



## CITY OF NORMAN, OK STAFF REPORT

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**MEETING DATE:** 11/14/2023

**REQUESTER:** Kathryn Walker, Assistant City Attorney

**PRESENTER:** AshLynn Wilkerson, Assistant City Attorney

**ITEM TITLE:** CONSIDERATION OF APPROVAL, ACCEPTANCE, REJECTION, AMENDMENT AND/OR POSTPONEMENT OF SPECIAL CLAIM SC-2324-2: SUBMITTED BY GERMAN VALENCIANO, IN THE TOTAL AMOUNT OF \$16,021.44, FOR EXPENSES INCURRED WHEN HIS CAR WAS STRUCK BY A CITY TRAFFIC CONTROL DIVISION VEHICLE ON OCTOBER 4, 2023, AT 1720 WEST LINDSEY STREET.

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### **BACKGROUND:**

A claim was filed by German Valenciano, in the total amount of \$16,021.44 for expenses incurred when his vehicle was struck by a City Traffic Control Division vehicle on October 4, 2023, at 1720 West Lindsey Street.

### **DISCUSSION:**

This incident was investigated by David Riesland, Transportation Engineer. On October 4, 2023, a City Traffic Control Division employee was on break and parked at McDonald's restaurant at 1720 West Lindsey Street. Once his break was over, the employee entered his City issued vehicle and began backing out of his parking spot. The employee didn't realize the Claimant was driving through the lot and was right behind him until he impacted Claimant's vehicle. Both vehicles sustained damage but nobody was injured in the incident.

Claimant submitted two (2) estimates to repair damage to his 2014 Audi sedan with the lowest estimate being \$15,814.44. Legal staff researched value of this vehicle and found it to be very close to the amount of the lowest estimate, making payment of repair costs feasible. Claimant also submitted a tow invoice in the amount of \$207 for a total claim of \$16,021.44.

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. Valenciano's claim, in the total amount of \$16,021.44, appears reasonable.

### **RECOMMENDATION:**

Based upon the above and foregoing, it is the recommendation of the City Attorney's office that the claim of German Valenciano, in the total amount of \$16,021.44 as set forth above, be approved. Funds are available in Miscellaneous Services-Special Claims (43122351-44718) to cover the claim.

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