

Resolution

Version 2.7 released on 7/1/25
Use for all types of Resolutions



| | | | |
|------------------------------------|------------------------------------|----------------------------------|---------------------------|
| CITY COUNCIL USE ONLY | | CITY CLERK USE ONLY | |
| Date Received: _____ | Tracking #: _____ | <input type="checkbox"/> Scanned | Date: <u>11.19.2025</u> |
| Committee Date: _____ | Committee: _____ | <input type="checkbox"/> Posted | Item #: <u>2511,02945</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 | Komron Takmil (tmd) | ktakmil@cityoftulsa.org | 9185967717 |
| Resolution Type | | Owner-Grantor | |
| Authorizing Sinking Fund Credit or Payment | | Metals Treatment Technologies, LLC | |
| Amount | Case Number | TMAPC Number | Council District |
| \$35,000.00 | <u>CJ-2024-4335</u> | _____ | _____ |
| Description (Subject) | | Bid/Project Number | |
| Payment of Lawsuit | | _____ | |
| Section | Township | Range | Addition |
| _____ | _____ | _____ | _____ |
| Lot | Block | Address | |
| _____ | _____ | _____ | |

Budget

Funding Source(s)

TOTAL:

Approvals

| | | | |
|--------------------|--------------------|--------------|--------------------|
| Department: | <u>[Signature]</u> | Date: | <u>11.12.25</u> |
| Legal: | <u>[Signature]</u> | Date: | <u>11/12/2025</u> |
| Board: | _____ | Date: | <u>NOV 19 2025</u> |
| Mayor: | <u>[Signature]</u> | Date: | _____ |
| Other: | _____ | Date: | _____ |

Policy Statement

Background Information
On October 22, 2025 the Mayor approved settlement of this lawsuit in the amount of \$35,000.00. The Journal Entry was signed by the Judge and filed with the Court on November 10, 2025. (see attached JE)

Summation of the Requested Action
Request Council execute the Resolution. Request Mayor approve payment of this lawsuit and direct Finance to issue a check in the amount of \$35,000.00 payable to Metals Treatment Technologies, LLC, Plaintiff and Metcalf & Spitzer, LLP, attorneys at law and return to the Legal Department for further processing.

| | |
|---------------------------|------------------------------------|
| Emergency Clause? | Reason for Emergency Clause |
| <input type="radio"/> Yes | _____ |
| <input type="radio"/> No | _____ |

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 executed Resolution and RFA to City Legal for further processing.

(Published in the Tulsa Daily Commerce
& Legal News,
_____, 2025.)

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 10th day of November, 2025, in Case No. CJ-2024-4335, filed in the District Court of Tulsa County, State of Oklahoma, judgment was entered based on a settlement agreed to by and between Metals Treatment Technologies, LLC, Plaintiff, and the City of Tulsa, Defendant, in the sum of Thirty Five Thousand Dollars (\$35,000.00), 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 METALS TREATMENT TECHNOLOGIES, LLC, Plaintiff, and METCALF & SPITLER, LLP, Attorneys at Law, the sum of Thirty Five Thousand Dollars (\$35,000.00); 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

Monroe Nichols, IV, Mayor

By _____
Secretary

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

Time

Mayor

(Seal)
ATTEST:

City Clerk

APPROVED:

City Attorney

INTER-OFFICE CORRESPONDENCE

To: Mayor Monroe Nichols
From: Komron Takmil, Assistant City Attorney
Date: October 17, 2025
Subject: Settlement Approval
Case CJ-2024-4335, *Metals Treatment Technologies, LLC v. City of Tulsa and Brian Wilson*

On November 15, 2024 William Spitler filed suit on behalf of Metals Treatment Technologies, LLC (“MT2”) against the City of Tulsa and Lt. Brian Wilson of the Tulsa Police Department. The case was filed in Tulsa County Court as Case CJ-2024-4335.

The case arises from a contract signed on May 28, 2024, by Lt. Wilson for lead remediation services at the Tulsa Police Department’s pistol and rifle firing ranges. The contract provided for work valued at approximately \$56,000. Prior discussions between Lt. Wilson and MT2 indicated that recovered and recycled lead would be used as payment to offset the cost of services. Lt. Wilson mistakenly signed the contract without a formal bid process or review by legal because he believed it would not be necessary as money would not be needed for payment. After completion of the work, MT2 issued an invoice to the City for the full contract amount of \$56,000 without applying any lead credit. MT2 subsequently received \$26,569.90 for the sale of 37,957 pounds of recovered lead. MT2 argues the contract language states that MT2 owns the recovered lead and will retain a 100% split of the value of recycled lead while making no mention of lead credit. The City’s position is that Lt. Wilson had no legal authority to bind the City to this agreement because the Purchasing Agent was not involved in the purchase of the services and the contract was not approved by the City Attorney nor signed by the Mayor or Mayor Pro Tem and attested by the City Clerk as required and therefore not valid or enforceable.

