

RESOLUTION NO. 1002

A RESOLUTION AUTHORIZING THE CITY ATTORNEY TO ENTER INTO A PROPOSED JOINT APPLICATION FOR APPROVAL OF SETTLEMENT AND JOURNAL ENTRY OF JUDGMENT IN REGARDS TO THE MATTER OF ELTON FERNANDES V. CITY OF BROKEN ARROW ET AL., CASE NO. 16-CV-630-CVE-FHM IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF OKLAHOMA AND DIRECTING THE CITY ATTORNEY TO PREPARE AND FILE THE NECESSARY DOCUMENTS TO EFFECTUATE SETTLEMENT, INCLUDING A JOURNAL ENTRY OF JUDGMENT FOR THE COURTS APPROVAL PURSUANT TO 51 O.S. §158

WHEREAS, on October 6, 2016, Elton Fernandes filed suit against the City of Broken Arrow, and by virtue thereof alleged that the City of Broken Arrow and its officers, Craig Brown and Mike Jackson, both individually and in their official capacities, violated Mr. Fernandes's Fourth and Fourteenth Amendment rights due to a non-consensual search of his car and warrantless entry and search of his home on or about October 7, 2014; and

WHEREAS, after reviewing the facts in this matter, the council has determined that settlement in this matter is proper in the sum of sixty thousand and no cents (\$60,000.00); and

WHEREAS, City Council has determined that such resolution is a just and reasonable settlement; and

WHEREAS, the forms of settlement require Plaintiff Fernandes to Dismiss with Prejudice Officer's Brown and Jackson from this matter; and

WHEREAS, it is the desire of the Council to approve such settlement agreement by authorizing the City Attorney to prepare and file all necessary documents to settle this case, including a Journal Entry of Judgment which does not admit liability but does represent a compromised settlement of these disputed claims.

NOW, THEREFORE, BE IT RESOLVED that the City Attorney be and is hereby directed to agree to Entry of Judgment without admitting liability in the case of Elton Fernandes v. City of Broken Arrow et al., Case No. 16-CV-630-CVE-FHM and to execute any and all necessary documents to effectuate the settlement for the Courts approval pursuant to 51 O.S. §158.

This Resolution is approved in open meeting by the City Council of the City of Broken Arrow on this 21st day of March, 2017.

ATTEST:

(seal) City Clerk

MAYOR

APPROVED AS TO FORM:

Assistant City Attorney