

Resolution

Version 2.4 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: 07.12.2023
 Posted Item #: 2307.01432

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: R. Lawson Vaughn (tmd)

Email: lvaughn@cityoftulsa.org

Phone: 9185967717

Resolution Type: Authorizing Sinking Fund Credit or Payment

Owner-Grantor: _____

Amount: \$1,060,000.00
Case Number: 22-CV-55

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: R. Lawson Vaughn
Board: _____
Mayor: [Signature]
Other: _____

Date: 6.29.2023
Date: 6.29.2023
Date: _____
Date: JUL 12 2023
Date: _____

Policy Statement

Background Information

On March 22, 2023 the Mayor and Council approved settlement of this matter in the amount of \$1,060,000.00. The Journal Entry was signed and filed with the Court on June 28, 2023 (see attached JE)

Summation of the Requested Action

Request Mayor approve payment of this lawsuit and direct Finance to issue a check in the amount of \$1,060,000.00 made payable to Plaintiffs' Counsel, McGillivray Steele Elkin LLP, as set forth in the attached Settlement Agreement signed by all parties.

Emergency Clause?

Yes
 No

Reason for Emergency Clause

We have a limited time frame in which to pay this settlement payment before interest will be assessed.

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,
_____, 2023.)

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 28th day of June, 2023, in Case No. 22-CV-55, 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 Joshua D. Lamb et al, Plaintiffs, and the City of Tulsa, Defendant, in the sum of One Million Sixty Thousand Dollars and 00/100 (\$1,060,000.00), 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 MCGILLIVARY STEELE ELKIN LLP, Counsel for Plaintiffs, the sum of One Million Sixty Thousand Dollars and 00/100 (\$1,060,000.00); the same representing the full amount of the judgment, interest, costs and attorney fees, now due and owing to the Plaintiffs 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.