



## Legislation Details (With Text)

**File #:** 2169-2012      **Version:** 1

**Type:** Ordinance      **Status:** Passed

**File created:** 9/28/2012      **In control:** Public Safety & Judiciary Committee

**On agenda:** 10/22/2012      **Final action:** 10/24/2012

**Title:** To authorize and direct the City Attorney to settle the claims brought by George Collins against the City of Columbus, Chief Walter L. Distelzweig, and Detective Craig Bowen in the United States District Court for the Southern District of Ohio, Eastern Division, Case No. 2:11 CV 708; to authorize the expenditure of the sum of Eighty-two thousand five hundred dollars (\$82,500.00) in settlement of this lawsuit and to declare an emergency.

### Sponsors:

### Indexes:

### Code sections:

### Attachments:

Date	Ver.	Action By	Action	Result
10/24/2012	1	CITY CLERK	Attest	
10/23/2012	1	MAYOR	Signed	
10/22/2012	1	COUNCIL PRESIDENT	Signed	
10/22/2012	1	Columbus City Council	Approved	Pass

### Explanation Background:

This ordinance is submitted to settle the lawsuit known as *George Collins v. City of Columbus, et al.*, Case No. 2:11 CV 708 in the United States District Court for the Southern District of Ohio, Eastern Division, in the amount of Eighty-two thousand five hundred dollars (\$82,500.00). On September 17, 2007, officers of the Columbus Division of Police executed a search warrant at various storage units controlled by Mr. Collins as part of a theft investigation. They seized, and subsequently disposed of, property from the storage units. In his lawsuit, Mr. Collins claimed his property was disposed of without due process.

Funds have not been specifically budgeted for this settlement but are available in the appropriate amount.

To authorize and direct the City Attorney to settle the claims brought by George Collins against the City of Columbus, Chief Walter L. Distelzweig, and Detective Craig Bowen in the United States District Court for the Southern District of Ohio, Eastern Division, Case No. 2:11 CV 708; to authorize the expenditure of the sum of Eighty-two thousand five hundred dollars (\$82,500.00) in settlement of this lawsuit and to declare an emergency.

**WHEREAS**, on August 5, 2011, Mr. Collins filed a lawsuit in the United States District Court for the Southern District of Ohio, Eastern Division, Case No. 2:11 CV 708, against the City, Chief Distelzweig, and Detective Bowen, in which he claimed his property was disposed of without due process.

**WHEREAS**, The amount of Eighty-two thousand five hundred and 00/100 dollars (\$82,500.00) on Mr. Collins's claims

was deemed acceptable by the City of Columbus, along with dismissal of the case with prejudice and a release of the City of Columbus and its employees from any further liability; now,

**WHEREAS**, an emergency exists in the usual daily operation of the City in that it is immediately necessary to approve this settlement so that this lawsuit can be dismissed at the earliest possible date and so that Plaintiff is timely paid; 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 against the City of Columbus, its officers, agents, and employees pending in the case known as *George Collins v. City of Columbus, et al.* Case No. 2:11 CV 708 in the United States District Court for the Southern District of Ohio, Eastern Division by payment of Eighty-two thousand five hundred and 00/100 dollars (\$82,500.00) as a reasonable and fair amount and in the best interest of the City of Columbus.

Section 2. That funds in the Division of Police's General Fund Budget, Div 30-03, Fund 010 be transferred as follows:

From:

OBJ LEVEL (1) 10, OBJECT LEVEL (3) 5501, OCA #900076, AMOUNT \$82,500.00|

To:

OBJ LEVEL (1) 05, OBJECT LEVEL (3) 5573, OCA #301382, AMOUNT \$82,500.00|

**Section 3.** That for the purposes of paying this settlement, there be and hereby is authorized to be paid from fund No. 010, Department No. 3003, OCA Code 301382, Object Level (1) 05, Object Level (3) 5573, the sum of Eighty-two thousand five hundred and 00/100 Dollars (\$82,500.00).

**Section 4.** That the City Auditor be and is hereby authorized to draw a warrant upon the City Treasurer one for the sum of Eighty-two thousand five hundred and 00/100 Dollars (\$82,500.00) payable to George Collins and his attorneys Kircher, Arnold & Dame, LLC, upon receipt of a voucher and a release approved by the City Attorney.

**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 from and after the earliest period allowed by law.