

ORDINANCE NO. 2020--015

AN ORDINANCE OF THE CITY OF ARLINGTON, WASHINGTON,
ADOPTING ARLINGTON MUNICIPAL CODE CHAPTER 2.50 ENTITLED LEOFF 1 DISABILITY BOARD;
ESTABLISHING A LAW ENFORCEMENT OFFICERS AND FIREFIGHTERS
DISABILITY BOARD PURSUANT TO RCW 41.26.110; AND ESTABLISHING AN EFFECTIVE DATE

WHEREAS, RCW 41.26.110 requires that each city having a population of twenty thousand (20,000) or more shall establish its own Law Enforcement Officers and Fire Fighters Disability Board (hereinafter Disability Board) with jurisdiction over that City's Law Enforcement Officers' and Fire Fighters ' retirement system "Plan 1" members, who are defined by the Department of Retirement Systems as employees who became members of the plan prior to October 1, 1977 (hereafter LEOFF 1 members); and

WHEREAS, as of adoption of this Ordinance, the City has surpassed a population of 20,000;
and

WHEREAS, the City has five retired LEOFF 1 members (and no active members) for which the Disability Board is required under state law.

NOW, THEREFORE, the City Council of the City of Arlington do hereby ordain as follows:

Section 1. A new Chapter 2.50, entitled LEOFF 1 Disability Board, is hereby adopted and added to the Arlington Municipal Code as follows:

CHAPTER 2.50

LEOFF 1 DISABILITY BOARD

Sections:

- 2.50.010 Board Established; Authority.
- 2.50.020 Membership; Assistance; Term; Vacancies.
- 2.50.030 Jurisdiction; Duties.
- 2.50.040 Meetings; Board Rules.
- 2.50.050 Compensation.
- 2.50.060 Cessation of Board.

2.50.010 Board Established; Authority.

A Law Enforcement Officers and Fire Fighters Plan 1 Disability Board, which may be referenced to as the Disability Board, is established pursuant to and in accordance with the requirements of RCW Chapter 41.26 and RCW 41.26.110.

2.50.020 Membership; Assistance; Term; Vacancies.

A. Membership. The Disability Board shall consist of five persons selected as follows:

1. Two members of the City Council, who shall be appointed by the Mayor.
2. An active or retired City of Arlington firefighter, who shall be elected to their position. The electors of such members shall be limited to commissioned law enforcement officers who are employed by or retired from the City and who are themselves subject to the jurisdiction of the Disability Board. The pool of electable candidates for membership on the Disability Board shall consist of all commissioned officers currently employed by or retired from the City.
 - a. If no eligible regularly employed or retired firefighters are willing or able to be elected to the board under this subsection, then the following individuals may be elected to the board under this subsection:
 - i. Any active or retired firefighters who reside within the jurisdiction served by the board. This includes active and retired firefighters under this chapter and chapters 41.18, 41.26, and 52.26 33 RCW;
 - ii. The widow or widower of a firefighter subject to the jurisdiction of the board.
3. An active or retired City of Arlington law enforcement officer, who shall be elected to their position. The electors of such members shall be limited to commissioned law enforcement officers who are employed by or retired from the City and who are themselves subject to the jurisdiction of the Disability Board. The pool of electable candidates for membership on the Disability Board shall consist of all commissioned officers currently employed by or retired from the City.
 - a. If no eligible active or retired members of the police department are willing or able to be elected to the board under this subsection, then the following individuals may be elected to the board under this subsection:
 - i. Any active or retired law enforcement officers who reside within the jurisdiction served by the board. This includes active and retired law enforcement officers under this chapter and chapter 41.26 RCW.
 - ii. The widow or widower of a law enforcement officer subject to the jurisdiction of the board.
4. One member of the public at-large, who shall be appointed by majority vote of the other four Disability Board members. The at-large member shall reside within the City at the time of and for the duration of his/her appointment.

