

RESOLUTION NO. 266

WHEREAS, Jose A. Davila (hereinafter referred to as "Davila"), a member of the Bureau of Police, on or about January 3, 1985 applied for membership in the Fire and Police Disability, Retirement and Death Benefit Plan (hereinafter referred to as the "Plan"); and

WHEREAS, the Board of Trustees of the Fire and Police Disability and Retirement Fund (hereinafter referred to as the "Board"), denied Davila's application for membership on or about May 14, 1985; and

WHEREAS, Davila has asserted certain pending and potential claims against the City of Portland, Oregon and the Board, including, but not limited to, the claims asserted in the cases of Davila v. City of Portland, et al., United States District Court of the District of Oregon Case No. 90-1249 PA and Davila v. City of Portland, et al., Multnomah County Circuit Court Case No. A8912-07415; and

WHEREAS, the Board and Davila desire to settle any and all disputes and terminate all conflicts which exist or may exist between them concerning or related to Davila's employment with the City and his application for membership in the Plan by way of compromise and settlement; and

WHEREAS, an appropriate form of agreement for settling any and all disputes and terminating all conflicts which exist or may exist between the Board and Davila is attached to the original only hereof, and by this reference, made a part hereof; and

WHEREAS, the agreement attached hereto is appropriate and should be approved, now, therefore,

BE IT RESOLVED by the Board of Trustees that the agreement attached hereto be, and hereby is, approved, and the Fund Administrator is hereby authorized to execute said agreement on behalf of the Board and to issue a warrant in the amount of \$170,000 payable to Davila and his attorney, Victor Calzaretta.

IT IS FURTHER RESOLVED that the Fund Administrator is hereby authorized to issue a warrant in the amount of \$5,000 to the Bureau of Risk Management in connection with the settlement referred to above.

ADOPTED by the Board of Trustees on August 13, 1991.

BARBARA CLARK, Secretary
Fire and Police Disability and
Retirement Fund

By


Deputy Secretary/Fund Administrator