



# City of Norman, OK

Municipal Building  
Council Chambers  
201 West Gray  
Norman, OK 73069

## Master

**File Number: SC-1718-12**

**File ID:** SC-1718-12      **Type:** Special Claim      **Status:** Consent Item

**Version:** 1      **Reference:** Item 15      **In Control:** City Council

**Department:** Legal Department      **Cost:** \$16,698.00      **File Created:** 11/30/2017

**File Name:** Special Claim from Yvonne and Kendal Galey      **Final Action:**

**Title:** SPECIAL CLAIM SC-1718-12: SUBMITTED BY YVONNE AND KENDAL GALEY IN THE AGREED SETTLEMENT AMOUNT OF \$16,698 FOR DAMAGES TO THEIR VEHICLE, FEES AND MEDICAL EXPENSES AS A RESULT OF AN ACCIDENT WITH A CITY ANIMAL WELFARE VEHICLE AT THE INTERSECTION OF BELMAR CIRCLE AND INDIAN HILLS ROAD.

**Notes:** ACTION NEEDED: Motion to approve or reject Special Claim SC-1718-12; and, if approved, direct the agreed settlement amount of \$16,698 contingent upon obtaining a Release and Covenant Not to Sue from Yvonne and Kendal Galey.

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

**Agenda Date:** 12/19/2017

**Agenda Number:** 15

**Attachments:** City Clerk Memo, Notice of Tort Claim, Additional City Clerk Memo, Addition to Notice of Tort Claim, Collision Report - Redacted

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

**Entered by:** sencinias@normanok.gov

**Effective Date:**

### History of Legislative File

Ver- sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:

### Text of Legislative File SC-1718-12

Body

**BACKGROUND:** A claim was filed by Yvonne and Kendal Galey for vehicle damage, medical expenses, lost wages and pain and suffering that occurred when their vehicle was struck by a City Animal Welfare vehicle on August 15, 2016, at the intersection of Belmar Circle and Indian Hills Road.

**DISCUSSION:** This incident was investigated by Keith L. Humphrey, Chief of Police, and it was found that on August 15, 2016, a City Animal Welfare employee was driving a City owned vehicle at the intersection of Belmar Circle and Indian Hills Road. The City employee attempted a U-turn between the community entrance gate and the guard shack but subsequently struck the oncoming vehicle owned by Mr. and Mrs. Galey. The collision was classified as preventable and the employee was found to be at fault.

Mr. and Mrs. Galey's 2008 Nissan Altima, considered a total loss, was valued at \$3,805.00 and towing and rental

car fees were incurred in the amount of \$392.87. This brings total property loss to \$4,197.99. Additionally, Mrs. Galey sustained injury due to the incident.

A settlement has been reached between the parties in the amount of \$16,698 as settlement of all claims in this action. Council discussed the proposed settlement in its Executive Session held on November 21, 2017. This item bring forward for formal consideration the proposed settlement.

**RECOMMENDATION:** Based upon the above and foregoing, and feedback received from Council in its Executive Session held November 21, 2017, it is the recommendation of the City Attorney's office that the claim of Yvonne and Kendal Galey in the agreed settlement amount of \$16,698, as set forth above, be approved. With adoption of the FYE18 budget, at total of \$50,000 was appropriated into the Risk Management - Special Claims account #043-2251-415.47-18. There are adequate funds remaining in that account from which to pay this proposed settlement.