



Legislation Details (With Text)

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Type: Ordinance **Status:** Passed

File created: 11/13/2019 **In control:** Criminal Justice & Judiciary Committee

On agenda: 11/18/2019 **Final action:** 11/20/2019

Title: To authorize the City Attorney to settle the case of Sarah Wheeler v. City of Columbus, pending before the United States District Court for the Southern District of Ohio, Eastern Division; to authorize the transfer of \$300,000.00 between divisions within the general fund; to authorize the expenditure of \$300,000.00 from the general fund in payment of the settlement; and to declare an emergency (\$300,000.00).

Sponsors:

Indexes:

Code sections:

Attachments: 1. 3032-2019 Financial Dimension

Date	Ver.	Action By	Action	Result
11/20/2019	1	CITY CLERK	Attest	
11/19/2019	1	ACTING MAYOR	Signed	
11/19/2019	1	ACTING MAYOR	Signed	
11/18/2019	1	COUNCIL PRESIDENT	Signed	
11/18/2019	1	Columbus City Council	Approved	Pass

This ordinance is submitted to settle the lawsuit known as *Sarah A. Wheeler v. City of Columbus*, pending before the United States District Court for the Southern District of Ohio, Eastern Division, Case No. 2:16-CV-1159, in the amount of three-hundred thousand dollars (\$300,000.00). Ms. Wheeler was a probationary police officer with the Department of Public Safety, Division of Police. Ms. Wheeler filed a complaint alleging gender discrimination with the United States District Court for the Southern District of Ohio, Eastern Division.

To authorize the City Attorney to settle the case of *Sarah Wheeler v. City of Columbus*, pending before the United States District Court for the Southern District of Ohio, Eastern Division; to authorize the transfer of \$300,000.00 between divisions within the general fund; to authorize the expenditure of \$300,000.00 from the general fund in payment of the settlement; and to declare an emergency (\$300,000.00).

WHEREAS, Ms. Wheeler filed a complaint in the United States District Court for the Southern District of Ohio, Eastern Division alleging that the City intentionally discriminated against her because of her gender when the City discharged her from her employment; and

WHEREAS, following the evaluation of claims and the risk of continued litigation of the claims against the City of Columbus, a settlement in the amount of three-hundred thousand dollars (\$300,000.00) 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; and

WHEREAS, sufficient funds are available within the 2019 general fund budget to pay the amount of this claim.

WHEREAS, an emergency exists in the usual daily operations of the Department of Public Safety, Division of Police, 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 sum without delay; now therefore,

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

SECTION 1. That the City Attorney be and is hereby authorized to settle all claims against the City of Columbus, its officers, agents and employees in the lawsuit of *Sarah A. Wheeler v. City of Columbus*, Case No. 2:16-CV-1159, pending before the United States District Court for the Southern District of Ohio, Eastern Division, by payment of three hundred thousand dollars (\$300,000.00) as a reasonable and fair amount, and in the best interest of the City of Columbus;

SECTION 2. That the transfer of \$300,000.00, or so much thereof as may be needed, is hereby authorized within Fund 1000 General Fund, from Dept-Div. 4501 Financial Management, Object Class 10 - Transfer Out to Dept-Div. 3003 Police, Object Class 05 - Claims, per the account codes in the attachment to this ordinance.

SECTION 3. That the expenditure of up to \$300,000.00, or so much thereof as may be needed pursuant to the action authorized in SECTION 1, is hereby authorized in the General Fund 1000, in Object Class 05 - Claims, per the account codes in the attached to this ordinance.

SECTION 4. That the City Auditor be and is hereby authorized to draw three warrants upon the City Treasurer: 1) for the sum of \$90,000.00, subject to applicable deductions, withholdings, and employer contributions, payable to Sarah Wheeler for back pay; 2) for the sum of \$90,000.00, payable to Sarah Wheeler for compensatory damages; and 3) the sum of \$120,000.00, payable to the law firm of Marshall & Foreman, 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.