

RESOLUTION NO. 248

WHEREAS, Dennis J. Daly, a member of the Bureau of Police, has made a claim for damages against the Fire and Police Disability and Retirement Fund resulting from an alleged trespass to real property during the investigation of his application for service-connected disability benefits, and

WHEREAS, the alleged trespass claim has been investigated by the City Attorney's Office and it appears that there is substantial risk that the Fire and Police Disability and Retirement Fund might be found liable and that it is prudent to settle the claim in order to avoid full liability therefor together with additional costs of defense and litigation, and

WHEREAS, the City Attorney's Office recommends that the claim be settled for \$1,000.00 plus a letter of reprimand to John Scarino and the promulgation of a policy by the Board of Trustees that the investigation of claims be conducted in conformity with the laws and constitutions of Oregon and the United States, subject to the claimant providing the Board of Trustees with a release in a form to be approved by the City Attorney, now, therefore,

BE IT RESOLVED by the Board of Trustees of the Fire and Police Disability and Retirement Fund that the Deputy Secretary prepare and deliver a warrant in the amount of \$1,000.00 made payable to Dennis J. Daly, Norma L. Daly and James Coon, attorney, as settlement in full of all claims for damages upon receipt of a release approved by the City Attorney.

IT IS FURTHER RESOLVED that a letter of reprimand substantially in conformance with the letter attached hereto as exhibit A be sent to John Scarino and that a resolution adopting a policy as stated in exhibit B be adopted by the Board of Trustees.

Adopted by the Board of Trustees, this 8th day of April,
1986.

JEWEL LANSING, Secretary,
Fire and Police Disability and
Retirement Fund

By David E. Cook
Deputy Secretary