

Resolution

Version 2.5 released on 6/29/23
Use for all types of Resolutions



CITY COUNCIL USE ONLY		CITY CLERK USE ONLY	
Date Received: _____	Tracking #: _____	<input type="checkbox"/> Scanned	Date: <u>07.10.2024</u>
Committee Date: _____	Committee: _____	<input type="checkbox"/> Posted	Item # <u>2407.01730</u>
1 st Agenda Date: _____	Hearing Date: _____		
	2 nd Agenda Date: _____		

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

Primary Details

Board Approval		Other Board Name	City Council Approval
_____		_____	<input checked="" type="radio"/> Yes <input type="radio"/> No
Department	Contact Name	Email	Phone
Legal	Kristina L. Gray (cmb)	kgray@cityoftulsa.org	918-596-7717
Resolution Type		Owner-Grantor	
Authorizing Sinking Fund Credit or Payment		Anna Carter	
Amount	Case Number	TMAPC Number	Council District
\$25,000.00	CJ-2024-2153		
Description (Subject)		Bid/Project Number	

Section	Township	Range	Addition
_____	_____	_____	_____
Lot	Block	Address	
_____	_____	_____	

Budget

Funding Source(s)

TOTAL:

Enter the funding source(s) using the appropriate Munis funding format: Org (Allocation Code)-Object-Amount (1001211-531401-\$10.00) or Project String-Amount (144104.AbstrTitle5413102.6001-4043122-541102-\$30,000.01)

Approvals

Department: _____	Date: <u>7.1.24</u>
Legal: _____	Date: <u>7/1/24</u>
Board: _____	Date: _____
Mayor: _____	Date: <u>JUL 10 2024</u>
Other: _____	Date: _____

Policy Statement

Background Information

On May 22, 2024, Mayor Bynum approved settlement in the above lawsuit of \$25,000.00. The Journal Entry was signed by the Judge and filed with the Court on June 28, 2024.

Provide background information on the requested action.

Summation of the Requested Action

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

Summarize the pertinent details of the requested action.

Emergency Clause?

Yes

No

Reason for Emergency Clause

Explain why you are requesting that the City Council approve the action with an 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 the executed RFA and resolution to City Legal for further processing.

(Published in the Tulsa World,
_____, 2024.)

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 28th day of June, 2024, in Case No. CJ-2024-2153, filed in the District Court for Tulsa County, State of Oklahoma, judgment was entered based on a settlement agreed to by and between Anna Carter, Plaintiff, and the City of Tulsa, Defendant, in the sum of Twenty-five Thousand Dollars and 00/100 (\$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 ANNA CARTER, Plaintiff, the sum of Twenty-five Thousand Dollars and 00/100 (\$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

DISTRICT COURT
FILED
JUN 28 2024
DON NEWBERRY, Court Clerk
STATE OF OKLA. TULSA COUNTY

IN THE DISTRICT COURT OF TULSA COUNTY
STATE OF OKLAHOMA

ANNA CARTER,
Plaintiff,
v.
CITY OF TULSA,
Defendant.

Case No. CJ-2024-2153

Judge:

JOURNAL ENTRY OF JUDGMENT UPON AGREED SETTLEMENT

NOW ON this 27 day of June, 2024, this matter comes before the undersigned judge. Plaintiff, Anna Carter, 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 10 day of June, 2024 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 and 00/100 Dollars (\$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

Petition, including costs and fees, upon payment in the sum of Twenty-five Thousand and 00/100 Dollars (\$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 and 00/100 Dollars (\$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 and 00/100 Dollars (\$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 and 00/100 Dollars (\$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: 
Anna Carter
3909 South 123rd East Place
Tulsa, OK 74146

By: 
Kristina L. Gray, OBA #21685
Litigation Division Manager
175 East Second Street, Suite 685
Tulsa, Oklahoma 74103
(918) 596-7717
(918) 596-9700 Facsimile

Legal Records

Version 2.9 released on 11/29/23

For torts, lawsuits, settlements, and other legal actions. Use other more specified RFAs for other record types including Contracts, MOUs, Election Actions, Worker's Compensation Orders and Miscellaneous



CITY COUNCIL USE ONLY

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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

Cole Butel

Email

cbutel@cityoftulsa.org

Phone

918-596-7717

Incident Date

2/11/24

Legal Case No.

C24-052

Amount

\$25,000.00

Name

Anna Carter

Originating Department

Water and Sewer

Date Filed City Clerk

3/11/24

Name or Description

Budget/Payments

Funding Source(s) / Checks to be Issued

TOTAL:

Enter the funding source(s) using the appropriate Munis funding format: Org (Allocation Code)-Object-Amount (1001211-531401-\$10.00) or Project String-Amount (144104.Abst>Title5413102.6001-4043122-541102-\$30,000.01)

Approvals

Department: _____

Legal: _____

Board: _____

Mayor: _____

Other: _____

Date: 5-16-24

Date: 5/10/24

Date: _____

Date: _____

Date: _____

APPROVED BY MAYOR
CITY OF TULSA

MAY 22 2024

Summary

Background Information

Provide background information on the requested action.

Summation of the Requested Action

Request Mayor approve tort claim settlement of \$25,000.00 to be paid from the Sinking Fund and filing fees in the amount of \$242.14 for Legal to file the necessary court documents.

Summarize the pertinent details of the requested action.

Other Pertinent Information

Provide any additional information that should be considered when considering approval of this contract document

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 the stamped approved copy to Legal.



LEGAL

Date: May 6, 2024
To: Mayor G.T. Bynum
From: Kristina L. Gray, Litigation Division Manager
Subject: Tort Claim Approval, Case #C24-052

Anna Carter presents tort claim #C24-052 for property damage in the amount of \$40,000.00. Supporting documentation was submitted with the claim.

Ms. Carter alleges that on February 11, 2024, she left her house located at 3909 S. 123rd E. Pl. at 2:00 PM and came home around 3:30 PM to find the house flooded. She further alleges that both bathrooms, the master bedroom and closet, hallway, living room, and both bathtubs were full of water.

The Legal Department, with assistance from the Sewer Operations and Maintenance Division of the Water and Sewer Department, reviewed this claim. The investigation indicated that a reasonable amount of maintenance was conducted on the collection line in question. However, on January 30, 2024, contracted cleaning crews discovered a defect on collection line 0179-0178 (the next collection line downstream from the claimant's). This defect in collection line 0179-0178 ultimately caused a backup in the collection system.

The Legal Department has reached a negotiated settlement in the amount 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,

A handwritten signature in black ink that reads "Kristina L. Gray".

Kristina L. Gray
Litigation Division Manager

/cmb