



Legislation Details (With Text)

File #: 1267-2021 **Version:** 1

Type: Ordinance **Status:** Passed

File created: 5/14/2021 **In control:** Criminal Justice & Judiciary Committee

On agenda: 5/17/2021 **Final action:** 5/20/2021

Title: To authorize and direct the City Attorney to settle any and all claims arising out of the Incident; to authorize a transfer of \$10,000,000.00 within the general fund; to authorize the expenditure of the sum of \$10,000,000.00 in settlement of any and all present and future claims arising out of the Incident; and to declare an emergency.

Sponsors:

Indexes:

Code sections:

Attachments: 1. Hill Settlement DAX Coding

Date	Ver.	Action By	Action	Result
5/20/2021	1	CITY CLERK	Attest	
5/18/2021	1	MAYOR	Signed	
5/17/2021	1	COUNCIL PRESIDENT PRO-TEM	Signed	
5/17/2021	1	Columbus City Council	Approved	Pass

On December 22, 2020, Columbus Police Officers responded to a 911 call on Oberlin Drive in Columbus, Ohio. Officers came into contact with Mr. Andre' Hill in a garage located at 1062 Oberlin Drive, Columbus, Ohio. At that time, Mr. Hill was shot and killed by former Columbus Police Officer Adam C. Coy. The Estate of Andre' Hill, Karissa R. Hill, and Michelle N. Hairston, allege that during the Incident excessive force was used, Mr. Hill was denied medical care, and Mr. Hill's wrongful death occurred as a result. All facts and circumstances pertaining to this fact pattern are referred to as "the Incident" in this Legislation.

Shawna R. Barnett and Alvin L. Williams are personal representatives and Co-Administrators of the Estate of Andre' Hill- (Franklin County, Ohio Probate Court Case No. 607577)-and are acting for the exclusive benefit of the Estate and for those persons identified in Ohio Revised Code Section 2125.02 and/or the Next of Kin of Andre' Hill. Karissa R. Hill is the daughter of Andre' Hill. Michelle N. Hairston is the sister of Andre' Hill. The Estate of Andre' Hill, Shawna R. Barnett, Alvin L. Williams, Karissa R. Hill, and Michelle N. Hairston, shall be collectively referred to as the "**Estate of Andre' Hill**" in this Legislation. Rick Schulte, Michael Wright, and Ben Crump are the attorneys for the Estate of Andre' Hill.

Fiscal Impact:

Funds were not specifically budgeted for this settlement; however, sufficient monies are available in the Division of Police's general fund budget for this purpose.

Emergency Designation:

Emergency legislation is necessary to ensure settlement is paid in a timely manner.

To authorize and direct the City Attorney to settle any and all claims arising out of the Incident; to authorize a transfer of

\$10,000,000.00 within the general fund; to authorize the expenditure of the sum of \$10,000,000.00 in settlement of any and all present and future claims arising out of the Incident; and to declare an emergency.

WHEREAS, The Estate of Andre' Hill alleges that former Columbus Police Officer Adam C. Coy wrongfully shot and killed Andre' Hill on December 22, 2020 ("the Incident"); and

WHEREAS, following an evaluation of the Incident, a settlement agreement to include the amount of Ten Million Dollars (\$10,000,000.00), to be paid by the City of Columbus, was deemed to be acceptable in exchange for the release of any and all claims, and an agreement to defend and indemnify the City of Columbus and any of its current or former employees, agents, and officials; and

WHEREAS, the amount of Ten Million Dollars (\$10,000,000.00) will be paid to "The Estate of Andre' Hill and Wright & Schulte, LLC" which will distribute the settlement sum to the Estate of Andre' Hill; 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, which is in the best interest of the City of Columbus, 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 any and all present and future claims arising from the Incident against the City of Columbus, and its current and former officers, agents, and employees, by payment of the sum of Ten Million Dollars (\$10,000,000.00)-to be paid to "The Estate of Andre' Hill and Wright & Schulte, LLC," as a reasonable and fair amount and in the best interest of the City of Columbus. The Release and Indemnity Agreement, which embodies the full terms of the settlement, will be presented for approval to the Franklin County Probate Court, and the release of the payment of \$10,000,000.00 to "The Estate of Andre' Hill and Wright & Schulte LLC" is subject to that approval.

Section 2. That the City Auditor shall hereby be authorized to transfer within the Division of Police's 2021 general fund budget, the amount of \$10,000,000.00 as reflected in the attachment to this ordinance.

Section 3. That for purposes of paying this settlement there be, and hereby is authorized to be, payment by the City of Columbus, from the Division of Police's general fund budget, the sum of \$10,000,000.00, or so much thereof as may be needed, per the accounting codes in the attachment to this ordinance.

Section 4. That, upon receipt of a voucher and a release approved by the City Attorney and containing confirmation of the approval of the settlement agreement by the Franklin County Probate Court, the City Auditor be and is hereby authorized to draw a warrant upon the City Treasurer for the sum of Ten Million Dollars (\$10,000,000.00)-to be paid pursuant to the terms of the Release and Indemnity Agreement-with the check made payable to "The Estate of Andre' Hill and Wright & Schulte, LLC."

Section 5. 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 after passage and approval by the Mayor, or 10 days after passage if the Mayor neither vetoes nor approves the same.

