



## Legislation Details (With Text)

**File #:** 1430-2009      **Version:** 1  
**Type:** Ordinance      **Status:** Passed  
**File created:** 10/20/2009      **In control:** Judiciary And Court Administration Committee  
**On agenda:** 11/16/2009      **Final action:** 11/17/2009  
**Title:** To authorize and direct the City Attorney to pay a settlement to Daniel Ferguson and his attorney, Fred Gittes, on behalf of the Department of Public Safety, Division of Police, to authorize the expenditure of \$55,000 from the General Fund; and to declare an emergency. (\$55,000)

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:**

Date	Ver.	Action By	Action	Result
11/17/2009	1	ACTING MAYOR	Signed	
11/17/2009	1	CITY CLERK	Attest	
11/16/2009	1	Columbus City Council	Approved	Pass
11/16/2009	1	COUNCIL PRESIDENT	Signed	
10/26/2009	1	Auditor Reviewer	Reviewed and Approved	
10/26/2009	1	CITY AUDITOR	Reviewed and Approved	
10/26/2009	1	Atty Drafter	Sent for Approval	
10/26/2009	1	CITY ATTORNEY	Reviewed and Approved	
10/26/2009	1	Atty Drafter	Sent to Clerk's Office for Council	
10/23/2009	1	Finance Reviewer	Reviewed and Approved	
10/23/2009	1	Finance Reviewer	Reviewed and Approved	
10/23/2009	1	FINANCE DIRECTOR	Reviewed and Approved	
10/23/2009	1	Atty Drafter	Sent for Approval	
10/21/2009	1	SAFETY DIRECTOR	Reviewed and Approved	
10/20/2009	1	Atty Drafter	Sent for Approval	
10/20/2009	1	Finance Reviewer	Sent for Approval	
10/20/2009	1	Safety Reviewer	Reviewed and Approved	

This ordinance is submitted to settle the claim of Daniel Ferguson for the total amount of Fifty-five Thousand Dollars (\$55,000.00).

At approximately 1:00 a.m. on October 5, 2008, Officer Keith O'Connor stopped Mr. Ferguson's vehicle for pulling away from the curb without signaling. Mr. Ferguson alleges malicious prosecution and excessive force.

**Fiscal impact:** Funds were not specifically budgeted for this settlement; however, sufficient monies are available within the Division of Police's General Fund appropriation for this purpose.

**Emergency Designation:** Emergency legislation is requested so that this claim can be settled as soon as possible.

To authorize and direct the City Attorney to pay a settlement to Daniel Ferguson and his attorney, Fred Gittes, on behalf of the Department of Public Safety, Division of Police, to authorize the expenditure of \$55,000 from the General Fund; and to declare an emergency. (\$55,000)

**WHEREAS**, on October 5, 2008, Officer Keith O'Connor observed Mr. Ferguson pulling away from the curb in the general vicinity of Sycamore Street and South High Street at approximately 1:00 a.m. without using his turn signal; and

**WHEREAS**, Officer O'Connor then stopped Mr. Ferguson for this traffic violation; and

**WHEREAS**, during the course of this traffic stop, Officer O'Connor arrested Mr. Ferguson for obstructing official business, resisting arrest, changing course without safety, and OVI; and

**WHEREAS**, Mr. Ferguson was injured during the course of the arrest; and

**WHEREAS**, all of the charges against Mr. Ferguson were ultimately dismissed; and

**WHEREAS**, Mr. Ferguson submitted a claim to the City Attorney's Office prior to initiating a lawsuit; and

**WHEREAS**, the City Attorney conducted an investigation and evaluated Mr. Ferguson's claims and the parties were able to reach a settlement in the total amount of Fifty-five Thousand Dollars (\$55,000.00) to resolve all claims, including attorney fees; and

**WHEREAS**, sufficient funds are available within the Division of Police's General Fund appropriation to cover the settlement; and

**WHEREAS**, by reason of the foregoing an emergency exists in the usual operations of the City and it would be in the City's best interest to compromise and settle this matter 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 Attorney be and hereby is authorized and directed to settle the claim of Daniel Ferguson by the payment of Fifty-five Thousand Dollars (\$55,000.00).

**SECTION 2:** For the purpose of paying the settlement, there be and hereby is authorized to be expended by the City of Columbus, Department of Public Safety, Division of Police, Department/Division 30-03, Object level one - 05, Object level three - 5569, OCA 301382, Fund No. 010.

**SECTION 3:** That the City Auditor be and hereby is authorized to draw a warrant upon the City Treasury upon receipt of a voucher and release approved by the City Attorney in the amount of Fifty-five Thousand Dollars (\$55,000.00) payable to Daniel Ferguson and his attorney, Fred Gittes.

**SECTION 4:** That for the reasons stated in the preamble hereto, which is 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.