



**Request for City Council Committee Action
From the City Attorney's Office**

Date: September 10, 2008
To: Ways & Means/Budget Committee
Referral to:

Subject: Nicole and Tyra Chivers v. City of Minneapolis, subrogation claim of Allstate Insurance Company
Notice of Claim

Recommendation: That the City Council approve the settlement of the subrogation claim of Allstate Insurance Company by payment of \$3,062.39 payable to Allstate Insurance Company from Fund/Org. 06900 1500100-145400 and authorize the City Attorney's Office to execute any documents necessary to effectuate the settlement.

Previous Directives: None.

Prepared by: Timothy S. Skarda Phone: (612) 673-2553

Approved by:

Susan Segal
Susan L. Segal
City Attorney

Presenter in Committee: Susan L. Segal, City Attorney

Financial Impact (Check those that apply)

- No financial impact (If checked, go directly to Background/Supporting Information).
 Action requires an appropriation increase to the ___ Capital Budget or ___ Operating Budget.
 Action provides increased revenue for appropriation increase.
 Action requires use of contingency or reserves.
 Business Plan: ___ Action is within the plan. ___ Action requires a change to plan.
 Other financial impact (Explain): Payment from Fund/Org. 06900 1500100-145400
 Request provided to department's finance contact when provided to the Committee Coordinator.

Community Impact: Build Community

Background/Supporting Information

This proposed settlement involves the insurance subrogation claim by Allstate Insurance Company, the insurer of a vehicle owned and driven by Nicole Chivers. Ms. Chivers was involved in an automobile accident with a Minneapolis Police Department squad car on August 30, 2006, at Third Avenue and 36th Street. The City settled the personal injury claims asserted by Ms. Chivers and her minor daughter in a settlement approved by the City Council on July 11, 2008.

Ms. Chivers was driving north on Third Avenue at approximately 5:30 p.m. approaching 36th Street. Ms. Chivers had a green light for her direction of travel. Seconds after Ms. Chivers entered the intersection her vehicle was struck on the driver's side by a Minneapolis squad car. Video from the squad car reflects that the squad car siren was not activated when the officer entered the intersection against the light.

It was determined in the prior settlement that the City was liable for the accident. Minn. Stat. §169.03 requires that emergency lights and siren be sounded when a squad car enters an intersection against the light. Minneapolis Police Department policies require the continuous use of emergency lights and siren during

emergency driving. The statute and departmental policies also require that squad cars proceed with caution into an intersection.

Allstate Insurance has submitted documentation indicating payments made for damage to Ms. Chivers vehicle in the amount of \$3,062.39. The charges were reasonable and related to the accident in question and we recommend approval of the proposed settlement.