



Legislation Details (With Text)

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File created: 9/18/2013 **In control:** Public Safety & Judiciary Committee
On agenda: 9/30/2013 **Final action:** 10/1/2013
Title: To authorize and direct the City Attorney to settle the claims of Linda J. Reeder and Anthony M. Miller; to authorize the expenditure of Sixty Thousand Dollars (\$60,000.00) from the Division of Police's General Fund; and to declare an emergency.

Sponsors:

Indexes:

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Attachments:

Date	Ver.	Action By	Action	Result
10/1/2013	1	CITY CLERK	Attest	
10/1/2013	1	MAYOR	Signed	
9/30/2013	1	COUNCIL PRESIDENT	Signed	
9/30/2013	1	Columbus City Council	Approved	Pass

On September 24, 2012, at approximately 11:45 a.m., Officer Kimbrough approached the residence of Ms. Reeder and Mr. Miller, which is located in Westerville, Ohio, for the purpose of serving a traffic warrant. A discussion occurred on the front porch of the residence and at some point, Mr. Miller attempted to close the front door but was blocked by Officer Kimbrough. Mr. Miller and Ms. Reeder then retreated to the interior of the home, followed by Officer Kimbrough. Officer Kimbrough placed Mr. Miller under arrest after taking him to the floor. Mr. Miller was then transported to Franklin County Jail where four charges were ultimately filed against him. Those charges were later dismissed by the Franklin County Municipal Court. Ms. Reeder and Mr. Miller have presented a claim for illegal entry into their home and malicious prosecution.

Fiscal Impact: Funds were not specifically budgeted for this settlement, however sufficient monies are available within the Division of Police's General Fund budget. This ordinance authorizes the expenditure of Sixty Thousand Dollars (\$60,000.00) from the Division of Police's General Fund operating budget for a claim settlement. This ordinance is contingent on the passage of 2060-2013.

To authorize and direct the City Attorney to settle the claims of Linda J. Reeder and Anthony M. Miller; to authorize the expenditure of Sixty Thousand Dollars (\$60,000.00) from the Division of Police's General Fund; and to declare an emergency.

WHEREAS, on September 24, 2012, Officer Kimbrough entered the home of Linda J. Reeder and Anthony M. Miller without legal justification; and,

WHEREAS, Mr. Miller was arrested and transported to the Franklin County Jail and four charges were filed against him; and,

WHEREAS, those charges were ultimately dismissed; and,

WHEREAS, Ms. Reeder and Mr. Miller have presented a claim to the City of Columbus asserting that their Fourth and Fourteenth Amendment rights were violated by and illegal entry into their home; and,

WHEREAS the City Attorney has conducted an investigation and evaluated the claims of Linda J. Reeder and Anthony M. Miller and the parties were able to reach a settlement in the total amount of Sixty Thousand Dollars (\$60,000.00) to resolve all claims, including attorney fees; and,

WHEREAS, sufficient funds are available within the General Fund to cover the settlement; and,

WHEREAS, an emergency exists in the usual daily operations of the City in that it is immediately necessary to authorize the City Attorney to settle these claims at the earliest possible date to avoid the possibility of litigation and for the preservation of the public peace, property, health, safety and welfare; now therefore,

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

SECTION 1: That the City Attorney is authorized to settle the claims of Linda J. Reeder and Anthony M. Miller in the total amount of Sixty Thousand Dollars (\$60,000.00).

SECTION 2: That for the purpose of paying this settlement there is and authorized to be expended by the City of Columbus from Department of Public Safety, Division of Police Division No. 30-03, Fund 010, OCA code 301382, object level 1-05, object level 3-5573, the total sum of Sixty Thousand Dollars (\$60,000.00).

SECTION 3: That the City Auditor be and hereby is authorized to draw a warrant upon the receipt of a voucher and release approved by the City Attorney in the amount of Sixty Thousand Dollars (\$60,000.00) payable to:

Linda J. Reeder and
Anthony M. Miller and
The MARSHALL & MORROW LLC Trust Account
250 Civic Center Drive
Suite 480
Columbus, OH 43215-5086

SECTION 4. That for the reasons stated in the preamble hereto, which is 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 its passage and approval by the Mayor or ten (10) days after passage if the Mayor neither approves nor vetoes same.