



# City of Norman, OK

Municipal Building  
Council Chambers  
201 West Gray  
Norman, OK 73069

## Master

**File Number: GID-1617-57**

**File ID:** GID-1617-57      **Type:** Settlement      **Status:** Consent Item

**Version:** 2      **Reference:** Item 29      **In Control:** City Council

**Department:** Legal Department      **Cost:** \$10,109.42      **File Created:** 03/20/2017

**File Name:** McDonald Settlement      **Final Action:**

**Title:** CONSIDERATION OF A RECOMMENDATION FROM THE CITY ATTORNEY THAT THE CITY COUNCIL APPROVE A SETTLEMENT OF BRIAN MCDONALD VS. ELLEN FLETCHER, INDIVIDUALLY AND THE CITY OF NORMAN, NORMAN POLICE DEPARTMENT, AND NORMAN ANIMAL WELFARE, CLEVELAND COUNTY COURT CASE CJ-2016-1084 TS IN THE AMOUNT OF \$85,109.42.

**Notes:** ACTION NEEDED: Motion to approve or reject the City Attorney's recommendation; and, if approved, authorize the City Attorney's Office to effectuate the settlement in the amount of \$85,109.42.

ACTION TAKEN: \_\_\_\_\_

**Agenda Date:** 04/11/2017

**Agenda Number:** 29

**Attachments:** Text File McDonald, McDonald Petition

**Project Manager:** Rickey Knighton, Assistant City Attorney

**Entered by:** deedra.vice@normanok.gov

**Effective Date:**

### History of Legislative File

Version:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:

### Text of Legislative File GID-1617-57

Body

**BACKGROUND:** This case was brought by Brian McDonald to recover damages alleged to have occurred as a result of an automobile accident he had with former Animal Welfare Officer Ellen Fletcher on January 27, 2016. On January 24, 2017, Mr. McDonald indicated that he will settle his property damage claim for \$10,109.42. On April 6, 2017, Mr. McDonald indicated that he will settle his personal injury claim for \$75,000. Because this matter involves pending litigation, the merits of this case were discussed during executive session held on March 14, 2017. The settlement offer is within the range discussed with Council in Executive Session.

**RECOMMENDATION:** It is believed the proposed settlement is fair, reasonable and in the best interest of the City. It is recommended the settlement of this matter be approved by City Council and that this office be directed to reduce the settlement amount to judgment in accordance with 51 O.S. §159, and 62 O.S. §362. The settlement amount will then be placed on the property tax rolls for collection over the next three years. Under this process one third of the judgment amount plus interest at the statutory rate on the unpaid balance is collected through property tax roll assessments over that time period. This statutorily allowed procedure for payment of judgments against a municipality will minimize the impact of the settlement on the general fund. If

you have questions or need additional information, please let me know.