

Ordinance No. 121365

Council Bill No. 114771

The City of Seattle
Council Bill/Ordinance

AN ORDINANCE amending the Seattle City Employees' Retirement Code, SMC Chapter 4.36 to correct outdated references and practices; and amending sections 4.36.100, 4.36.103, 4.36.110, 4.36.124, 4.36.190, 4.36.191, 4.36.195, and 4.36.400; and repealing sections 4.36.191.5 and 4.36.197 of the Seattle Municipal Code.

CF No. _____

Date introduced:	<u>DEC 1 - 2003</u>	
Date 1st Referred:	<u>DEC 1 - 2003</u>	
Date Re - Referred:	To: (committee) <u>Finance, Budget, Business & Labor Committee</u>	
Date Re - Referred:	To: (committee)	
Date of Final Passage:	Full Council Vote: <u>7-0</u>	
Date Presented to Mayor:	Date Approved: <u>12/17/03</u>	
Date Returned to City Clerk:	Date Published: <u>1/6/04</u>	T.O. F.T. <input checked="" type="checkbox"/>
Date Vetted by Mayor:	Date Veto Published:	
Date Passed Over Veto:	Veto Sustained:	

DO Pass 2-0 TH

12-8-03 Passed

Excused

This file is complete and ready

Law Department

Law Dept. Review

The City of Seattle - Legislative Department

Council Bill/Ordinance sponsored by:

Stan Page
Councilmember

Committee Action:

Do Pass 9-0 T.O.B

12-3-03 Passed 7-0

(Excused: Compton, Melver)

This file is complete and ready for presentation to Full Council.

Committee:

(Initial/Date)

Law Department

Law Dept. Review

OMP
Review

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City Clerk
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ORDINANCE 121365

AN ORDINANCE amending the Seattle City Employees' Retirement Code, SMC Chapter 4.36, to correct outdated references and practices; and amending sections 4.36.100, 4.36.103, 4.36.110, 4.36.124, 4.36.190, 4.36.191, 4.36.195, and 4.36.400; and repealing sections 4.36.191.5 and 4.36.197 of the Seattle Municipal Code.

WHEREAS, several provisions within Seattle Municipal Code Chapter 4.36, the Seattle City Employees' Retirement Code, relating to buy-back opportunities for members of the Retirement System were limited in time and are now no longer in effect; and

WHEREAS, the Seattle City Employees' Retirement System Board of Administration has recommended that amendments to certain buy-back provisions of the Retirement Code be made and that additional amendments be made to the Code for purposes of consistency with the Department's practice and for clarity; NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Subsections 4.36.100 G and K of the Seattle Municipal Code are amended as follows:

SMC 4.36.100 Membership in retirement system.

G. Re-Entry. An officer or employee who withdrew his or her deposit in the retirement system before or upon his or her separation from City service and later re-enters City service, shall either (a) resume his or her membership by making a redeposit as contemplated by Section 4.36.190, or (b) rejoin the retirement system with creditable service accruing thereafter. ~~((An officer or employee who is called to active duty in the armed forces of the United States of America or the State of Washington or who is given other military leave prior to completing six (6) months of continuous service may on re-entering City service include his or her active duty time in computing six (6) months of continuous City service for purpose of determining eligibility to join the retirement system.))~~ An officer or employee, who maintains his or her deposit in the retirement system during a separation from City service, shall continue his or her membership upon re-entry into City service.



1 K. Temporary, Interim, Intermittent, Provisional and Part-time Workers. See Sections 4.36.103
2 and 4.36.195 (~~(, and for 1989-1990 opportunity, Section 4.36.197)~~).

