

JOINT RESOLUTION

JOINT RESOLUTION OF THE CITY OF OKLAHOMA CITY AND THE OKLAHOMA CITY MUNICIPAL FACILITIES AUTHORITY DIRECTING THE RISK MANAGER AND THE TRUST'S LEGAL COUNSEL NOT TO APPEAL THE ORDER OF THE WORKERS' COMPENSATION COMMISSION CLAIM NO. CM3-2022-07735N, STYLED: JAMES BOYER, CLAIMANT VS. THE CITY OF OKLAHOMA CITY, RESPONDENT, AN OWN RISK CARRIER, AND AUTHORIZING PAYMENT TO THE CLAIMANT OF PERMANENT PARTIAL DISABILITY BENEFITS, ATTORNEY FEES, LESS AN ASSESSMENT FOR THE MULTIPLE INJURY TRUST FUND: AUTHORIZING PAYMENT OF COSTS AND FEES FOR THE RESPONDENT.

WHEREAS, James Boyer 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 March 8, 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 not appeal and comply with the Order.

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 Risk Manager and the Trust's legal counsel be authorized to comply with the Order of the Workers Compensation Commission: Claim No.: CM3-2022-07735N, styled: James Boyer, Claimant vs. The City of Oklahoma City, Respondent, an Own Risk Carrier. That in compliance with the Order, Claimant is to be paid a total amount of \$33,228, plus any accrued interest. The settlement further calls for a 3% assessment of the PPD award in the sum of \$996.84 be deducted and paid for the Multiple Injury Trust Fund Tax, making the lump sum award \$32,231.16. 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 \$6,645.60 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, shall be paid the sum of \$249.21 and the Workers' Compensation Administration Fund, representing 2% of the permanent partial disability award, shall be paid in the sum of \$664.56. Finally, that the Risk Manager and the Trust's legal counsel complies with the Order from the Workers' Compensation Commission.

ADOPTED by the Council and **SIGNED** by the Mayor of The City of Oklahoma City this
23RD day of MAY 2023.

ATTEST:

Amy K. Simpson
City Clerk



Todd B. Turner
Vice-Mayor

ADOPTED by the Trustees and **SIGNED** by the Chairman of The Oklahoma City
Municipal Facilities Authority this 23RD day of MAY 2023.

ATTEST:

Amy K. Simpson
Secretary



[Signature]
Chairman

REVIEWED for form and legality.

[Signature]
Assistant Municipal Counselor