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Volunteer Firefighters
Relief and Pension
Fund

ORIGINAL

ORDINANCE NO. 1546

AN ORDINANCE OF THE CITY OF REDMOND, WASHINGTON, AMENDING THE TITLE, A SECTION HEADING AND CERTAIN PORTIONS OF CHAPTER 2.24 OF THE REDMOND MUNICIPAL CODE RELATING TO THE VOLUNTEER FIREFIGHTERS RELIEF AND PENSION FUND TO MAKE THE CHAPTER'S LANGUAGE GENDER NEUTRAL AND THE CHAPTER'S PROVISIONS CONFORM WITH RECENTLY ENACTED STATE LAW AMENDMENTS.

WHEREAS, Chapter 2.24 of the Redmond Municipal Code establishes the Volunteer Firefighters Relief and Pension Fund which the City administers pursuant to RCW Chapter 41.24, and

WHEREAS, the city attorney has notified the City Council that a recently enacted Washington State Law, SB 5590 (1989), adopts two new sections within RCW 41.24 which address lump sum payments (RCW 41.24.185) and retirement pensions (RCW 41.24.172), and further makes RCW Chapter 41.24 gender neutral, and

WHEREAS, the City Council wishes to amend the title, a section heading and certain sections of Redmond Municipal Code Chapter 2.24 to conform with the provisions of this recently enacted State law, now, therefore,

THE CITY COUNCIL OF THE CITY OF REDMOND, WASHINGTON, HEREBY ORDAINS AS FOLLOWS:

Section 1. Amendments. The title, a section heading, and certain sections of Chapter 2.24 of the Redmond Municipal Code are hereby amended to read as follows:

The Volunteer Firefighters
Relief and Pension Fund

Sections:

2.24.020 Enrollment of Volunteer Firefighters
-- Death, Disability, Retirement
Benefits

2.24.010 Definitions. As used in this
chapter:

- (1) "Fire department" means the fire department of the city of Redmond and the fire prevention, protection and emergency medical care services rendered for King County Fire Protection District No. 34 under the contractual agreement between the city and the district;
- (2) "Firefighter" includes any firefighter who is a member of the fire department but shall not include full-time, paid firefighters who are members of the Washington Law Enforcement Officers' and Firefighters' Retirement System with respect to periods of service rendered in such capacity;
- (3) "Performance of duty" shall be construed to mean and include any work in and about company quarters or any fire station or any other place under the direction or general orders of the chief or other officer having authority to order such member to perform such work; responding to, working at, or returning from an alarm of fire; drill; or any work performed of an emergency nature in accordance with the rules and regulations of the fire department.

2.24.020 Enrollment of volunteer
firefighters--Death disability, Retirement
benefits. Every firefighter who is included under the relief and compensation provisions of RCW Chapter 41.24 is enrolled for the purpose of providing protection for all such firefighters and their families from death or disability arising in the performance of their duties as firefighters. Any firefighter may enroll under the pension provisions of RCW Chapter 41.24 for the purpose of enabling any

firefighter, so electing, to avail himself/herself of the retirement provisions of such chapter. The collection and payment of fees as provided by RCW Chapter 41.24 shall be made and continued by the city for all enrolled firefighters as long as they shall continue to be members of the fire department.

2.24.040 Duties of the board of trustees.
The board of trustees shall provide for enrollment of all members of its fire department under the death and disability provisions hereof; receive all applications for enrollment under the retirement provisions hereof; provide for disbursements of relief and compensation; determine the eligibility of firefighters for pensions; and pass on all claims and direct payment thereof from the volunteer firefighters relief and pension fund to those entitled thereto. Vouchers shall be issued to the person entitled thereto by the board. The board shall send to the state board, after each meeting, a voucher for each person entitled to payment from the fund, stating the amount of such payment and for what granted, which voucher shall be certified and signed by the chairman and secretary of the board.

2.24.090 Guardian may be appointed. The board of trustees shall have the power and authority to ask for the appointment of a guardian whenever and wherever the claim of a firefighter or his/her beneficiary would, in the opinion of the board, be best served thereby. The board shall have full power to make and direct the payments herein provided for to any person entitled thereto without the necessity of any guardianship or administration proceedings, when, in its judgment, it determines it to be for the best interests of the beneficiary.

2.24.100 Employment of examining physician.
The board shall make provisions for the employment of a regularly licensed practicing physician for the examination of members of fire departments making application for membership. Such appointed physician shall visit and examine all sick and injured firefighters, perform such services and operations and render all medical aid and care necessary for the recovery of firefighters on account of sickness or disability received

while in the performance of duties. Such appointed physician shall be paid his/her fees from the fund but not in excess of the schedule of fees for like services approved by the director of labor and industries under RCW Title 51. No physician or surgeon, not approved by the board, shall receive or be entitled to any compensation from the fund as the private or attending physician of any firefighter. No person shall have any right of action against the board of trustees of the fund for the negligence of any physician or surgeon employed by it. Any physician employed by the board to attend upon any firefighter shall report his/her findings in writing to the board.

2.24.110 Disability payments. Any firefighter who becomes physically or mentally disabled or sick, in consequence or as a result of the performance of his/her duties, shall be entitled to payments as established and set forth in RCW 41.24.150 and as amended.

2.24.120 Death benefits. Whenever a firefighter dies as the result of injuries received, or sickness contracted in consequence or as the result of the performance of his/her duties, a death benefit or payment shall be made as established and set forth in RCW 41.24.160 and as amended.

2.24.130 Retirement pensions. Retirement pensions shall be allowed and paid for enrolled firefighters who meet eligibility requirements as established and set forth in RCW's 41.24.170 and 41.24.172 and as amended.

2.24.140 Lump sum payments. Lump sum payments shall be authorized and directed by the board of trustees in those cases as established and set forth in RCW's 41.24.180 and 41.24.185 and as amended.

2.24.170 Benefits not transferable or subject to legal process. The right of any person to any future payment under the provisions of this chapter shall not be transferable or assignable at law or in equity, and none of the monies paid or payable or the rights existing under this chapter, shall be subject to execution, levy attachment, garnishment, or other legal process, or to the operation of any bankruptcy or insolvency law. Nothing in

this chapter or RCW Chapter 41.24 shall be construed to deprive any firefighter, eligible to receive a pension hereunder, from receiving a pension under any other act to which he/she may become eligible by reason of services other than or in addition to his/her services as a firefighter under this chapter and RCW Chapter 41.24.

Section 2. Severability. If any section, sentence, clause or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance.

Section 3. Effective Date. This ordinance, being an exercise of a power specifically delegated to the City legislative body, is not subject to referendum, and shall take effect five (5) days after passage and publication of the ordinance or a summary thereof consisting of the title.

APPROVED:


MAYOR, DOREEN MARCHIONE

ATTEST/AUTHENTICATED:


CITY CLERK, DORIS SCHAIBLE

APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY:

BY 

FILED WITH THE CITY CLERK: Feb. 1, 1990
PASSED BY THE CITY COUNCIL: Feb. 6, 1990
PUBLISHED: Feb. 11, 1990
EFFECTIVE DATE: Feb. 16, 1990
ORDINANCE NO. 1546