



Metropolitan Nashville and Davidson County, TN

Legislation Details (With Text)

File #: RS2022-1754

Type: Resolution **Status:** Passed

File created: 8/26/2022 **In control:** Metropolitan Council

On agenda: 9/6/2022 **Final action:** 9/6/2022

Title: A resolution authorizing the Metropolitan Department of Law to compromise and settle the property damage claim of Richard Kennedy against the Metropolitan Government for \$19,988.84, with said amount to be paid out of the Self-Insured Liability Fund.

Sponsors: Kevin Rhoten, Jennifer Gamble

Indexes:

Code sections:

Attachments: 1. Letter to Clerk

Date	Ver.	Action By	Action	Result
9/7/2022	1	Mayor	approved	
9/6/2022	1	Metropolitan Council	adopted	
9/6/2022	1	Budget and Finance Committee	approved	
8/30/2022	1	Metropolitan Council	filed	

A resolution authorizing the Metropolitan Department of Law to compromise and settle the property damage claim of Richard Kennedy against the Metropolitan Government for \$19,988.84, with said amount to be paid out of the Self-Insured Liability Fund.

WHEREAS, on March 30, 2022, an employee of the Metro Nashville Police Department, while operating a vehicle owned by the Metropolitan Government, attempted to enter the intersection of Gallatin Pike and Cahal Avenue with emergency equipment activated on a red traffic signal. Richard Kennedy was attempting a left turn onto Gallatin Pike with a green traffic signal when his vehicle was struck by the MNPd vehicle, causing damage to his 2021 Volkswagen Atlas; 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 of Richard Kennedy be compromised and settled for \$19,988.84, 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 Richard Kennedy for the sum of \$19,988.84 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 March 30, 2022, Richard Kennedy was making a left turn onto Gallatin Pike from Cahal Avenue when his vehicle collided with a Metropolitan Nashville Police Department ("MNPD") vehicle with lights and sirens activated. The MNPD officer was responding to a crash and entered the intersection on a red traffic signal.

Mr. Kennedy's vehicle received damage to the front bumper, grille, hood, radiator, both fenders, wheels, windshield, and right door area. The total cost of the vehicle repair was \$15,283.88. Mr. Kennedy also required the use of a rental vehicle at a cost of \$998.69.

The Department of Law recommends settlement of this property damage claim for \$19,988.84, based on the vehicle repair cost, the cost of the rental vehicle, and the diminished value of the vehicle.

Disciplinary action taken against the MNPD officer involved consisted of a one-day suspension.

Fiscal Note: This \$19,988.84 settlement, along with the settlement per Resolution Nos. RS2022-1735, RS2022-1755 and RS2022-1756 would be the 8th, 9th, 10th, and 11th payments from the Self-Insured Liability Fund in FY23 for a cumulative total of \$251,875. The fund balance would be \$12,744,483 after these payments.