3 Section 2. Section 4.36.103 of the Seattle Municipal Code is amended as follows:

4 **4.36.103 Membership—Temporary, interim, intermittent and part-time workers.**

5 A. Opportunities. A worker in active City service on and after January 1, 1989, who has a
6 position that is classified as temporary, interim or intermittent, or a part-time position of less than twenty
7 (20) hours per week over a one (1) year period, has the three (3) following opportunities to join the
8 retirement system:

9 1. Within six (6) calendar months of completion of one thousand forty-four (1,044) hours of
10 compensated straight-time service;

11 2. Upon appointment to an eligible full or part-time position or election to a City office after
12 completing six (6) months (one thousand forty-four (1,044) hours) of City service but before five (~~and~~
13 ~~one-half (5½))~~ (5) years ((~~eleven thousand four hundred eighty-four (11,484)~~) ten thousand four
14 hundred forty (10,440) hours) of City service. Unless the position is elective or exempt under Subsection
15 ((Section)) 4.36.100 D and F or the worker has an election under a statutory right under Section
16 4.36.100 E, membership in the retirement system is thereafter mandatory; and

17 3. Within six (6) calendar months of completion of five (~~and one-half (5½))~~ (5) years (
18 ~~((eleven thousand four hundred eighty-four (11,484))~~ ten thousand four hundred forty (10,440) hours)
19 of continuous compensated straight-time service.

20 For purposes of this section and Sections 4.36.125(~~(;))~~ and 4.36.195 (~~and 4.36.197~~), "straight-
21 time service" means regular hours worked, including premium hours but excluding paid overtime hours.

22 B. Waiting Period—Buy-in Option. If the worker elects to join the retirement system or
23 becomes a member upon appointment to an eligible position, his or her first one thousand forty-four
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1 (1,044) hours of continuous City service are applied to his or her six (6) month waiting period and the
2 worker accrues creditable service thereafter. After deducting hours applied to his or her waiting period,
3 the worker may determine whether or not he or she will acquire ("buy in") service credit for the
4 remainder of his or her earlier service as a temporary, provisional, interim, intermittent, or part-time
5 worker, as contemplated by Section 4.36.195.

6 C. Exercise of Option. To exercise an option to join the retirement system or to buy in prior
7 service, a worker must file the documents reasonably required by the Board of Administration before the
8 expiration date.

9 D. Expiration.

10 1. If not exercised, the opportunity to join the retirement system under subsection A1 of this
11 section expires six (6) calendar months after the worker becomes eligible, and such a worker may only
12 join the retirement system thereafter by becoming eligible under subsection A2 or A3 of this section; if
13 not exercised, the opportunity under subsection A3 expires six (6) calendar months after the worker
14 becomes eligible and such a worker may only become a member of the retirement system thereafter by
15 appointment to an eligible full- or part-time position or by serving as an elective officer. If the
16 opportunity under subsection A3 of this section has expired, the worker shall not receive creditable
17 service for his or her City service in a temporary, interim, intermittent position or a part-time position of
18 less than twenty (20) hours per week over a one (1) year period.

19 2. If not exercised, the opportunity for a worker under subsection A2 or A3 of this section to
20 acquire ("buy in") service credit for prior City service in a temporary, interim, intermittent position or a
21 part-time position of less than twenty (20) hours per week over a one (1) year period expires six (6)
22 calendar months after the worker becomes eligible for membership in the retirement system, and no
23 creditable service shall thereafter be allowed therefor.

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1 E. Coverage and Exclusions. This section extends to workers in active City service on or after
2 January 1, 1989. Workers in active City service in temporary, interim, intermittent, and part-time
3 positions of less than twenty (20) hours per week, who have exceeded the hours in Section 4.36.103 A3
4 on the effective date of ~~((the ~~o~~))~~ Ordinance 114592¹ ~~((codified in this section))~~ shall have six (6) months
5 thereafter to acquire service credit for prior service in such positions. ~~((Except for the 1989-90~~
6 ~~opportunity under Section 4.36.197, t))~~ This section and Section 4.36.195 provide the exclusive methods
7 for temporary, interim, intermittent, provisional workers or workers in part-time positions of less than
8 twenty (20) hours per week over a one (1) year period to become members of the retirement system.

