

JOINT RESOLUTION

JOINT RESOLUTION OF THE CITY OF OKLAHOMA CITY AND THE OKLAHOMA CITY MUNICIPAL FACILITIES AUTHORITY APPROVING SETTLEMENT OF THE WORKERS' COMPENSATION SUBROGATION CLAIM RELATED TO PAYMENT OF MEDICAL BILLS PAID PURSUANT TO STATE LAW UNDER WORKERS' COMPENSATION AGAINST ANY PROCEEDS RECOVERED ON BEHALF OF PAOLA BROWN, ARISING OUT OF INJURIES SUSTAINED IN AN ACCIDENT ON MARCH 15, 2020.

WHEREAS, on or about March 15, 2020, Paola Brown, a City of Oklahoma City employee received personal injuries while in the performance of her duties caused by an accident while driving a golf cart. The accident occurred when Ms. Brown over-corrected to miss a gravel pile left by Archer Western Construction Company; and

WHEREAS, THE CITY OF OKLAHOMA CITY and the OCMFA have currently paid \$133,152.19 in Workers' Compensation medical and associated expenses as a result of Paola Brown's injuries; and

WHEREAS, THE CITY OF OKLAHOMA CITY and the OCMFA are entitled, pursuant to 85A O.S. § 43, to seek recovery of Workers' Compensation expenses paid on behalf of Paola Brown which resulted from this incident, and that are claims paid as the result of injuries caused by the negligent acts of third parties; and

WHEREAS, Counsel for Paola Brown, Michael Hill, Esq., has entered into a settlement agreement with Archer Western Construction's insurance company in the amount of \$150,000, and Paola Brown has requested the CITY OF OKLAHOMA CITY/OCMFA agree to a settlement of the subrogation claim for medical expenses, in the amount that the CITY OF OKLAHOMA CITY/OCMFA is entitled by statute, 85A O.S. § 43 - \$57,606.08, as payment in full for its Workers' Compensation subrogation lien, and the other monies available will be used for attorney's fees and compensation for Ms. Brown's additional damages; and

WHEREAS, the City Council of the City of Oklahoma City and the Trustees of the Oklahoma City Municipal Facilities Authority have been fully informed of the facts and issues surrounding the subrogation claim for medical expenses incurred on behalf of Paola Brown, and her claim for Workers Compensation benefits arising from injuries caused by this incident during her employment will remain at issue; and

WHEREAS, the CITY OF OKLAHOMA CITY and the OCMFA have processed and paid medical claims to date in the amount of \$133,152.19, which amount exceeds the settlement authority granted to the Municipal Counselor's Office in an earlier joint resolution of the City Council and

OCMFA; and

WHEREAS, the City Council of the City of Oklahoma City and Trustees of the Oklahoma City Municipal Facilities Authority, after considering all the relevant facts herein, believe it is in the best interest of the CITY OF OKLAHOMA CITY/OCMFA to authorize the Municipal Counselor, or his designee, to settle the City's pending subrogation claim.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Oklahoma City and by the Chairman and Trustees of the Oklahoma City Municipal Facilities Authority that the settlement of the subrogation interest held by The City of Oklahoma City in the amount of \$57,606.08 from insurance proceeds recovered for medical expenses paid on behalf of Paola Brown resulting from the March 15, 2020 accident is hereby approved, that the City of Oklahoma City and OCMFA reserve all rights under 85A O.S. § 43 for recoupment before the Workers' Compensation Commission, and that the Municipal Counselor, or his designee, is authorized to take any appropriate action to settle the pending subrogation claim.

ADOPTED BY THE COUNCIL AND APPROVED BY THE MAYOR OF THE CITY OF THE
OKLAHOMA CITY this 10TH day of SEPTEMBER, 2024.

ATTEST:

THE CITY OF OKLAHOMA CITY

Amy K. Simpson
Clerk



Brian Peak
VICE MAYOR

ADOPTED BY THE TRUSTEES AND APPROVED BY THE CHAIRMAN OF THE
OKLAHOMA CITY MUNICIPAL FACILITIES AUTHORITY this 10TH day of
SEPTEMBER, 2024.

ATTEST:

OKLAHOMA CITY MUNICIPAL FACILITIES
AUTHORITY

Amy K. Simpson
Secretary



David Holt
Chairman

REVIEWED for form and legality.

A handwritten signature in black ink, consisting of a stylized, cursive 'S' or 'B' shape followed by a long, horizontal stroke extending to the right.

Assistant Municipal Counselor