

RESOLUTION NO. 2022-_____

A RESOLUTION RATIFYING THE ACTIONS OF THE CITY ATTORNEY AND THE CITY MANAGER IN MAKING PAYMENT IN THE WORKERS' COMPENSATION CASE OF MATTHEW MCKINNEY FOR THE JUDGMENT OF EIGHTEEN THOUSAND NINE HUNDRED AND 00/100 DOLLARS (\$18,900.00), INCLUDING AN ATTORNEY'S FEE PAYMENT IN THE AMOUNT OF THREE THOUSAND SEVEN HUNDRED EIGHTY AND 00/100 DOLLARS (\$3,780.00); DIRECTING THREE PERCENT (3%) OF SAID JUDGMENT, IN THE AMOUNT OF FIVE HUNDRED SIXTY-SEVEN AND 00/100 DOLLARS (\$567.00), 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, Matthew McKinney has filed an injury claim with the Workers' Compensation Commission for permanent partial disability for injury to the lumbar spine (aggravation) with a date of injury of July 11, 2019, while on duty as a Firefighter for the City of Lawton, Fire Department; and,

WHEREAS, judgment was entered by the Workers' Compensation Commission on July 15, 2022, in the total amount of Eighteen Thousand Nine Hundred and 00/100 Dollars (\$18,900.00), including an attorney's fee payment in the amount of Three Thousand Seven Hundred Eighty and 00/100 Dollars (\$3,780.00); 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 Five Hundred Sixty-Seven and 00/100 Dollars (\$567.00); and,

WHEREAS, the amount due to Matthew McKinney will be Eighteen Thousand Nine Hundred and 00/100 Dollars (\$18,900.00), including an attorney's fee payment in the amount of Three Thousand Seven Hundred Eighty and 00/100 Dollars (\$3,780.00), and including a Multiple Injury Trust Fund Assessment to be paid to the Oklahoma Tax Commission in the amount of Five Hundred Sixty-Seven and 00/100 Dollars (\$567.00).

WHEREAS, the 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 City Attorney and the City Manager to make payment on the judgment of Eighteen Thousand Nine Hundred and 00/100 Dollars (\$18,900.00),

including an attorney's fee payment in the amount of Three Thousand Seven Hundred Eighty and 00/100 Dollars (\$3,780.00), and a Multiple Injury Trust Fund Assessment to be paid to the Oklahoma Tax Commission in the amount of Five Hundred Sixty-Seven and 00/100 Dollars (\$567.00), per order of the Workers' Compensation Commission as provided by law.

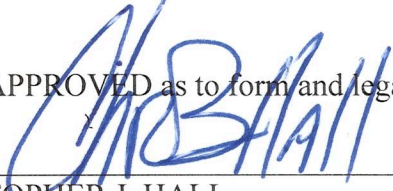
PASSED and APPROVED by the Mayor and Council of the City of Lawton, Oklahoma this ____th day of August, 2022.

STANLEY BOOOKER, MAYOR

ATTEST:

TRACI L. HUSHBECK, CITY CLERK

APPROVED as to form and legality this 25 day of July, 2022.



CHRISTOPHER J. HALL
ASSISTANT CITY ATTORNEY