

JOINT RESOLUTION

JOINT RESOLUTION OF THE CITY OF OKLAHOMA CITY AND THE OKLAHOMA CITY MUNICIPAL FACILITIES AUTHORITY AUTHORIZING THE RISK MANAGER AND THE TRUST'S LEGAL COUNSEL NOT TO APPEAL AND TO COMPLY WITH THE ORDER OF WORKERS' COMPENSATION COMMISSION CLAIM NO. CM3-2022-01178P, STYLED: GLENN BALLINGER, CLAIMANT, VS. THE CITY OF OKLAHOMA CITY, RESPONDENT, AN OWN RISK CARRIER, AND AUTHORIZING THE MUNICIPAL COUNSELOR TO ASSIST SAID COUNSEL IN THE RENDITION OF THE ORDER 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, Glenn Ballinger caused to be filed an application for permanent partial disability benefits under the Workers' Compensation Act as a result of accidental personal injury arising out of and in the course of his employment on February 10, 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 not to appeal and to comply with the Commission 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 not to appeal and to comply with the Commission Order of the Workers' Compensation Commission Claim No. CM3-2022-01178P styled: Glenn Ballinger, Claimant, vs. The City of Oklahoma City, Respondent, an Own Risk Carrier. That in compliance with the Commission Order, Claimant is to be compensated for 54 weeks for a total amount of \$19,440, of which 54 weeks have accrued and shall be paid in a lump sum of \$19,440, plus any accrued interest (less

attorney fee). Claimant's attorney shall be paid \$3,888 or 20% of the PPD award as a fair and reasonable attorney fee. The City is entitled to credit for overpayment of temporary total disability compensation in the amount of \$1,361.66 making Claimant's total award \$18,078.34. The settlement further calls for a 3% assessment of the PPD award in the sum of \$583.20 be deducted and paid on behalf of the claimant for the Multiple Injury Trust Fund Tax, making the lump sum award \$17,495.14. 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 this Order becomes final. 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 \$145.80 and the Workers' Compensation Administration Fund, representing 2% of the permanent partial disability award, shall be paid in the sum of \$388.80.

BE IT FURTHER RESOLVED that the Trust's legal counsel be authorized not to appeal and to comply with said Order 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.* Article 10, Section 28 of the Oklahoma Constitution.

ADOPTED by the Council and **SIGNED** by the Mayor of The City of Oklahoma City this
29TH day of AUGUST 2023.

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 29TH day of AUGUST 2023.

ATTEST:

Amy K. Simpson
Secretary



David Holt
Chairman

REVIEWED for form and legality.

Richard E. Mahoney
Assistant Municipal Counselor / I