B. Assistance. The Mayor shall appoint a current City employee to serve as Secretary of the Disability Board. The Secretary shall take minutes and maintain the records of the Disability Board, administer elections required by this section, and provide such other assistance as may be needed. The City Attorney shall provide legal counsel as may be needed.

C. Term; Vacancies. Each Disability Board member shall serve a two-year term commencing with their appointment or election, provided that one police officer member and one council member of the first slate of members to serve on the Disability Board shall serve a one-year term to establish a pattern of staggered terms thereafter. All terms shall expire on the thirty-first day of December of the last year for which the term is made, provided that members shall remain in office until their successors are selected and confirmed. Any member who ceases to have the qualifications provided in this section or required by law shall be deemed to have forfeited his or her office. Vacancies occurring other than through the expiration of terms shall be filled for the remainder of the term using the applicable selection method set forth above.

2.50.030 Jurisdiction; Duties.

A. Jurisdiction. The Disability Board shall have jurisdiction over active and retired City of Arlington law enforcement officers or firefighters who became members of the Law Enforcement Officers and Fire Fighters retirement system prior to October 1, 1977 (hereafter LEOFF 1 Members).

B. Duties. The Disability Board shall perform and make all functions, powers, and determinations as required by RCW Chapter 41.26 and WAC Chapters 415- 104 and 415-105, as now or hereafter amended. Duties shall include, but not be limited to, authorization of payment for LEOFF 1 Member health benefit claims.

2.50.040 Meetings; Board Rules.

At the first meeting of the Disability Board and at the first meeting of each year thereafter, the members shall select from among their members a chairperson and such other officers as may be necessary. Such officers shall serve in that capacity for a one-year term commencing with the first meeting of the year. The Disability Board shall adopt rules of procedure suited to their work and as may be specified by state law or the Department of Retirement Systems, and shall establish and publish a regular public meeting place and schedule. The presence of three members of the Disability Board shall be required to constitute a quorum for the transaction of business, provided that members may be allowed to attend by phone or electronic connection with sufficient prior notice. Any scheduled meeting may be canceled upon lack of business or quorum.

2.50.050 Compensation.

The members of the Disability Board shall serve without compensation for their service, but may be reimbursed for travel and other reasonable expenses incidental to such service, in the amount and method established by the City or as otherwise authorized by law.

2.50.060. Cessation of Board.

At the commencement of the Disability Board, the City had five LEOFF 1 Members, and the State had closed participation in the State LEOFF I Plan since 1997. It is therefore expected that the business of the Disability Board will be limited in scope and duration. In the event the City no longer has any qualifying LEOFF 1 Members, the Disability Board may be terminated by action of the City Council.

Section 2. The City Clerk is directed to take steps as required to implement and effectuate this Ordinance. The Clerk is authorized to correct or have corrected scrivener's errors, internal references, and the like.

Section 3. Effective Date. This ordinance or a summary thereof consisting of the title shall be published in the official newspaper of the City, and shall take effect and be in full force five (5) days after publication.

PASSED BY the City Council and APPROVED by the Mayor this 3rd day of August, 2020.

CITY OF ARLINGTON


Barbara Tolbert, Mayor

Attest:


Wendy Van Der Meersche, City Clerk

Approved as to form:


Steven J. Peiffle
City Attorney

CERTIFICATION OF ORDINANCE

I, Wendy Van Der Meersche, being the duly appointed City Clerk of the City of Arlington, Washington, a municipal corporation, do hereby certify that the following Ordinance No. 2020-015 was approved at the August 3, 2020 City Council meeting.

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DISABILITY BOARD PURSUANT TO RCW 41.26.110; AND ESTABLISHING AN EFFECTIVE
DATE”

A true and correct copy of the original ordinance is attached.

Dated this 4th day of August, 2020.



Wendy Van Der Meersche
Wendy Van Der Meersche
City Clerk for the City of Arlington