



# Metropolitan Nashville and Davidson County, TN

## Legislation Details (With Text)

**File #:** RS2022-1681

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

**File created:** 7/20/2022 **In control:** Metropolitan Council

**On agenda:** 8/2/2022 **Final action:** 8/2/2022

**Title:** A resolution authorizing the Metropolitan Department of Law to compromise and settle the personal injury claim of Cenieta Smith against the Metropolitan Government of Nashville and Davidson County in the amount of \$11,000.00, with said amount to be paid out of the Self-Insured Liability Fund.

**Sponsors:** Zulfat Suara

**Indexes:**

**Code sections:**

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

Date	Ver.	Action By	Action	Result
8/4/2022	1	Mayor	approved	
8/2/2022	1	Metropolitan Council	adopted	
8/1/2022	1	Budget and Finance Committee	approved	
7/26/2022	1	Metropolitan Council	filed	

A resolution authorizing the Metropolitan Department of Law to compromise and settle the personal injury claim of Cenieta Smith against the Metropolitan Government of Nashville and Davidson County in the amount of \$11,000.00, with said amount to be paid out of the Self-Insured Liability Fund.

WHEREAS, on September 22, 2021, an employee of the Metro Water Services Department, while operating a vehicle owned by the Metropolitan Government, was backing out of a parking space at the Burger King located at 2388 Lebanon Pike when the vehicle struck Cenieta Smith's Jeep in the driver's side as she was driving through the parking lot, causing injury to Ms. Smith; 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 personal injury claim of Cenieta Smith be compromised and settled for \$11,000.00, 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 personal injury claim of Cenieta Smith for the sum of \$11,000.00 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 22, 2021, a Metropolitan Water Services Department ("MWS") vehicle was backing out of a

parking space at a restaurant at 2388 Lebanon Pike, when the rear of the MWS vehicle struck the driver's side of Ms. Cenieta Smith's vehicle, which she was in. The total estimated cost of repair to Ms. Smith's vehicle was \$4,662.79 and has been paid.

Ms. Smith reported neck and back pain and underwent medical treatment, including an MRI. The MRI indicated mild to moderate loss of disc height and endplate irregularity and spurring. Ms. Smith received treatment to relieve and decrease pain, muscle spasms, and tenderness in the neck and lower back.

The Department of Law recommends settlement of Ms. Smith's personal injury claim for \$11,000, which includes \$7,544.60 in medical costs and \$3,455.40 in pain and suffering.

No disciplinary action was taken against the MWS employee, at the discretion of the employee's supervisor.

*Fiscal Note: This \$11,000 settlement, along with the settlements per Resolution Nos. RS2022-1669, RS2022-1671 and RS2022-1672 would be the 1<sup>st</sup>, 2<sup>nd</sup>, 3<sup>rd</sup>, and 4<sup>th</sup> payments from the Self-Insured Liability Fund in FY23 for a cumulative total of \$102,859. The fund balance would be \$11,297,794 after these payments.*