



## Legislation Details (With Text)

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**File #:** 1530-2024      **Version:** 1

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

**File created:** 5/20/2024      **In control:** Public Safety & Criminal Justice Committee

**On agenda:** 6/3/2024      **Final action:** 6/5/2024

**Title:** To authorize and direct the City Attorney to settle the lawsuit captioned *Austin Williams et al. v. City of Columbus, et al.*, United States District Court Case No. 2:22-cv-1831; to authorize the transfer and expenditure of the sum of fifty thousand dollars and zero cents (\$50,000.00) in settlement of the lawsuit; and to declare an emergency. (\$50,000.00)

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:**

Date	Ver.	Action By	Action	Result
6/5/2024	1	CITY CLERK	Attest	
6/4/2024	1	ACTING MAYOR	Signed	
6/3/2024	1	COUNCIL PRESIDENT	Signed	
6/3/2024	1	Columbus City Council	Approved	Pass

**Background:**

This Ordinance is submitted to settle the lawsuit captioned *Austin Williams et al. v. City of Columbus, et al.*, United States District Court Case No. 2:22-cv-1831, in the amount of Fifty Thousand Dollars (\$50,000.00).

On June 29, 2020 Plaintiff Alexandra Davis was arrested at the George Floyd protests occurring in downtown Columbus. Davis alleges that excessive force was used against her during her arrest. Plaintiff Davis was arrested and charged with Harassment with a Bodily Substance, a fifth degree felony, and Resisting Arrest, a second degree misdemeanor. The charges against Davis were subsequently dismissed. Summary judgment in this federal civil case was denied in part. Trial would have consisted of an excessive force claim against the City of Columbus under a theory of inadequate training and/or supervision.

**Fiscal Impact:**

This ordinance authorizes the settlement of a lawsuit captioned *Austin Williams et al. v. City of Columbus, et al.*, United States District Court Case No. 2:22-cv-1831; Funds were not specifically budgeted for this settlement; however, sufficient monies are available within Finance's Citywide Account for this purpose.

To authorize and direct the City Attorney to settle the lawsuit captioned *Austin Williams et al. v. City of Columbus, et al.*, United States District Court Case No. 2:22-cv-1831; to authorize the transfer and expenditure of the sum of fifty thousand dollars and zero cents (\$50,000.00) in settlement of the lawsuit; and to declare an emergency. (\$50,000.00)

**WHEREAS**, Alexandra Davis alleges that her constitutional rights were violated on or about June 29, 2020 when

Columbus police officers allegedly used excessive force to arrest her, in violation of her Fourth and Fourteenth Amendment rights; and

**WHEREAS**, Alexandra Davis alleges that the excessive force used against her, in violation of her Fourth and Fourteenth Amendment rights, is the direct result of the City of Columbus' alleged failure to adequately train and / or supervise its police officers; and

**WHEREAS**, following the evaluation of the incident, a settlement in the amount of Fifty Thousand Dollars (\$50,000.00), to be paid by the City, was deemed to be acceptable in exchange for a release from Alexandra Davis of any claims against the City of Columbus and any of its employees, agents, officials, including Columbus Police Officers Rodney Hall and Robert Davis; and

**WHEREAS**, an emergency exists in the usual daily operations of the Department of Public Safety, Division of Police, in that it is necessary for this ordinance to be effective immediately in order for the parties to effectuate the settlement of these claims in accordance with the terms of the settlement agreement, which is in the best interest of the City, and to pay the agreed to sum without delay; **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, including Columbus Police Officers Rodney Hall and Robert Davis, by payment of the sum of Fifty Thousand Dollars and zero cents (\$50,000.00) as a reasonable and fair amount and in the best interest of the City of Columbus.

**Section 2.** That the transfer of \$50,000.00, or so much thereof as may be needed, is hereby authorized between object classes within the General Fund from the Department of Finance's Citywide account to the Department of Public Safety per the account codes in the attachment to this ordinance:

**Section 3.** That the expenditure of \$50,000.00, or so much thereof as may be needed, is hereby authorized in the General Fund object class 05 per the accounting codes in the attachment to this ordinance.

**Section 4.** That, upon receipt of an invoice 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 fifty thousand dollars and zero cents (\$50,000.00) made payable to the Law Office of Brian M. Garvine, LLC:

**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.