9 Section 3. Section 4.36.110 of the Seattle Municipal Code is amended as follows:

10 **4.36.110 Contributions—City matching funds.**

11 A. Members of the retirement system shall make contributions to the retirement fund at the rate
12 of 8.03% of the compensation of each such member, exclusive of overtime; provided, that any member
13 whose rate of contribution prior to June 23, 1972, was less than six (6) percent shall have such rate
14 increased by 2.03%; provided, further, that any reinstated member who has redeposited his/her
15 withdrawn contributions plus interest as provided in Subsection ~~Section~~ 4.36.190 B, who was a member
16 of the retirement system at any time prior to June 23, 1972, and whose rate of contribution at such prior
17 time was less than six (6) percent compensation shall have such rate increased by 2.03% of the
18 compensation of such member. Contributions shall be calculated, at the rates established herein, on all
19 compensation paid to members from and after the first pay period following January 1, 1984.

20 B. ~~((Subject to the provisions of this chapter, the Board of Administration shall adopt rules and~~
21 ~~regulations governing the making of deductions from the compensation of employees and shall certify to~~
22 ~~the head of each office or department the normal rate of contribution for each member provided for in~~
23 ~~subsection A of this section. The head of each department shall apply the rate of contribution to the~~
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1 ~~compensation of each member, exclusive of overtime, and shall certify to the Director of Executive~~
2 ~~Administration on each and every payroll the amount to be contributed and shall furnish immediately to~~
3 ~~the Board a copy of each and every payroll; and each of the amounts))~~ Member contributions as
4 provided in Subsection 4.36.110 A shall be deducted by the Director of Executive Administration and
5 shall be paid into the retirement fund, provided for in this chapter, and shall be credited by the Board
6 together with regular interest ~~((to an individual account of the member for whom the contribution was~~
7 ~~made)).~~

8 Every member shall be deemed to consent and agree to the contribution made and provided for
9 in this section, and shall receipt in full for his or her salary or compensation. Payment less said
10 contributions shall be a full and complete discharge of all claims and demands whatsoever for the
11 service rendered by such person during the period covered by such payment, except his or her claim to
12 the benefits to which he or she may be entitled under the provisions of this chapter.

13 C. The City shall match the normal contributions of members and ~~((the board shall determine~~
14 ~~the amount of normal contributions to be matched each month and shall notify the proper authorities~~
15 ~~when such matching contributions are due and payable. The proper authorities shall then))~~ provide for
16 payment of the matching contributions into the retirement fund at the earliest time possible.

17 The City shall also contribute, in excess of the matching contributions, the actuarially determined
18 City contribution to provide the moneys necessary to guarantee benefits payable under Sections
19 4.36.210 and 4.36.230.

20 D. No City or employee contribution shall be made for the first six (6) months of City service
21 before an employee, who commences City service on or after January 1, 1988, becomes eligible for
22 membership in the retirement system, except when an officer or employee becomes a member during the
23 first six (6) months of City service as authorized by subsection L of Section 4.36.100.



1 Section 4. Section 4.36.124 of the Seattle Municipal Code is amended as follows:

2 **SMC 4.36.124 Purchase of creditable service for military service.**

3 A member may purchase creditable service for past active duty in the armed forces of the United
4 States of America or the State of Washington, by paying into the Retirement Fund, at the time of
5 resignation from City service or at the time of retirement, the actuarial present value of the resulting
6 increase in his or her benefit. Terms and conditions of purchase shall be in accordance with the
7 provisions of ~~((SMC)) ((s))~~ Subsection 4.36.190 B4. In no instance shall military service in excess of
8 five (5) years be credited under this chapter. ~~((In no instance shall military service be credited to any
9 member who is receiving full military retirement benefits pursuant to Title 10, United States Code.))~~

10 Section 5. Subsections 4.36.190 B and C of the Seattle Municipal Code are amended as follows:

11 **SMC 4.36.190 Discontinuance or reentrance of eligible employee -- Purchase of creditable
12 service.**

