



City of Norman, OK

Municipal Building Council
Chambers
201 West Gray
Norman, OK 73069

Master

File Number: GID-1314-67

File ID: GID-1314-67 **Type:** Settlement **Status:** Consent Item

Version: 1 **Reference:** Item No. 14 **In Control:** City Council

Department: Legal Department **Cost:** **File Created:** 03/05/2014

File Name: Settlement of Thomas Bradley Waitman Property
Damage Claim in the amount of \$20,000 **Final Action:**

Title: CONSIDERATION OF A RECOMMENDATION FROM THE CITY ATTORNEY THAT THE CITY COUNCIL APPROVE A SETTLEMENT FROM THOMAS BRADLEY WAITMAN IN THE AMOUNT OF \$20,000 FOR PROPERTY DAMAGE ARISING FROM A VEHICLE ACCIDENT ON INTERSTATE 35 NEAR INDIAN HILLS ROAD TO BE DEPOSITED INTO THE RISK MANAGEMENT REIMBURSEMENT ACCOUNT.

Notes: ACTION NEEDED: Motion to approve or reject the City Attorney's recommendation; and if approved, accept payment in the amount of \$20,000 from Thomas Bradley Waitman and increase Reimbursements-Refunds/Miscellaneous Risk Management (043-0000-367.12-64) by \$20,000.

ACTION TAKEN: _____

Agenda Date: 03/11/2014

Agenda Number: 14

Attachments:

Project Manager: Kristina Bell, Assistant City Attotney

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 GID-1314-67

Body

BACKGROUND: On January 3, 2013, the City of Norman suffered property damage to Well House #20 as a result of a motor vehicle accident that occurred on I-35 near Indian Hills Road. Thomas Bradley Waitman, the liable driver in this incident, collided with another vehicle and then into the well house while attempting to change lanes. The cost to the City of replacing the damaged well house was \$92,000, approximately \$46,625 which is estimated to have been a direct result of the motor vehicle accident.

DISCUSSION: Mr. Waitman's liability insurance coverage with Farmers Insurance Company had been cancelled prior to the accident for premium non-payment. A thorough review of Mr. Waitman's assets revealed that he does not have any assets from which to satisfy a judgment and that Mr. Waitman is effectively judgment-proof. The insurance company covering the other motorist who was struck by Mr. Waitman confirmed this finding.

Mr. Waitman's father, Tom Waitman, has offered to pay the City \$20,000.00 to settle its claim against Mr. Waitman.

In light of the lack of liability insurance and Mr. Waitman's apparent inability to satisfy a judgment against him, this settlement offer appears to be fair and reasonable.

The proposed settlement was discussed by Council in Executive Session on March 4, 2014.

RECOMMENDATION: It is believed the proposed settlement is fair, reasonable, and in the best interest of the City. Based upon the above and Council's input from the Executive Session, it is recommended by the City Attorney's Office that the settlement of the City of Norman's property damage claim arising from a vehicle accident caused by Bradley Thomas Waitman on January 3, 2013, in the amount of \$20,000.00, as set forth above, be accepted and approved by City Council. Should Council approve the settlement amount, then upon receipt of the \$20,000.00 check, it will be deposited into Risk Management Account #043-0000-367.12-64.