

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

Council Agenda
Item No. XI. Z
9/26/2023

TO: Mayor and City Council

FROM: Kenneth Jordan, Municipal Counselor

1. Resolution authorizing the Municipal Counselor to confess Judgment without admitting liability in the case of *Charles Steelman and LaRita Gail Steelman v. The City of Oklahoma City* in the Oklahoma County District Court Case No. CJ-2022-5069;

AND/OR

2. Enter into executive session on advice of the Municipal Counselor to receive confidential communications from its attorney regarding settlement of this case as authorized by 25 O.S. (2022 Supp.) § 307(B)(4), because disclosure would seriously impair the ability of the public body to conduct the litigation with settlement discussions in the public interest.

On October 14, 2022, Plaintiffs, represented by Jim Buxton, filed a Petition in the above action against The City of Oklahoma City. Plaintiffs' claims of negligence and nuisance arise from multiple wastewater floods allegedly occurring on July 18, 2021 and July 31, 2021 at their residence at 12311 Stickney Place.

The parties engaged in discovery and City's counsel confirmed that the wastewater floods at the subject property were caused by obstructions on the City's mainline segment serving the subject property. Plaintiffs' alleged property damages associated with the wastewater floods is approximately \$20,000. Each Plaintiff has also submitted evidence to support individual nuisance causes of action including alleged displacement from home and at-home work space, and missed holidays with family and friends. The monetary value of nuisance would be a question for the jury and is subject to the personal injury limits of the Governmental Tort Claims Act.

The City of Oklahoma City, through Assistant Municipal Counselors Katie Goff and Richard Mann, negotiated a settlement with the Plaintiffs' counsel wherein this office agreed to recommend settlement of all Plaintiffs' causes of action in the matter in the amount \$117,000. Per Plaintiffs' counsel, a backflow preventer has already been installed at the subject property. This settlement is subject to the approval of the City Council.

It is the recommendation of this office that the Mayor and Council authorize the Municipal Counselor to confess judgment in favor of Plaintiff without admitting liability in this case. A Resolution authorizing the Municipal Counselor to prepare, execute, and file the necessary paperwork is attached. If Council would like more information regarding this case, it is the recommendation of the Municipal Counselor that Council retire into executive session with the Municipal Counselor to receive confidential communications with its attorney regarding this possible settlement.