13 B. Redeposit and Purchase of Creditable Service for eligible employees reentering City service.

14 1. ~~((Subject to rules and regulations established by the Board, a))~~ Any member or former
15 member who reenters City service may redeposit in the retirement fund an amount equal to that which
16 he or she previously withdrew therefrom ~~((at the last termination of his or her membership))~~, or some
17 part thereof, plus compound interest, at the actuarial assumed rate of investment return, which would
18 have accumulated on the amount, as determined by the Board, between the date of his or her last
19 termination of his or her membership and the date of redeposit. Within two (2) years after his or her re-
20 entry into City service, a former member must redeposit the entire sum determined to be due to purchase
21 all, or part of, their former creditable service, or sign and file with the Board a redeposit contract in
22 accord with subsection C in order to reestablish all or part of his or her former creditable service. In the
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1 event such redeposit is made by a member, the City shall reinstate all or that part of the former
2 creditable service purchased by the member.

3 2. (~~2001-2002 window period. During the period December 1, 2001 through December 31, 3~~
4 ~~2002, a current member may redeposit into the retirement fund an amount equal or some part thereof, to~~
5 ~~that which he or she previously withdrew therefrom at the date of his or her last termination of~~
6 ~~membership plus compound interest, at the actuarial assumed rate of investment return which would~~
7 ~~have accumulated on the amount as determined by the Board, between the date of his or her last~~
8 ~~termination of membership and the date of redeposit. In the event such redeposit is made by a member,~~
9 ~~the City shall reinstate all, or part of, the former creditable service purchased by the member.))~~

10 ((~~3-~~)) If a member within two (2) years after reentering the retirement system after a termination
11 of his or her membership does not make such a redeposit or file a properly executed redeposit contract,
12 he or she may purchase all, or some part of, his or her former creditable service only by paying into the
13 retirement fund the amount, or some part thereof, he or she previously withdrew plus compound interest
14 as determined by the Board. The following provisions apply to redeposits made pursuant to this

15 ((~~s~~)) Subsection ((SMC)) 4.36.190B((~~3~~))2:

16 a. Determination of applicable interest rates. The interest rate for each year since the
17 date of withdrawal of contributions shall be the greater of the rate the retirement fund has earned,
18 net of fees, as reported by the Retirement System's Investment Performance Consultant, or the
19 interest rate equivalent to the actuarial assumed rate of investment return at the time of executing
20 the redeposit contract.

21 b. Calculation of "accumulated contributions." For purposes of determining a member's
22 accumulated contributions pursuant to ((SMC-Section)) Subsection 4.36.030 B, only a portion of
23 the total amount deposited shall be considered. The portion to be considered as the member's
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1 accumulated contributions shall be only the amount previously withdrawn as the member's
2 contributions including interest, plus interest calculated at the actuarial assumed rate of
3 investment return.

4 c. Withdrawal of contributions limited. The total amount deposited for the purchase of
5 said former creditable service will be available for withdrawal by the member only if the
6 member terminates employment with the City and withdraws his or her total accumulated
7 contributions prior to retirement or dies and benefits are not payable under ~~((s))~~Subsections
8 4.36.270 B and C. In the event such redeposit is made by a member, his rate of contribution shall
9 be as determined under ~~((s))~~Subsection 4.36.110 A, and the City shall reinstate all, or that part
10 of, the former creditable service purchased by the member.

11 ~~((4))~~3. Unless otherwise stated, members allowed to purchase creditable service pursuant to
12 SMC Chapter 4.36, shall pay as a single lump sum payment at the time of retirement, the actuarial
13 present value of the resulting increase in their benefit as provided in this ~~((s))~~Subsection SMC 4.36.190
14 B~~((4))~~3.

15 a. The actuarial present value shall be calculated by the Retirement Board using
16 the current actuarial assumptions as approved by the Retirement Board.

