

Resolution

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



CITY COUNCIL USE ONLY

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

Tracking #: _____

Committee: _____

Hearing Date: _____

2nd Agenda Date: _____

CITY CLERK USE ONLY

☐ Scanned

Date: 08.21.2024

☐ Posted

Item #: 2408.02206

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

Primary Details

Board Approval

Other Board Name

City Council Approval

☒ Yes ☐ No

Department

Legal

Contact Name

T. Michelle McGrew (tmd)

Email

tmcgrew@cityoftulsa.org

Phone

9185967717

Resolution Type

Authorizing Sinking Fund Credit or Payment

Owner-Grantor

International Assoc. of Fire Fighters, Local 176

Amount

\$242,122.54

Case Number

CJ-2024-2842

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: 8/19/24

Date: 8/19/24

Date: _____

Date: AUG 21 2024

Date: _____

Policy Statement

Background Information

On August 7, 2024 the Mayor approved settlement of this lawsuit in the amount of \$242,122.54. The Journal Entry of Judgment was signed by the Judge and filed with the Court on August 16, 2024. (See attached JE)

Summation of the Requested Action

Request Council approve Resolution and Mayor approve payment and direct Finance to issue a check in the amount of \$242,122.54 made payable to International Association of Fire Fighters, Local 176 and Frasier, Frasier & Hickman, LLP and forward 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 (addtl signature copies attached)
- ☐ Must be filed with other governmental entity
- ☐ Addtl governmental entity approval(s) required

Additional Routing and Processing Details

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

IN THE DISTRICT COURT OF TULSA COUNTY
STATE OF OKLAHOMA

INTERNATIONAL ASSOCIATION)
OF FIRE FIGHTERS, LOCAL 176, a)
labor organization)

Plaintiff,)

v.)

CITY OF TULSA,)

Defendant.)

DISTRICT COURT
FILED

AUG 16 2024

DON NEWBERRY, Court Clerk
STATE OF OKLA. TULSA COUNTY

Case No. CJ-24-2842

Judge: Puddy

JOURNAL ENTRY OF JUDGMENT UPON AGREED SETTLEMENT

NOW ON this 12 day of AUGUST 2024, this matter comes before the undersigned judge. Plaintiff, International Association of Fire Fighters, Local 176 ("Union") by and through his attorney, Steven R. Hickman, and Defendant City of Tulsa, appears by and through its attorney of record, T. Michelle McGrew, Senior Assistant City Attorney.

The Court, having reviewed the allegations set forth in Plaintiff's Petition, having reviewed the Defendant's *Offer of Proof* filed herein on the 30 day of July, 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 Two-hundred Forty-two Thousand One Hundred Twenty-two and 54/100 Dollars (\$242,122.54) 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 its desire to settle the entirety of all claims and causes of action relating to the events identified in his Petition, including costs and fees, upon payment in the sum of Two-hundred Forty-two Thousand One Hundred Twenty-two and 54/100 Dollars (\$242,122.54), the Court finds:

1. That the Court has jurisdiction over the subject matter of this lawsuit and the parties hereto;
2. That Plaintiff for itself and in its representative capacity is fully aware of its rights in this matter and it is Plaintiff's desire to compromise its right to trial by jury;
3. That Plaintiff desires to accept as full, final, and complete settlement the sum of Two-hundred Forty-two Thousand One Hundred Twenty-two and 54/100 Dollars (\$242,122.54), 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 breached the terms of the CBA, 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 its personal and representative capacity and preclude any further or separate action by Plaintiff or those it 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 Two-hundred

Forty-two Thousand One Hundred Twenty-two and 54/100 Dollars (\$242,122.54);

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;

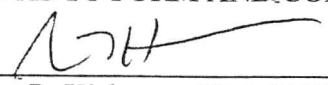
IT IS THEREFORE ORDERED, ADJUDGED AND DECREED BY THE COURT that Plaintiff for himself and in his representative capacity has and recover from the Defendant City of Tulsa, Oklahoma, damages in the total sum of Two-hundred Forty-two Thousand One Hundred Twenty-two and 54/100 Dollars (\$242,122.54), as 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.


