

Ordinance No. 119707

Council Bill No. 112933

The City of Seattle
Council Bill/Ordinance

AN ORDINANCE relating to the City Employees' Retirement System; amending and clarifying various sections of Chapter 4.36 of the Seattle Municipal Code to allow an unmarried member to designate a domestic partner as his or her beneficiary; and to eliminate obsolete references within Chapter 4.36 of the Seattle Municipal Code.

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*6/6/99
PAID 2-0*

CF No. _____

10-11-99 Full

Date Introduced: <i>10-4-99</i>		
Date 1st Referred: <i>10-4-99</i>	To: (committee) <i>Finance & Budget</i>	
Date Re - Referred:	To: (committee)	
Date Re - Referred:	To: (committee)	
Date of Final Passage: <i>10-11-99</i>	Full Council Vote: <i>9-0</i>	
Date Presented to Mayor: <i>10-13-99</i>	Date Approved: <i>10/19/99</i>	
Date Returned to City Clerk: <i>10/19/99</i>	Date Published: <i>12/99</i>	T.O. <input type="checkbox"/> P.T. <input checked="" type="checkbox"/>
Date Vetted by Mayor:	Date Veto Published:	
Date Passed Over Veto:	Veto Sustained:	

This file is complete and ready

Law Department

Law Dept. Review

The City of Seattle - Legislative Department

Council Bill/Ordinance sponsored by: Choe
Councilmember

Committee Action:

6/16/99
passed 2-0

Martha Choe

10-11-99 Full Council: Passed 9-0

This file is complete and ready for presentation to Full Council. Committee: _____
(initial/date)

Law Department

Law Dept. Review

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Review

City Clerk
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ORDINANCE 119707

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3 AN ORDINANCE relating to the City Employees' Retirement System; amending and clarifying various
4 sections of Chapter 4.36 of the Seattle Municipal Code to allow an unmarried member to
5 designate a domestic partner as his or her beneficiary; and to eliminate obsolete references within
6 Chapter 4.36 of the Seattle Municipal Code.

7 BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

8 Section 1. A new Subsection J is added to Section 4.36.040 of the Seattle Municipal Code to
9 read as follows:

10 **4.36.040 Definitions – alphabetical “C” through “D.”**

11 J. “Domestic Partner” as used in this Chapter means an individual designated by an unmarried City
12 officer or employee in an affidavit filed pursuant to Seattle Municipal Code Sections 4.30.020 and
13 4.36.185 and qualified under Section 4.30.010.

14 Section 2. A new Section 4.36.185 is added to the Seattle Municipal Code as follows:

15 **4.36.185 Beneficiaries –domestic partners.**

16 An unmarried officer or employee may designate his or her domestic partner as his or her
17 beneficiary for purposes of the benefits set forth in Sections .200, .210, .230, .260, .270 and .320 of this
18 Chapter upon the following terms and conditions:

19 A. The officer or employee shall file an affidavit of domestic partnership as described in Section
20 4.30.010 and 4.30.020 of the Seattle Municipal Code and file a copy of said affidavit with the Executive
21 Director of the Retirement System. If the member is no longer an officer or employee of the City, he or
22 she may designate his or her domestic partner by signing an affidavit as described in Section 4.30.020 of
23
24



1 the Seattle Municipal Code and filing said affidavit with the Executive Director of the Retirement
2 System.

3 B. A member who is married may not file an affidavit of domestic partnership. If a member has
4 filed an affidavit of domestic partnership and is married, or thereafter becomes married, such affidavit
5 shall be considered void. A member who has filed an affidavit of domestic partnership pursuant to this
6 section shall immediately notify the Executive Director in writing if he or she has married and shall
7 promptly file with the Executive Director a termination of the affidavit of domestic partnership.
8 Termination of domestic partnership shall otherwise be as provided in Section 4.30.030 of the Seattle
9 Municipal Code provided that the member shall also file a notice of termination of domestic partnership
10 with the Executive Director.

11 C. Nothing in this Chapter shall be construed as granting to a domestic partner a property right
12 to retirement benefits of a member. A member who has filed an affidavit of domestic partnership with
13 the Executive Director does not need the consent of his or her domestic partner to take action with
14 respect to his or her retirement benefits, including selection of a retirement option.