17 b. For purposes of determining the member's accumulated contributions pursuant to
18 ~~((SMC Section))~~ Subsection 4.36.030 B, only a portion of the total amount deposited shall be
19 considered. The portion to be considered as the member's accumulated contributions shall be
20 calculated at the employee's current hourly rate times the current contribution rate times the
21 number of hours to be purchased.



1 c. If a member elects to pay at resignation from City service, the actuarial present value
2 will be estimated at the time of resignation and adjusted at retirement for factors existing at the
3 time of retirement, if necessary, according to rules established by the Retirement Board.

4 d. In the event such payment is made by a member, the City shall consider such City
5 service previously rendered as creditable service for the member.

6 ((5)) 4. Unless otherwise stated, the purchase price for the purchase of creditable service must
7 be paid in full to the retirement fund prior to the time of resignation from City service or retirement,
8 whichever occurs first.

9 C. Redeposit and Purchase Contracts. These terms and conditions govern redeposit contracts for
10 reentering City officers and employees, deposit contracts of officers and employees joining the system
11 under subsections C, D, ~~((and))~~ F and G ~~((E))~~ of Section 4.36.1~~((40))~~00 and the purchase of creditable
12 service for past City service.

13 1. The unpaid balance shall accrue interest at the assumption rate established by the Board for
14 actuarial purposes and in effect at the time the redeposit agreement is signed;

15 2. The redeposit must be completed within ten (10) years from the date of the member's re-entry
16 into City service;

17 3. After deducting any immediate redeposit, the balance shall be payable in approximately equal
18 installments every pay period, computed by amortizing interest over the contract term, unless the Board
19 by rule authorizes redeposit in installments of equal payments of principal with interest computed on
20 declining balances;

21 4. Installment payments shall be deducted from the member's pay during each pay period; and
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1 5. Redeposit agreements shall be subject to the approval of the Board. The Board of
2 Administration in its discretion may include supplemental terms and conditions by rule or by approving
3 a form of agreement on the following subjects, among others:

4 a. A minimum installment payment per pay period;

5 b. The deferral of a redeposit of an installment during a member's layoff, military
6 leave, or other approved leave, with catch-up redeposits upon the member's resumption of pay
7 status;

8 c. Allocation of payments between interest and principal;

9 d. Appropriate arrangements in the event of a member's suspension or separation from
10 City service, including the making of set-offs, acceleration of payments, continuation of
11 payments from other sources during the interim, or adjusting creditable service being purchased
12 on a pro-rata basis;

13 e. Other terms and conditions as the Board may deem appropriate. (~~The Board may also~~
14 ~~require the execution of contracts by members, who are redepositing in installments through~~
15 ~~payroll deductions on August 31, 1986.))~~

16 Section 6. Section 4.36.191 of the Seattle Municipal Code is amended as follows:

17 **SMC 4.36.191 Purchase of creditable service for initial six months of City service for**
18 **employees hired during 1988 through 1998 period.**

19 A. Buy-back. Employees who were hired during the period 1988 through 1998 who have not
20 purchased creditable service for the initial six (6) months of employment may purchase said creditable
21 service by paying into the retirement fund, at the time of resignation or retirement from City service, the
22 actuarial present value of the resulting increase in their benefit. The terms and conditions of purchase
23 shall be in accordance with the provisions of (~~SMC s~~) Subsection 4.36.190 B ((4)) (3).
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1 B. One-year Window. During a window period of one (1) year, beginning on the effective date
2 of this section, employees who were hired during the period 1988 through 1998 who have not purchased
3 creditable service for the initial six (6) months of City employment may purchase said creditable service
4 by paying the purchase price, as determined by the Board, into the retirement fund, or signing a
5 creditable service purchase contract pursuant to ~~((SMC-s))~~ Subsection 4.36.190 C and filing it with the
6 Retirement Board. The creditable service may be purchased based on the following price formula:

7 **Current City Employees**

8 (current hourly rate) x (current member contribution rate) x (amount of hours to be purchased).

