



City of Norman, OK

Municipal Building
Council Chambers
201 West Gray
Norman, OK 73069

Master

File Number: SC-1617-3

File ID: SC-1617-3

Type: Special Claim

Status: Consent Item

Version: 1

Reference: Item 17

In Control: City Council

Department: Legal Department

Cost: \$3,890.63

File Created: 11/01/2016

File Name: Claim from Kelsey Amend

Final Action:

Title: SPECIAL CLAIM SC-1617-3: SUBMITTED BY KELSEY AMEND IN THE AMOUNT OF \$3,890.63 FOR DAMAGES AND MEDICAL EXPENSES INCURRED AS A RESULT OF AN ACCIDENT WITH A POLICE VEHICLE NEAR THE INTERSECTION OF GRAY STREET AND FLOOD AVENUE.

Notes: ACTION NEEDED: Motion to approve or reject Special Claim SC-1617-3; and, if approved, direct payment in the negotiated amount of \$3,890.63 contingent upon obtaining a Release and Covenant Not to Sue from Kelsey Amend

ACTION TAKEN: _____

Agenda Date: 11/08/2016

Agenda Number: 17

Attachments: Text File Kelsey Amend, City Clerk Memos, Tort Claim Forms, Medical Expenses, Insurance Claim, Accident 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-1617-3

Body

BACKGROUND: A claim has been filed by Kelsey Amend in the amount of \$3,890.63 for damage to her vehicle, towing expense, medical expenses and lost wages due to her claim that on August 24, 2016, a City police vehicle struck her vehicle on Gray Street just east of Flood Avenue.

DISCUSSION: This claim was investigated by Keith Humphrey, Chief of Police. According to his investigation, a Norman police vehicle was working a traffic project near the intersection of Flood and Gray. The officer had completed a traffic stop and pulled out from behind a business on Gray Street by way of the alley. Ms. Amend was turning east onto Gray Street from Flood Avenue. All lanes in the area had significant traffic back up at the time and the driver of the police vehicle did not see Ms. Amend's vehicle as she completed her turn.

Ms. Amend's vehicle was towed from the scene as it was too damaged to be drivable. Additionally, Ms. Amend went to a local minor emergency clinic and was unable to work for a short period of time, incurring additional damages in the form of medical expenses and lost wages.

As a result of the accident, Ms. Amend contacted her insurance company, State Farm. State Farm helped Ms. Amend finalize the repairs to her vehicle and processed that expense under the comprehensive portion of her auto insurance. That expense, as paid by State Farm, totals \$3,390.63. Ms. Amend has agreed to accept \$500 to cover the remaining expenses incurred by her as a result of this accident. Therefore, Ms. Amend has agreed to settle her claim, both property damage and personal injury, for the total amount of \$3,890.63. 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. The settlement of Ms. Amend's claim for the amount of \$3,890.63 appears reasonable.

RECOMMENDATION: Based upon the above and foregoing, it is the recommendation of the City Attorney's office that the claim of Kelsey Amend, in the amount of \$3,890.63, be approved.