



Legislation Details (With Text)

File #: 0618-2009 **Version:** 1

Type: Ordinance **Status:** Passed

File created: 4/17/2009 **In control:** Judiciary And Court Administration Committee

On agenda: 5/4/2009 **Final action:** 5/6/2009

Title: To ratify the payment of One Million Thirteen Thousand Nine Hundred Forty Dollars (\$1,013,940) made to the plaintiffs and associated agents to settle the case known as John Buck, et al.v. City of Columbus, et al authorized by Ord. No. 0371-2009; to amend Section 1 and 2 of Ord. No. 0371-2009 to correct the amount of the expenditure authorized in the settlement; to authorize the additional appropriation of Four Hundred Fifty Dollars within the Sanitary Sewer Reserve Fund; and to declare an emergency.

Sponsors:

Indexes:

Code sections:

Attachments:

Date	Ver.	Action By	Action	Result
5/6/2009	1	MAYOR	Signed	
5/6/2009	1	CITY CLERK	Attest	
5/4/2009	1	Columbus City Council	Approved	Pass
5/4/2009	1	COUNCIL PRESIDENT	Signed	
4/21/2009	1	City Clerk's Office	Sent back for Clarification/Correction	
4/21/2009	1	Atty Drafter	Sent to Clerk's Office for Council	
4/20/2009	1	CITY AUDITOR	Reviewed and Approved	
4/20/2009	1	CITY ATTORNEY	Reviewed and Approved	
4/20/2009	1	Atty Drafter	Sent to Clerk's Office for Council	
4/17/2009	1	Atty Drafter	Sent for Approval	
4/17/2009	1	Auditor Reviewer	Reviewed and Approved	

Ordinance No. 0371-2009 authorized the City Attorney to settle the case of John Buck, et al.v. City of Columbus, et al and to pay the plaintiffs and associated agents a financial settlement to resolve this claim. Unfortunately, it was discovered after passage that this legislation contained a typographical error in which \$1,013,490 was authorized to be paid to the plaintiffs and agents rather than the correct amount of \$1,013,940, a deficiency of \$450. As a result, this legislation is necessary to ratify the payment of the correct dollar amount to the parties and to amend Ord. No. 0371-2009 to reflect the proper information and to make an additional appropriation to cover the shortfall.

To ratify the payment of One Million Thirteen Thousand Nine Hundred Forty Dollars (\$1,013,940) made to the plaintiffs and associated agents to settle the case known as John Buck, et al.v. City of Columbus, et al authorized by Ord. No. 0371-2009; to amend Section 1 and 2 of Ord. No. 0371-2009 to correct the amount of the expenditure authorized in the settlement; to authorize the additional appropriation of Four Hundred Fifty Dollars within the Sanitary Sewer Reserve Fund; and to declare an emergency.

WHEREAS, Ord. No. 0371-2009 authorized the City Attorney to settle the case of John Buck, et al.v. City of Columbus, et al; and

WHEREAS, this legislation contained a typographical error which resulted in the approval of \$1,013, 490, rather than the proper amount of \$1,013,940; and

WHEREAS, the City Auditor has paid the proper amount by covering the deficiency with City funds; and

WHEREAS, this payment must be ratified by City Council; and

WHEREAS, Ord. No. 0371-2009 must be amended to reflect the correct information and an additional appropriation of \$450 must be made to balance the books; and

WHEREAS, an emergency exists in the usual daily operation of the City in that it is immediately necessary to ratify the payment of \$1,013,940 to the plaintiffs and associated agents and to make the needed amendments to Ord. No. 0371-2009 for the preservation of the public health, peace, property, safety, and welfare; now, therefore:

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS, OHIO

Section 1. That the payment of \$1,013, 940 to the plaintiffs and associated agents to settle the case of John Buck, et al.v. City of Columbus, et al. is hereby ratified.

Section 2. That Section 1. of Ord. No. 0371-2009 is hereby amended as follows:

That the City Attorney be and hereby is authorized and directed to settle the lawsuit of John Buck, et al.v. City of Columbus, et al., Case No. 08CVC10-15243 in the Franklin County Court of Common Pleas, by the payment of \$1,013, 940 as a reasonable and fair amount in the best interests of the City of Columbus.

Section 3. That Section 2 of Ord. No. 0371-2009 is hereby amended as follows:

That for the purposes of paying this settlement, there be and is authorized to be appropriated and expended by the City of Columbus, Department of Public Utilities, Division of Sewage and Drainage, Division Number 6005, Fund Number 654, OCA Code 655225, Object Level One 05, Object Level Three 5539, Amount \$1,013, 940.

Section 4. That for the purpose of maintaining accuracy and balance in the City's accounting records, the following additional appropriation is authorized from the City of Columbus, Department of Public Utilities, Division of Sewage and Drainage, Division Number 6005, Fund Number 654, OCA Code 655225, Object Level One 05, Object Level Three 5539, Amount \$450.

Section 5. That for the reasons stated in the preamble hereto, which are 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 passage and approval by the Mayor, or ten days after passage if the Mayor neither approves nor vetoes the same.