



# Metropolitan Nashville and Davidson County, TN

## Legislation Text

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**File #:** RS2023-2120, **Version:** 1

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A resolution authorizing the Metropolitan Department of Law to compromise and settle the property damage claim of Travelers Insurance as subrogee of Mid-South Property Management against the Metropolitan Government of Nashville and Davidson County in the amount of \$21,654.88, with said amount to be paid out of the Self-Insured Liability Fund.

WHEREAS, on July 11, 2022, a Metro Water Services employee turned the water on at 1005 Joseph Avenue. The Metro Water Services employee did not verify that the water meter had stopped turning before leaving the property. A water leak occurred due to a valve being partially left open from a washing machine hookup. Hot water sprayed from the partially open valve for three days, flooding several rooms and causing extensive property damage; 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 Mid-South Property Management be compromised and settled for a total of \$21,654.88, 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 Travelers Insurance as subrogee of Mid-South Property Management for the sum of \$21,654.88, 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 July 11, 2022, Mid-South Property Management called for water service to be turned on at 1005 Joseph Avenue. The Metro Water Services ("MWS") employee did not verify that the water meter had stopped turning before leaving the property. A valve had been left partially open on the washing machine hookup and sprayed hot water into the kitchen from Friday until Monday morning, flooding several rooms.

MWS was unable to confirm that the MWS employee had left the water meter running after water services was initiated. However, damages reported by Mid-South Property Management support their claim of the meter being left running with a water valve partially open. The total repair costs came to \$21,654.88. The insurance company paid \$20,654.88 and the claimant had a deductible of \$1,000.

The Metropolitan Department of Law recommends settlement of this property damage claim of Travelers Insurance as subrogee of Mid-South Property Management for \$21,654.88.

*Fiscal Note: This \$21,654.88 settlement, along with the settlements per Resolution Nos. RS2023-2104, RS2023-2114, and RS2023-2119 would be the 26<sup>th</sup>, 27<sup>th</sup>, 28<sup>th</sup> and 29<sup>th</sup> payments from the Self-Insured Liability*

*Fund in FY23 for a cumulative total of \$1,010,921. The fund balance would be \$18,891,688 after these payments.*