

JOINT RESOLUTION

JOINT RESOLUTION OF THE CITY OF OKLAHOMA CITY AND THE OKLAHOMA CITY MUNICIPAL FACILITIES AUTHORITY AUTHORIZING THE RISK MANAGER AND THE TRUST'S LEGAL COUNSEL, J. TYLER WORTEN, TO PROCEED IN THE HANDLING OF ALL ASPECTS OF THE WORKERS' COMPENSATION DEATH BENEFITS PROCEEDINGS FOR THE SURVIVING DEPENDENT HEIR(S) AT LAW OF OKLAHOMA CITY FIRE MAJOR ANDREW PAUL DAVIS AND FURTHER AUTHORIZING THE RISK MANAGER TO PAY A LUMP SUM STATUTORY DEATH BENEFIT PAYMENT UP TO \$100,000.00 TO ADJUDICATED SPOUSE AND UP TO \$50,000 TO DEPENDENT(S) AND FOR PAYMENT OF STATUTORY WEEKLY BENEFITS AS ORDERED BY THE WORKERS' COMPENSATION COMMISSION PURSUANT TO 85A O.S. § 47, AND FOR PAYMENT OF TAXES AND OTHER COSTS AS ORDERED BY THE COMMISSION.

WHEREAS Andrew Paul Davis was employed by the City of Oklahoma City, on February 25, 2000; and

WHEREAS, on December 24, 2020, Major Davis died from complications as a result of an exposure on-the-job; and

WHEREAS, since Major Davis's death arose out of and occurred within the scope of his employment, certain statutory workers' compensation death benefits are provided for spouse, dependent children, and other dependent heirs at law if applicable; and

WHEREAS, for reasons set forth herein and the attached memorandum which are incorporated herein and made a part hereof, it is construed to be in the best interest of the City of Oklahoma City to authorize the Risk Manager and the Trust's legal counsel, J. Tyler Worten, to proceed in the handling of all or part of the matter, including payment of statutory lump sum benefits and periodic compensation as determined applicable, and upon review by the Workers'

Compensation Commission and submission of all necessary documents required. The lump sum statutory death benefit payment for spouse is \$100,000 and lump sum benefit payment for dependent(s) is \$50,000, making the lump sum award, \$150,000. Pursuant to Title 85 O.S. § 368, a filing fee of \$140 is taxed as a cost in this matter and shall be paid by Respondent, The City of Oklahoma City, to the Commission Administrator within 20 days from the date of the settlement. In addition, the City will pay Court costs of \$140; a Special Occupational Health and Safety tax Fund, representing .75% of the death benefit award, shall be paid in the sum of \$1,125; and the Workers' Compensation Administration Fund, representing 2% of the death benefit award, shall be paid in the sum of \$3,000.

NOW, THEREFORE, BE IT JOINTLY RESOLVED by the Mayor and Council of the City of Oklahoma City and the Board of Trustees of the Oklahoma City Municipal Facilities Authority that the Risk Manager and Trust's legal counsel, J. Tyler Worten, be authorized to proceed in the handling of all aspects of Workers' Compensation procedures to determine what death benefits compensation lump sum disbursements and periodic compensation as determined applicable would be distributed to Major Davis's heirs at law, including but not limited to the authority of the Risk Manager to disburse said statutory lump sum disbursements to spouse, dependent children, and any other heirs at law in accordance with 85A O.S. § 47 and upon the receipt of the proper paperwork and after review of the Workers' Compensation Commission.

ADOPTED by the Council and **SIGNED** by the Mayor of The City of Oklahoma City this day of _____, 2021.

ATTEST:

City Clerk

Mayor

ADOPTED by the Trustees and **SIGNED** by the Chairman of The Oklahoma City
Municipal Facilities Authority this ____ day of _____, 2021.

ATTEST:

Secretary

Chairman

REVIEWED for form and legality.



Assistant Municipal Counselor III