Legislation Details (With Text)

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Type:	Ordinance	**Status:**	Passed
File created:	5/24/2012	**In control:**	Public Safety & Judiciary Committee
On agenda:	6/18/2012	**Final action:**	6/21/2012
Title:	To authorize and direct the City Attorney to settle the case of Maria Helena Trejos v. Ronald M. Moss, et al., pending in the Franklin County Court of Common Pleas; to authorize the transfer of funds within the Division of Police General Fund Budget; to authorize the expenditure of the sum of $60,000.00 in settlement of this lawsuit; and to declare an emergency. ($60,000.00)		
Sponsors:			
Indexes:			
Code sections:			
Attachments:			

Date	Ver.	Action By	Action	Result
6/21/2012	1	CITY CLERK	Attest	
6/20/2012	1	MAYOR	Signed	
6/18/2012	1	COUNCIL PRESIDENT	Signed	
6/18/2012	1	Columbus City Council	Approved	Pass

BACKGROUND:

This Ordinance is submitted to settle the lawsuit known as *Maria Helena Trejos v. Ronald M. Moss, et al.* Case No. 11CVC-02-2124 in the Franklin County Court of Common Pleas in the amount of sixty thousand dollars ($60,000.00). Ms. Trejos sued Officer Moss and the City, alleging the City employee's negligent operation of a City motor vehicle caused her personal injury. On September 10, 2010, Officer Moss failed to stop for a stop sign and collided with the vehicle driven by Ms. Trejos. Ms. Trejos was injured in the collision; she received medical treatment, and she was absent from work for six months resulting in lost income.

FISCAL IMPACT:

Funds have not been specifically budgeted for this settlement, but are available in the General Fund ($60,000.00).

To authorize and direct the City Attorney to settle the case of *Maria Helena Trejos v. Ronald M. Moss, et al*., pending in the Franklin County Court of Common Pleas; to authorize the transfer of funds within the Division of Police General Fund Budget; to authorize the expenditure of the sum of $60,000.00 in settlement of this lawsuit; and to declare an emergency. ($60,000.00)

WHEREAS, on February 15, 2011, Ms. Trejos filed a lawsuit in the Franklin County Court of Common Pleas, Case No. 11CVC-02-2124, against Officer Ronald Moss and the City, in which she claimed personal injury caused by Officer Moss's negligence in connection with a vehicular accident; and

WHEREAS, following discovery and settlement conferences, the amount of sixty thousand dollars ($60,000.00) in

settlement of Ms. Trejos's claims was deemed acceptable by the City of Columbus, along with dismissal of the case with prejudice by all parties and a release of the City of Columbus and its employees, past and present, from any further liability; and

WHEREAS, funds are needed to be transferred within the Division of Police General Fund Budget; and

WHEREAS, an emergency exists in the usual daily operation of the Division of Police, in that it is immediately necessary to transfer funds for the settlement of this lawsuit, thereby preserving 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 all claims against the City of Columbus, its officers, agents, and employees pending in the case known as *Maria Helena Trejos v. Ronald M. Moss, et al.* Case No. 11CVC-02-2124 in the Franklin County Court of Common Pleas by payment of sixty thousand dollars ($60,000.00) as a reasonable and fair amount and in the best interest of the City of Columbus

SECTION 2. That funds in the Division of Police General Fund Budget be transferred as follows:

From:

Object Level One 10/ Object Level Three 5501/ OCA 900076/ Amount $100,000.00

To:

Object Level One 05/ Object Level Three 5571/ OCA 301382/ Amount $100,000.00

SECTION 3. That for the purposes of paying this settlement, there be and hereby is authorized to be paid from Fund No. 010, Department 30-03, OCA 301382, Object Level One 05, Object Level Three 5571, the sum of sixty thousand and 00/100 dollars ($60,000.00).

SECTION 4. That the City Auditor be and is hereby authorized to draw a warrant upon the City Treasurer for the sum of sixty thousand and 00/100 dollars ($60,000.00) payable to Maria Helena Trejos and her attorneys, Rourke & Blumenthal, LLP, upon receipt of a voucher and a release approved by the City Attorney.

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.

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