispute procedures are discussed in PSC 113.0407.
- ◆ Water utility billing dispute procedures fall under PSC 185.39.
- ◆ Although the Sewer and Stormwater utilities are non-regulated, billing dispute procedures for those utilities will be handled in accordance with PSC regulations governing the Water utility. This will promote consistency and efficiency by avoiding conflicting procedures.

General Guidelines – Claims for Damages

Claims against the Village for acts done by Village officials, officers, agents or employees in their official capacity shall comply with the requirements of Section 893.80 of Wisconsin Statutes.

WI Statute Section 893.80(1) states: "...no action may be brought or maintained against any...political corporation, governmental subdivision or agency thereof nor against any officer, official, agent or employee of the corporation, subdivision or agency for acts done in their official capacity or in the course of their agency or employment upon a

claim or cause of action unless (a) Within 120 days after the happening of the event giving rise to the claim, written notice of the circumstances of the claim signed by the party, agent or attorney is served... and (b) A claim containing the address of the claimant and an itemized statement of the relief sought is presented to the appropriate clerk or person who performs the duties of a clerk or secretary for the defendant fire company, corporation, subdivision or agency and the claim is disallowed.”

Reference should be made to Section 893.80 in its entirety for further information as needed.

The Village staff member receiving the claim documentation will date stamp the paperwork and forward it to the Treasurer for processing. The Treasurer will ensure that the paperwork is faxed to the appropriate contact person at the Village’s liability insurance carrier, who will be responsible for reviewing and determining the further processing of the claim. If the claim is allowed, the insurance provider will contact the claimant directly to complete the settlement process. The Treasurer will receive a report showing the final outcome of the claim.

Should the Village’s insurance provider determine there is no liability, a report of the findings will be sent to the Treasurer along with a request for disallowance action on the part of the Village Board. The Treasurer will take the steps necessary to place the action item on the next available Village Board meeting agenda.

Notice of disallowance of the claim shall be in accordance with Section 893.80(1g) of Wisconsin Statutes. That section states: “Notice of disallowance of the claim submitted under sub. (1) shall be served on the claimant by registered or certified mail and the receipt therefor, signed by the claimant, or the returned registered letter, shall be proof of service. Failure of the appropriate body to disallow a claim within 120 days after presentation of the written notice of the claim is a disallowance....”

It should be noted that mailbox damage claims are fairly routine and will be handled by Village staff. The Mailbox Reimbursement Request form, Appendix 4.2-A, will be used in those situations.

Mailbox claims:

1. The \$40 amount would cover the cost of a standard mailbox and mailbox support structure based on pricing from Menards and Home Depot.
2. The Village of Slinger will not be responsible for damage to mailboxes and support structures that are determined to be improperly installed or have deteriorated posts and mounting material (proper installation guide attached).
3. The Village of Slinger will not be responsible for damage to mailboxes and support structures that have not physically been hit by Village Equipment.
4. The Village of Slinger will not be responsible for damage to mailboxes and support structures as a result of objects, snow, sleet, ice, water or other precipitation thrown by a plow.