

**THE CITY OF OKLAHOMA CITY  
OFFICE OF  
THE MUNICIPAL COUNSELOR**

Council Agenda  
Item No. XI. AI  
5/21/2024

TO: Mayor and City Council

FROM: Kenneth Jordan  
Municipal Counselor

Joint Resolution with 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 of Oklahoma City and/or the Oklahoma City Water Utilities Trust that do not exceed \$40,000.

**Background:**

The Oklahoma City Charter Article IV, Section 7 designates the Municipal Counselor as the legal advisor to the Mayor, City Council, and department heads in their assigned duties and states that the Municipal Counselor shall represent The City of Oklahoma City (City) in all action and proceedings where the City is a plaintiff or defendant.

The City is self-insured for any losses sustained as a result of damage to City-owned and operated property. The Municipal Counselor coordinates with other City departments for the collection and recovery of monies owed to the City on cases involving breach of contracts, damage to City property, and recovery of its subrogation interest pursuant to the Workers' Compensation Act.

The collection of these types of claims involves evaluation and settlement decisions. On December 7, 1993, a Joint Resolution of the City and the Oklahoma City Municipal Facilities Authority (OCMFA) was adopted, authorizing the Municipal Counselor to institute and settle these types of collection cases without further action of the City and Trustees where the damage total did not exceed \$20,000. On October 20, 2002, a Joint Resolution of the City and OCMFA increased the authority to initiate and settle collections cases where the damage total did not exceed \$40,000.

On December 5, 2023, the City and the Oklahoma City Water Utilities Trust (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.

The Municipal Counselor's Office pursues collection cases on behalf of the City and/or OCWUT in a similar manner to that of the City and OCMFA. 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.

It is the opinion of this office that the City should adopt the attached Joint Resolution authorizing the Municipal Counselor to institute or settle collection proceedings on behalf of the City and/or OCWUT without further City/OCWUT action where the total damage does not exceed \$40,000. The attached Joint Resolution will amend the Joint Resolution previously adopted by the City and OCWUT on December 5, 2023, and rescind the previously granted settlement authority with regard to the defense of claims and/or cases brought against the City and/or OCWUT.

SRK