15 The Retirement Board is authorized to promulgate such rules as it deems necessary to implement
16 this section.

17
18 Section 3. Subsection B of Section 4.36.192 of the Seattle Municipal Code is amended as
19 follows:

20 **4.36.192 Discontinuance of membership of terminally ill member.**

21 B. Conditions and Application. The member's application shall be accompanied by the following
22 documents:
23
24



1 1. Competent medical evidence that the member is suffering from a terminal illness or condition,
2 that is, a disease or infirmity which will most probably cause his or her death within two (2) years, and
3 the member's prospects of recovery or a longer life span are low;

4 2. The member's acknowledgment that by discontinuing his or her membership in the system, he
5 or she will become ineligible for all retirement benefits under the system; for death benefits under
6 Sections 4.36.320—4.36.330; and for reentry into the system under Section 4.36.190 for one (1) year,
7 and then may reenter only with the consent of the Board; that, if the member has a spouse or domestic
8 partner, discontinuing membership will render his or her spouse or domestic partner ineligible for
9 spousal or domestic partner benefits upon a member's death or disability; and that refund of his or her
10 contributions may result in withholdings, taxes, and penalties under the Internal Revenue Code; and

11 3. If the member is married, a signed written consent of the member's spouse to his or her
12 discontinuance of membership and withdrawal of contributions, including an acknowledgment that
13 discontinuing the employee's membership may forgo spousal benefits in event of the employees' death.

14
15 Section 4. Subsections B and C of Section 4.36.200 of the Seattle Municipal Code is amended as
16 follows:

17 **4.36.200 Retirement of a member for service by Board.**

18 B. Any member of the retirement system who, upon termination of his employment with the
19 City after at least five (5) years' membership in the retirement system, elects to leave all his
20 contributions in the retirement fund pursuant to Section 4.36.190 A shall be eligible to receive a
21 retirement allowance upon reaching the age of sixty-two (62) years; provided, that if such member
22 completed ten (10) years of service prior to termination of his employment, he shall be eligible to
23 receive a retirement allowance upon reaching the age of fifty-seven (57) years, and if such member
24



1 completed twenty (20) years of service prior to termination of his employment, he shall be eligible to
2 receive a retirement allowance upon reaching the age of fifty-two (52) years. Such person shall file with
3 the Board a written application, stating the date when he wishes the payment of his retirement allowance
4 to commence, at least thirty (30) days prior to said date. He shall thereupon be awarded a retirement
5 allowance as provided for members in Section 4.36.210, and shall be eligible to elect in lieu thereof any
6 of the options provided in Section 4.36.260; provided, that any person leaving the City service prior to
7 qualifying for retirement under subsection A shall not be eligible for the alternative retirement allowance
8 computations provided in subsections D and E of Section 4.36.210, nor shall he be eligible to receive
9 any disability retirement allowance under Sections 4.36.230, 4.36.240 and 4.36.250, nor shall his estate
10 or his beneficiaries receive the death benefit provided in Section 4.36.320; provided further, that persons
11 leaving the City service prior to qualifying for retirement under subsection A of Section 4.36.200 shall,
12 if and when eligible to receive a retirement allowance as provided in this subsection, be eligible for the
13 alternative allowance computation provided in subsection F of Section 4.36.210, based upon his age at
14 the time of commencement of payment of such member's retirement allowance, and in the event any
15 such former employee dies before commencement of his retirement allowance pursuant to this
16 subsection, the provisions of Section 4.36.270 B shall be applicable to such person's spouse or domestic
17 partner, if named as beneficiary, and if there is no surviving spouse or domestic partner, the provisions
18 of Section 4.36.270 C shall be applicable to such person's child or children under the age of eighteen
19 (18) years, if named as beneficiary.

20 C. Any former employee who prior to March 1, 1977, discontinued his City service to accept
21 other public employment and who, because of such subsequent public employment, was permitted to
22 leave his contributions in the retirement fund, shall be eligible to receive a retirement allowance upon
23 reaching the age of sixty-five (65) years; provided, that if such former employee completed five (5)
24



