

# Resolution

Version 2.3 released on 8/3/21

Use for all types of Resolutions



## CITY COUNCIL USE ONLY

Date Received: \_\_\_\_\_  
Committee Date: \_\_\_\_\_  
1<sup>st</sup> Agenda Date: \_\_\_\_\_

Tracking #: \_\_\_\_\_

Committee: \_\_\_\_\_

Hearing Date: \_\_\_\_\_

2<sup>nd</sup> Agenda Date: \_\_\_\_\_

## CITY CLERK USE ONLY

☐ Scanned

☐ Posted

Date: 07.13.2022

Item #: 2207.01438

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

## Primary Details

### Board Approval

Department: Legal  
Contact Name: Michelle McGrew (tmd)

Resolution Type: Authorizing Sinking Fund Credit or Payment

Amount: \$175,000.00  
Case Number: 20-CV-387

Description (Subject): Payment of Lawsuit

Section: \_\_\_\_\_ Township: \_\_\_\_\_

Lot: \_\_\_\_\_ Block: \_\_\_\_\_

### Other Board Name

Email: tmcgrew@cityoftulsa.org

Owner-Grantor: Roma Presley

TMAPC Number: \_\_\_\_\_

Bid/Project Number: \_\_\_\_\_

Range: \_\_\_\_\_

Address: \_\_\_\_\_

### City Council Approval

☒ Yes ☐ No

Phone: 9185967717

Council District: \_\_\_\_\_

## Budget

Funding Source(s): \_\_\_\_\_

TOTAL: \_\_\_\_\_

## Approvals

Department: \_\_\_\_\_  
Legal: \_\_\_\_\_  
Board: \_\_\_\_\_  
Mayor: \_\_\_\_\_  
Other: \_\_\_\_\_

Date: 7.8.22  
Date: \_\_\_\_\_  
Date: \_\_\_\_\_  
Date: JUL 13 2022  
Date: \_\_\_\_\_

## Policy Statement

### Background Information

On June 8, 2022 the Tulsa City Council approved payment of this lawsuit in the amount of \$175,000.00 and Resolution No. 20196 was signed, recorded and filed accordingly. (see attached RFA and Resolution) That Resolution indicated one of the payees was Wayne Harvey. Wayne Harvey is a minor child. Wayne Harvey's name needs to be removed from the Resolution directing a warrant be issued on the City of Tulsa's Sinking Fund in payment of the Judgment.

### Summation of the Requested Action

Request the Mayor and Council approve this amended Resolution removing the name of the minor child, Wayne Harvey and directing Finance to issue a new check in the amount of \$175,000.00 made payable to: Estate of Joshua Wayne Harvey, Roma Presley, Plaintiffs and the following law firms: SolomonSimmons Law, PLLC; Bryan & Terrill, PLLC; Johnson-Cephas Law, PLLC and return the check to the City Legal Department for further processing.

### Emergency Clause?

☐ Yes  
☐ No

Reason for 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

Please return executed RFA and Resolution to City Legal for further processing

(Published in the Tulsa World,  
\_\_\_\_\_, 2022.)

## **RESOLUTION**

AN AMENDMENT TO RESOLUTION NO. 20196 AUTHORIZING  
PAYMENT IN FULL OF A JUDGMENT SETTLEMENT, FROM SURPLUS  
MONIES IN THE SINKING FUND; AND DECLARING AN EMERGENCY.

WHEREAS, on the 3rd day of June, 2022, in Case No. 20-CV-387, filed in the United States District Court for the Northern District of Oklahoma, judgment was entered based on a settlement agreed to by and between Roma Presley, Plaintiff, and the City of Tulsa, Defendant, in the sum of One Hundred Seventy Five Thousand and 00/100 Dollars (\$175,000.00), 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 ESTATE OF JOSHUA WAYNE HARVEY, ROMA PRESLEY, Plaintiffs, and SOLOMONSIMMONS LAW, PLLC; BRYAN & TERRILL LAW, PLLC; and JOHNSON, CEPHAS LAW, PLLC, Attorneys at Law, the sum of One Hundred Seventy Five Thousand and 00/100 Dollars (\$175,000.00); 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

# Resolution

Version 2.3 released on 8/3/21  
Use for all types of Resolutions

APPROVED

JUN 08 2022

Tulsa City Council

RESOLUTION NO.

20196



## CITY COUNCIL USE ONLY

Date Received: \_\_\_\_\_  
Committee Date: 6-8-22  
1st Agenda Date: 6-8-22

Tracking #: 22-549-1  
Committee: UED  
Hearing Date: \_\_\_\_\_  
2nd Agenda Date: \_\_\_\_\_

☐ Scanned  
☐ Posted

## CITY CLERK USE ONLY

Date: 06.15.2022  
Item #: 2206-01156

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 Legal	Contact Name Michelle McGrew (tmd)	Email mmcgrew@cityoftulsa.org	Phone 9185967717
Resolution Type Authorizing Sinking Fund Credit or Payment		Owner-Grantor Roma Presley	
Amount \$175,000.00	Case Number 20-CV-387	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: \_\_\_\_\_  
Cassia Carr  
Mayor Pro Tem

Date: 6.3.22  
Date: \_\_\_\_\_  
Date: JUN 08 2022  
Date: \_\_\_\_\_  
Date: \_\_\_\_\_

## Policy Statement

### Background Information

On January 25, 2022 the parties attended settlement conference wherein the parties reached a settlement agreement in this matter. On June 3, 2022 the Court entered an Order approving the terms of the settlement agreement and entering the Journal Entry of Judgment. (see attached)

### Summation of the Requested Action

Request Mayor and Council approve payment of this lawsuit and direct Finance to issue a check in the amount of \$175,000.00 made payable to Estate of Joshua Wayne Harvey, Roma Presley, Wayne Harvey Plaintiffs and the following law firms. SolomonSimmons Law, PLLC; Bryan & Terrill Law, PLLC; Johnson-Cephas Law, PLLC and return the check 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 (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 RFA and Resolution to City Legal for further processing.

(Published in the Tulsa World,  
June 12, 2022.)

**RESOLUTION      20196**

A RESOLUTION AUTHORIZING PAYMENT IN FULL OF A JUDGMENT SETTLEMENT, FROM SURPLUS MONIES IN THE SINKING FUND; AND DECLARING AN EMERGENCY.

WHEREAS, on the 3rd day of June, 2022, in Case No. 20-CV-387, filed in the United States District Court for the Northern District of Oklahoma, judgment was entered based on a settlement agreed to by and between Roma Presley, Plaintiff, and the City of Tulsa, Defendant, in the sum of One Hundred Seventy Five Thousand and 00/100 Dollars (\$175,000.00), 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 ESTATE OF JOSHUA WAYNE HARVEY, ROMA PRESLEY, WAYNE HARVEY Plaintiffs, and SOLOMONSIMMONS LAW, PLLC; BRYAN & TERRILL LAW, PLLC; and JOHNSON, CEPHAS LAW, PLLC, Attorneys at Law, the sum of One Hundred Seventy Five Thousand and 00/100 Dollars (\$175,000.00); 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: JUN 08 2022 (Date)

ADOPTED as an emergency measure: JUN 08 2022 (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: JUN 08 2022,  
Date

\_\_\_\_\_  
Time

(Seal)

ATTEST:

  
City Clerk



  
Mayor

Cassia Carr  
Mayor Pro Tem

APPROVED:

  
City Attorney