

JOINT RESOLUTION OF THE CITY OF OKLAHOMA CITY AND THE OKLAHOMA CITY WATER UTILITIES TRUST AUTHORIZING THE MUNICIPAL COUNSELOR, OR HIS OR HER DESIGNEE, UPON DETERMINING THAT IT IS REASONABLE AND IN THE BEST INTEREST OF THE CITY OF OKLAHOMA CITY AND/OR THE OKLAHOMA CITY WATER UTILITIES TRUST, TO HAVE SETTLEMENT AUTHORITY ON CLAIMS OF THE CITY OF OKLAHOMA CITY AND/OR THE OKLAHOMA CITY WATER UTILITIES TRUST WHICH DO NOT EXCEED \$40,000 FOR THE COLLECTION OF CLAIMS OWED TO THE CITY OF OKLAHOMA CITY AND/OR THE OKLAHOMA CITY WATER UTILITIES TRUST AND THE AUTHORITY TO INSTITUTE LEGAL PROCEEDINGS ON SAID CLAIMS ON BEHALF OF THE CITY OF OKLAHOMA CITY AND/OR THE OKLAHOMA CITY WATER UTILITIES TRUST; AND RESCINDING THE PREVIOUSLY DELEGATED AUTHORITY TO SETTLE CLAIMS AND/OR CASES BROUGHT AGAINST THE CITY AND/OR THE TRUST THAT DO NOT EXCEED \$40,000.

WHEREAS, whenever contracts with The City of Oklahoma City (City) or the Oklahoma City Water Utilities Trust (OCWUT) are breached, or whenever City and/or OCWUT property is damaged by other parties, or whenever City employees are injured by the negligent acts of third parties, potential claims of the City and/or OCWUT arise for damages under the law; and

WHEREAS, the City is self-insured for any losses sustained as a result of damage to City-owned and operated property; and

WHEREAS, the collection of claims of the City and/or OCWUT involves evaluation and settlement decisions; and

WHEREAS, Article IV, Section 7 of the Oklahoma City Charter designates the Municipal Counselor as the legal advisor to the Mayor, City Council, and department heads in their assigned duties, and this section further states the Municipal Counselor “shall perform such other duties not inconsistent herewith as may be required”; and

WHEREAS, Section 7 further authorizes the Municipal Counselor to “conduct all actions and proceedings wherein the City shall be party plaintiff or defendant, or otherwise a party in interest”; and

WHEREAS, the Office of the Municipal Counselor, as legal advisor to the Mayor and Council, and OCWUT, coordinates with other City departments for the collection and recovery of monies for breached contracts and damage to City property; and

WHEREAS, it is appropriate for the City and OCWUT to aggressively pursue such claims and to authorize the Municipal Counselor to pursue legally meritorious claims, pursuant to the laws of the State of Oklahoma; and

WHEREAS, on December 7, 1993, the City adopted a Joint Resolution authorizing settlement authority of collection cases where the total amount of damages to the City or the Oklahoma City Municipal Facilities Authority (OCMFA) did not exceed \$20,000; and

WHEREAS, on October 20, 2002, the City adopted and amended the Joint Resolution authorizing an increase in settlement and litigation initiation authority where the total amount of damages to the City or OCMFA did not exceed \$40,000 per claim; and

WHEREAS, on December 5, 2023, the City and OCWUT adopted a Joint Resolution which authorized settlement authority of collection cases where the total amount of damages to the City and/or OCWUT did not exceed \$40,000, as well as inadvertently authorized settlement authority of claims brought against the City and/or OCWUT that did not exceed \$40,000; and

WHEREAS, it is appropriate to delegate authority to the Municipal Counselor to settle collection claims and/or cases where the total amount of damages to the City and/or OCWUT does not exceed \$40,000 per claim; and

WHEREAS, it is appropriate to rescind from the previously delegated authority to settle claims and/or cases brought against the City and/or OCWUT that do not exceed \$40,000.

NOW, THEREFORE, BE IT JOINTLY RESOLVED by the Mayor and Council of The City of Oklahoma City and the Oklahoma City Water Utilities Trust that the Municipal Counselor, or his or her designee, upon determining that it is reasonable and in the best interest of The City of Oklahoma City and/or the Oklahoma City Water Utilities Trust, be delegated settlement authority to settle collection cases where monies owed or damages are alleged in an amount that does not exceed \$40,000;

BE IT FURTHER JOINTLY RESOLVED that the Municipal Counselor, or his or her designee, upon determining that it is reasonable and in the best interest of The City of Oklahoma City and/or the Oklahoma City Water Utilities Trust, be authorized to institute legal proceedings in a court of competent jurisdiction for claims of The City of Oklahoma City and the Oklahoma City Water Utilities Trust against third parties in an amount where the total amount of damages to The City of Oklahoma City or the Oklahoma City Water Utilities Trust does not exceed \$40,000 per claim.

BE IT FURTHER JOINTLY RESOLVED that this Joint Resolution amends and supersedes any previously adopted Joint Resolution pertaining to settlement authority granted to the Municipal Counselor by The City of Oklahoma City and the Oklahoma City Water Utilities Trust, including, but not limited to, the Joint Resolution adopted on December 5, 2023, Item No. IX.AX, by rescinding the previously granted settlement authority with regard to the defense of claims and/or cases brought against The City of Oklahoma City and/or the Oklahoma City Water Utilities Trust.

ADOPTED by the Trustees and signed by the Chairman of the Oklahoma City Water Utilities Trust this 21ST day of MAY, 2024.

ATTEST:

Amy K. Simpson
SECRETARY

OKLAHOMA CITY WATER UTILITIES TRUST
OFFICIAL SEAL
[Signature]
CHAIRMAN

ADOPTED by the Council and signed by the Mayor of The City of Oklahoma City this 21ST day of MAY, 2024.

ATTEST:

Amy K. Simpson
CITY CLERK

THE CITY OF OKLAHOMA CITY
SEAL OF THE CITY OF OKLAHOMA CITY
[Signature]
MAYOR

REVIEWED for form and legality.

[Signature]
ASSISTANT MUNICIPAL COUNSELOR