1 years of City service, he shall be eligible to receive a retirement allowance upon reaching the age of
2 sixty-two (62) years, and if such former employee completed ten (10) years of City service, he shall be
3 eligible to receive a retirement allowance upon reaching the age of fifty-seven (57) years; and if such
4 former employee completed twenty (20) years of City service, he shall be eligible to receive a retirement
5 allowance upon reaching the age of fifty-two (52) years. Such person shall file with the Board a written
6 application, stating the date when he wishes the payment of his retirement allowance to commence, at
7 least thirty (30) days prior to said date. He shall thereupon be awarded a retirement allowance as
8 provided for members in Section 4.36.210, and shall be eligible to elect in lieu thereof any of the options
9 provided in Section 4.36.260; provided, that any former employee to whom this subsection is applicable
10 shall not be eligible for the alternative services allowance computation provided in subsections D and E
11 of Section 4.36.210, nor shall he be eligible to receive any disability retirement allowance under
12 Sections 4.36.230, 4.36.240 and 4.36.250, nor shall his estate or his beneficiaries receive the death
13 benefit provided in Section 4.36.320; provided further, that such former employees shall, if and when
14 eligible to receive a retirement allowance as provided in this subsection, be eligible for the alternative
15 allowance computation provided in subsection F of Section 4.36.210, based on his or her age at the time
16 of commencement of payment of such member's retirement allowance, and, in the event any such person
17 dies before commencement of his retirement allowance pursuant to this subsection, the provisions of
18 Section 4.36.270 B shall be applicable to such person's spouse or domestic partner, if named as
19 beneficiary, and if there is no surviving spouse or domestic partner, the provisions of Section 4.36.270 C
20 shall be applicable to such person's child or children under the age of eighteen (18) years, if named as
21 beneficiary.



1 Section 5. Subsections F and H of Section 4.36.210 of the Seattle Municipal Code are amended
2 as follows:

3 **4.36.210 Retirement allowances designated.**

4 F. For members retiring for service after December 31, 1974, there is established the
5 "percentage" scale in Table 4.36.210 F which may be used in fixing the amount of a service retirement
6 allowance, to be computed by multiplying the number of years of creditable service by the indicated
7 percentage of final compensation; provided that such scale may also be used in determining benefits of
8 surviving spouses and domestic partners of employees receiving disability retirement benefits under
9 Section 4.36.230 E but shall not add more than One Hundred Thirty Dollars (\$130.00) per month to the
10 basic pension upon which such surviving spouses' benefits are based; provided, further, that such scale
11 may also be used in determining benefits payable under Section 4.36.270 B to the surviving spouse and
12 domestic partner of any member who was at least forty-eight (48) years of age at the time of such
13 member's death. Use of this scale is subject to subsection G and to the limitation of sixty percent (60%)
14 of final compensation except where final compensation is less than Two Hundred Dollars (\$200.00) per
15 month, in which case the retirement allowances may not exceed One Hundred Ten Dollars (\$110.00) per
16 month. The pension payable over and above the basic pension shall be purchased by contributions of the
17 City. The application of the scales herein established and in subsections D and E shall be at the option
18 of the members.

19 ...

20 H. The alternative retirement allowance computations set forth in subsections D and E shall be
21 available only to members who remain in City service until they attain age sixty (60) and shall not be
22 available to members who retire or are otherwise separated from City service prior to age sixty (60).
23 Except as provided in Sections 4.36.200 C and D, no person leaving the service of the City prior to
24

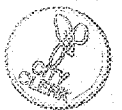


1 attaining the age of forty-eight (48) shall be eligible for the alternative retirement allowance computation
2 provided in Section 4.36.210 F; provided, that the surviving spouse or domestic partner of an employee
3 retired for disability shall be entitled to the benefits under Section 4.36.230 E based upon the alternative
4 retirement allowance computation provided in accordance with subsection F if such employee attained
5 the age of forty-eight (48) prior to death.

6
7 Section 6. Subsection E of Section 4.36.230 of the Seattle Municipal Code is amended as
8 follows:

9 **4.36.230 Disability allowances designated.**

10 E. Any surviving spouse or domestic partner of a member receiving a disability retirement
11 allowance may, if named as beneficiary, elect to receive and thereupon shall be paid in lieu of benefits
12 under Section 4.36.230 D a monthly benefit the equivalent of a survivor's "Option E" retirement
13 allowance computed on the basis of the member's age at date of death, years of creditable service, and
14 normal and matching contributions reduced by all sums theretofore paid the deceased member as annuity
15 on normal contributions and pension on matching contributions, and, if applicable, by payments to an
16 alternate payee under a court or department order as contemplated by Section 4.36.295. ~~((The Board
17 may in its discretion authorize such payments to a surviving spouse, who is not named as a beneficiary,
18 if (a) the surviving spouse is the principal beneficiary of the member's estate and named under a
19 community property agreement or in the member's will, or (b) the member died without leaving a will
20 and the retirement allowance was the property of the marital community and the surviving spouse.))~~
21 The spouse or domestic partner may elect to receive a cash payment of not to exceed one-half (1/2) of
22 the deceased member's remaining normal contributions, and such cash payment shall effect a reduction
23 of the survivor's monthly benefit by the amount of annuity such payment would have purchased.



