



CITY OF NORMAN, OK STAFF REPORT

MEETING DATE: 11/08/2022

REQUESTER: Kathryn Walker, Assistant City Attorney

PRESENTER: Anthony Purinton, Assistant City Attorney

ITEM TITLE: CONSIDERATION OF APPROVAL, REJECTION, AMENDMENT AND/OR POSTPONEMENT OF SPECIAL CLAIM SC-2223-1: SUBMITTED BY TERRY GRAVEN IN THE NEGOTIATED AMOUNT OF \$19,000 FOR DAMAGE TO HIS AUTOMOBILE WHEN IT WAS STRUCK BY A POLICE VEHICLE ON AUGUST 8, 2022, AT 24TH AVENUE N.E., NEAR JACKSON DRIVE.

BACKGROUND:

A claim was filed by Terry Graven in the negotiated amount of \$19,000 for car damage and rental fees when his car was struck by a City Police Department vehicle on August 8, 2022, at 24th Avenue NE near Jackson Drive.

DISCUSSION:

Kevin Foster, Chief of Police, investigated this incident. On August 8, 2022, a City Police Department officer was driving his patrol vehicle northbound in the outside lane of 24th Avenue NE. The officer observed another driver commit a traffic violation while traveling the opposite direction but in order to pull the driver over, the officer had to turn his vehicle around. The officer activated his lights and attempted to perform a U-turn but struck the Claimant's car, driven by the Claimant's wife that happened to be traveling northbound beside him. No injuries resulted from the accident.

Mr. Graven submitted three (3) estimates to repair damage to his 2018 Nissan Rogue, ranging from \$15,630 to \$19,415. The claimant also requested compensation for non-compensable expenses including taxes, window tint, time off work and other miscellaneous expenses related to the purchase of a vehicle, for a grand total of \$25,091. Rental fees were requested but cannot be calculated with accuracy due to variability of repair times. For reference, staff estimate a 30-day car rental at the average of \$50 per day totals \$1,500.

City staff research indicates the average value of claimant's vehicle is \$21,925. Individual auto values are as follows: KBB \$22,024; NADA \$22,900; CARFAX \$20,850. After negotiations, Mr. Graven has agreed to accept \$19,000 for the settlement of his claim.

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. Mr. Graven's claim, in the negotiated amount of \$19,000, appears reasonable.

RECOMMENDATION:

Based upon the above and foregoing, it is the recommendation of the City Attorney's office that the claim of Terry Graven, in the negotiated amount of \$19,000 as set forth above, be approved. Funds are available in Miscellaneous Services-Special Claims (43122351-44718) to cover the claim.