

ORDINANCE NO. 1403

AN ORDINANCE OF THE CITY OF DES MOINES, WASHINGTON providing for a LEOFF Disability Board as required under RCW 41.26 for cities with a population over twenty thousand (20,000) people, and adding and codifying a new chapter in Title 2 DMMC entitled "Disability Board."

WHEREAS, RCW 41.26.110 requires cities with a population over twenty thousand (20,000) to establish a Disability Board to approve or disapprove claims for disability made by Plan I LEOFF law enforcement officers, and

WHEREAS, the City Council finds that the adoption of this ordinance is appropriate and necessary; now therefore,

THE CITY COUNCIL OF THE CITY OF DES MOINES ORDAINS AS FOLLOWS:

Sec. 1. Disability Board. There is hereby added a new chapter to Title 2 of the Des Moines Municipal Code to be entitled "Disability Board," to read as follows:

(1) **Established.** There is hereby established under RCW 41.26, as now in effect or as hereafter amended, a Disability Board having jurisdiction over all claims for disability by Plan 1 LEOFF members employed by or retired from Des Moines.

(2) **Composition.** The Disability Board shall be composed of the following four (4) members:

(a) Two (2) members of the City Council to be appointed by the Mayor;

(b) One (1) active or retired law enforcement officer to be elected by the law enforcement officers employed by or retired from the City;

(d) One (1) member from the public at large who resides within the City to be appointed by the other three members heretofore designated in this subsection.

Retired members who are subject to the jurisdiction of the board have both the right to elect and the right to be elected under this section.

(3) **Terms.** Each of the elected members shall serve a two (2) year term. The members appointed pursuant to this subsection shall serve for two (2) years terms.

(4) **Reimbursement for travel expenses.** The City Disability Board shall not receive compensation for its service upon the board, but said members shall be reimbursed by the City for all expenses incidental to such service as to the amount authorized by law.

(5) **Duties.** The Disability Board established by this section shall perform all functions, exercise all powers, and make all such determinations as specified in RCW 41.26, as now in effect or as hereafter amended.

(6) **Procedures.** The Disability Board created in this ordinance shall have such powers as are necessary to complete the duties imposed upon it by state law including, without limitation, the power to proscribe its own rules of procedure, times, and places for meetings.

Sec. 2. Codification. Section 1 of this ordinance shall be codified as a new chapter is Title 2 DMMC.

Sec. 3. Severability - Construction.

(1) If a section, subsection, paragraph, sentence, clause, or phrase of this ordinance is declared unconstitutional or invalid for any reason by any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance.

(2) If the provisions of this ordinance are found to be inconsistent with other provisions of the Des Moines Municipal Code, this ordinance is deemed to control.

Sec. 4. Effective date. This ordinance shall take effect and be in full force five (5) days after its passage, approval, and publication in accordance with law.

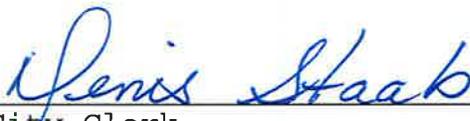
PASSED BY the City Council of the City of Des Moines this 24th day of May, 2007 and signed in authentication thereof this 24th day of May, 2007.


MAYOR

APPROVED AS TO FORM:


City Attorney

ATTEST:


City Clerk

Published: May 31, 2007

LEGAL NOTICE

SUMMARY OF ADOPTED ORDINANCE No. 1403

CITY OF DES MOINES

ORDINANCE NO. 1403, Adopted May 24, 2007.

DESCRIPTION OF MAIN POINTS OF THE ORDINANCE:

This ordinance provides for a LEOFF Disability Board as required under RCW 41.26 for cities with a population over twenty thousand (20,000) people, and adds and codifies a new chapter in Title 2 DMMC entitled "Disability Board."

The full text of the ordinance will be mailed without cost upon request.

Denis Staab
City Clerk

Published: May 31, 2007