



## Legislation Details (With Text)

**File #:** 2260-2013      **Version:** 1

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

**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 compromise and settle on behalf of the Department of Public Safety, Division of Police, the claim of Nathan Sidesinger; to authorize the transfer of funds within the Division of Police's General Fund budget; to authorize the expenditure of Forty-five Thousand Dollars from the General Fund; and to declare an emergency. (\$45,000.00)

**Sponsors:**

**Indexes:**

**Code sections:**

**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 October 16, 2012, Mr. Sidesinger was stopped by a Columbus Police Officer for driving under the influence. Mr. Sidesinger was arrested and taken into police custody. During the process of arrest, Mr. Sidesinger was handcuffed and placed in a prone position over the hood of the police vehicle. Mr. Sidesinger alleges that excessive force was used in his arrest.

**Fiscal Impact:** Funds were not specifically budgeted for this settlement, however sufficient monies are available in the Division of Police's General Fund. Funds will be transferred from the Division of Police's transfer line to the Division of Police's claims line and Forty-five Thousand Dollars (\$45,000.00) will be expended from the Division of Police's claims line.

To authorize and direct the City Attorney to compromise and settle on behalf of the Department of Public Safety, Division of Police, the claim of Nathan Sidesinger; to authorize the transfer of funds within the Division of Police's General Fund budget; to authorize the expenditure of Forty-five Thousand Dollars from the General Fund; and to declare an emergency. (\$45,000.00)

**WHEREAS**, on October 16, 2012, Nathan Sidesinger was stopped by a Columbus Police officer and arrested and taken into custody for driving under the influence; and,

**WHEREAS**, Mr. Sidesinger has presented a claim to the City of Columbus asserting that excessive force was used in his arrest; and,

**WHEREAS**, the City Attorney has conducted an investigation and evaluated the claim of Nathan Sidesinger and the parties were able to reach a settlement in the total amount of Forty-five Thousand Dollars (\$45,000.00) 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 enable the City Attorney to settle this claim at the earliest possible date, avoiding the possibility of litigation, and for the protection 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 claim of Nathan Sidesinger in the total amount of Forty-five Thousand Dollars (\$45,000.00).

**SECTION 2.** That the City Auditor be and hereby is authorized and directed to transfer One Hundred Five Thousand Dollars (\$105,000) within the general fund, 010, from the Division of Police, Department/Division 30-03, object level one -10, object level three - 5501, OCA 900076 to the Department of Public Safety, Division of Police, Department/Division 30-03, object level one - 05, object level three - 5573, OCA 301382.

**SECTION 3.** 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 Forty-five Thousand Dollars (\$45,000.00).

**SECTION 4.** 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 Forty-five Thousand Dollars (\$45,000.00) payable to:

Nathan Sidesinger and his attorney,  
Edward R. Forman  
MARSHALL & MORROW LLC  
250 Civic Center Drive  
Suite 480  
Columbus, OH 43215-5086

**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 (10) days after passage if the Mayor neither approves nor vetoes same.