TRACY L. PRIDDY
JUDGE OF THE DISTRICT COURT

APPROVED AS TO FORM AND CONTENT:

By: _____


Steven R. Hickman, OBA #4172
Attorney for Plaintiff
FRASIER FRASIER & HICKMAN, LLP
1700 Southwest Blvd.
Tulsa, OK 74107

(918) 584-4724

By: 
T. Michelle McGrew, OBA # 20279
Litigation Division Manager
175 East Second Street, Suite 685
Tulsa, Oklahoma 74103
(918) 596-7717
(918) 596-9700 Facsimile

(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 16th day of August, 2024, in Case No. CJ-2024-2842, filed in the District Court for Tulsa County, State of Oklahoma, judgment was entered based on a settlement agreed to by and between International Association of Fire Fighters, Local 176, Plaintiffs, and the City of Tulsa, Defendant, in the sum of Two Hundred Forty Two Thousand One Hundred Twenty Two Dollars and 54/100 (\$242,122.54) 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 INTERNATIONAL ASSOCIATION OF FIRE FIGHTERS, LOCAL 176, Plaintiff; FRASIER, FRASIER & HICKMAN, LLP, Counsel for Plaintiffs; the sum of Two Hundred Forty Two Thousand One Hundred Twenty Two Dollars and 54/100 (\$242,122.54); 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

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

Legal



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Date Received: _____
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Hearing Date: _____

2nd Agenda Date: _____

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

Lawsuit - Settlement

Court Order Date

Council Approval

☐ Yes ☒ No

Department

Legal

Contact Name

Michelle McGrew (tmd)

Email

mmcgrew@cityoftulsa.org

Phone

9185967717

Incident Date

Legal Case No.

CJ-2024-2842

Amount

\$242,122.54

Name

IAFF Local 176

Originating Department

Fire

Date Filed City Clerk

Budget/Payments

Funding Source(s) / Checks to be Issued

TOTAL:

Approvals

Department: _____

Legal: _____

Board: _____

Mayor: _____

Other: _____

APPROVED BY MAYOR
CITY OF TULSA

AUG 07 2024

Date: _____

Date: _____

Date: _____

Date: _____

Date: _____

Summary

Background Information

IAFF Local 176 filed a Grievance for breach of contract regarding payments into the Tulsa Fire Department's Health and Wellness Trust pursuant to the Collective Bargaining Agreement. The parties have agreed to settle this matter in the amount of \$242,122.54 (See attached Memo)

Summation of the Requested Action

Request Mayor approve settlement in this matter in the amount of \$242,122.54 and return to City Legal for further processing.

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

Return executed RFA to City Legal for further processing.



LEGAL

Date: **August 2, 2024**
To: **Mayor Bynum**
From: **Michelle McGrew, Sr. Assistant City Attorney**
Subject: **IAFF Health and Wellness Grievance - Settlement**

Mayor Bynum:

On June 16, 2010, the International Association of Firefighters, Local No. 176 filed a grievance regarding monies allegedly monies the City allegedly owed the Tulsa Fire Department's Health and Wellness Trust, pursuant to Article 13 of Health and Wellness of the Collective Bargaining Agreement from 2005 through 2010, in the amount of \$260,000.00.

Additionally, we recently learned the City mistakenly overpaid the Tulsa Firefighters Health & Welfare Trust the amount of \$17,877.46. The Union agreed it was overpaid this amount. In an effort to resolve the overpayment issue, the Union further agrees to reduce the amount of the \$260,000.00 settlement for the grievance by \$17,877.46, for a net settlement of \$242,122.54.

The parties have agreed to enter into a Friendly Suit, whereby the City will pay \$242,122.54, from the Sinking Fund into the Tulsa Firefighter Health & Wellness Trust, the net amount of \$242,122.54. Payment of this sum shall include all fees, costs, pre and post judgment interest and court costs.

If you have any questions or would like to discuss this matter in greater detail, please do not hesitate to contact me.

Thank you.

A handwritten signature in black ink, appearing to read "T. Michelle McGrew", with a stylized flourish at the end.

T. Michelle McGrew
Senior Assistant City Attorney