



## Legislation Details (With Text)

**File #:** 2325-2021      **Version:** 1

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

**File created:** 9/2/2021      **In control:** Criminal Justice & Judiciary Committee

**On agenda:** 9/20/2021      **Final action:** 9/23/2021

**Title:** To authorize the City Attorney to settle the case of Kevin Morgan v. City of Columbus, et al. pending before the United States District Court for the Southern District of Ohio, Eastern Division; and to authorize the expenditure of \$400,000.00 from the general fund in payment of the settlement.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Morgan settlement legislation 2021\_DAX.pdf

Date	Ver.	Action By	Action	Result
9/23/2021	1	CITY CLERK	Attest	
9/22/2021	1	MAYOR	Signed	
9/20/2021	1	COUNCIL PRESIDENT	Signed	
9/20/2021	1	Columbus City Council	Approved	Pass
9/13/2021	1	Columbus City Council	Read for the First Time	

This ordinance is submitted to settle the lawsuit known as *Kevin Morgan v. City of Columbus, et al.* pending before the United States District Court for the Southern District of Ohio, Eastern Division, Case No. 2:17-CV-829, in the amount of Four Hundred Thousand Dollars (\$400,000.00). Mr. Morgan was a police officer with the Department of Public Safety, Division of Police. Mr. Morgan filed a complaint alleging race discrimination with the United States District Court for the Southern District of Ohio, Eastern Division.

**Fiscal Impact:**

Funds were not specifically budgeted for this settlement; however, sufficient monies are available on BRDI002433 and within the Division of Police's general fund budget to pay the amount of this claim.

To authorize the City Attorney to settle the case of *Kevin Morgan v. City of Columbus, et al.* pending before the United States District Court for the Southern District of Ohio, Eastern Division; and to authorize the expenditure of \$400,000.00 from the general fund in payment of the settlement.

**WHEREAS**, Mr. Morgan filed a complaint in the United States District Court for the Southern District of Ohio, Eastern Division alleging that the City intentionally discriminated against him because of his race by terminating him for falsely reporting time worked in special duty while not terminating white officers for similar offenses; 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 Four Hundred Thousand Dollars (\$400,000.00) 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 and Kimberly Jacobs from any further liability; and

**WHEREAS**, sufficient funds are available on BRDI002433 and within the Division of Police's general fund budget to pay the amount of this claim; and

**WHEREAS**, it is in the best interest of the City to pay the agreed sum in accordance with the terms of the settlement agreement; **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 *Kevin Morgan v. City of Columbus, et al.*, Case No. 2:17-CV-829, pending before the United States District Court for the Southern District of Ohio, Eastern Division, by payment of Four Hundred Thousand Dollars (\$400,000.00) as a reasonable and fair amount, and in the best interest of the City of Columbus.

**Section 2.** 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 to be expended by the Department of Public Safety, Division of Police from BRDI002433.

**Section 3.** That for the purpose of paying the back pay associated with this settlement, there be and hereby is authorized to be expended by the City of Columbus, from the Department of Public Safety, Division of Police General Fund Budget, the sum of \$100,000, or so much thereof as may be needed, per the accounting codes in the attachment to this ordinance.

**Section 4.** That the City Auditor be and is hereby authorized to draw four warrants upon the City Treasurer: 1) for the sum of \$100,000.00, subject to applicable deductions, withholdings, and employer contributions, payable to Kevin Morgan for back pay; 2) the sum of \$19,500.00 for the employer share of contributions, made payable to the Police and Fire Pension Fund; 3) the sum of \$117,782.90, payable to Kevin Morgan for damages other than wages and 3) the sum of \$162,717.10, payable to The Gittes Law Group, upon receipt of a release approved by the City Attorney.

**Section 5.** That this ordinance shall take effect and be in force from and after the earliest period allowed by law.