



# City of Norman, OK

Municipal Building  
Council Chambers  
201 West Gray  
Norman, OK 73069

## Master

**File Number: SC-2021-2**

**File ID:** SC-2021-2      **Type:** Special Claim      **Status:** Consent Item

**Version:** 1      **Reference:** Item 17      **In Control:** City Council

**Department:** Legal Department      **Cost:** \$3,266.02      **File Created:** 08/28/2020

**File Name:** Special Claim from Nikki McDowell      **Final Action:**

**Title:** SPECIAL CLAIM SC-2021-2: SUBMITTED BY NIKKI MCDOWELL IN THE TOTAL AMOUNT OF \$3,266.02 FOR EXPENSES SHE INCURRED WHEN HER VEHICLE WAS STRUCK BY A CITY POLICE DEPARTMENT VEHICLE ON SEPTEMBER 17, 2019, AT ROBINSON STREET AND PETERS AVENUE.

**Notes:** ACTION NEEDED: Motion to approve or reject Special Claim SC-2021-2; and, if approved, direct payment in the amount of \$3,266.02 contingent upon obtaining a Release and Covenant Not to Sue from Nikki McDowell.

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

**Agenda Date:** 09/08/2020

**Agenda Number:** 17

**Attachments:** City Clerk Memo, Notice of Tort Claim, Auto Repair Invoice, Auto Rental Invoice, Incident Report - Redacted

**Project Manager:** Jeanne Snider, Assistant City Attorney

**Entered by:** sarah.encinias@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-2021-2

Body

**BACKGROUND:** A claim has been filed by Nikki S. McDowell in the total amount of \$3,266.02 for damage that occurred to her vehicle on September 17, 2019, when it was struck by a City police department vehicle near Robinson Street and Peters Avenue.

**DISCUSSION:** This incident was investigated by Kevin Foster, Chief of Police. On September 17, 2019, a City police officer was driving his patrol vehicle eastbound on Robinson

Street when he received a notice from dispatch of a crime in progress. As the officer drove past Peters Avenue, he glanced down at his computer to view details of the dispatch but was unable to see that the traffic in his lane had come to a complete stop. The officer attempted to stop in time but was unable to do so before his vehicle struck the back of Ms. McDowell's vehicle located directly in front of him.

Since the time of the incident, Ms. McDowell had repairs completed to the rear bumper and quarter panel of her 2018 Ford Explorer. As a result, she has incurred auto repair expenses of \$2,994.64 and auto rental fees of \$271.38, for a total reimbursement request in the amount of \$3,266.02.

As indicated above, there appears to be possible negligence on the part of the City in this matter and, consequently, potential liability on the City. Ms. McDowell's claim in the total amount of \$3,266.02 appears reasonable.

**RECOMMENDATION:** Based upon the above and foregoing, it is the recommendation of the City Attorney's office that the claim of Nikki S. McDowell, in the total amount of \$3,266.02 as set forth above, be approved.