

Resolution

Version 2.3 released on 8/3/21

Use for all types of Resolutions



CITY COUNCIL USE ONLY

Date Received: _____
Committee Date: _____
1st Agenda Date: _____

Tracking #: _____
Committee: _____
Hearing Date: _____
2nd Agenda Date: _____

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CITY CLERK USE ONLY

Date: 09.14.2022
Item #: 2209.01992

All department items requiring Council approval must be submitted through the Mayor's Office.

Primary Details

Board Approval

Department: Legal
Contact Name: Julie Makinson (tmd)

Other Board Name

Email: jmakinson@cityoftulsa.org

City Council Approval
☒ Yes ☐ No

Phone: 918-596-7717

Resolution Type: Authorizing Sinking Fund Credit or Payment

Owner-Grantor: Carol Krueger

Amount: \$25,000.00
Case Number: CJ-2022-1412

TMAPC Number: _____ Council District: _____

Description (Subject): Payment of Lawsuit

Bid/Project Number: _____

Section: _____ Township: _____

Range: _____ Addition: _____

Lot: _____ Block: _____

Address: _____

Budget

Funding Source(s): _____

TOTAL:

Approvals

Department: _____
Legal: _____
Board: _____
Mayor: _____
Other: _____

Date: 9.7.22
Date: 9/7/22
Date: _____
Date: SEP 14 2022

Policy Statement

Background Information

On April 13, 2022 Mayor Bynum approved settlement in the above lawsuit in the amount of \$25,000.00. The Journal Entry was signed by the Judge and filed with the Court on June 22, 2022. (see attached JE)

Summation of the Requested Action

Request Mayor approve payment in the above lawsuit and direct Finance to issue a check in the amount of \$25,000.00 made payable to Carol Krueger and return to City Legal for further processing.

Emergency Clause?

☐ Yes
☐ No

Reason for Emergency Clause

Processing Information for City Clerk's Office

Post Execution Processing

☐ Mail vendor copy (add'l signature copies attached)
☐ Must be filed with other governmental entity
☐ Add'l governmental entity approval(s) required

Additional Routing and Processing Details

Return executed RFA and Resolution to City Legal for further processing.

(Published in the Tulsa World,
_____, 2022.)

RESOLUTION

A RESOLUTION AUTHORIZING PAYMENT IN FULL OF A JUDGMENT SETTLEMENT, FROM SURPLUS MONIES IN THE SINKING FUND; AND DECLARING AN EMERGENCY.

WHEREAS, on the 22nd day of June, 2022, in Case No. CJ-2022-1412, filed in the District Court of Tulsa County, State of Oklahoma, judgment was entered based on a settlement agreed to by and between Carol Krueger, Plaintiff, and the City of Tulsa, Defendant, in the sum of Twenty Five Thousand and 00/100 Dollars (\$25,000.00), representing principal judgment, interest, costs and attorney fees, was entered against the City of Tulsa, which settlement has been approved by the Court; and

WHEREAS, it appears from a survey of the Sinking Fund that there is a surplus of cash and investments in said fund, over and above accrued liabilities and statutory obligations, which would allow the City of Tulsa to pay said judgment in full, including court costs and interest thereon; and

WHEREAS, it is desirable and in the best interest of the City of Tulsa to make such present payment out of the City's Sinking Fund, and thereafter reimburse the Sinking Fund from subsequent tax levies, as provided by 62 O.S. '435.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF TULSA, OKLAHOMA:

Section 1. That the City Clerk and the City Treasurer of the City of Tulsa be, and the same hereby are, authorized to consummate and complete the payment of said judgment by drawing the following warrant on the City of Tulsa's Sinking Fund:

To the order of CAROL KRUEGER, Plaintiff, the sum of Twenty Five Thousand and 00/100 Dollars (\$25,000.00); the same representing the full amount of the judgment, interest, costs and attorney fees, now due and owing to the Plaintiff in the lawsuit identified above.

Section 2. That the City Clerk and the City Treasurer of the City of Tulsa be, and the same hereby are, authorized and directed to properly advise the Tulsa County Excise Board by appropriate reports, of the prepayment of said judgment in order that said Board may include said prepaid judgment as a necessary and lawful expense of the Sinking Fund of the City of Tulsa, Oklahoma, for which appropriate tax levies may be made to replenish said Sinking Fund, as provided by the provisions of Title 62 of the Statutes of the State of Oklahoma.

