



# Metropolitan Nashville and Davidson County, TN

## Legislation Text

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**File #:** RS2023-2229, **Version:** 1

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A resolution authorizing the Metropolitan Department of Law to compromise and settle the property damage claim of Christian Bennerman against the Metropolitan Government of Nashville and Davidson County in the amount of \$54,178.00, with said amount to be paid out of the Self-Insured Liability Fund.

WHEREAS, on March 21, 2023, Christian Bennerman entered his rental property at 942 33<sup>rd</sup> Avenue North to discover major water damage to the property. The tenants had requested that the water be turned off in October but Metro Water Services did not ensure that the water had been completely turned off. Water leaked into the house through a cracked faucet handle, causing major damage throughout the house; 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 Christian Bennerman be compromised and settled for a total of \$54,178.00, 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 property damage claim of Christian Bennerman for the sum of \$54,178.00, 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

In October 2022, Christian Bennerman requested that the water be turned off at his rental property located at 942 33<sup>rd</sup> Avenue North. Metro Water Services did not properly ensure that the water service had been completely turned off resulting in a water leak through a cracked faucet handle. When Mr. Bennerman entered the house in March of 2023, he found major water damage throughout the house, including damage to the window seals, drywall, flooring, trim, doors, stair rails, bathrooms, hall, and bedrooms. The remediation expenses totaled \$54,178.00.

The Department of Law recommends settlement of Mr. Bennerman's property damage claim in the amount of \$54,178.

Disciplinary action against the Metro employee involved consisted of coaching and counseling.

*Fiscal Note: This \$54,178 settlement, along with the settlements per Resolution Nos. RS2023-2218, RS2023-2228, RS2023-2230 and RS2023-2231 would be the 32<sup>nd</sup>, 33<sup>rd</sup>, 34<sup>th</sup>, 35<sup>th</sup> and 36<sup>th</sup> payments from the Self-Insured Liability Fund in FY23 for a cumulative total of \$1,406,499. The fund balance would be \$18,224,942 after these payments.*