

**ORDINANCE No. 183415**

\* Waive bond requirement of Code Section 5.08.160 D to allow the Bureau of Fire and Police Disability and Retirement to make final benefit payments not exceeding \$10,000 to heirs or next of kin living outside of the State of Oregon. (Ordinance)

The City of Portland ordains:

Section 1. The Council finds:

1. Code Section 5.08.160 sets forth the procedures for delivery of checks payable to deceased persons. Subsection D of that Section provides that before a check may be delivered to an heir or next of kin who lives out of state, the heir or next of kin must sign a hold harmless agreement and post a bond to defend and indemnify the City, its officers, agents and employees against any claim, suit, action or judgment arising out of the delivery or payment of the checks.
2. The Bureau of Fire and Police Disability and Retirement (FPDR) handles several member deaths each month. If the deceased member has no surviving spouse or dependent minor children, the decedent's final benefit is issued to his or her heir or next of kin. An overwhelming number of the decedents' heirs or next of kin live out of the State of Oregon.
3. For final benefit payments not exceeding \$10,000, it is desirable to deliver the final benefit check to the heirs or next of kin without the time and expense involved in obtaining a bond.

NOW, THEREFORE, the Council directs:

- a. The requirement of Portland City Code Section 5.08.160 D for a bond shall be waived for claims by the heirs or next of kin of FPDR deceased members for benefits not exceeding \$10,000.

Section 2. The Council declares that an emergency exists because undue delay would interfere with efficient execution of the distribution of the final benefits due to decedents' families; therefore, this Ordinance shall be in force and effect from and after its passage by the Council.

Passed by the Council: **DEC 16 2009**  
Commissioner Dan Saltzman  
LJefferson/kk  
December 3, 2009

**LA VONNE GRIFFIN-VALADE**

Auditor of the City of Portland

By

  
Deputy

-1743

140

Agenda No. **183415**  
**ORDINANCE NO.**  
Title

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INTRODUCED BY Commissioner/Auditor:	CLERK USE: DATE FILED <b>DEC 11 2009</b>
<b>COMMISSIONER APPROVAL</b> Mayor—Finance and Administration - Adams Position 1/Utilities - Fritz Position 2/Works - Fish Position 3/Affairs - Saltzman Position 4/Safety - Leonard	LaVonne Griffin-Valade Auditor of the City of Portland  By: <u><i>Susan Lawrence</i></u> Deputy
<b>BUREAU APPROVAL</b> Bureau: FPDR Bureau Head: Linda Jefferson <u><i>Linda Jefferson</i></u> Prepared by: Kathy Kakesako Date Prepared: 12/3/09 Financial Impact Statement Completed <input checked="" type="checkbox"/> Amends Budget <input type="checkbox"/> Not Required <input type="checkbox"/> Portland Policy Document If "Yes" requires City Policy paragraph stated in document. Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Council Meeting Date <b>12/16/09</b> City Attorney Approval	ACTION TAKEN:

<b>AGENDA</b>
<b>TIME CERTAIN</b> <input type="checkbox"/> Start time: _____ Total amount of time needed: _____ (for presentation, testimony and discussion)
<b>CONSENT</b> <input checked="" type="checkbox"/>
<b>REGULAR</b> <input type="checkbox"/> Total amount of time needed: _____ (for presentation, testimony and discussion)

FOUR-FIFTHS AGENDA	COMMISSIONERS VOTED AS FOLLOWS:		
		YEAS	NAYS
1. Fritz	1. Fritz	✓	
2. Fish	2. Fish	✓	
3. Saltzman	3. Saltzman	✓	
4. Leonard	4. Leonard	✓	
Adams	Adams	✓	