1 The Board may in its discretion authorize such payments to a surviving spouse, who is not
2 named as a beneficiary, if (a) the surviving spouse is the principal beneficiary of the member's estate and
3 named under a community property agreement or in the member's will, or (b) the member died without
4 leaving a will and the retirement allowance was the property of the marital community and the surviving
5 spouse.

6
7 Section 7. Subsections D and E of Section 4.36.260 of the Seattle Municipal Code are amended
8 as follows:

9 **4.36.260 Optional lesser retirement allowances.**

10 OPTION D. The lesser retirement allowance shall be payable to the member throughout life, and
11 after the death of the member, one-half (1/2) of the lesser retirement allowance shall be continued
12 throughout the life of and paid to the ~~((wife or husband))~~ individual who was the spouse or domestic
13 partner of the member at the time of retirement. If the spouse or domestic partner predeceases the
14 member, then upon receipt of written notice of such death by the Board, the member's retirement
15 allowance shall increase to the amount that would have been provided as if the member had not selected
16 this option.

17 OPTION E. The lesser retirement allowance shall be payable to the member throughout life, and after
18 death of the member it shall be continued throughout the life of and paid to the ~~((wife or husband))~~
19 individual who was the spouse or domestic partner of the member at the time of retirement. If the
20 spouse or domestic partner predeceases the member, then upon receipt of written notice of such death by
21 the Board, the member's retirement allowance shall increase to the amount that would have been
22 provided as if the member had not selected this option.

23
24 Section 8. Section 4.36.270 of the Seattle Municipal Code is amended as follows:



1 **4.36.270 Death of member who is not retired.**

2 A. Upon the death of any member who has not been retired pursuant to the provisions of this
3 chapter, such member's accumulated contributions less any payments therefrom already made to such
4 member shall be paid to such member's surviving spouse or domestic partner, or if the deceased member
5 does not have a surviving spouse or domestic partner, or if the surviving spouse prior to the death of
6 such member consented in writing to the naming as hereafter provided of a different beneficiary or
7 beneficiaries and waived in writing all rights to benefits under Section 4.36.270 B, then to such
8 member's estate, or to such person or persons as such member shall have nominated by written
9 designation duly executed and filed with the Board. Such payment may be made in one lump sum or
10 may be paid in installments over a period of not to exceed five (5) years, as may be designated by the
11 member or his beneficiary, with such rate of interest as may be determined by the Board.

12 B. Any surviving spouse or domestic partner, of a member not retired but having at the date of
13 death at least ten (10) years of creditable service as defined in this chapter, who is entitled to receive
14 such deceased member's accumulated contributions as provided in Section 4.36.270 A, may elect to
15 receive and thereupon shall be paid in lieu of benefits under Section 4.36.270 A, a benefit the equivalent
16 of a survivor's "Option E" retirement allowance. The spouse or domestic partner may, however, elect to
17 receive in lieu of either the above retirement allowance or the benefits under Section 4.36.270 A, a lesser
18 retirement allowance to cease at such spouse's or domestic partner's death and in addition a cash
19 payment not to exceed one-half (1/2) of the deceased member's accumulated normal contributions.
20 However, such withdrawal shall not serve to reduce such lesser retirement allowance except by the
21 amount of annuity which such withdrawal would have purchased.

