

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: 10.09.2024

☐ Posted

Item # 2410.02713

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

Primary Details

Board Approval

Department _____ Contact Name _____
Legal Kristina Gray (tmd)

Resolution Type

Authorizing Sinking Fund Credit or Payment

Amount _____ Case Number _____
\$25,000.00 CJ-2024-3510

Description (Subject)

Payment of Lawsuit

Section _____ Township _____

Lot _____ Block _____

Other Board Name

Email _____
kgray@cityoftulsa.org

Owner-Grantor

Kocrese Nash-Sergeon

TMAPC Number _____

Bid/Project Number

Range _____

Address _____

City Council Approval

☒ Yes ☐ No

Phone _____
9185967717

Council District _____

Addition _____

Budget

Funding Source(s) _____

TOTAL:

Approvals

Department: _____
Legal: Kristina Gray
Board: _____
Mayor: James Wagner
Other: _____
Mayor Pro Tem

Date: 10.7.24
Date: 10/7/24
Date: _____
Date: OCT 09 2024
Date: _____

Policy Statement

Background Information

On August 7, 2024 the Mayor approved settlement in this matter in the amount of \$25,000.00. The Journal Entry was signed by the Judge and filed with the Court on October 4, 2024. (See attached JE)

Summation of the Requested Action

Request Council approve Resolution and Mayor approve payment of this lawsuit and direct Finance to issue a check in the amount of \$25,000.00 made payable to Kocrese Nash-Sergeon, Pro Se Plaintiff, and return to the Legal Department for further processing.

Emergency Clause?

☐ Yes

☐ No

Reason for Emergency Clause

Please return 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 4 day of October, 2024, in Case No. CJ-2024-3510, filed in the District Court for Tulsa County, State of Oklahoma, judgment was entered based on a settlement agreed to by and between Kocrese Nash-Sergeon, 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 KOCRESE NASH-SERGEON, 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

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



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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

2/28/24

Legal Case No.

C24-099

Amount

\$25,000.00

Name

Kocrese Nash-Sergeon

Originating Department

Water and Sewer

Date Filed City Clerk

5/10/24

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.AbstTitle5413102.6001-4043122-541102-\$30,000.01)

Approvals

Department: _____

Legal: _____

Board: _____

Mayor: _____

Other: _____

APPROVED BY MAYOR
CITY OF TULSA

AUG 07 2024

Date: _____

Date: 8-2-24

Date: _____

Date: _____

Date: _____

Date: _____

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

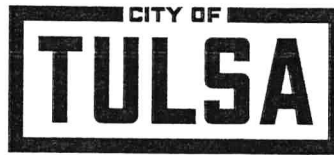
Processing Information for City Clerk's Office

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: July 30, 2023
To: Mayor G.T. Bynum
From: Kristina L. Gray, Litigation Division Manager
Subject: Tort Claim Approval, Case #C24-099

Kocrese Nash-Surgeon presents tort claim #C24-099 for property damage in the amount of \$44,465.50. Supporting documentation was submitted with the claim.

Kocrese Nash-Surgeon alleges that on February 28, 2024, sewer water started backing up in both bathrooms, the hallway, the hallway closet, and two bedroom closets in their home located at 770 N. Zenith Ave. The claimant further alleges that the sewer water continued to back up in their house until March 4, 2024.

The Legal Department, with assistance from the Sewer Operations and Maintenance Division of the Water and Sewer Department, reviewed this claim. The investigation revealed that the claimant's incident occurred before the completion of a collection line rehabilitation project. A City crew onsite determined that the service tap for the claimant's property was not reestablished during the rehabilitation of the collection line, and subsequently reestablished the service line.

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, appearing to read "Kristina L. Gray".

Kristina L. Gray
Litigation Division Manager

/cmb

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

CJ-2024-03510

KOCRESE NASH-SERGEON,

Plaintiff,

v.

CITY OF TULSA,

Defendant.

Case No.

Judge:

KELLY M. GREENOUGH

DISTRICT COURT
FILED

OCT 04 2024

DON NEWBERRY, Court Clerk
STATE OF OKLA. TULSA COUNTY

JOURNAL ENTRY OF JUDGMENT UPON AGREED SETTLEMENT

NOW ON this 3rd day of Oct, 2024, this matter comes before the undersigned Judge. Plaintiff, Kocrese Nash-Sergeon, appears pro se, and Defendant City of Tulsa, appears by and through its attorney of record, Kristina 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 19th day of Sept, 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 (\$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 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 recovers 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.

KELLY M. GREENOUGH

JUDGE OF THE DISTRICT COURT

10/3/24

APPROVED AS TO FORM AND CONTENT:

By: K. Sargeon
Kocrese Nash-Sergeon
Pro Se, Plaintiff
770 N. Zenith Ave.
Tulsa, OK 74127

By: Kristina Gray
Kristina 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