Section 3. That an emergency exists for the preservation of the public peace, health and safety, by reason whereof this Resolution shall take effect immediately from and after its passage, approval, and publication.

ADOPTED by the Council: _____ (Date)

ADOPTED as an emergency measure: _____ (Date)

Chairman of the Council

OFFICE OF THE MAYOR

Received by the Mayor: _____, at _____
Date Time

G.T. Bynum, Mayor

By _____
Secretary

APPROVED by the Mayor of the City of Tulsa, Oklahoma: _____,
Date

Time

Mayor

(Seal)
ATTEST:

City Clerk

APPROVED:

City Attorney



JUN 22 2022

IN THE DISTRICT COURT IN AND FOR TULSA COUNTY
STATE OF OKLAHOMA

DON NEWBERRY, Court Clerk
STATE OF OKLA. TULSA COUNTY

CAROL KRUEGER,
Plaintiff,

v.

CITY OF TULSA,
Defendant.

CJ-2022-01412
Case No.

Judge:

Caroline Watt

JOURNAL ENTRY OF JUDGMENT UPON AGREED SETTLEMENT

NOW ON this 11 day of May, 2022, this matter comes before the undersigned judge. Plaintiff, Carol Krueger, appears pro se, and Defendant City of Tulsa, appears by and through its attorney of record, Kristina L. Gray, Litigation Division Manager.

The Court, having reviewed the allegations set forth in Plaintiff's Petition, having reviewed the Defendant's *Offer of Proof* filed herein on the 9th day of May, 2022 evidencing that the statutory requirements pursuant to 62 O.S. § 362 have been met and that the judgment proceeds being paid by the Defendant to the Plaintiff herein shall be paid from the City of Tulsa's Sinking Fund which has sufficient funds available to pay said judgment as evidenced by the Affidavit of Chad D. Becker attached as Exhibit "A" to the Defendant's *Offer of Proof*, and the Court being advised that the City's Mayor has authorized a compromised settlement in the sum of Twenty-five Thousand Dollars and 00/100 (\$25,000.00) and the Court being satisfied that Plaintiff fully understands the nature of this action with regard to its finality which precludes additional or further compensation for damages arising from the occurrence of the event identified in Plaintiff's Petition and, upon being further advised by Plaintiff that it is her desire to settle the entirety of all claims and causes of action relating to the events identified in her

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Petition, including costs and fees, upon payment in the sum of Twenty-five Thousand Dollars and 00/100 (\$25,000.00), the Court finds:

1. That the Court has jurisdiction over the subject matter of this lawsuit and the parties hereto;

2. That Plaintiff for herself and in her representative capacity is fully aware of her rights in this matter and it is Plaintiff's desire to compromise her right to trial by jury;

3. That Plaintiff desires to accept as full, final and complete settlement the sum of Twenty-five Thousand Dollars and 00/100 (\$25,000.00), for any and all damages, losses, fees and expenses sustained as a result of the events identified in Plaintiff's Petition;

4. That this settlement is not an admission that the City of Tulsa, or its employees were negligent, but is only a recognition of the uncertainty of trial;

5. The Plaintiff has agreed to dismiss with prejudice or forgo any and all claims against any employees of the City of Tulsa individually;

6. That by agreement of the parties, Defendant's payment to Plaintiff will stand as full compensation to Plaintiff in her personal and representative capacity and preclude any further or separate action by Plaintiff or those she represents against City of Tulsa, a municipal corporation, or any of its employees, arising from or relating to the events described in Plaintiff's Petition;

7. That the City has agreed to settle Plaintiff's lawsuit in the sum of Twenty-five Thousand Dollars and 00/100 (\$25,000.00);

8. That the City shall pay the Plaintiff from the City of Tulsa's Sinking Fund which has sufficient funds available to pay said judgment; and


9. That all parties request this court to approve and finalize their mutual settlement;

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED BY THE COURT that Plaintiff for herself and in her representative capacity has and recover from the Defendant City of Tulsa, Oklahoma, damages in the total sum of Twenty-five Thousand Dollars and 00/100 (\$25,000.00), as full, final and complete compensation for any and all damages, losses, fees, and expenses incurred or sustained incident to the events described in Plaintiff's Petition and that said damages shall be paid from the City of Tulsa's Sinking Fund which has sufficient funds available to pay said judgment; and

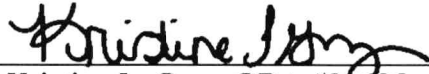
IT IS FURTHER ORDERED BY THE COURT that Plaintiff's claim against Defendant City of Tulsa is dismissed with prejudice and that payment to Plaintiff by Defendant City of Tulsa will preclude any further or separate action by Plaintiff against Defendant City of Tulsa or any employee of Defendant City of Tulsa arising from or pertaining to the events described in Plaintiff's Petition.


