



Metropolitan Nashville and Davidson County, TN

Legislation Details (With Text)

File #: RS2022-1442 **Name:**

Type: Resolution **Status:** Passed

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On agenda: 4/5/2022 **Final action:** 4/5/2022

Title: A resolution authorizing the Metropolitan Department of Law to compromise and settle the property damage claim of the Nashville Electric Service (NES) against the Metropolitan Government of Nashville and Davidson County in the amount of \$32,801.20, with said amount to be paid out of the Self-Insured Liability Fund.

Sponsors: Burkley Allen

Indexes:

Code sections:

Attachments: 1. Letter Metro Clerk

| Date | Ver. | Action By | Action | Result |
|-----------|------|------------------------------|----------|--------|
| 4/6/2022 | 1 | Mayor | approved | |
| 4/5/2022 | 1 | Metropolitan Council | adopted | |
| 4/4/2022 | 1 | Budget and Finance Committee | approved | |
| 3/29/2022 | 1 | Metropolitan Council | filed | |

A resolution authorizing the Metropolitan Department of Law to compromise and settle the property damage claim of the Nashville Electric Service (NES) against the Metropolitan Government of Nashville and Davidson County in the amount of \$32,801.20, with said amount to be paid out of the Self-Insured Liability Fund.

WHEREAS, on September 14, 2021, an employee of the Nashville Department of Transportation and Multimodal Infrastructure (NDOT), while leaving 1511 Elm Hill Pike, and after disposing of tree limbs for mulch, failed to lower the main boom on a knuckle boom truck and it damaged NES power lines and a utility pole; and,

WHEREAS, after investigation, the Metropolitan Department of Law believes that 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 be compromised and settled for \$32,801.20, 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 the Nashville Electric Service for the sum of \$32,801.20 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 September 14, 2021, an employee of the Nashville Department of Transportation and Multimodal Infrastructure (NDOT) was leaving Living Earth Mulch and Composting Soils located at 1511 Elm Hill Pike in a knuckle boom truck. The driver failed to lower the main boom on the truck and drove under electric power lines. The truck boom was caught in the overhead power lines and damaged a Nashville Electric Service (NES) utility pole and electric power lines.

NES provided an itemized list for labor cost and materials to repair/replace the electric power lines and utility pole totaling \$32,801.20. The Department of Law recommends settlement of this property damage claim for \$32,801.20.

Disciplinary action against the NDOT employee consisted of a three day suspension.

Fiscal Note: This \$32,801.20 settlement, along with the settlement per Resolution No. RS2022-1457, would be the 25th and 26th payment from the Self-Insured Liability Fund in FY22 for a cumulative total of \$1,215,761. The fund balance would be \$7,109,974 after these payments.