

# Mayor and Council Communication

**DATE:** 12/13/22

**M&C FILE NUMBER:** M&C 22-1025

**LOG NAME:** 12PROPERTY DAMAGE LAWSUIT 2022

**SUBJECT**

(ALL) Adopt Resolution Authorizing the City Attorney to File Suit Against Melissa Silva to Recover Monetary Damage to a City of Fort Worth Fire Truck Resulting from a Motor Vehicle Accident

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**RECOMMENDATION:**

It is recommended that the City Council adopt the attached resolution and authorize the City Attorney to file a lawsuit against Melissa Silva to recover monetary damage to a City of Fort Worth Fire Truck resulting from a motor vehicle accident that occurred on May 4, 2018.

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**DISCUSSION:**

On May 4, 2018, a Fort Worth Fire Department fire truck was proceeding to an emergency call with lights and siren activated at the roundabout at North Henderson Street and White Settlement Road. Ms. Silva failed to yield the right of way to an emergency vehicle and collided with the fire truck resulting in over \$12,000.00 in property damage. The City's Risk Management Department attempted to negotiate a settlement with Ms. Silva's insurance company, but our claim was denied.

Funding is budgeted in the Lawsuit Expenses account of the HR Lawsuit Payments and Costs Department's Risk Financing Fund.

This M&C does not request approval of a contract with a business entity.

A Form 1295 is not required because: This M&C does not request approval of a contract with a business entity.

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**FISCAL INFORMATION / CERTIFICATION:**

The Director of Finance certifies that upon approval of the recommendation, funds are available in the current operating budget, as previously appropriated, in the Risk Financing Fund. Prior to an expenditure being incurred, the Human Resources Department has the responsibility to validate the availability of funds.

**Submitted for City Manager's Office by:** ALL ACMs                      6122

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