

**ORDINANCE NO. 2018-12**

**AN ORDINANCE** of the City of Bainbridge Island, Washington, establishing a LEOFF Disability Board as required under RCW 41.26.110 for cities with a population over twenty thousand (20,000) people.

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

**WHEREAS**, pursuant to RCW 43.62.030, the State Office of Financial Management (OFM) has determined that the City's population is greater than 20,000; and

**WHEREAS**, no fire employees who are LEOFF 1 members are employed by or have retired from the City.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF BAINBRIDGE ISLAND, WASHINGTON, DO ORDAIN AS FOLLOWS:**

**Section 1.** A new Chapter 2.45, LEOFF Disability Board, is hereby added to the Bainbridge Island Municipal Code to read as follows:

**2.45.010 Definitions**

When used in this chapter, the following words, terms, and phrases shall have the meanings ascribed to them in this section.

A. "At-Large Member" shall mean the one member of the Disability Board from the public at large who resides within the City and who is appointed by the other members of the Disability Board.

B. "Disability Board" shall mean the City's disability board established pursuant to RCW 41.26.110.

C. "LEOFF" shall mean the Law Enforcement Officers' and Firefighters' Retirement System.

**2.45.020 Establishment**

Pursuant to RCW 41.26.110, the Disability Board is established having jurisdiction over all claims for disability by members of the LEOFF 1 retirement plan employed by or retired from the City.

## **2.45.030      Composition**

A. The Disability Board shall be composed of the following five members:

1. Two (2) members of the City Council, to be appointed by the Mayor.
2. Two (2) active or retired law enforcement officers, to be elected by the law enforcement officers employed by or retired from the City who are subject to the jurisdiction of the board and who are members of the LEOFF 1 retirement plan. All law enforcement officers employed by or retired from the City are eligible for election.
3. One member from the public at large who resides within the City to be appointed by the other four members designated in this section.

B. The City Manager, or their designee, will advertise and solicit applications from individuals desiring to serve as the At-Large Member. Following such advertisement and solicitation, the Disability Board will interview and appoint the At-Large Member from the resulting pool of applicants.

## **2.45.040      Terms – Vacancies – Elections**

A. All members of the Disability Board elected or appointed pursuant to this chapter shall serve a two-year term.

B. Any member of the Disability Board who ceases to have the qualifications provided in this chapter shall be deemed to have forfeited his or her office.

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

D. The City Manager, or their designee, shall organize any elections required under this chapter and shall ensure that such elections are held in a timely manner. The City Manager, or their designee, shall provide a notice of elections to the City's law enforcement officers through their city email account and to the City's retired law enforcement officers by mail to the last known address provided to the City. The notice of elections shall also be posted on the City's website.

## **2.45.050      Duties and Powers**

A. 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.

B. 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 filings, presentations, and hearings before the Disability Board.

## **2.45.060 Officers, Quorum, and Meetings**

A. At the first meeting following establishment of the Disability Board, and annually thereafter, the Disability Board shall select from among its members a Chairperson, a Chairperson Pro Tem, and such other officers as may be necessary, who shall serve in such capacity for a one-year term.

B. The City Manager may, in their discretion, designate an employee of the City to provide administrative support to the Disability Board.

C. The presence of three members of the Disability Board shall be required to constitute a quorum for the transaction of business.

D. 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.

E. All meetings of the Disability Board shall be open to the public and held in accordance with the Open Public Meetings Act, unless otherwise required or allowed by state or federal law.

D. Any member of the Disability Board may participate in meetings of the Disability Board remotely, either by telephone or electronically through software that is compatible with the City's systems and equipment. The City Manager, or their designee, shall facilitate such remote participation as needed.

## **2.45.070 Compensation and Expenses**

Members of the Disability Board shall serve without compensation for their service, but members shall be reimbursed by the City for all expenses incidental to their service in the manner and amount as authorized by law, except that members will not be reimbursed for travel or lodging expenses incurred traveling to or from meetings of the Disability Board.

**Section 2. Severability.** Should any section, paragraph, sentence, clause, or phrase of this ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this ordinance be preempted by state or federal law or regulation, such decision or preemption shall not affect the validity of the remaining portions of this ordinance or its application to other persons or circumstances.

**Section 3. Effective Date.** This ordinance shall take effect and be in force five (5) days from its passage, approval, and publication as required by law.

PASSED by the City Council this 24th day of April, 2018.

APPROVED by the Mayor this 24th day of April, 2018.

  
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Kol Medina, Mayor

ATTEST/AUTHENTICATE:

  
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Christine Brown, City Clerk

FILED WITH THE CITY CLERK	April 6, 2018
PASSED BY THE CITY COUNCIL	April 24, 2018
PUBLISHED:	April 27, 2018
EFFECTIVE DATE:	May 2, 2018
ORDINANCE NO:	2018-12