



Legislation Details (With Text)

File #: 2167-2016 **Version:** 1

Type: Ordinance **Status:** Passed

File created: 8/24/2016 **In control:** Judiciary And Court Administration Committee

On agenda: 9/19/2016 **Final action:** 9/22/2016

Title: To authorize and direct the City Attorney to settle the lawsuit by known as Tyrone Powell v. City of Columbus, et al. pending in the Franklin County Court of Common Pleas; to authorize the expenditure of the sum of \$200,000.00 in settlement of this lawsuit; and to declare an emergency. (\$200,000.00)

Sponsors:

Indexes:

Code sections:

Attachments: 1. Ordinance Attachment

| Date | Ver. | Action By | Action | Result |
|-----------|------|-----------------------|----------|--------|
| 9/22/2016 | 1 | CITY CLERK | Attest | |
| 9/21/2016 | 1 | MAYOR | Signed | |
| 9/19/2016 | 1 | COUNCIL PRESIDENT | Signed | |
| 9/19/2016 | 1 | Columbus City Council | Approved | Pass |

This Ordinance is submitted to settle the lawsuit known as *Tyrone Powell v. City of Columbus, et al.*, Case No. 15CV-11467 in the Franklin County Court of Common Pleas, in the amount of two hundred thousand dollars and zero cents (\$200,000.00). Tyrone Powell's claim arises out of an auto accident in which Mr. Powell suffered injuries and incurred damages.

Funds were not specifically budgeted for this settlement; however, sufficient monies are available within General Fund for this purpose.

Emergency Justification: Emergency action is requested for this ordinance to be effective immediately in order for the parties to effectuate the settlement of this lawsuit, which is in the best interest of the City, and to pay the agreed to sum without delay.

To authorize and direct the City Attorney to settle the lawsuit by known as *Tyrone Powell v. City of Columbus, et al.* pending in the Franklin County Court of Common Pleas; to authorize the expenditure of the sum of \$200,000.00 in settlement of this lawsuit; and to declare an emergency. (\$200,000.00)

WHEREAS, on December 26, 2013, Mr. Powell filed a lawsuit in the Franklin County Court of Common Pleas, Case No. 15CV-11467, against the City of Columbus, Ohio, the Columbus Division of Fire, and Progressive Insurance Company in which he claimed a Columbus Division of Fire vehicle was negligently operated causing an auto accident; and

WHEREAS, Mr. Powell suffered injuries and incurred damages as a result of the auto accident; and

WHEREAS, the Columbus Division of Fire and Progressive Insurance Company have been previously dismissed from the civil action prior to settlement; and

WHEREAS, following the evaluation of the claims and the risk of continued litigation in the settlement of claims against the City of Columbus, Ohio, in the amount of two hundred thousand dollars and zero cents (\$200,000.00) to be paid by the City, was deemed acceptable by the City of Columbus, Department of Public Safety along with dismissal of the case with prejudice and a release of the City of Columbus and its employees from any further liability;

WHEREAS, an emergency exists in the usual daily operations of the City of Columbus, Department of Public Safety, Division of Fire, in that it is necessary for this ordinance to be effective immediately in order for the parties to effectuate the settlement of this lawsuit, which is in the best interest of the City, 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 all claims against the City of Columbus, its officers, agents, and employees pending in the case known as *Tyrone Powell v. City of Columbus, et al.*, Case No. 15CV-11467 in the Franklin County Court of Common Pleas by payment of two hundred thousand dollars and zero cents (\$200,000.00) as a reasonable and fair amount and in the best interest of the City of Columbus.

Section 2. That the transfer of \$200,000.00 or so much thereof as may be needed, is hereby authorized between object classes within the General Fund Transfer Line per the account codes in the attachment to this ordinance:

Section 3. That the expenditure of \$200,000.00, or so much thereof as may be needed, is hereby authorized as follows in the General Fund object class 05 Medical Claims per the accounting codes in the attachment to this ordinance:

Section 4. That the City Auditor be and is hereby authorized to draw a warrant upon the City Treasurer for the sum of two hundred thousand dollars and zero cents (\$200,000.00) payable to Tyrone Powell and his attorneys Colley Shroyer & Abraham Co., L.P.A., 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 made a part hereof, this ordinance is hereby declared to an emergency measure and shall take effect and be in force from and after passage and approval by the Mayor, or ten days after passage if the Mayor neither approves nor vetoes the same.