22 C. If there be no surviving spouse or domestic partner at the time of death of a member not
23 retired, but having at least ten (10) years of creditable service as defined in this chapter, and such
24



1 member has surviving one (1) or more children under the age of eighteen (18) years, and if such child or
2 children are named as beneficiary or if the contributions of the deceased member are payable to such
3 member's estate under the provisions of Section 4.36.270 A, then the legal guardian of such child or
4 children may elect for such child or children a monthly benefit as hereinafter provided, which monthly
5 benefit shall be paid in lieu of the benefits payable under Section 4.36.270 A. Such monthly benefits
6 shall be equal to the monthly benefit which would have been paid to the last spouse of such deceased
7 member if such last spouse had been living and married to the deceased member at the time of his death
8 and was otherwise eligible for and elected to receive the benefits provided in Section 4.36.270 B
9 equivalent to a survivor's "Option B" retirement allowance without a cash payment of a portion of the
10 deceased member's accumulated normal contributions. The guardian may, however, elect to receive in
11 lieu of either the above benefits or the benefits under Section 4.36.270 A, a lesser retirement allowance
12 which will continue until such child or children reach the age of eighteen (18) years and in addition a
13 cash payment not to exceed one-half (1/2) of the deceased member's accumulated normal contributions.
14 However, such withdrawal shall not serve to reduce such lesser allowance except by the amount of
15 annuity which such withdrawal would have purchased. All benefits payable under this subsection shall
16 be paid to the legal guardian of such child or children under the age of eighteen (18) years until all of
17 such children have reached the age of eighteen (18) years, and shall be for the benefit of such minor
18 children.

19 D. The amount paid to a member's estate, beneficiary or surviving spouse or domestic partner
20 may be reduced by payments made to an alternate payee under a court or department order as
21 contemplated by Section 4.36.295.

22 E. If the member's estate is not being probated, the Board, in its discretion, may as an alternative
23 to making payment to his or her estate, authorize payment to an heir who would inherit if the estate were
24

1 probated, such as a surviving spouse named under a community property agreement or in the member's
2 will.

3 Section 9. Section 4.36.320 of the Seattle Municipal Code is amended as follows:

4 **SMC 4.36.320 Death benefits-Payment.**

5 A. Upon proof of the death on or subsequent to January 1, 1960, of a member of the retirement
6 system who has paid all death benefit assessments as hereinafter provided and who has not been retired,
7 the sum of Two Thousand Dollars (\$2,000.00) as a death benefit shall be paid to such member's
8 surviving spouse or domestic partner or if such deceased member does not have a surviving spouse or
9 domestic partner, or if the surviving spouse prior to the death of such member consented in writing to
10 the naming as hereinafter provided of a different beneficiary or beneficiaries, then to such member's
11 estate or to such person or persons as such member shall have nominated by written designation duly
12 executed and filed with the Board. If the member's estate is not being probated, the Board, in its
13 discretion, may as an alternative to making payment to his or her estate, authorize payment to an heir
14 who would inherit if the estate were probated, such as a surviving spouse named under a community
15 property agreement or in the member's will.

16 B. Any member of the retirement system may elect to continue in the death benefit system and
17 pay the death benefit assessments: provided, that such payment shall not be required of a member
18 retiring for disability until age sixty (60), whereupon such member shall be required to pay all death
19 benefit assessments thereafter accruing if he or she desires to continue in the death benefit system.

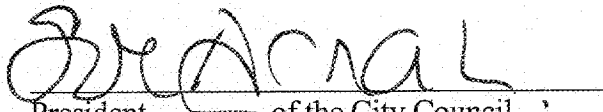
20 ~~((Upon proof of the death of such a member of the retirement system before the effective date of this~~
21 ~~amendatory ordinance, who has elected to continue in the death benefit system and has paid all death~~
22 ~~benefit assessments required, there shall be paid to such member's surviving spouse, or if the deceased~~
23 ~~member does not have a surviving spouse, or if the surviving spouse prior to the death of such member~~



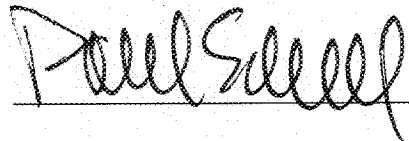
1 ~~consented in writing to the naming as hereinafter provided of a different beneficiary or beneficiaries,~~
2 ~~then to such member's estate, or to such person or persons whom such member shall have nominated by~~
3 ~~written designation duly executed and filed with the Board, the sum of One Thousand Dollars~~
4 ~~(\$1,000.00), and an additional One Thousand Dollars (\$1,000.00) where death of such member occurs~~
5 ~~within twelve (12) months from the date such member retires.))~~ Upon proof of the death of such
6 member ((~~after such effective date~~)), the payment shall be Two Thousand Dollars (\$2,000.00).

7 Section 10. This ordinance shall take effect and be in force thirty (30) days from and after its
8 approval by the Mayor, but if not approved and returned by the Mayor within ten (10) days after
9 presentation, it shall take effect as provided by Municipal Code Section 1.04.020.

