

A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AUTHORIZING COMPROMISE SETTLEMENT OF THE CLAIMS FILED BY WILLIAM ATTEBERRY UNDER THE PROVISIONS OF THE WORKERS' COMPENSATION STATUTES OF THE STATE OF OKLAHOMA IN THE CASES OF *WILLIAM ATTEBERRY V. THE CITY OF NORMAN*, WORKERS' COMPENSATION COMMISSION CASE NOS. 2015-06559 Q AND 2016-05332 L; DIRECTING THE LEGAL DEPARTMENT TO THEN FILE SUCH SETTLEMENT AND ALL ATTENDANT COSTS IN THE WORKERS' COMPENSATION COMMISSION, OKLAHOMA CITY, OKLAHOMA; AND AUTHORIZING AND DIRECTING THE FINANCE DIRECTOR TO SUBSEQUENTLY PURCHASE SUCH WORKERS' COMPENSATION COMMISSION JUDGMENT FROM THE RISK MANAGEMENT INSURANCE FUND.

- §1. WHEREAS, WILLIAM ATTEBERRY a former fire captain for the Norman Fire Department alleged a single incident injury to the neck fighting a grass and structure fire on February 17, 2014 and to the left shoulder while training on December 14, 2015; and
- §2. WHEREAS, the City of Norman has negotiated settlement for both claims of WILLIAM ATTEBERRY against the City of Norman, under the Workers' Compensation Statutes for a total of \$23,740.50 (CM 2015-06559 Q, 11% \$12,435.50 Neck - body as a whole and CM 2016-05332 L, 10% \$11,305 Left Shoulder – body as a whole) to be paid in a lump sum settlement to Mr. Atteberry, and such settlement is believed to be fair and reasonable; and
- §3. WHEREAS, the City shall incur additional costs for the settlement for payment for Workers Compensation Commission Case No. 2015-06559 Q (Neck) to the Workers' Compensation Administration Fund in the amount of \$248.71; the Special Occupational Health and Safety Fund in the amount of \$93.27; and for settlement for payment for Workers Compensation Commission Case No. 2016-05332 L (L. Shoulder) to the Workers' Compensation Administration Fund in the amount of \$226.10, the Special Occupational Health and Safety Fund in the amount of \$84.79; and filing fees in the Workers' Compensation Court in the amount of \$140; and for both cases filing fees in the Cleveland County District Court in the amount of \$144.14; and
- §4. WHEREAS, the Risk Management Insurance Fund of the City of Norman has heretofore appropriated funds for the payment of Workers' Compensation settlements covering injuries to qualified persons employed by the City of Norman; and



§5. WHEREAS, the judgment and award should be transmitted and certified to the Workers' Compensation Commission, Oklahoma City, Oklahoma, which when filed will constitute judgment against the City of Norman, which it is entitled to purchase with funds out of the Risk Management Insurance Fund pursuant to Okla. Stat. tit. 85, § 107, Okla. Stat. tit. 51, § 159, and Okla. Stat. tit. 62, § 361, *et seq.*; and

§6. WHEREAS, the City Council finds it will be in the best interest of the City if the funds of the Risk Management Insurance Fund are invested in said judgment; and

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA:

§7. That the Legal Department is authorized to enter into settlement with one William Atteberry for not more than \$23,740.50 for any and all claims that he has or may have against the City of Norman under the Workers' Compensation Statutes for any and all injuries known or unknown which occurred while working for the City of Norman; and

§8. That the Legal Department is directed to hereinafter file such settlement in the Workers' Compensation Commission, Oklahoma City, Oklahoma, along with all attendant costs therefore, as provided by law; and

§9. That the Finance Director is authorized and directed to purchase such judgment of the Workers' Compensation Commission, Oklahoma City, Oklahoma, out of funds of the Risk Management Insurance Fund of the City of Norman.

PASSED AND ADOPTED this _____ day of January, 2019.

Mayor

ATTEST:

City Clerk