



Legislation Details (With Text)

File #: 1431-2009 **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 settle the claim of Michael J. Kelly on behalf of the Department of Public Safety, Division of Police, to authorize the expenditure of \$30,000.00 from the General Fund; and to declare an emergency. (\$30,000.00)

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	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	

Background: This ordinance is submitted to settle the claim known as Michael J. Kelly and to authorize the expenditure of the sum of Thirty Thousand Dollars (\$30,000.00) in settlement of this claim.

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 to settle this claim as quickly as possible.

To authorize and direct the City Attorney to settle the claim of Michael J. Kelly on behalf of the Department of Public Safety, Division of Police, to authorize the expenditure of \$30,000.00 from the General Fund; and to declare an emergency. (\$30,000.00)

WHEREAS, on June 16, 2009, Michael J. Kelly submitted a claim to the City of Columbus arising out of an arrest that occurred on March 28, 2008; and

WHEREAS, on March 28, 2008, Michael J. Kelly was observing a cage fighting event at the Hoop Sport and Fitness facility located at 4185 East Fifth Avenue, Columbus, OH; and

WHEREAS, Columbus police officer, Michael McWhorter, was working special duty at that event; and

WHEREAS, a confrontation occurred between Michael J. Kelly and Officer McWhorter; and

WHEREAS, Michael J. Kelly was arrested for disorderly conduct and criminal trespass; and

WHEREAS, the charges against Michael J. Kelly were later dismissed; and

WHEREAS, Michael J. Kelly asserts that during the arrest process, his shoulder was injured, requiring arthroscopic surgery; and

WHEREAS, Michael J. Kelly incurred medical bills in a total amount of \$16,162.88; and

WHEREAS, it is in the best interest of the City of Columbus to settle this claim in the total amount of Thirty Thousand Dollars (\$30,000.00); 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 Michael J. Kelly by the payment of Thirty Thousand Dollars (\$30,000.00).

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 Thirty Thousand Dollars (\$30,000.00) payable to Michael J. Kelly and his attorney, Bret A. Adams.

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.