



# City of Norman, OK

Municipal Building  
Council Chambers  
201 West Gray  
Norman, OK 73069

## Master

**File Number: SC-1920-11**

**File ID:** SC-1920-11      **Type:** Special Claim      **Status:** Consent Item

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

**Department:** Legal Department      **Cost:** \$8,605.00      **File Created:** 01/14/2020

**File Name:** Special Claim from OG&E through CMR      **Final Action:**

**Title:** SPECIAL CLAIM SC-1920-11: SUBMITTED BY OG&E THROUGH CMR IN THE REDUCED AMOUNT OF \$8,605 FOR DAMAGE TO A UTILITY POLE AT 3901 CHAUTAUQUA AVENUE.

**Notes:** ACTION NEEDED: Motion to approve or reject Special Claim SC-1920-11; and, if approved, direct payment in the reduced amount of \$8,605 contingent upon obtaining a Release and Covenant Not to Sue from OG&E through CMR.

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

**Agenda Date:** 01/28/2020

**Agenda Number:** 17

**Attachments:** City Clerk memo, Notice of Tort Claim, Repair Invoice

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

**Entered by:** sarah.encinias@normanok.gov

**Effective Date:**

### History of Legislative File

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

### Text of Legislative File SC-1920-11

Body

**BACKGROUND:** A claim was filed by Claims Management Resources (CMR), on behalf of OG&E, in the amount of \$8,805 for damage to a utility pole when it was struck by a City sanitation truck on April 26, 2019, at 3901 Chautauqua Avenue.

**DISCUSSION:** This incident was investigated by Bret Scovill, Sanitation Division Manager. On April 26, 2019, a City employee was driving a sanitation truck and traveling south on Chautauqua Avenue to empty collected waste. As the driver approached the Transfer Station at 3901 Chautauqua Avenue, he drove slightly off of the road and onto the soft, rain soaked shoulder. The driver tried to recover the truck at this time but it sank into the mud, swerved and subsequently struck a nearby utility pole.

CMR submitted an invoice in the amount of \$8,805.00 for the repair of OG&E's damaged utility pole. Of this total, \$200.00 was billed as administrative cost however this amount will not be paid.

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 request of CMR on behalf of OG&E, in the reduced amount of \$8,605 appears reasonable.

**RECOMMENDATION:** Based upon the above and foregoing, it is the recommendation of the City Attorney's office that the claim of CMR, on behalf of OG&E in the reduced amount of \$8,605 as set forth above, be approved.