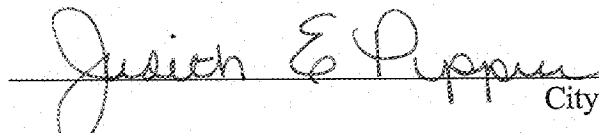
10 Passed by the City Council the 11th day of October, 1999, and signed by me in open
11 session in authentication of its passage this 11th day of October, 1999.

12 
13 President _____ of the City Council

14 Approved by me this 19th day of October, 1999.

15 
16 _____ Mayor

17
18 Filed by me this 19th day of October, 1999.

19 
20 _____ City Clerk

21 (Seal)

SPONSORSHIP

THE ATTACHED DOCUMENT IS SPONSORED FOR FILING WITH THE CITY COUNCIL BY THE MEMBER(S) OF THE CITY COUNCIL WHOSE SIGNATURE(S) ARE SHOWN BELOW:

Matha Chae

_____	_____
_____	_____
_____	_____
_____	_____

FOR CITY COUNCIL PRESIDENT USE ONLY

COMMITTEE(S) REFERRED TO: _____

PRESIDENT'S SIGNATURE

STATE OF WASHINGTON - KING COUNTY

111601

City of Seattle, City Clerk

-ss.

No. ORDINANCE IN

Affidavit of Publication

The undersigned, on oath states that he is an authorized representative of The Daily Journal of Commerce, a daily newspaper, which newspaper is a legal newspaper of general circulation and it is now and has been for more than six months prior to the date of publication hereinafter referred to, published in the English language continuously as a daily newspaper in Seattle, King County, Washington, and it is now and during all of said time was printed in an office maintained at the aforesaid place of publication of this newspaper. The Daily Journal of Commerce was on the 12th day of June, 1941, approved as a legal newspaper by the Superior Court of King County.

The notice in the exact form annexed, was published in regular issues of The Daily Journal of Commerce, which was regularly distributed to its subscribers during the below stated period. The annexed notice, a

CT:ORD 119707 IN FUL

was published on

11/03/99

The amount of the fee charged for the foregoing publication is the sum of \$, which amount has been paid in full.

N. Patterson

Subscribed and sworn to before me on

11/03/99

McQuinn

Notary Public for the State of Washington, residing in Seattle

City of Seattle

ORDINANCE 119707

AN ORDINANCE relating to the City Employees Retirement System; amending and clarifying various sections of Chapter 4.36 of the Seattle Municipal Code to allow an unmarried member to designate a domestic partner as his or her beneficiary, and to eliminate obsolete references within Chapter 4.36 of the Seattle Municipal Code.

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. A new Subsection J is added to Section 4.36.040 of the Seattle Municipal Code to read as follows:

4.36.040 DEFINITIONS — ALPHABETICAL "C" THROUGH "D"

J. "Domestic Partner" as used in this Chapter means an individual designated by an unmarried City officer or employee in an affidavit filed pursuant to Seattle Municipal Code Sections 4.30.020 and 4.36.185 and qualified under Section 4.30.010.

Section 2. A new Section 4.36.185 is added to the Seattle Municipal Code as follows:

4.36.185 BENEFICIARIES — DOMESTIC PARTNERS

An unmarried officer or employee may designate his or her domestic partner as his or her beneficiary for purposes of the benefits set forth in Sections 4.36.210, 4.36.260, 4.36.270 and 4.36.280 of this Chapter upon the following terms and conditions:

A. The officer or employee shall file an affidavit of domestic partnership as described in Section 4.30.010 and 4.30.020 of the Seattle Municipal Code and file a copy of said affidavit with the Executive Director of the Retirement System. If the member is no longer an officer or employee of the City, he or she may designate his or her domestic partner by signing an affidavit as described in Section 4.30.020 of the Seattle Municipal Code and filing said affidavit with the Executive Director of the Retirement System.

B. A member who is married may not file an affidavit of domestic partnership. If a member has filed an affidavit of domestic partnership and is married, or thereafter becomes married, such affidavit shall be considered void. A member who has filed an affidavit of domestic partnership pursuant to this section shall immediately notify the Executive Director in writing if he or she has married and shall promptly file with the Executive Director a termination of the affidavit of domestic partnership. Termination of domestic partnership shall otherwise be as provided in Section 4.30.030 of the Seattle Municipal Code provided that the member shall also file a notice of termination of domestic partnership with the Executive Director.

