



# City of Norman, OK

Municipal Building Council  
Chambers  
201 West Gray Street  
Norman, OK 73069

## Text File

File Number: SC-1213-6

**Agenda Date:** 12/18/2012

**Version:** 2

**Status:** Consent Item

**In Control:** City Council

**File Type:** Special Claim

**Agenda Number:** 16

Body

### **BACKGROUND:**

A claim has been filed by Dalton Betz for personal injury and property damage due to an incident which occurred on August 23, 2012 when Mr. Betz' vehicle was struck by a City of Norman sanitation truck. Mr. Betz claims damages to his vehicle in the amount of \$5,000, and rental car expenses, towing and storage fees in the amount of \$3,880. He also incurred medical expenses in the amount of \$7,126. The incident has been investigated and Mr. Betz has offered to settle his claims for a total payment of \$28,006. The settlement offer was discussed by Council in executive session on December 11, 2012. It is recommended the City accept the settlement offer at this time.

### **DISCUSSION:**

This incident was investigated by Gary L. Seal, Utilities Supervisor. According to his investigation, the sanitation truck was traveling northbound on 12th Avenue NE when the vehicle driven by Mr. Betz stopped for a pedestrian crossing 12th Avenue NE in the middle of the block rather than at a marked crosswalk. The driver of the sanitation truck, Thomas Grady, attempted to stop but was unable to stop in time and struck Mr. Betz' vehicle from behind.

Mr. Betz provided an estimate to repair the damage to his vehicle which exceeded the car's value. NADA and Kelley Blue Book provide a value range from \$1,225 to \$4,225. Mr. Betz has agreed to settle the vehicle damage for \$3,000. He will relinquish the title to the City. The City will then take possession of the vehicle and sell the vehicle at auction for salvage value. In addition to the damage to his vehicle, Mr. Betz has also provided invoices for car rental, towing and storage in the amount of \$3,880. The medical records and invoices provided, totaling \$7,126 to date, have been review and appear to be reasonable and necessary due to the collision. In all total, Mr. Betz actual damages due to the collision total \$14,006.

Additional negotiations to settle the claim occurred following executive session. Mr. Betz has agreed to a settle the entire claim for \$28,006. This amount would settle his property damage and medical expenses claims, current and future. As indicated above, there appears to be negligence on the part of the City employee in this matter and, consequently, potential liability of the City. The proposed settlement is in line with the parameters discussed by Council in Executive Session on December 11, 2012.

### **RECOMMENDATION:**

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 Mr. Betz' claim in the amount of \$28,006, as above set forth, be approved by City Council. If approved, the settlement will be reduced to judgment filed in District Court. The settlement amount will then be collected and paid in equal thirds over the next three years in accordance with 62 O.S. § 361 et seq and 51 O.S. § 159, from property tax roll assessments. Please let me know if you have additional questions or concerns.