

Date.....

November 20, 2006

WHEREAS, William Daniels II, a former temporary refuse collector in the Public Works Department, recently filed a workers' compensation claim based on alleged cumulative trauma to his left shoulder; and

WHEREAS, the Workers' Compensation Commissioner has previously awarded Mr. Daniels a 65% industrial disability based on a right shoulder injury, for which the City is currently paying weekly benefits and approximately \$110,000 remains to be paid; and

WHEREAS, Mr. Daniels, through his attorney, is willing to settle all claims, including both workers' compensation claims, for \$140,000 in lump sum; and

WHEREAS, it is the opinion of the Legal Department that the proposed settlement is in the best interests of the City of Des Moines; NOW, THEREFORE,

BE IT RESOLVED by the City Council of the City of Des Moines, Iowa:

That payment in the amount of \$140,000 in lump sum to William Daniels II be and is hereby approved, subject to approval of a special case settlement by the Workers' Compensation Commissioner, and the Finance Director is authorized to draw warrants accordingly.

MOVED BY _____ TO ADOPT

FORM APPROVED:



Steven C. Lussier
Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
HENSLEY				
KIERNAN				
MAHAFFEY				
VLASSIS				
TOTAL				

CERTIFICATE

I, DIANE RAUH, City Clerk of said City hereby certify that at a meeting of the City Council of said City of Des Moines, held on the above date, among other proceedings the above was adopted.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal the day and year first above written.

MOTION CARRIED APPROVED

Mayor

City Clerk