



Legislation Details (With Text)

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Type: Ordinance **Status:** Passed

File created: 8/11/2023 **In control:** Criminal Justice & Judiciary Committee

On agenda: 9/11/2023 **Final action:** 9/13/2023

Title: To authorize and direct the City Attorney to settle the lawsuit known as Karl Porter v. City of Columbus, et al., case number 2021 CV 318 pending in the Court of Common Pleas of Franklin County, Ohio; to authorize the transfer and expenditure of the sum of twenty-five thousand dollars and zero cents (\$25,000.00) in settlement of this lawsuit; and to declare an emergency. (\$25,000.00)

Sponsors:

Indexes:

Code sections:

Attachments:

Date	Ver.	Action By	Action	Result
9/13/2023	1	CITY CLERK	Attest	
9/12/2023	1	MAYOR	Signed	
9/11/2023	1	COUNCIL PRESIDENT PRO-TEM	Signed	
9/11/2023	1	Columbus City Council	Approved	Pass

Background:

This Ordinance is submitted to settle the lawsuit known as *Karl Porter v. City of Columbus, et al.* Case No. 21 CV 318 pending in the Court of Common Pleas of Franklin County, Ohio, in the amount of twenty-five thousand dollars and zero cents (\$25,000.00). Plaintiff Karl Porter's lawsuit arises out of a claim that a Columbus City employee, while driving a Columbus City vehicle, failed to keep an assured clear distance ahead and hit Porter's car on January 23, 2019.

On January 15, 2021, Mr. Porter filed a lawsuit in the Court of Common Pleas of Franklin County, Ohio, against the City of Columbus and Timothy Rice, in which he claimed the car accident caused him to suffer injury and incur medical bills.

Fiscal Impact:

Funds were not specifically budgeted for this settlement; however, sufficient monies are available within the Department of Building and Zoning Services' Development Services Fund, Fund 2240, for this purpose.

Emergency action is requested for this ordinance to be effective immediately in order for the parties to effectuate the settlement of this lawsuit in accordance with the terms of the settlement agreement, 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 known as *Karl Porter v. City of Columbus, et al.*, case number 2021 CV 318 pending in the Court of Common Pleas of Franklin County, Ohio; to authorize the transfer and expenditure of the sum of twenty-five thousand dollars and zero cents (\$25,000.00) in settlement of this lawsuit; and to declare an emergency. (\$25,000.00)

WHEREAS, on January 15, 2021, a lawsuit was filed by Karl Porter in the Court of Common Pleas of Franklin County, Ohio, against the City of Columbus and Timothy Rice, in which he claimed the auto accident caused injury; and

WHEREAS, following the evaluation of the claims and the risk of continued litigation of the claims against the City of Columbus, a settlement in the amount of twenty-five thousand dollars and zero cents (\$25,000.00) to be paid by the City, was deemed acceptable by the City of Columbus, Department of Building and Zoning Services, 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, an emergency exists in the usual daily operations of the Department of Building and Zoning Services, in that it is necessary for this ordinance to be effective immediately in order for the parties to effectuate the settlement of this lawsuit in accordance with the terms of the settlement agreement, 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 *Karl Porter v. City of Columbus, et al.* pending in the Court of Common Pleas of Franklin County, Ohio by payment of Twenty-Five Thousand Dollars and Zero Cents (\$25,000.00) as a reasonable and fair amount and in the best interest of the City of Columbus.

SECTION 2. That the transfer of \$25,000.00, or so much thereof as may be needed, is hereby authorized between object classes within the Development Services Fund, Fund 2240, per the accounting codes in the attachment to this ordinance.

SECTION 3. That the expenditure of \$25,000.00, or so much thereof as may be needed, is hereby authorized from the Development Services Fund, object class 05, per the accounting codes in the attachment to this ordinance.

SECTION 4. That, upon the receipt of an approved invoice and a release approved by the City Attorney, the City Auditor be and is hereby authorized to draw a warrant upon the City Treasurer for the sum of Twenty-Five Thousand Dollars and Zero Cents (\$25,000.00) payable to Heit Law, LLC and Karl Porter.

SECTION 5. That for the reasons stated in the preamble hereto, which is 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.