C. Nothing in this Chapter shall be construed as granting to a domestic partner a property right to retirement benefits of a member. A member who has filed an affidavit of domestic partnership with the Executive Director does not need the consent of his or her domestic partner to take action with respect to his or her retirement benefits, including selection of a retirement option.

The Retirement Board is authorized to promulgate such rules as it deems necessary to implement this section.

Section 3. Subsection B of Section 4.36.192 of the Seattle Municipal Code is amended as follows:

4.36.192 DISCONTINUANCE OF MEMBERSHIP OF TERMINALLY ILL MEMBER

B. Conditions and Application. The member's application shall be accompanied by the following documents:

1. Competent medical evidence that the member is suffering from a terminal illness or condition, that is, a disease or infirmity which will most probably cause his or her death within two (2) years, and the member's prospects of recovery or a longer life span are low;

2. The member's acknowledgment that by discontinuing his or her membership in the system, he or she will become ineligible for all retirement benefits under the system for death benefits under Sections 4.36.320-4.36.330, and for reentry into the system under Section 4.36.390 for one (1) year, and then may reenter only with the consent of the Board, that if the member has a spouse or domestic partner, she continuing membership will render his or her spouse or domestic partner ineligible for spousal or domestic partner benefits upon a member's death or disability; and that refund of his or her contributions may result in withholding, taxes, and penalties under the Internal Revenue Code; and

3. If the member is married, a signed

or domestic partner, if named as beneficiary, shall not serve to reduce such lesser allowance except by the amount of annuity which such withdrawal would have purchased. All benefits payable under this subsection shall be paid to the legal guardian of such child or children under the age of eighteen (18) years until all of such children have reached the age of eighteen (18) years, and shall be for the benefit of such minor children.

Section 5. Subsections F and H of Section 4.36.210 of the Seattle Municipal Code are amended as follows:

4.36.210 RETIREMENT ALLOWANCES DESIGNATED

F. For members retiring for services after December 31, 1974, there is established the "percentage" scale in Table 4.36.210 F which may be used in fixing the amount of a service retirement allowance, to be computed by multiplying the number of years of creditable service by the indicated percentage of final compensation, provided that such scale may also be used in determining benefits of surviving spouses and domestic partners of employees receiving disability retirement benefits under Section 4.36.230 E, but shall not add more than One Hundred Thirty Dollars (\$130.00) per month to the basic pension upon which such surviving spouses benefits are based; provided, further, that such scale may also be used in determining benefits payable under Section 4.36.270 B to the surviving spouse and domestic partner of any member who was at least forty-eight (48) years of age at the time of such member's death. Use of this scale is subject to subsection G and to the limitation of sixty percent (60%) of final compensation except where final compensation is less than Two Hundred Dollars (\$200.00) per month, in which case the retirement allowances may not exceed One Hundred Ten Dollars (\$110.00) per month. The pension payable over and above the basic pension shall be purchased by contributions of the City. The application of the scales herein established and in subsections D and E shall be at the option of the members.

H. The alternative retirement allowance computations set forth in subsections D and E shall be available only to members who remain in City service until they attain age sixty (60) and shall not be available to members who retire or are otherwise separated from City service prior to age sixty (60). Except as provided in Sections 4.36.260 C and D, no person leaving the service of the City prior to attaining the age of forty-eight (48) shall be eligible for the alternative retirement allowances computation provided in Section 4.36.210 F; provided, that the surviving spouse or domestic partner of an employee retired for disability shall be entitled to the benefits under Section 4.36.230 E based upon the alternative retirement allowance computation provided in accordance with subsection F if such employee attained the age of forty-eight (48) prior to death.