9 **Former City Employees**

10 (final hourly rate as determined by the Board and adjusted for inflation) x (contribution rate in
11 effect for new members as of effective date of Section 4.36.191) x (amount of hours to be
12 purchased).

13 C. Purchases by former city employees made pursuant to Subsection 4.36.191 B must be paid in
14 full by lump sum payment by the end of the window period established in said subsection or the date of
15 retirement, whichever occurs first.

16 ~~((€:))~~ D. City Matching Contributions under ~~((Section))~~ Subsection 4.36.191 B. As matching
17 contributions pursuant to ~~((SMC-s))~~ Subsection 4.36.110 A, each year the employing department shall
18 pay into the retirement fund the matching amount equivalent to any member lump sum payment made
19 pursuant to this section or, if a member purchased pursuant to a contract under ~~((s))~~ Subsection 4.36.190
20 C, the member's current year buy back payments all as billed by the Retirement office.

21 Section 7. Section 4.36.191.5 of the Seattle Municipal Code is repealed.

22 Section 8. Section 4.36.195 of the Seattle Municipal Code is amended as follows:
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1 **SMC 4.36.195 Buy-in of creditable service by temporary, interim, intermittent, provisional**
2 **and part-time workers.**

3 These terms and conditions apply to workers acquiring ("buying in") creditable service under
4 Section((s)) 4.36.103 ((and ~~4.36.197~~)) for earlier work in temporary, interim, intermittent and
5 provisional positions or part-time positions of less than twenty (20) hours per week during the course of
6 the year.

7 A. Eligible Services. Only hours in continuous City service as shown on City payrolls can be
8 counted subject to the multiplier in Section 4.36.125. A break in the continuity of City service excludes
9 hours before the break. Such a break in on-call, seasonal or intermittent service occurs if a worker:

- 10 1. Removes his or her name from a roster or listing for work assignments;
11 2. In seasonal employment, declines the opportunity to work for a season; or, in other
12 employment, fails to work at least one hundred (100) hours in any twelve (12) month period;
13 3. Takes other actions indicating that he or she has stopped or suspended for a year providing his
14 or her services to the City; or
15 4. Is discharged from City employment.

16 B. Amount of Creditable Service. Creditable service shall be granted only for the hours for
17 which both the worker and the City make contributions to the retirement system at the rate
18 contemplated by Section 4.36.110. To receive creditable service for prior City service, such a worker
19 shall deposit into the retirement system an amount determined by the Board of Administration equal to
20 the sum, or some part thereof, that he or she would have paid had he or she become a member when first
21 eligible and had deductions been made from his or her pay warrants, through the years, for creditable
22 service, together with interest thereon. Interest shall accrue at the Board's assumption rate established
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1 for actuarial purposes from the date of the wage or salary payment to the date of deposit and shall be
2 compounded annually.

3 C. Waiting Period, Service Before 1988. A worker, who began his or her continuous City
4 service on or before December 31, 1987 and has not already received such credit, shall receive
5 creditable service for the first one thousand forty-four (1,044) hours, or portion thereof, of continuous
6 service that he or she worked before January 1, 1988. This is a transitional exception to subsection B
7 of Section 4.36.103.

8 D. Administration. The Board, in its discretion, may delegate to the Executive Director the
9 calculation of the amount of contribution for such a worker to acquire ("buy in") in prior creditable
10 service and may authorize its Executive Director to use an approximate formula to simplify
11 computations and/or to determine credit for vacation and other paid leave when City records are not
12 available therefor. For example, for hourly workers, who have held the same or similar positions over
13 the duration of the buy-back period, the Board may determine the amount due by:

14 1. Classifying the worker's creditable hours by the contribution rate in effect at the time the
15 hours were worked;

16 2. Multiplying the creditable hours in each rate classification by the worker's current hourly
17 wage rate and by the applicable contribution rate; and

18 3. Adding the total of the products of all such classifications together.

