

**RESOLUTION NO. 2024-\_\_\_\_\_**

**A RESOLUTION RATIFYING THE ACTIONS OF THE ASSISTANT CITY ATTORNEY AND THE CITY MANAGER IN MAKING PAYMENT IN THE WORKERS' COMPENSATION CASE OF MICHAEL A. MCDANIEL FOR THE JUDGMENT OF THIRTY-FOUR THOUSAND SIX HUNDRED FIFTY AND NO/100 DOLLARS (\$34,650.00), LESS AN OVERPAYMENT OF (\$9,531.80), EQUALING TWENTY-FIVE THOUSAND ONE HUNDRED EIGHTEEN AND 20/100 DOLLARS (\$25,118.20), INCLUDING AN ATTORNEY'S FEE PAYMENT IN THE AMOUNT OF SIX THOUSAND NINE HUNDRED THIRTY AND NO/100 DOLLARS (\$6,930.00); DIRECTING THREE PERCENT (3%) OF SAID JUDGMENT, IN THE AMOUNT OF ONE THOUSAND THIRTY-NINE AND 50/100 DOLLARS (\$1,039.50), TO BE PAID DIRECTLY TO THE OKLAHOMA TAX COMMISSION AS A MULTIPLE INJURY TRUST FUND TEMPORARY ASSESSMENT IN ACCORDANCE WITH 85A OKLA. STAT. SECTION 31.A.7; AND FILING A FOREIGN JUDGMENT IN THE DISTRICT COURT OF COMANCHE COUNTY FOR PURPOSE OF PLACING SAID JUDGMENT ON THE TAX ROLLS. PER ORDER OF THE WORKERS' COMPENSATION COMMISSION.**

**WHEREAS**, Michael A. McDaniel has filed an injury claim with the Workers' Compensation Commission for permanent partial disability for injury to the right leg (knee) with a date of injury of December 22, 2022, while on duty as Assistant Fire Chief for the City of Lawton, Fire Department; and,

**WHEREAS**, judgment was entered by the Workers' Compensation Commission on February 12, 2024, in the total amount of Thirty-Four Thousand Six Hundred Fifty and No/100 Dollars (\$34,650.00), less an overpayment of (\$9,531.80), equaling Twenty-Five Thousand One Hundred Eighteen and 20/100 Dollars (\$25,118.20), including an attorney's fee payment in the amount of Six Thousand Nine Hundred Thirty and No/100 Dollars (\$6,930.00); and,

**WHEREAS**, pursuant to Title 85A Okla. Stat. Section 31.A.7., for injuries occurring on or after July 1, 2019, the Oklahoma Tax Commission shall assess and collect from claimants a Multiple Injury Trust Fund temporary assessment in the amount of three percent (3%) of the total award or settlement for permanent partial disability or permanent total disability; and,

**WHEREAS**, the above referenced Multiple Injury Trust Fund Assessment representing three percent (3%) of the order amount attributable to permanent partial disability or permanent total disability is One Thousand Thirty-Nine and 50/100 Dollars (\$1,039.50); and,

**WHEREAS**, the amount due to Michael A. McDaniel will be Twenty-Five Thousand One Hundred Eighteen and 20/100 Dollars (\$25,118.20), including an attorney's fee payment in the amount of Six Thousand Nine Hundred Thirty and No/100 Dollars (\$6,930.00), and including a Multiple Injury Trust Fund Assessment to be paid to the Oklahoma Tax Commission in the amount of One Thousand Thirty-Nine and 50/100 Dollars (\$1,039.50).

**WHEREAS**, the Assistant City Attorney and the City Manager agreed to make payment of the judgment rendered by the Workers' Compensation Commission on the premises that no appealable issue had been identified and to protect the City's own-risk status.

**NOW THEREFORE, BE IT RESOLVED** by the Council of the City of Lawton, that the City Council ratifies the actions of the Assistant City Attorney and the City Manager to make payment on the judgment of Twenty-Five Thousand One Hundred Eighteen and 20/100 Dollars (\$25,118.20), including an attorney's fee payment in the amount of Six Thousand Nine Hundred Thirty and No/100 Dollars (\$6,930.00), and a Multiple Injury Trust Fund Assessment to be paid to the Oklahoma Tax Commission in the amount of One Thousand Thirty-Nine and 50/100 Dollars (\$1,039.50), per order of the Workers' Compensation Commission as provided by law.

**PASSED and APPROVED** by the Mayor and Council of the City of Lawton, Oklahoma this 27th day of February 2024.

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STANLEY BOOOKER, MAYOR

ATTEST:

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DONALYNN BLAZEK-SCHERLER, CITY CLERK

APPROVED as to form and legality this \_\_\_\_ day of February 2024.

  
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GARRETT LAM, ASSISTANT CITY ATTORNEY