

A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AUTHORIZING COMPROMISE SETTLEMENT OF FOUR CLAIMS FILED BY RODNEY BURTON UNDER THE PROVISIONS OF THE WORKERS' COMPENSATION STATUTES OF THE STATE OF OKLAHOMA IN THE FOUR CASES OF *RODNEY BURTON V. THE CITY OF NORMAN*, WORKERS' COMPENSATION CASE NOS. WCC 2010-10900F, WCC 2010-11090J, WCC 2011-06594Y AND WCC 2011-11026R; DIRECTING THE LEGAL DEPARTMENT TO THEN FILE SUCH SETTLEMENTS AND ALL ATTENDANT COSTS IN THE WORKERS' COMPENSATION COURT, OKLAHOMA CITY, OKLAHOMA; AND AUTHORIZING AND DIRECTING THE FINANCE DIRECTOR TO SUBSEQUENTLY PURCHASE SUCH WORKERS' COMPENSATION COURT JUDGMENTS FROM THE RISK MANAGEMENT INSURANCE FUND.

- §1. WHEREAS, RODNEY BURTON was a Maintenance Worker I employee with the Line Maintenance Division of Public Works who was hired on August 18, 2008 and separated employment on March 16, 2012. Mr. Burton filed four (4) Workers' Compensation Cases, WCC 2010-10900F, WCC 2010-11090J, WCC 2011-06594Y and WC 2011-11026R; and
- §2. WHEREAS, the City of Norman has negotiated a full, final, and complete settlement of the continued medical maintenance award from the previously adjudicated Case No. WCC 2010-10900F (left shoulder) of RODNEY BURTON under the Workers' Compensation Statutes as Self-Administered Medicare Set Aside in the amount of \$27,189, to be paid in a lump sum settlement to Mr. Burton and his attorney, and such settlement is believed to be fair and reasonable; and
- §3. WHEREAS, the City will not incur additional costs for the settlement of the continued medical maintenance of WCC 2010-10900F as these costs and fees were previously paid pursuant to a Court Award approved by City Council on July 26, 2011; and
- §4. WHEREAS, the City of Norman has negotiated settlement for the claim of RODNEY BURTON against the City of Norman, Case No. WCC 2010-11090J (back, body, depression) under the Workers' Compensation Statutes for \$17,100 (back only) to be paid in a lump sum to Mr. Burton and his attorney, and such settlement is believed to be fair and reasonable; and



- §5. WHEREAS, the City shall incur additional costs for the settlement of WCC 2010-11090J for payment to the Workers' Compensation Administration Fund in the amount of \$342.00; the Special Occupational Health and Safety Fund in the amount of \$128.25; for filing fees in the Workers' Compensation Court in the amount of \$140.00; and filing fees in the Cleveland County District Court in the amount of \$125.70; and
- §6. WHEREAS, the City of Norman has negotiated settlement for the claim of RODNEY BURTON against the City of Norman, Case No. WCC 2011-06594Y (head, neck, body, depression) under the Workers' Compensation Statutes for \$15,956 (head, neck and left wrist/hand) to be paid in a lump sum to Mr. Burton and his attorney, and such settlement is believed to be fair and reasonable; and
- §7. WHEREAS, the City shall incur additional costs for the settlement of WCC 2011-06594Y for payment to the Workers' Compensation Administration Fund in the amount of \$319.12; the Special Occupational Health and Safety Fund in the amount of \$119.67; for filing fees in the Workers' Compensation Court in the amount of \$140.00; and filing fees in the Cleveland County District Court in the amount of \$125.70; and
- §8. WHEREAS, the City of Norman has negotiated settlement for the claim of RODNEY BURTON against the City of Norman, Case No. WCC 2011-11026R (left/right shoulders, body, depression) under the Workers' Compensation Statutes for \$59,755 (left/right shoulders) to be paid in a lump sum to Mr. Burton and his attorney, and such settlement is believed to be fair and reasonable; and
- §9. WHEREAS, the City shall incur additional costs for the settlement of WCC 2011-11026R for payment to the Workers' Compensation Administration Fund in the amount of \$1,195.10; the Special Occupational Health and Safety Fund in the amount of \$448.16; for filing fees in the Workers' Compensation Court in the amount of \$140.00; and filing fees in the Cleveland County District Court in the amount of \$125.70; and
- §10. 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
- §11. WHEREAS, the judgment and award should be transmitted and certified to the Workers' Compensation Court, 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, § 301, Okla. Stat. tit. 51, § 159, and Okla. Stat. tit. 62, § 361, *et seq.*; and

§12. 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 judgments; and

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

§13. That the Legal Department is authorized to enter into settlements with one RODNEY BURTON for not more than \$120,000, in the aggregate, 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

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

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

PASSED AND ADOPTED this _____ day of August, 2014.

Mayor

ATTEST:

City Clerk