19 E. Maintenance of Membership. Such a worker who joins the retirement system shall maintain
20 his or her membership in the retirement system for the duration of his or her City service until
21 retirement. A member of the retirement system, who has not retired from the City and who accepts
22 temporary, intermittent, or part-time work, shall continue to make his or her contributions to the
23 retirement system.
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1 F. Deposit Contract. The Board may authorize such a worker to make his or her deposit under
2 an agreement for installment payments under the following terms and conditions:

3 1. The deposit must be completed within ~~((five (5)))~~ ten (10) years from the date of the
4 member's eligibility to join the retirement system(~~(, except current workers may be allowed until August~~
5 ~~30, 1994 to complete their deposits))~~).

6 2. After deducting any immediate deposits, the balance shall be payable in approximately equal
7 amortized installments unless the Board authorizes otherwise. Installments shall be deducted from the
8 worker's pay whenever practical. By rule the Board may establish a minimum initial deposit and
9 allowable installment payment and may include other appropriate terms and conditions in the agreement.

10 3. A member may accelerate and prepay all or part of his or her deposits at any time before he or
11 she dies, retires, or discontinues City service, whichever may be sooner. In the event
12 of extenuating circumstances that preclude an earlier payment, the Executive Director may allow a
13 member up to ten (10) days after his or her retirement or discontinuance of City service to make a lump
14 sum payment of the balance.

15 4. If a member dies, retires, or discontinues city service before completion of the contract, the
16 member shall receive creditable service on his or her buy-in on a pro rata basis.

17 5. The member is responsible for making any adjustments appropriate under the Internal
18 Revenue Code with respect to individual retirement accounts and privately administered retirement
19 plans.

20 G. City Matching Money. The City shall match the member's contributions and deposits,
21 including interest, in the same manner as other members. If the worker provided services in two (2) or
22 more departments, the City Finance Director shall apportion the amount of the City contribution among
23 the employing departments. The City Finance Director's apportionment shall be final.
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1 H. Members who have otherwise failed to exercise an option to purchase creditable service for
2 prior service previously rendered as a temporary worker, as that term is defined at ~~((SMC))~~ Subsection
3 4.04.030 ~~((30))~~ (33), shall be allowed to purchase creditable service for service previously rendered
4 but not credited as a temporary worker, by paying into the retirement fund, at the time of resignation
5 from City service or at retirement, the actuarial present value of the resulting increase in his or her
6 benefit. The terms and conditions of purchase shall be in accordance with the provisions of ~~((SMC))~~
7 Subsection 4.36.190 (B)~~((4))~~ (3).

8 Section 9. Section 4.36.197 of the Seattle Municipal Code is repealed.

9 Section 10. Section 4.36.400 of the Seattle Municipal Code is amended as follows:

10 **SMC 4.36.400 Election to participate in RCW Chapter 41.54.**

11 A. As authorized by RCW 41.54.061, the City irrevocably elects to participate in the portability
12 of public retirement systems as contemplated by RCW Chapter 41.54, and to pay for the additional cost
13 it may incur as a result of the benefits provided.

14 B. The eligibility of members for the portability of public retirements benefits, the benefits
15 available thereunder, the limitations (including RCW 41.54.080), and the procedures shall be as set out
16 in RCW Chapter 41.54. A member may aggregate service credit in two (2) or more retirement systems
17 for the purpose of determining the percentage factor to be used in calculating a service retirement
18 allowance pursuant to ~~((SMC-s))~~ Subsection 4.36.210 B.

