



City of Norman, OK

Municipal Building
Council Chambers
201 West Gray
Norman, OK 73069

Master

File Number: R-2021-76

File ID: R-2021-76 **Type:** Resolution **Status:** Consent Item

Version: 2 **Reference:** Item 42 **In Control:** City Council

Department: Legal Department **Cost:** **File Created:** 01/04/2021

File Name: City Manager Tort Claim Limit **Final Action:**

Title: RESOLUTION R-2021-76: A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AUTHORIZING THE CITY MANAGER TO APPROVE TORT CLAIMS IN AN AMOUNT UP TO TEN THOUSAND DOLLARS (\$10,000).

Notes: ACTION NEEDED: Motion to adopt or reject Resolution R-2021-76.

ACTION TAKEN: _____

Agenda Date: 01/12/2021

Agenda Number: 42

Attachments: R-2021-76 CM Tort Claim Limit, Tort Claim Chart

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Entered by: deedra.vice@normanok.gov

Effective Date:

History of Legislative File

Ver- sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:

Text of Legislative File R-2021-76

Body

BACKGROUND: Recently, a relatively large tort claim was received related to damages from a vehicle accident where the City was clearly at fault. Due to City policy, the claim, once investigated, was required to be submitted to Council for approval for payment because it exceeded \$1,500. Meeting Council agenda deadlines can extend the time for approval of payment, and in this particular case, the timeline was extended even further due to Council's abbreviated holiday meeting schedule. In response to this, the City Manager asked that staff pursue a change in policy that would allow administrative approval of more claims to improve processing times and ultimately improve customer service when the City is at fault.

DISCUSSION: All political subdivisions are governed by The Governmental Tort Claims Act, 51 O.S. §151, et seq. Tort claims must be filed with the City Clerk within one year from the date of loss or will be barred forever. The City requires three estimates to be submitted with the tort

claim, with the City paying the lowest estimate. After submission of the claim, it is investigated as to liability and amount of damage on part of the City. By law, the City has 90 days to act upon the claim. If no action is taken by the end of the 90th day, the claim is considered constructively denied. Claimants have 180 days to file an action against the City for the denied claim. City liability is normally determined in less than 90 days. After investigation by the specific Department, the City Attorney's office will recommend approval or denial to the City Council if the claim is over \$1,500. All claims recommended for approval of \$1,500 or less are submitted to the City Manager for approval and payment.

Depending on the facts and damages alleged in the tort claim, this process can take up to six to eight weeks for City Council approval. The City has received complaints and concerns from claimants that the process creates a financial hardship and personal inconvenience due to the length of the claim approval process. This is especially true when the tort claim involves damage to a claimant's vehicle and, if needed, a rental car.

The attached chart lists statistical information for tort claims since 2016.

Both the City of Edmond and the City of Moore authorize the City Manager to approve tort claims up to \$5,000.

RECOMMENDATION: Although the average tort claim is less than \$1,500, an increase in the amount the City Manager can administratively approve would reduce the amount of time for approval and lessen the financial and personal burdens on claimants. Staff recommends that the Resolution be approved.