



Legislation Details (With Text)

File #: 2127-2019 **Version:** 1
Type: Ordinance **Status:** Passed
File created: 7/24/2019 **In control:** Criminal Justice & Judiciary Committee
On agenda: 7/29/2019 **Final action:** 7/31/2019

Title: To authorize and direct the City Attorney to settle the claims of Brian Denbow, James Denbow, and Leah Denbow; to authorize a transfer within the general fund; to authorize the expenditure of the sum of \$60,000.00 in settlement of these claims; and to declare an emergency (\$60,000.00).

Sponsors:

Indexes:

Code sections:

Attachments: 1. Ordinance Attachment

| Date | Ver. | Action By | Action | Result |
|-----------|------|-----------------------|----------|--------|
| 7/31/2019 | 1 | CITY CLERK | Attest | |
| 7/30/2019 | 1 | MAYOR | Signed | |
| 7/29/2019 | 1 | COUNCIL PRESIDENT | Signed | |
| 7/29/2019 | 1 | Columbus City Council | Approved | Pass |

Background

This Ordinance is submitted to settle the claims of Brian Denbow, James Denbow, and Leah Denbow in the amount of Sixty Thousand Dollars (\$60,000.00). The claims of Brian Denbow, James Denbow, and Leah Denbow arise out of an August 17, 2018 incident occurring at James and Leah Denbow’s property located at 741 South 17th Street, Columbus, Ohio. The Denbows allege that Columbus Police Officers Alex Mottinger, Mark Wolf, and Christopher Davis violated their constitutional rights on August 17, 2018 by using excessive force against Brian Denbow and unlawfully entering and searching the Denbow Property. Brian, James, and Leah Denbow allege that they suffered damages caused by the incident and Brian Denbow also suffered injuries.

Fiscal Impact:

Funds were not specifically budgeted for this settlement; however, sufficient monies are available within Finance’s Citywide Account for this purpose.

Emergency Designation: Emergency legislation is necessary to ensure settlement is paid in a timely manner.

To authorize and direct the City Attorney to settle the claims of Brian Denbow, James Denbow, and Leah Denbow; to authorize a transfer within the general fund; to authorize the expenditure of the sum of \$60,000.00 in settlement of these claims; and to declare an emergency (\$60,000.00).

WHEREAS, Brian Denbow, James Denbow, and Leah Denbow allege that Columbus Police Officers Alex Mottinger, Mark Wolf, and Christopher Davis violated their constitutional rights on August 17, 2018 by using excessive force against

Brian Denbow and unlawfully entering and searching the Denbow Property; and

WHEREAS, following the evaluation of the incident, a settlement in the amount of Sixty Thousand Dollars (\$60,000.00), to be paid by the City, was deemed to be acceptable in exchange for a release from Brian Denbow, James Denbow, and Leah Denbow of any claims against the City of Columbus and any of its employees, agents, officials, including Columbus Police Officers Alex Mottinger, Mark Wolf, and Christopher Davis; and

WHEREAS, an emergency exists in the usual daily operations of the Department of Public Safety, Division of Police, in that it is immediately necessary to authorize the City Attorney to settle these claims, which is in the best interest of the City, and to pay the agreed to sum without delay, for the public health, 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 all claims from Brian Denbow, James Denbow and Leah Denbow against the City of Columbus, its officers, agents, and employees, including Columbus Police Officers Alex Mottinger, Mark Wolf, and Christopher Davis, by payment of the sum of Sixty Thousand Dollars (\$60,000.00) as a reasonable and fair amount and in the best interest of the City of Columbus.

SECTION 2. That the transfer of \$60,000.00 or so much thereof as may be needed, is hereby authorized between object classes within the General Fund Transfer Line per the account codes in the attachment to this ordinance:

SECTION 3. That the expenditure of \$60,000.00, or so much thereof as may be needed, is hereby authorized as follows in the General Fund object class 05 Medical Claims per the accounting codes in the attachment to this ordinance:

SECTION 4. That, upon receipt of a voucher and a release approved by the City Attorney, the City Auditor be and is hereby authorized to draw a warrant upon the City Treasurer for the sum of Sixty Thousand Dollars (\$60,000.00) made payable to Cooper & Elliott, LLC IOLTA.

SECTION 5. That for the reasons stated in the preamble hereto, which is made a part hereof, this ordinance is hereby declared to an emergency measure and shall take effect and be in force after passage and approval by the Mayor, or 10 days after passage if the Mayor neither vetoes nor approves the same.