

SUBJECT

BOARD RESOLUTION NO. 16-823

Pertaining to settlement of a claim by Senayit Sbhatu against the Board of Water Commissioners.

BACKGROUND INFORMATION

Staff and the City Attorney's Office are recommending that the amount \$25,000.00 be paid to Senayit Sbhatu as final settlement of a personal injury claim. The claim was made in connection with a February 1, 2013 motor vehicle accident involving a SPRWS pick-up truck.

This is the fifth of five claims against the Board resulting from this accident. Four claims have been settled. Staff is not aware of any further claims that have been filed arising from the incident.

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 and was required to attend a defensive driving class.

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. Medical - Vehicle #2 Driver	\$11,275.00	Approved by Board April 12, 2016
5. <u>Personal Injury - Vehicle #2 Driver</u>	<u>\$25,000.00</u>	Proposed Settlement
Total	\$73,025.98	

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 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. Subrogation Claim for Vehicle #2 Driver – settled April 12, 2016

West Bend Mutual Insurance Company brought a subrogation claim against the Board 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, and the Board approved that settlement.

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

A personal injuries claim related to Vehicle #2 Driver has been brought against the Board. The City Attorney's Office is recommending the amount of \$25,000 be paid as final settlement of all personal injury claims from Senayit Sbhatu.