



Legislation Details (With Text)

File #: 2470-2014 **Version:** 2

Type: Ordinance **Status:** Passed

File created: 10/21/2014 **In control:** Public Safety & Judiciary Committee

On agenda: 11/10/2014 **Final action:** 11/12/2014

Title:

To authorize and direct the City Attorney to settle the claim of Heather and Matthew Seavolt; to authorize the transfer and expenditure of \$150,000.00 within the Division of Police's General Fund budget; and to declare an emergency. (\$150,000.00)

Sponsors:

Indexes:

Code sections:

Attachments:

Date	Ver.	Action By	Action	Result
11/12/2014	2	CITY CLERK	Attest	
11/11/2014	2	MAYOR	Signed	
11/10/2014	2	COUNCIL PRESIDENT	Signed	
11/10/2014	1	Columbus City Council	Amended as submitted to the Clerk	Pass
11/10/2014	1	Columbus City Council	Approved as Amended	Pass

Explanation

Background:

This ordinance is to settle the claim of Heather Garrett, now known as Heather Seavolt, and her husband, Matthew Seavolt, in the total amount of One Hundred Fifty Thousand Dollars (\$150,000.00).

On July 7, 2012, shortly after 12 a.m., ~~Mr. and Mrs.~~ **Matthew Seavolt and Heather Garrett, now known as Heather Seavolt**, were in their vehicle along with two passengers when they pulled into the parking lot at Barnes Street and Kilbourne Avenue in the Arena District. There was a police shooting some distance from that location. At this point, Heather asked ~~her husband, Matthew~~, to examine her back because she felt that something may have hit her. An emergency squad transported Heather to the Wexner Medical Center at The Ohio State University. When she arrived at the hospital, she was unresponsive and necessitated intubation to protect her airway. X-rays did not reveal any evidence of a bullet remaining in her body. Doctors determined that Heather needed an exploratory laparotomy to confirm that she did not have any foreign matter remaining in her body. It was determined that the bullet wound was a graze injury that failed to penetrate her back; however, the exploratory surgery did leave her with a long scar. To date, Heather Seavolt has incurred \$62,506.62 in medical expenses. The City Attorney, with the approval of the Department of Public Safety, has been able to negotiate a settlement in the total amount of One Hundred Fifty Thousand Dollars (\$150,000.00) for all claims stemming from this incident.

Fiscal impact:

Funds were not specifically budgeted for this settlement; however, funds will be transferred within the Division of Police General Fund budget from the transfers line item to claims to properly align appropriation with projected expenditure.

To authorize and direct the City Attorney to settle the claim of Heather ~~and Matthew~~ Seavolt; to authorize the transfer and expenditure of \$150,000.00 within the Division of Police's General Fund budget; and to declare an emergency. (\$150,000.00)

WHEREAS, Heather ~~and Matthew~~ Seavolt ~~have~~ **has** presented a claim against the City of Columbus and two Columbus Police Officers arising out of an incident that occurred on July 7, 2012, wherein Heather Seavolt was accidentally shot by a Columbus Police officer; and,

WHEREAS, after investigation of the claims having been made and the damages suffered by the Plaintiffs, a settlement has been reached that is acceptable to the Parties and is recommended by the City Attorney's Office and the Department of Public Safety as being in the best interest of the city to resolve this matter; and,

WHEREAS, by reason of the forgoing an emergency exists in the usual daily operations of the Department of Public Safety, and it would be in the city's best interest to compromise and settle this matter, and for the preservation of the public health, safety, and welfare; NOW, THEREFORE,

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS:

Section 1. That the City Attorney is hereby authorized and directed to settle the claim of Heather ~~and Matthew~~ Seavolt in the total amount of One Hundred Fifty Thousand Dollars (\$150,000.00) as a reasonable and fair amount and in the best interest of the City of Columbus.

Section 2. That the City Auditor be and hereby is authorized and directed to transfer the sum of One Hundred Fifty Thousand Dollars (\$150,000.00) from Dept. 30-03, Fund 010, OBJ. Level (1) 10, OBJ. Level (03) 5501, OCA 900076, to Dept. 30-03, Fund 010, OBJ. Level (1) 05, OBJ. Level (03) 5571, OCA 301382.

Section 3. That for the purpose of paying the settlement there be and hereby is authorized to be expended by the City of Columbus, Department of Public Safety, Division of Police, Dept. 30-03, Fund 010, OBJ. Level (1) 05, OBJ. Level (03) 5571, OCA 301382, the amount of One Hundred Fifty Thousand Dollars (\$150,000.00).

Section 4. That the City Auditor be and hereby is authorized to draw a warrant upon the City Treasurer upon receipt of a voucher and Release approved by the City Attorney in the amount of One Hundred Fifty Thousand Dollars (\$150,000.00), payable to:

Heather ~~and Matthew~~ Seavolt and ~~their~~ **her** attorney
James E. Arnold
115 West Main Street, Suite 400
Columbus, OH 432015

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.