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Memorandum

To: Honorable Mayor and City Council
From: Julie Casteen, Assistant City Manager
Re: Tort Claim 209313-1-BD, Lutz
Date: April 5, 2021

BACKGROUND

On February 16, 2021, Haleigh Lutz of 14824 South 276th East Avenue called a plumber to investigate a sewer line backup and was told by the plumber that the problem was on the City side. The plumber called the City to report the issue and the sewer line was cleaned out the same day.

On February 23, 2021, Ms. Lutz filed a tort claim for the cost of the plumber's bill, which totals \$295.00.

The City's insurer, Oklahoma Municipal Assurance Group ("OMAG"), has recommended denying this claim, having found no liability on the part of the City because the City is not liable unless given prior notice of a defect or problem. According to OMAG, since Ms. Lutz did not contact the City prior to requesting the services of a plumber, the City is not responsible for the bill.

STAFF RECOMMENDATION:

Staff refers Council to the recommendation of its insurer.

ATTACHMENTS:

Correspondence from OMAG
Documentation of the Tort Claim