



Legislation Details (With Text)

File #: 2169-2004 **Version:** 1

Type: Ordinance **Status:** Passed

File created: 11/22/2004 **In control:** Safety Committee

On agenda: 1/31/2005 **Final action:** 2/2/2005

Title: To authorize and direct the City Auditor to transfer \$175,000.00 within the general fund from the Finance Department to the Department of Public Safety, Division of Police, to authorize the City Attorney to pay the settlement amount to Edward Shnayder and Jim McNamara and John Marshall, counsel for Mr. Shnayder, in the case of Edward Shnayder v. City of Columbus, et al., United States District Court Case No. C2-03-192, to authorize the expenditure of the sum of One Hundred Seventy-Five Thousand and No/100 Dollars (\$175,000.00), and to delare an emergency.

Sponsors:

Indexes:

Code sections:

Attachments:

Date	Ver.	Action By	Action	Result
2/2/2005	1	CITY CLERK	Attest	
2/1/2005	1	MAYOR	Signed	
1/31/2005	1	Columbus City Council	Approved	Pass
1/31/2005	1	COUNCIL PRESIDENT	Signed	
1/25/2005	1	Atty Drafter	Sent for Approval	
1/25/2005	1	CITY ATTORNEY	Reviewed and Approved	
1/25/2005	1	Atty Drafter	Sent to Clerk's Office for Council	
1/24/2005	1	Atty Drafter	Sent for Approval	
1/24/2005	1	FINANCE DIRECTOR	Reviewed and Approved	
1/21/2005	1	Finance Reviewer	Reviewed and Approved	
1/21/2005	1	Atty Drafter	Sent for Approval	
1/21/2005	1	Auditor Reviewer	Contingent	
1/21/2005	1	CITY AUDITOR	Reviewed and Approved	
1/20/2005	1	Atty Drafter	Sent for Approval	
1/19/2005	1	Finance Reviewer	Reviewed and Disapproved	
1/6/2005	1	Atty Drafter	Sent for Approval	
12/1/2004	1	Finance Reviewer	Reviewed and Disapproved	
11/22/2004	1	Atty Drafter	Sent for Approval	

This Ordinance is submitted to settle the lawsuit known as Edward Shnayder v. City of Columbus, et al., Case No. C2-03-192 in the United States District Court for the Southern District of Ohio, Eastern Division, in the amount of One Hundred Seventy-Five Thousand and No/100 Dollars (\$175,000.00). In March, 2002, Columbus Police officers obtained and executed a search warrant at

Cash-To-Go Pawnshop on West Broad Street in Columbus. The plaintiff, Edward Shnayder, was arrested and the charges were subsequently dismissed. The plaintiff claimed that the search of the pawnshop and the arrest were in violation of his Fourth Amendment rights.

Fiscal Impact: In 2005, \$1,000,000 is available in Finance's citywide account for claims, settlements and outside counsel. After this ordinance is approved, \$825,000 will remain for these purposes.

To authorize and direct the City Auditor to transfer \$175,000.00 within the general fund from the Finance Department to the Department of Public Safety, Division of Police, to authorize the City Attorney to pay the settlement amount to Edward Shnayder and Jim McNamara and John Marshall, counsel for Mr. Shnayder, in the case of Edward Shnayder v. City of Columbus, et al., United States District Court Case No. C2-03-192, to authorize the expenditure of the sum of One Hundred Seventy-Five Thousand and No/100 Dollars (\$175,000.00), and to declare an emergency.

WHEREAS, on March 4, 2003, the plaintiff filed a lawsuit in the United States District Court for the Southern District of Ohio, Eastern Division, Case No. C2-02-478, against the City of Columbus and members of the Columbus Division of Police in which he claimed a violation of his Fourth Amendment rights;

WHEREAS, following investigation and evaluation of plaintiff's claims in the course of litigation, the parties reached an agreement to settle this matter during several settlement conferences which were presided over by the United States District Court Judge. Due to the dispute of this claim and the risks and uncertainties associated with continued litigation, the settlement amount was deemed acceptable by the City of Columbus, along with the dismissal of the lawsuit with prejudice and a release of the City of Columbus and its employees from further liability;

WHEREAS, by reason of the foregoing, and in order to avoid the possible payment of interests, an emergency exists in the usual daily operation of the City and for further preservation of the public health, peace, property, safety and welfare, now, therefore:

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS

Section 1. That the City Auditor be and is hereby authorized and directed to transfer \$175,000 within the general fund, fund no. 010 from the Finance Department, department/division 45-01, object level 1-10, object level 3 - 5501, oca 904508 to the Department of Public Safety, Division of Police, department/division 30-03, object level 1 - 05, object level 3 - 5539, oca 300301.

Section 2. That the City Attorney be and hereby is authorized and directed to settle the lawsuit of Edward Shnayder v. City of Columbus, et al., United States District Court Case No. C2-03-192, by the payment of the total of \$175,000, in three separate warrants of \$75,000, \$50,000 and \$50,000, to Edward Shnayder and Jim McNamara and John Marshall, respectively, counsel for Mr. Shnayder, as a reasonable and fair amount in the best interests of the City of Columbus.

Section 3. That for the purposes of paying this settlement, there be and hereby is authorized to be expended by the Department of Public Safety, Division of Police, Division Number 30-03, Fund No. 010, OCA Code 301382, Object Level One 05, Object Level Three 5539, the sum of One Hundred Seventy-five Thousand dollars (\$175,000.00).

Section 4. That the City Auditor be and is hereby authorized to draw a warrant upon the City Treasurer upon receipt of a voucher and release approved by the City Attorney in the total amount of \$175,000.00, in three separate warrants of \$75,000, \$50,000 and \$50,000, payable to Edward Shnayder and Jim McNamara and John Marshall, respectively, counsel for Edward Shnayder.

Section 5. That for the reasons stated in the preamble hereto, which is hereby made a part hereof, this ordinance is hereby declared to be an emergency measure and shall take effect and be in force from and after its passage and approval by the Mayor, or ten day after passage if the Mayor neither approves nor vetoes the same.