



# Albemarle County

## Legislation Text

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**File #:** 21-526, **Version:** 1

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**AGENDA DATE:** 12/1/2021

**TITLE:**

Partial Release of Liability Related to the Loss of Use of a Damaged County-Owned Fire Engine

**SUBJECT/PROPOSAL/REQUEST:** Adoption of a Resolution Approving a Partial Release of Liability related to the loss of use of a County-owned fire engine that was struck by a concrete truck while at a stop light

**ITEM TYPE:** Consent Action Item

**STAFF CONTACT(S):** Richardson, Walker, Kamptner, Farley, Puckett, Walker C., Lee

**PRESENTER (S):** Lauchlin Lee, David Puckett

**LEGAL REVIEW:** Yes

**REVIEWED BY:** Jeffrey B. Richardson

**BACKGROUND:** On May 19, 2021 a cement truck owned by Wilson ready Mix LLC struck Albemarle County Fire Engine E121, a 2015 Pierce Impel ("E121" or "the Engine," as described in the attached Resolution). The cement truck struck E121 from the rear while sitting at a stop light. Extensive damage was sustained to E121 due to the rear end collision. E121 was transported to Atlantic Emergency Solutions to determine the damage sustained and prepare a subsequent repair estimate.

**STRATEGIC PLAN:** Mission - To enhance the well-being and quality of life for all community members through the provision of the of the highest level of public service consistent with the prudent use of public funds.

**DISCUSSION:**

Atlantic Emergency Solutions evaluated the damage to the body of E121 and related equipment. A repair estimate was provided to Albemarle County Fire Rescue. Atlantic Emergency Solutions indicated that the time to repair E121 would be a minimum of six months. The repair estimate was submitted to Wilson Ready Mix LLC's automobile insurance carrier, The Travelers Insurance Company. Chief Chip Walker, Chief David Puckett, and Lauchlin Lee sought approval of the repairs to E121 from The Travelers Insurance Company Large Loss Claims Division. The Travelers Insurance Company remitted a claim payment to Albemarle County in the amount of \$218,265.64 for the estimated repairs to E121, which was deposited on August 25, 2021. Any supplemental damage which may be discovered by Atlantic Emergency Solutions as repair work progresses may be submitted to The Travelers Insurance Company for additional payment.

Given the minimum six month timeline for repairs to E121 to be completed, Chief Walker and Chief Puckett negotiated an agreement with The Travelers Insurance Company to pay a lump sum of \$71,272.82 in advance as a one-time payment for the rental/lease of a comparable Fire Engine and associated upfit costs, which is typical practice. Rather than upfit a rental/lease fire engine that would need to be returned in original condition, ACFR negotiated to be able to use the one-time payment equivalent to six months of rental/lease costs of a

comparable fire engine and the costs to upfit the required equipment to the fire engine to be used to supplement approved funds from the sale of a separate fire engine that is being removed from service, to the purchase of another fire engine. This agreement avoids having to rent/lease a fire engine, upfit it, and then return the rented/leased engine in the same condition.

The Travelers Insurance Company agreed to the payment of \$71,272.82 for the loss of use of E121. The Travelers Insurance Company and the County Attorney's office have agreed to language in a partial release agreement that the County must sign prior to The Travelers Insurance Company disbursing the payment.

**BUDGET IMPACT:** Staff does not anticipate any impact to the budget at this time.

**RECOMMENDATION:**

Staff recommends that the Board adopt the attached Resolution (Attachment B) to approve a partial release of liability and to authorize the County Executive to sign the attached Release (Attachment A).

**ATTACHMENTS:**

A - Partial Release Agreement

B - Resolution Granting County Executive Authority to Sign Partial Release Agreement