

A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AUTHORIZING SETTLEMENT OF THE CLAIMS FILED BY TERRY SEARCY UNDER THE PROVISIONS OF THE WORKERS' COMPENSATION STATUTES OF THE STATE OF OKLAHOMA IN THE CASES OF *TERRY SEARCY V. THE CITY OF NORMAN*, WORKERS' COMPENSATION COMMISSION CASE NO. 2019-00448 Y AND WORKERS' COMPENSATION COURT OF EXISTING CLAIMS CASE NO. 2019-04001 A; DIRECTING THE LEGAL DEPARTMENT TO THEN FILE SUCH SETTLEMENT AND ALL ATTENDANT COSTS IN THE WORKERS' COMPENSATION COMMISSION AND WORKERS' COMPENSATION COURT OF EXISTING CLAIMS, OKLAHOMA CITY, OKLAHOMA; AND AUTHORIZING AND DIRECTING THE FINANCE DIRECTOR TO SUBSEQUENTLY PURCHASE SUCH WORKERS' COMPENSATION COMMISSION AND COURT OF EXISTING CLAIMS JUDGMENTS FROM THE RISK MANAGEMENT INSURANCE FUND.

- §1. WHEREAS, TERRY SEARCY, a former Heavy Equipment Operator for the City of Norman's Street Maintenance Division of Public Works, alleged a single incident injury to the left shoulder, left elbow, head, ribs, and back on or about May 11, 2018, when he fell from his truck after being stung by bees and a cumulative injury of hearing loss and tinnitus with date of awareness of July 2004 and last date of exposure of October 2018 due to continuous exposure to loud noises; and
- §2. WHEREAS, the City of Norman has negotiated settlement for the two (2) claims of TERRY SEARCY against the City of Norman, under the Workers' Compensation Statutes for a total of \$45,476.50, which represents 10% (\$11,305) whole body (back), 9% (\$10,174.50) whole body (Left shoulder), 5% (\$5,652.50) whole body (Head), 2% (\$1,776.50) Left Arm (Left Elbow) on Case No. CM-2019-00448 Y totaling \$28,908.50 and 15% (\$13,068) ears (Hearing Loss, Tinnitus) plus \$3,500 for the cost of hearing aids on Case No. WCC 2019-04001 A totaling \$16,568 to be paid in a lump sum settlement to Mr. Searcy and such settlement is believed to be fair and reasonable; and .
- §3. WHEREAS, the City shall incur additional costs for the settlement for payment of Workers Compensation Commission Case No. CM 2019-00448 Y to the Workers' Compensation Administration Fund in the amount of \$578.17 and the Special Occupational Health and Safety Fund in the amount of \$216.81; for the settlement for payment of Workers Compensation Court of Existing Claims Case No. 2019-04001 A to the Workers' Compensation Administration Fund in the amount of



\$331.36 and the Special Occupational Health and Safety Fund in the amount of \$124.26; for filing fees in the Workers' Compensation Court in the amount of \$140 in each case; and a filing fee in the Cleveland County District Court in the amount of \$154.14; 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 Court, Oklahoma City, Oklahoma, which when filed will constitute judgments 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. 85A, § 107, Okla. Stat. tit. 51, § 159, and Okla. Stat. tit. 62, § 361, *et seq.* and Okla. Stat. tit. 85, § 313, 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 TERRY SEARCY for not more than \$45,476.50 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 settlements in the Workers' Compensation Court, 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 and Court of Existing Claims, Oklahoma City, Oklahoma, out of funds of the Risk Management Insurance Fund of the City of Norman.

PASSED AND ADOPTED this \_\_\_\_\_ day of March, 2020.

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Mayor

ATTEST:

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City Clerk