

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



CITY COUNCIL USE ONLY
Tracking #:
Date Received:
Committee Date:
1st Agenda Date:
CITY CLERK USE ONLY
Scanned
Posted
Date: 09.18.2024
Item #: 2409.02479

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

Primary Details

Board Approval
Other Board Name
City Council Approval
Department
Contact Name
Email
Phone
Resolution Type
Owner-Grantor
Amount
Case Number
TMAPC Number
Council District
Description (Subject)
Bid/Project Number
Section
Township
Range
Addition
Lot
Block
Address

Budget
Funding Source(s)

Approvals
Department:
Legal:
Board:
Mayor:
Other:
TOTAL:
Date:
Date:
Date:
Date:
Date:

Policy Statement

Background Information
This settlement resolves the contract obligation to pay the April 2024 remittance to Tourism District No. 1, notwithstanding the loss of that amount attributed to a fraudulent electronic transfer of funds. (see attached Memo)

Summation of the Requested Action
Request Mayor approve payment of this lawsuit and Council and Mayor sign Resolution. Request Mayor direct Finance to issue a check in the amount of \$191,972.52 made payable to Tulsa Tourism District No. 1, Company LLC, Plaintiff and Hall, Estill, Hardwick, Gable, Golden and Nelson, PC, attorneys at law and return to the City Legal Department for further processing.

Emergency Clause?
Reason for Emergency Clause
Yes
No

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 RFA and executed 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 30th day of August, 2024, in Case No. CJ-2024-3143, filed in the District Court of Tulsa County, State of Oklahoma, judgment was entered based on a settlement agreed to by and between Tulsa Tourism District No. 1, Company LLC, Plaintiffs, and the City of Tulsa, Defendant, in the sum of One Hundred Ninety One Thousand Nine Hundred Seventy Two and 52/100 Dollars (\$191,972.52), 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 TULSA TOURISM DISTRICT NO. 1, COMPANY, LLC, Plaintiffs, and HALL, ESTILL, HARDWICK, GABLE, GOLDEN and NELSON, PC, Attorneys at Law, the sum of One Hundred Ninety One Thousand Nine Hundred Seventy Two and 52/100 Dollars (\$191,972.52); 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

Date: **September 13, 2024**
To: **Mayor Bynum**
From: **Michelle McGrew, Sr. Assistant City Attorney**
Subject: **TID v. City of Tulsa – Settlement/Friendly Suit**

Mayor Bynum:

On or about April 4, 2024, the City inadvertently deposited the sum of \$191,972.52 into a counterfeit bank account, rather than the correct bank account for Tulsa Tourism District No.1 ("TID"). The City was unable to recover the funds, however, the City is contractually obligated to pay the sum to TID.

Per your previous conversations with Anna America, the parties agreed to resolve the dispute with a Friendly Suit, as that the settlement would come from the Sinking Fund. We have filed the Friendly suit. In order to finalize the process, we need your approval on the settlement. City Legal recommends you approve the settlement amount of \$191,972.52, paid from the Sinking Fund. 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 blue ink, appearing to read "T. Michelle McGrew", written over a horizontal line.

T. Michelle McGrew
Senior Assistant City Attorney

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

DISTRICT COURT
FILED

AUG 30 2024

DON NEWBERRY, Court Clerk
STATE OF OKLA. TULSA COUNTY

TULSA TOURISM DISTRICT NO. 1,)
COMPANY LLC, an Oklahoma non-profit)
Limited Liability Company,)

Plaintiff,)

v.)

CITY OF TULSA, an Oklahoma)
Municipal corporation.)

Defendant.)

CJ-2024-03143

Case No.

Judge:

DAMAN CANTRELL

JOURNAL ENTRY OF JUDGMENT UPON AGREED SETTLEMENT

NOW ON this 21 day of April, 2023, this matter comes before the undersigned judge. Plaintiff, Tulsa Tourism District No. 1 Company LLC, ("District Company"), by and through its attorneys, 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 21 day of August, 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 District Company 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 One Hundred Ninety-One Thousand Nine Hundred Seventy-two and 52/100 Dollars (\$191,972.52) and the Court being satisfied that District Company 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 District Company's Petition and, upon being further advised by District Company that it is its desire to settle the entirety of all claims and causes of action relating to the events identified in its Petition, including costs and fees, upon payment in the sum of One Hundred Ninety-One Thousand Nine Hundred Seventy-two and 52/100 Dollars (\$191, 972.52), the Court finds:

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

2. That District Company 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 District Company desires to accept as full, final, and complete settlement the sum of One Hundred Ninety-One Thousand Nine Hundred Seventy-two and 52/100 Dollars (\$191, 972.52), for any and all damages, losses, fees, and expenses sustained as a result of the events identified in District Company's Petition;

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

5. District Company 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 its personal and representative capacity and preclude any further or separate action by District Company 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 District Company's Petition;

7. That the City has agreed to settle District Company's lawsuit in the sum of One Hundred Ninety-One Thousand Nine Hundred Seventy-two and 52/100 Dollars (\$191,972.52);

8. That the City shall pay District Company 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 District Company for itself and in its representative capacity has and recover from the Defendant City of Tulsa, Oklahoma, damages in the total sum of One Hundred Ninety-One Thousand Nine Hundred Seventy-two and 52/100 Dollars (\$191,972.52), 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 District Company'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 upon payment in full of the above referenced amount, Plaintiff District Company's claim against Defendant City of Tulsa shall be dismissed with prejudice and that payment to District Company by Defendant City of Tulsa will preclude any further or separate action by District Company against Defendant City of Tulsa or any employee of Defendant City of Tulsa arising from or pertaining to the events described in Plaintiff District Company's Petition.

DAMAN CANTRELL

JUDGE OF THE DISTRICT COURT

CLERK OF DISTRICT COURT
JUL 30 2024
AUG 30 2024
DOCKY

APPROVED AS TO FORM AND CONTENT:

By: s/ Steven W. Soulé

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Taylor Wewers, OBA # 35769
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