



## Legislation Text

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**File #:** 21-0225, **Version:** 1

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Resolution to Approve the January 28, 2021 Recommendation of the Board of Insurance Administration to Deny the Claim and Subsequent Appeal Filed by Claimant Lori Tschirhart for a Sewer Backup Claim (CC040-20)

This memorandum and resolution request approval of the Board of Insurance Administration's January 28, 2021 recommendation to deny the claim and appeal filed by Claimant Lori Tschirhart. Lori Tschirhart submitted a claim against the City to the Board of Insurance Administration for a sewer backup. The Board of Insurance Administration denied the claim on the basis of governmental immunity. Claimant Lori Tschirhart subsequently appealed the decision to the Board of Insurance Administration. After hearing Lori Tschirhart's appeal at its January 28, 2021 meeting, the Board of Insurance Administration recommended the denial of this appeal on the basis of governmental immunity.

Prepared by: Sarah Singleton, Risk Specialist

Reviewed by: Michael Pettigrew, City Treasurer

Matthew Horning, Interim CFO and Financial Services Area Administrator

Tim Wilhelm, Senior Assistant City Attorney

Approved by: Tom Crawford, City Administrator

Whereas, Council must approve the Board of Insurance Administration's recommendations for claims and appeals in excess of \$10,000.00;

Whereas, The Board of Insurance Administration recommended the denial of the initial claim filed by Lori Tschirhart for a sewer backup on the basis of the City's governmental immunity;

Whereas, Lori Tschirhart appealed the Board of Insurance Administration's denial of her claim; and

Whereas, The Insurance Board recommended the denial of the appeal subsequently filed by Lori Tschirhart on the basis of the City's governmental immunity;

RESOLVED, That Council approves the Board of Insurance Administration's denial of the claim and appeal of Lori Tschirhart for a sewer backup (CC048-20); and

RESOLVED, That the City Administrator be authorized to take the necessary administrative actions to implement this resolution.