



# Metropolitan Nashville and Davidson County, TN

## Legislation Details (With Text)

**File #:** RS2023-2392      **Name:**

**Type:** Resolution      **Status:** Passed

**File created:** 8/3/2023      **In control:** Metropolitan Council

**On agenda:** 8/15/2023      **Final action:** 8/15/2023

**Title:** A resolution authorizing the Metropolitan Department of Law to compromise and settle the personal injury claim of Maricruz Olivares Rodriguez against the Metropolitan Government of Nashville and Davidson County in the amount of \$100,000, with said amount to be paid out of the Self-Insured Liability Fund.

**Sponsors:** Kevin Rhoten

**Indexes:**

**Code sections:**

**Attachments:** 1. Letter to Metro Clerk

Date	Ver.	Action By	Action	Result
8/28/2023	1	Mayor	approved	
8/15/2023	1	Metropolitan Council	adopted	
8/14/2023	1	Budget and Finance Committee	approved	
8/8/2023	1	Metropolitan Council	filed	

A resolution authorizing the Metropolitan Department of Law to compromise and settle the personal injury claim of Maricruz Olivares Rodriguez against the Metropolitan Government of Nashville and Davidson County in the amount of \$100,000, with said amount to be paid out of the Self-Insured Liability Fund.

WHEREAS, on December 29, 2022, a Metro Water and Sewer Waste Services truck was backing up and collided with a vehicle driven by Maricruz Olivares Rodriguez, causing injury to Ms. Rodriguez; and,

WHEREAS, after investigation, the Department of Law believes the settlement listed in Section 1 is fair and reasonable and in the best interest of the Metropolitan Government and recommends that the property damage claim of Maricruz Olivares Rodriguez be compromised and settled for a total of \$100,000, and that this amount be paid from the Self-Insured Liability Fund.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY:

Section 1: The Metropolitan Department of Law is authorized to compromise and settle the property damage claim of Maricruz Olivares Rodriguez for the sum of \$100,000, with said amount to be paid from the Self-Insured Liability Fund.

Section 2: This resolution shall take effect from and after its adoption, the welfare of the Metropolitan Government of Nashville and Davidson County requiring it.

### Analysis

On December 29, 2022, a Metro Water and Sewer Waste Services (“MWS”) employee was backing up a waste truck on Rolynn Drive when it struck a vehicle driven by Maricruz Olivares Rodriguez. Ms. Olivares

Rodriguez was inside the vehicle when the collision occurred, complained of pain in her neck, lower back, right leg, and shoulder, and was taken to the emergency room. She later attended physical therapy, received orthopedic and chiropractic care, and had an MRI performed on her neck. Her vehicle was deemed a total loss and a settlement of \$3,000 is included in the total settlement.

The Department of Law recommends settlement of Ms. Olivares Rodriguez's personal injury and property damage claims for \$100,000.

Disciplinary action against the MWS employee is pending supervisory review.

*Fiscal Note: This \$100,000 settlement, along with the settlement per Resolution No. RS2023-2387 would be the 4<sup>th</sup> and 5<sup>th</sup> payments from the Self-Insured Liability Fund in FY24 for a cumulative total of \$209,374. The fund balance would be \$17,248,343 after these payments.*