



City of Grand Island

Tuesday, March 11, 2008

Council Session

Item G1

Receipt of Official Document - Tort Claim Filed by Dianne G. Kelley

Staff Contact: Dale Shotkoski

Council Agenda Memo

From: Dale Shotkoski, City Attorney

Meeting: March 11, 2008

Subject: Receipt of Official Document – Tort Claim filed by Dianne G. Kelley

Item #'s: G-1

Presenter(s): Dale Shotkoski, City Attorney

Background

The City of Grand Island has received a Notice of Tort Claim on behalf of Dianne G. Kelley, alleging certain claims in connection with an accident which occurred on May 4, 2007 inside the Fonner Park Exposition and Events Center, Inc. d/b/a Heartland Events Center, 700 East Stolley Park Road.

Without getting into issues concerning the City's and other parties' liability, and whether the claim of Dianne G. Kelley, is fair and reasonable, we are simply providing a copy of this claim to you in compliance with the Nebraska Political Subdivision Tort Claims Act.

For a person to assert a tort claim against the City of Grand Island, a written notice of the claim must be filed with the City clerk, Secretary or other official responsible for keeping official records. The claim must be filed within one year of the accrual of the claim, and the Council has six months to act on the claim. No suit can be filed until after the Council acts on the claim, or the six months has run.

Historically, the City of Grand Island has simply let the six months run. Not all claims result in a suit being filed, so it makes good sense to not act affirmatively in many instances. In any event, if you wish to look further into this claim, please contact the City Administrator's office or the City Attorney, and we will provide you with the information which we have in connection with the claim. Our recommendation is to continue to take no affirmative action on tort claims. It must be emphasized that by providing copies of alleged claims to you, we are not making an admission or representation that a claim has been properly filed in any respect. We also recommend that no comments concerning a particular claim be made during Council meetings, unless you decide to bring the matter on for formal consideration. Even then, we ask that comments be carefully considered so that the legal rights of all parties are preserved.

Discussion

This is not an item for council action other than to simply acknowledge that the claim has been received.

Recommendation

City Administration recommends that the Council take no action other than acknowledge receipt of the claim.

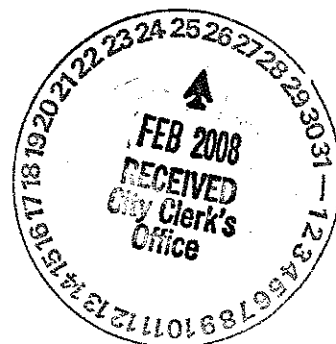
Sample Motion

Motion to approve acknowledgement of the Tort Claim filed by Dianne G. Kelley.

POLITICAL SUBDIVISION TORT CLAIM

TO: City of Grand Island
RaNae Edwards, City Clerk
100 East First Street
P.O. Box 1968
Grand Island, NE 68802-1968

Administrative Services
Division of Risk Management
Executive Building
521 S. 14th St., Ste. 230
Lincoln, NE 68508



RE: **CLAIM OF:** Dianne G. Kelley, Residing at 2106 Circle Drive, Grand Island, NE 68801.
AGAINST: City of Grand Island; and Administrative Services, Division of Risk Management.

PLEASE TAKE NOTICE that DIANNE G. KELLEY, residing at 2106 Circle Drive, Grand Island, NE 68801, hereby makes her claim against City of Grand Island; and Administrative Services, Division of Risk Management, hereinafter referred to as "Defendant."

The following information is being provided pursuant to Neb. Rev. Stat. §13-901 et. seq. as well as 81-8,209 et. seq.

The basis for this claim is that on or about May 4, 2007, Dianne G. Kelley was lawfully located inside the Fonner Park Exposition and Events Center, Inc., d/b/a Heartland Events Center, 700 E. Stolley Park Road, Grand Island, NE 68802-0490, when then and there a "Water Meter" cover located on and throughout the floor of said Events Center inappropriately and without warning or notification, either expressed or implied, became open and raised thereby creating a dangerous, condition which then and there caused the injured party, Dianne G. Kelley, to fall thereby causing significant injury to her body as a whole, including, but not limited to, her face, nose, eyes, forehead, mouth, teeth, and other parts of her body requiring emergency medical, medical dental, optical, radiological, neurological and medication services. Copies of medical statements and bills received to date as well as copies of pictures of said "Water Meter" cover are attached hereto and incorporated herein by this reference.


Dianne G. Kelley requests reimbursement for medical bills in the amount of \$4,018.68 and for damages in the sum which would fairly compensate her for her pain and suffering, future medical bills, and future pain and suffering.

Dianne G. Kelley hereby presents her claim to the governing body to render disposition within six months of the date of filing.

DATED: February 22, 2008.

DIANNE G. KELLEY, Claimant

BY:



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