Section 6. Subsection E of Section 4.36.230 of the Seattle Municipal Code is amended as follows:

4.36.230 DISABILITY ALLOWANCES DESIGNATED

E. Any surviving spouse or domestic partner of a member receiving a disability retirement allowance may, if named as beneficiary, elect to receive and thereupon shall be paid in lieu of benefits under Section 4.36.230 D a monthly benefit the equivalent of a survivor's "Option E" retirement allowance computed on the basis of the member's age at date of death, years of creditable service, and normal and matching contributions reduced by all sums theretofore paid the deceased member as annuity on normal contributions and pension on matching contributions, and, if applicable, by payments to an alternate payee under a court or department order as contemplated by Section 4.36.295. (The Board may in its discretion authorize such payments to a surviving spouse, who is not named as a beneficiary, if (a) the surviving spouse is the principal beneficiary of the member's estate and named under a community property agreement or in the member's will, or (b) the member died without leaving a will and the retirement allowance was the property of the marital community and the surviving spouse.) The spouse or domestic partner may elect to receive a cash payment of not to exceed one-half (1/2) of the deceased member's remaining normal contributions, and such cash payment shall effect a reduction of the survivor's monthly benefit by the amount of annuity such payment would have purchased.

The Board may in its discretion authorize such payments to a surviving spouse, who is not named as a beneficiary, if (a) the surviving spouse is the principal beneficiary of the member's estate and named under a community property agreement or in the member's will, or (b) the member died without leaving a will and the retirement allowance was the property of the marital community and the surviving spouse.

Section 7. Subsections D and E of Section

shall not serve to reduce such lesser allowance except by the amount of annuity which such withdrawal would have purchased. All benefits payable under this subsection shall be paid to the legal guardian of such child or children under the age of eighteen (18) years until all of such children have reached the age of eighteen (18) years, and shall be for the benefit of such minor children.

D. The amount paid to a member's estate, beneficiary or surviving spouse or domestic partner may be reduced by payments made to an alternate payee under a court or department order as contemplated by Section 4.36.295.

E. If the member's estate is not being probated, the Board, in its discretion, may as an alternative to making payment to his or her estate, authorize payment to an heir who would inherit if the estate were probated, such as a surviving spouse named under a community property agreement or in the member's will.

Section 9. Section 4.36.320 of the Seattle Municipal Code is amended as follows:

SMC 4.36.320 DEATH BENEFITS-PAYMENT

A. Upon proof of the death on or subsequent to January 1, 1960, of a member of the retirement system who has paid all death benefit assessments as hereinafter provided and who has not been retired, the sum of Two Thousand Dollars (\$2,000.00) as a death benefit shall be paid to such member's surviving spouse or domestic partner or if such deceased member does not have a surviving spouse or domestic partner, or if the surviving spouse prior to the death of such member consented in writing to the naming as hereinafter provided of a different beneficiary or beneficiaries, then to such member's estate or to such person or persons as such member shall have nominated by written designation duly executed and filed with the Board. If the member's estate is not being probated, the Board, in its discretion, may as an alternative to making payment to his or her estate, authorize payment to an heir who would inherit if the estate were probated, such as a surviving spouse named under a community property agreement or in the member's will.

B. Any member of the retirement system may elect to continue in the death benefit system and pay the death benefit assessments; provided, that such payment shall not be required of a member retiring for disability until age sixty (60), whereupon such member shall be required to pay all death benefit assessments thereafter accruing if he or she desires to continue in the death benefit system. (Upon proof of the death of such a member of the retirement system before the effective date of this amendatory ordinance, who has elected to continue in the death benefit system and has paid all death benefit assessments required, there shall be paid to such member's surviving spouse, or if the deceased member does not have a surviving spouse, or if the surviving spouse prior to the death of such member consented in writing to the naming as hereinafter provided of a different beneficiary or beneficiaries, then to such member's estate, or to such person or persons whom such member shall have nominated by written designation duly executed and filed with the Board, the sum of One Thousand Dollars (\$1,000.00), and an additional One Thousand Dollars (\$1,000.00) where death of such member occurs within twelve (12) months from the date such member retires.) Upon proof of the death of such member (after such effective date), the payment shall be Two Thousand Dollars (\$2,000.00).

Section 10. This ordinance shall take effect and be in force thirty (30) days from and after its approval by the Mayor, but if not approved and returned by the Mayor within ten (10) days after presentation, it shall take effect as provided by Municipal Code Section 1.04.020.

Passed by the City Council the 11th day of October, 1999, and signed by me in open session in authentication of its passage this 11th day of October, 1999.

SUE DONALDSON,
President of the City Council.
Approved by me this 19th day of October, 1999.

PAUL SCHELL,
Mayor.
Filed by me this 19th day of October, 1999.

(Sue) JUDITH E. PIPPIN,
City Clerk.
Publication ordered by JUDITH PIPPIN,
City Clerk.

(Boldface denotes deletion)
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