

**ORDINANCE NO. O2016-014**

**AN ORDINANCE** of the City Council of the City of Tumwater, Washington, creating a city disability board for LEOFF 1 members with jurisdiction over police officers and firefighters of the City of Tumwater pursuant to RCW 41.26.110.

**WHEREAS**, Washington law requires cities with a population of 20,000 or more which have employed uniformed police and/or fire employees between 1970 and October 1, 1977 (referred to as LEOFF I members) to establish a disability board to consider disability retirement and medical claims; and

**WHEREAS**, in July 2016, the State Office of Financial Management (OFM) determined the City's population is greater than 20,000 thereby requiring the City to establish a LEOFF I Disability Board.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF TUMWATER, STATE OF WASHINGTON, DOES ORDAIN AS FOLLOWS:**

**Section 1.** A new Chapter 2.74, LEOFF I Disability Board, is hereby added to the Tumwater Municipal Code to read as follows:

**2.74.010 Establishment – Membership.**

Pursuant to RCW 41.26.110, the Tumwater LEOFF I Disability Board (the "Disability Board") is established. The Disability Board shall be composed of two members of the City Council, one firefighter, one law enforcement officer, and one at-large member. The firefighter and law enforcement officer are to be elected as provided under state law. The at-large member shall be a city resident who is appointed by a majority vote of the other members.

**2.74.020 Terms – Vacancies.**

A. All members appointed or elected pursuant to this section shall serve a two year term, with the exception of the law enforcement member and one City Councilmember who, on the first term, shall only serve a one year term. All terms shall expire on the 31st day of December of the last year for which the term is made, provided each member shall hold office until a successor is appointed or elected. Any member who ceases to have the qualifications provided in this section shall be deemed to have forfeited his or her office. The City Administrator or designee is delegated the authority to require elections pursuant to this section be held in a timely manner and in accordance with state law.

B. Vacancies occurring, other than through the expiration of terms, shall be filled for the unexpired term of the member. Vacancies shall be filled in the same manner as with an original appointment or election.

**2.74.030 Duties and Powers.**

The Disability Board shall perform all functions, exercise all powers and make such determinations as specified in Chapter 41.26 RCW, as now or hereafter amended. The Disability Board may adopt reasonable rules and regulations consistent with state law to carry out its authority and to govern the manner and form of filing, presentations, and hearings before the Disability Board.

**2.74.040 Meetings.**

A. The members of the Disability Board shall at the first meeting of the year, or the first meeting after appointments have occurred if the Disability Board desires, select from among their members a Chairperson and Chairperson Pro Tem, and such other officers as may be necessary, who shall serve in that capacity for a one year term commencing the first meeting of the year. The presence of three members of the Disability Board shall be required to constitute a quorum for the transaction of business. The Disability Board shall meet regularly at a scheduled time and place established by resolution of the Disability Board. Regular meetings may be canceled if there is no business pending before the Disability Board.

B. The City Administrator, in his/her discretion, shall designate a city employee to provide administrative support to the Disability Board.

**2.74.050 Compensation – Expenses.**

Members of the Disability Board shall serve without compensation for their service, but members shall be reimbursed for all expenses incidental to such service in the manner and amount as authorized by law.

**Section 2. Corrections.** The City Clerk and codifiers of this ordinance are authorized to make necessary corrections to this ordinance including but not limited to the correction of scrivener/clerk errors, references, ordinance numbering, section/subsection numbers and any references thereto.

**Section 3. Ratification.** Any act consistent with the authority and prior to the effective date of this ordinance is hereby ratified and affirmed.

**Section 4. Severability.** The provisions of this ordinance are declared separate and severable. The invalidity of any clause, sentence, paragraph, subdivision, section, or portion of this ordinance or the invalidity of the application

thereof to any person or circumstance, shall not affect the validity of the remainder of the ordinance, or the validity of its application to other persons or circumstances.

**Section 5. Effective Date.** This ordinance shall become effective thirty (30) days after passage, approval and publication as provided by law.

ADOPTED this 5<sup>th</sup> day of July, 2016.

CITY OF TUMWATER

Pete Kmet  
Pete Kmet, Mayor

ATTEST:

Melody Valiant  
Melody Valiant, City Clerk

APPROVED AS TO FORM:

Karen Kirkpatrick  
Karen Kirkpatrick, City Attorney

Published: 07-07-2016

Effective Date: 08-06-2016