

DENIED

**THE CITY OF OKLAHOMA CITY  
OFFICE OF  
THE MUNICIPAL COUNSELOR**

Council Agenda  
Item No. XI. R  
4/8/2025

TO: Mayor and Council  
FROM: Kenneth Jordan  
Municipal Counselor

Shirley Wells  
537 SW 27th Street  
Oklahoma City, OK 73109  
Ward 6  
\$620.98  
Recommended for DENIAL

AGENDA CLAIM # a

This office acknowledges receipt of a claim from the above-referenced claimant in which claimant alleges damage to the right passenger tire and wheel on her 2024 Hyundai Venue on January 22, 2025, when the claimant hit a pothole at or near 639 First Americans Boulevard in Oklahoma City. Damages are alleged in the amount of \$620.98, the cost of parts and labor to replace one tire and wheel and to correct the alignment on claimant's vehicle. This amount is supported by documentation.

Section 153(A) of the Governmental Tort Claims Act provides:

- A. The state or a political subdivision shall be liable for loss resulting from its torts or the torts of its employees acting within the scope of their employment subject to the limitations and exceptions specified in The Governmental Tort Claims Act and only where the state or political subdivision, if a private person or entity, would be liable for money damages under the laws of this state. The state or a political subdivision shall not be liable under the provisions of The Governmental Tort Claims Act for any act or omission of an employee acting outside the scope of the employee's employment.

51 O.S. 2023 Supp. §153(A).

Section 155 of the Governmental Tort Claims Act provides, in pertinent part, that the state or a political subdivision shall not be liable if the loss or claim results from:

18. An act or omission of an independent contractor or consultant or his or her employees, agents, subcontractors or suppliers or of a person other than an employee of the state or political subdivision at the time the act or omission occurred.

51 O.S. 2023 Supp. §155(18).

The office is in receipt of information from the Streets Maintenance Division of the Public Works Department regarding this incident. This information indicates that the road defect in question was in the work zone of an independent contractor. The claimant has been provided with the information of the independent contractor.

Based on the above information and applicable Oklahoma law, it is the opinion of this office that this claim should be denied, and we so recommend.

JRS/CJH