MT2 has asserted claims against the City for breach of contract and unjust enrichment and claims of fraud in the inducement and unjust enrichment against Lt. Wilson in his individual capacity. The City’s Motion to Dismiss on the basis the contract is unenforceable as a matter of law was denied by the Court. Plaintiff then filed a Motion for Partial Summary Judgment on the unjust enrichment claim against the City. The City filed a response arguing that the requirements of the Tulsa City Charter and Purchasing Ordinance strictly control the manner in which the City may be bound contractually. The City contends that MT2 was on notice of these requirements, having previously contracted with the City under a properly executed agreement in 2016–2017, and that Oklahoma law does not permit recovery against municipalities on equitable theories such as unjust enrichment, estoppel, or implied contract when statutory or charter requirements are not followed. The City further contends that Public policy concerns support this position, as allowing MT2’s claims would undermine the constitutional safeguards intended to protect taxpayers from unauthorized municipal obligations.

Recently, Judge Greenough denied MT2’s Motion for Partial Summary Judgment, finding it premature. In doing so, the Court encouraged the parties to engage in settlement discussions,

notwithstanding the City's request to defer settlement negotiations until after dispositive motions had been fully briefed and decided.

In preparation for settlement negotiations in this matter, I presented this case to you by email and was authorized to negotiate a settlement to resolve this case if the Plaintiff was willing to be reasonable. The parties have negotiated the settlement of all claims and the Legal Department recommends approval of settlement of this lawsuit in the amount of \$35,000, which includes all damages, fees, attorney fees, interest, and costs.

Respectfully,

Komron Takmil

Komron Takmil
Assistant City Attorney

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

DISTRICT COURT
FILED
NOV 10 2025

METALS TREATMENT TECHNOLOGIES,)
LLC, a Colorado limited liability company,)
)
Plaintiff,)
)
vs.)
)
CITY OF TULSA, a municipality, and)
BRIAN WILSON, an individual,)
)
Defendants.)

DON NEWBERRY, Court Clerk
STATE OF OKLA. TULSA COUNTY

Case No. CJ-2024-4335
Judge Kelly Greenough

JOURNAL ENTRY OF JUDGMENT UPON AGREED SETTLEMENT

NOW ON this 6th day of NOV 2025, this matter comes before the undersigned Judge. Plaintiff Metals Treatment Technologies, LLC appears by and through their attorney of record, William Spitler, and Defendant City of Tulsa, appears by and through its attorney of record, Komron Takmil, 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 28 day of Oct 2025 evidencing that the statutory requirements pursuant to 62 O.S. § 362 have been met and that the judgment proceeds being paid by Defendant City of Tulsa 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 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 compromise settlement in the sum of Thirty Five Thousand Dollars and 00/100 (\$35,000.00) 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 their desire to settle the entirety of all claims and causes of action relating to the events identified in their Petition, including costs and fees, upon payment in the sum of Thirty Five Thousand Dollars and 00/100 (\$35,000.00), the Court finds:

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

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

3. That Plaintiff desires to accept as full, final and complete settlement from the City of Tulsa the sum of Thirty Five Thousand Dollars and 00/100 (\$35,000.00), 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. That Plaintiff has agreed to dismiss with prejudice or forgo any and all claims against the City of Tulsa and its employees individually;

6. That by agreement of the parties, Defendant's payment to Plaintiff will stand as full compensation from the City to Plaintiff and precludes any further or separate action by Plaintiff or those he 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 Thirty Five Thousand Dollars and 00/100 (\$35,000.00);

8. That the City shall pay 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;

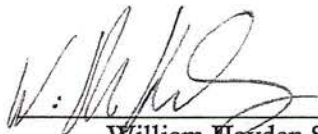
IT IS THEREFORE ORDERED, ADJUDGED AND DECREED BY THE COURT that Plaintiff has and will recover from Defendant City of Tulsa, Oklahoma, damages in the total sum of Thirty Five Thousand Dollars and 00/100 (\$35,000.00), as full, final and complete compensation for any and all damages, losses, fees, and 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 claims against Defendant City of Tulsa are 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 GREENOUGH

JUDGE OF THE DISTRICT COURT

APPROVED AS TO FORM AND CONTENT:



William Hayden Spitler
Metcalf & Spitler, LLP
Suite 750, Thompson Building
20 East Fifth Street
Tulsa, OK 74103



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Attorney for City of Tulsa