



City of Columbus

Office of City Clerk
90 West Broad Street
Columbus OH 43215-9015
columbuscitycouncil.org

Legislation Text

File #: 1554-2005, Version: 1

This ordinance is submitted to settle the lawsuit known as *Stephanie McBride v. City of Columbus, et al*, Case No. 03CVC03-2488 in the Franklin County Common Pleas Court and Case No. 04APE12-1292 in the 10th District Court of Appeals, in the amount of Fifty Thousand and No/100 Dollars (\$50,000.00). On March 6, 2001, Stephanie McBride, driving her own car as a postal carrier, was involved in an accident on Jackson Pike with a truck driven by an employee of the City's Refuse Collection Division, Public Service Department. Following an arbitration hearing, Plaintiff was awarded \$122,000 by the arbitration panel. The City of Columbus filed an appeal in the 10th District Court of Appeals. A reasonable compromise by way of settlement of the litigation will be accomplished by this legislation.

Fiscal Impact: The Refuse Collection Division budgeted \$71,400.00 for all claims activity in 2005. Some \$46,980.00 has now been expended or is encumbered, leaving an available balance of \$24,420.00 for use with this ordinance. The difference between this balance and the \$50,000.00 needed is \$25,580.00 and is available elsewhere within this Division's budget due to vacancy credits. This \$25,580.00 is transferred between expenditure categories as appropriate by this ordinance.

To authorize the City Auditor to transfer \$25,580.00 between expenditure categories within the Refuse Collection Division's 2005 General Fund appropriation; to authorize and direct the City Attorney to pay the settlement amount to Stephanie McBride and J. Scott Bowman, counsel for Ms. McBride, in the case of *Stephanie McBride v. City of Columbus, et al*, Case No. 03CVC03-2488 in the Franklin County Common Pleas Court and Case No. 04APE12-1292 in the 10th District Court of Appeals, to authorize the expenditure of the sum of Fifty Thousand and No/100 Dollars from the General Fund for this purpose and to declare an emergency. (\$50,000.00)

WHEREAS, on March 4, 2003, the plaintiff filed a lawsuit in the Franklin County Court of Common Pleas, Case No. 03CVC03-2488, against the City of Columbus and City employee Donald Eugene Palmer, II in which she alleged she suffered injuries resulting in medical expenses and lost income as a result of negligence in the operation of the City's vehicle;

WHEREAS, following the evaluation of plaintiff's claims in the course of litigation, the parties reached an agreement to settle this matter. Due to the dispute of this claim and the risks and uncertainties associated with continued litigation and trial, the settlement amount was deemed acceptable by the City of Columbus, along with dismissal of the lawsuit with prejudice and a release of the City of Columbus and its employees from further liability; and,

WHEREAS, by reason of the foregoing, and in order to avoid the possible payment of interest, an emergency exists in the usual daily operation of the City 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 Auditor be and hereby is authorized to transfer \$25,580.00 between expenditure categories within the Refuse Collection Division's 2005 General Fund appropriation as follows:

TRANSFER FROM:

Fund / Department No. / Object Level One Code/Object Level Three Code / OCA Code

010 / 59-02 / 01/1101 / 591909

Total Transfer From: \$25,580.00

TRANSFER TO:

Fund / Department No. / Object Level One Code/Object Level Three Code / OCA Code

010 / 59-02 / 05/5533 / 593566

Total Transfer To: \$25,580.00

Section 2. That the City Attorney be and hereby is authorized and directed to settle the lawsuit of *Stephanie McBride v. City of Columbus, et al.*, Case No. 03CVC03-2488 in the Franklin County Common Pleas Court and Case No. 04APE12-1292 in the 10th District Court of Appeals, by the payment of the total of \$50,000 as a reasonable and fair amount in the best interests of the City of Columbus.

Section 3. That for the purposes of paying this settlement, there be and hereby is authorized \$50,000.00 to be expended by the City of Columbus, Department of Public Service, Refuse Collection Division, Division Number 59-02, OCA Code 593566, Object Level One Code 05, Object Level Three Code 5533 and Fund No. 010.

Section 4. The City Auditor be and is hereby authorized to draw a warrant upon the City Treasurer upon receipt of a voucher and release approved by the City Attorney in the total amount of \$50,000.00 payable to Stephanie McBride and J. Scott Bowman, counsel for Stephanie McBride.

Section 5. 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 days after passage if the Mayor neither approves nor vetoes the same.