

## **JOINT RESOLUTION**

**JOINT RESOLUTION OF THE CITY OF OKLAHOMA CITY AND THE OKLAHOMA CITY MUNICIPAL FACILITIES AUTHORITY AUTHORIZING THE DIRECTOR OF RISK MANAGEMENT AND THE TRUST'S LEGAL COUNSEL TO ENTER INTO A JOINT PETITION SETTLEMENT OF THE WORKERS' COMPENSATION COMMISSION CLAIM NO. CM3-2022-02032N, STYLED: *KEVIN MILLER, CLAIMANT VS. THE CITY OF OKLAHOMA CITY, RESPONDENT*, AN OWN RISK CARRIER, AND FURTHER AUTHORIZING THE MUNICIPAL COUNSELOR TO ASSIST SAID COUNSEL IN THE RENDITION OF SAID JOINT PETITION SETTLEMENT TO JUDGMENT AS AUTHORIZED BY 85 O.S. §346, 62 O.S. §§365.1 *ET SEQ.* AND ARTICLE 10, SECTION 28 OF THE OKLAHOMA CONSTITUTION.**

**WHEREAS**, Kevin Miller caused to be filed an application for permanent partial disability benefits under the Workers' Compensation Act as a result of undisputed accidental injuries arising out of and in the course of his employment, with a date of injury on January 17, 2022, with The City of Oklahoma City; and

**WHEREAS**, for the reasons set forth in the attached memorandum which is incorporated herein by reference and made a part hereof, it is considered to be in the best interest of The City of Oklahoma City and the Oklahoma City Municipal Facilities Authority to authorize a Joint Petition Settlement.

**NOW, THEREFORE, BE IT JOINTLY RESOLVED** by the Mayor and Council of The City of Oklahoma City and the Chairman and the Board of Trustees of the Oklahoma City Municipal Facilities Authority that the Director of Risk Management and the Trust's legal counsel be authorized to settle by Joint Petition Settlement of the Workers' Compensation Commission Claim No. CM3-2022-02032N, styled: *Kevin Miller, Claimant vs. The City of Oklahoma City, Respondent*, an Own Risk Carrier. That in compliance with the Joint Petition Settlement, Claimant is to be paid a PPD award of \$143,964 and additional payments of \$5000 for vocational retraining and \$1036 for additional consideration, for a total award of \$150,000, plus any accrued interest.

The settlement further calls for a 3% assessment of the PPD award, less the additional payment amounts, in the sum of \$4,318.92 be deducted and paid on behalf of the claimant for the Multiple Injury Trust Fund Tax, making the lump sum award, including the additional payments, \$145,681.08. Pursuant to Title 85 O.S. §368, a filing fee of \$140 is taxed as a cost in this matter and shall be paid by Respondent, The City of Oklahoma City, to the Commission Administrator within 20 days from the date of the settlement. The settlement further calls for \$30,000 to be deducted from the PPD award and paid in a lump sum to Claimant's attorney as a fair and reasonable fee. In addition, the City will pay Court costs, a Special Occupational Health and Safety Tax Fund, representing .75% of the permanent partial disability award, including the additional payments, shall be paid the sum of \$1,125 and the Workers' Compensation Administration Fund, representing 2% of the permanent partial disability award, less the additional payments, shall be paid in the sum of \$2,879.28. Finally, that the Director of Risk Management and the Trust's legal counsel be authorized to enter into a Joint Petition Settlement of the Workers' Compensation Commission as previously noted.

**BE IT FURTHER JOINTLY RESOLVED** that the Trust's legal counsel be authorized to enter into the Joint Petition Settlement and the Municipal Counselor be authorized to assist in the Entry of Judgment of said award in the District Court of Oklahoma County, as authorized by 85 O.S. §346, 62 O.S. §§365.1 *et seq.* and Article 10, Section 28 of the Oklahoma Constitution.

**ADOPTED** by the Council and **SIGNED** by the Mayor of The City of Oklahoma City this 9TH day of APRIL, 2024.

ATTEST:

Amy K. Simpson  
City Clerk



David Holt  
Mayor

**ADOPTED** by the Trustees and **SIGNED** by the Chairman of The Oklahoma City  
Municipal Facilities Authority this 9TH day of APRIL, 2024.

**ATTEST:**

Amy K. Simpson  
Secretary



David Holt  
Chairman

**REVIEWED** for form and legality.

Richard E. Mahoney  
Assistant Municipal Counselor