

SUBJECT

BOARD RESOLUTION NO. 16-645

Pertaining to settlement of a claim by West Bend Mutual Insurance Company as subrogee of Senayit Sbhatu against the Board of Water Commissioners.

BACKGROUND INFORMATION

Staff and the City Attorney's Office are recommending that the amount \$11,275.00 be paid to West Bend Mutual Insurance Company as final settlement of a commercial vehicle subrogation claim. The claim was made for No Fault benefits West Bend paid in connection with a February 1, 2013 motor vehicle accident involving a SPRWS pick-up truck.

This is the fourth of five claims against the Board resulting from this accident. Three claims have been settled and the final one is pending.

Description of Accident

On February 1, 2013, Saint Paul Regional Water Services pick-up truck No. 576 (SPRWS Vehicle) was involved in an accident on Hwy 36 approaching English St. in Maplewood. The SPRWS Vehicle was driving eastbound in the right lane and a 2001 Toyota Camry (Vehicle #2) was at a complete stop at a red light. Vehicle #2 was driven by Senayit Sbhatu (Vehicle #2 Driver), and had one passenger, Senait Tefai Ghebray (Vehicle #2 Passenger). The SPRWS Vehicle did not stop in time and rear ended Vehicle #2. After initial impact, Vehicle #2 was pushed forward and struck a 2006 Chevrolet Silverado pick-up truck (Vehicle #3), which was also stopped at the red light.

SPRWS Accident Review Board determined that this accident was preventable. The SPRWS employee driving the SPRWS Vehicle received disciplinary action in the form of a written reprimand. SPRWS provides defensive driving training to Distribution staff and this employee has completed the training.

See attached Summary of Claims and resolution.

RECOMMENDATION

Approval is recommended.

Summary of Claims resulting from February 1, 2013 Vehicle Accident

1. Property Damage - Vehicle #2	\$ 8,233.26	Approved by Board November 12, 2013
2. Property Damage - Vehicle #3	\$ 8,517.72	Approved by Board April 15, 2014
3. Personal Injury - Vehicle #2 Passenger	\$20,000.00	Approved by Board March 10, 2015
4. Personal Injury - Vehicle #2 Driver	NA	Pending
5. <u>Medical - Vehicle #2 Driver</u>	<u>\$11,275.00</u>	Proposed Settlement
Total	\$48,025.98	

1. Property Damage Claim for Vehicle #2 - settled November 12, 2013

Vehicle #2 was impacted at both the front and the rear, resulting in a total loss. A property damage claim was brought to the Board at its November 12, 2013 meeting. Sandra Bodensteiner of the Office of Risk Management recommended the amount of \$8,233.26 be paid to State Farm Insurance as final settlement of all property damage claims from the claimant, and the Board approved that settlement.

2. Property Damage Subrogation Claim for Vehicle #3 - settled April 15, 2014

A property damage claim related to Vehicle #3 was brought to the Board at its April 15, 2014 meeting. Sandra Bodensteiner recommended the amount of \$8,517.72 be paid to Progressive Insurance as final settlement of all property damage, loss or injury claims from this claimant, and the Board approved that settlement.

3. Personal Injury Claim for Vehicle #2 Passenger - settled March 10, 2015

A personal injuries claim related to Vehicle #2 Passenger was brought to the Board at its March 10, 2015 meeting. The City Attorney's Office recommended the amount of \$20,000 be paid as final settlement of all personal injury claims from this claimant, and the Board approved that settlement.

4. Personal Injury Claim for Vehicle #2 Driver - pending

A personal injuries claim related to Vehicle #2 Driver has been brought against the Board and the City Attorney's Office is currently evaluating it.

5. **Current Subrogation Claim for Vehicle #2 Driver - settlement is recommended**

West Bend Mutual Insurance Company has brought a subrogation claim against the Board for over \$22,550 for No Fault benefits that it paid in medical expenses and loss of income to Vehicle #2 Driver. The City Attorney's Office negotiated a final settlement of all claims by West Bend in the amount \$11,275.00, which it recommends the Board approve.