JUDGE OF THE DISTRICT COURT

APPROVED AS TO FORM AND CONTENT:

By: 
Carol Krueger
Pro Se, Plaintiff
6929 E. 62nd Place
Tulsa, OK 74133
(918) 633-6685

By:



Kristina L. Gray, OBA #21685

Litigation Division Manager

City of Tulsa

175 East Second Street, Suite 685

Tulsa, Oklahoma 74103

(918) 596-7717

(918) 596-9700 Facsimile

Legal Records

Version 2.6 released on 8/3/21

Legal copy



CITY COUNCIL USE ONLY

Date Received: _____
Committee Date: _____
1st Agenda Date: _____

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CITY CLERK USE ONLY

☐ Scanned

Date: _____

☐ Posted

Item #: _____

All department items requiring Council approval must be submitted through the Mayor's Office.

Primary Details

Legal Action Type

Tort - Approval of Claim

Court Order Date

Council Approval

☐ Yes ☒ No

Department

Legal

Contact Name

Russell Kidd

Email

rkidd@cityoftulsa.org

Phone

918-596-7717

Incident Date

12/17/21

Legal Case No.

Amount

\$25,000.00

Name

C22-0025 Krueger

Originating Department

Water and Sewer

Date Filed City Clerk

2/9/22

Budget/Payments

Funding Source(s) / Checks to be Issued

TOTAL:

\$0.0

Approvals

Department: _____

Legal: _____

Board: _____

Mayor: _____

Other: _____

Date: 4.11.22

Date: 4/7/2022

Date: _____

Date: _____

Date: _____

Summary

Background Information

Summation of the Requested Action

Request Mayor approve tort claim settlement of \$25,000.00 and filing fees in the amount of \$242.14 that will be paid by P-Card for filing of friendly suit required for settlement payment from sinking fund.

Other Pertinent Information

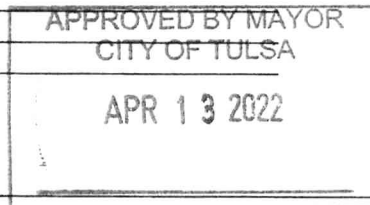
Processing Information for City Clerk's Office

Post Execution Processing

- ☐ Mail vendor copy (add'l signature copies attached)
- ☐ Must be filed with other governmental entity
- ☐ Add'l governmental entity approval(s) required

Additional Routing and Processing Details

Please return stamped approved copy to Legal.



INTEROFFICE CORRESPONDENCE

To: Mayor G.T. Bynum
From: Kristina L. Gray, Litigation Division Manager
Date: April 7, 2022
Subject: Tort Claim Approval, Case #C22-0025

Carol Krueger presents tort claim #C22-0025 for property damage in the amount of \$29,329.51. Estimates for repairs and receipts were submitted with the claim.

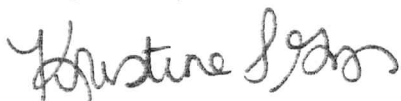
Ms. Krueger alleges that on December 17, 2021, and December 24, 2021, she experienced a sewer backup into her home located at 6929 East 62nd Place. Ms. Krueger seeks reimbursement for the cost of remediation and repairs.

The Legal Department, with assistance from the Sewer Operations Maintenance Department, reviewed this claim. The investigation indicated that a partial line collapse was identified during an inspection in 2009, however no follow-up repair work order was issued at that time. Following the second overflow on December 24th, an emergency repair was made by TG Excavation. SOM personnel believe it is extremely likely that in-house crews collapsed the sewer line further while responding to the first overflow on December 17th.

The Legal Department has reached a negotiated settlement for the statutory limit of \$25,000.00 and recommends this claim be approved.

If you agree with the recommendation, please approve the filing fee in the amount of \$242.14 for Legal to file the necessary court documents for the settlement proceeds to be paid from the sinking fund.

Respectfully,



Kristina L. Gray
Litigation Division Manager

/rwk