



City of Norman, OK

Municipal Building
Council Chambers
201 West Gray
Norman, OK 73069

Master

File Number: SC-1516-6

File ID: SC-1516-6

Type: Special Claim

Status: Consent Item

Version: 1

Reference: Item 13

In Control: City Council

Department: Legal Department

Cost: \$3,500.00

File Created: 12/15/2015

File Name: Special Claim Melody Ballard

Final Action:

Title: SPECIAL CLAIM SC-1516-6: A CLAIM IN THE NEGOTIATED AMOUNT OF \$3,500 SUBMITTED BY MELODY BALLARD FOR DAMAGES TO HER VEHICLE, MEDICAL EXPENSES, AND LOST WAGES DUE TO AN ACCIDENT WITH A POLICE VEHICLE ON HIGHWAY NINE AND 48TH AVENUE S.E.

Notes: ACTION NEEDED: Motion to approve or reject Special Claim SC-1516-6; and, if approved, direct payment in the negotiated amount of \$3,500 contingent upon obtaining a Release and Covenant Not to Sue from Melody Ballard.

ACTION TAKEN: _____

Agenda Date: 12/22/2015

Agenda Number: 13

Attachments: Clerk Memo, Tort Claim, Estimate, Value Guides, Medical, Police Report

Project Manager: Jeanne Snider, Assistant City Attorney

Entered by: jayme.rowe@normanok.gov

Effective Date:

History of Legislative File

Ver- sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
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Text of Legislative File SC-1516-6

Body

BACKGROUND: A claim has been filed by Melody Ballard in the amount of \$17,924 for damages to her vehicle, personal injury and lost wages due to a vehicle accident occurring on September 13, 2015, when her vehicle was struck by a City of Norman police vehicle near the intersection of Highway 9 East and 48th Avenue S.E. Ms. Ballard has agreed to settle her claim for \$3,500.

DISCUSSION: This incident was investigated by Keith Humphrey, Chief of Police. Chief Humphrey determined that an on-duty police officer was travelling eastbound on State Highway 9 when the officer pulled onto the shoulder and began to make a u-turn. While the officer observed other vehicles behind him and waited for those vehicles to pass, he failed to see Ms. Ballard's vehicle and struck the passenger side of her vehicle.

Ms. Ballard obtained three estimates regarding the damage to her vehicle, with the lowest estimate being \$3,861.59. However, Ms. Ballard requested the amount of \$7,500 in order to replace her vehicle. The Kelly Blue Book and NADA guides place the value of the vehicle, a 2006 Ford Taurus, at \$2,100 to \$2,282. During

settlement talks with Ms. Ballard, she agreed to accept \$2,500 for her vehicle and surrender it to the City.

The other expenses requested by Ms. Ballard in her claim are: \$336 for lost wages, \$454 for medical expenses, \$88 for gas expenses to gather estimates and \$10,000 for pain and suffering. While discussing settlement of the entire claim, an offer was made to Ms. Ballard in the amount of \$1,000 to settle all of her expenses, other than that expense directly related to her vehicle. Ms. Ballard has accepted this offer which makes the complete settlement of Ms. Ballard's claim \$3,500.

It appears there could be possible negligence on the part of the City in this matter and staff recommends payment of this claim in the reduced amount of \$3,500.

RECOMMENDATION: Based upon the above and foregoing, it is the recommendation of the City Attorney's office that Ms. Ballard's claim in the agreed settlement amount of \$3,500, as set forth above, be approved.