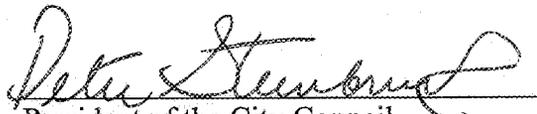
19 ~~((C. During the period December 1, 2001, through December 31, 2002, an active dual member,~~
20 ~~as defined at RCW 41.54.010(4), who has failed to restore creditable service pursuant to RCW~~
21 ~~41.54.020(2), may redeposit in the retirement fund an amount equal to that which he or she previously~~
22 ~~withdrew therefrom at the date of his or her last termination of membership plus compound interest, at~~
23 ~~the actuarial assumed rate of investment return, which would have accumulated on the amount as~~
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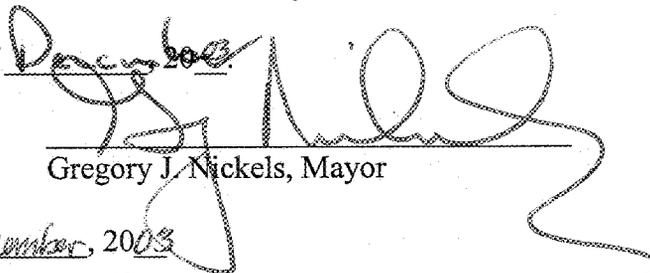
1 ~~determined by the Board, between the date of his or her last termination of his or her membership and~~
2 ~~the date of redeposit.))~~

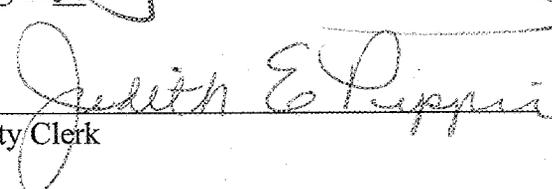
3 ((~~D~~)) C. Beginning January 1, 2003, a dual member, as defined at RCW 41.54.010(4), who has
4 failed to restore creditable service pursuant to RCW 41.54.020(2), or to redeposit during the period of
5 December 1, 2001 through December 31, 2002 as provided in Section 9 of Ordinance 120684
6 ((subsection C of this section)), may redeposit in the retirement fund an amount equal to that which he
7 or she previously withdrew therefrom ((at the date of his or her last termination of membership)) plus
8 compound interest as determined by the Board. The terms and conditions of purchase shall be in
9 accordance with the provisions of ((s))Subsection 4.36.190 B((3))2.

10 Section 11. This ordinance shall take effect and be in force thirty (30) days from and after its
11 approval by the Mayor, but if not approved and returned by the Mayor within ten (10) days after
12 presentation, it shall take effect as provided by Municipal Code Section 1.04.020.

13 Passed by the City Council the 8th day of December, 2003 and signed by me in open
14 session in authentication of its passage this 8th day of December, 2003

15 
16 President of the City Council

17 Approved by me this 17 day of December, 2003.
18 
19 Gregory J. Nickels, Mayor

20 Filed by me this 17th day of December, 2003.
21 
22 City Clerk

22 (Seal)

STATE OF WASHINGTON - KING COUNTY

--ss.

178831
CITY OF SEATTLE, CLERKS OFFICE

No. TITLE ONLY

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:121364&121365

was published on

11/15/2004

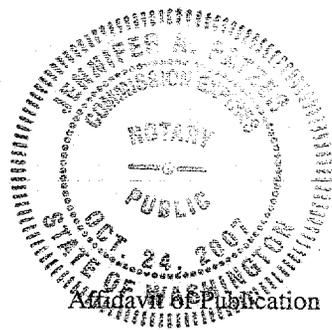
Mel D

Subscribed and sworn to before me on

11/15/2004

Jennifer R. Potts

Notary public for the State of Washington,
residing in Seattle



State of Washington, King County

City of Seattle

TITLE-ONLY PUBLICATION

The full text of the following ordinances, passed by the City Council on November 1, 2004, and published here by title only, will be mailed upon request, or can be accessed electronically at <http://clerk.ci.seattle.wa.us>. For further information, contact the Seattle City Clerk at 684-8344.

ORDINANCE NO. 121635

AN ORDINANCE appropriating money to pay certain audited claims and ordering the payment thereof.

ORDINANCE NO. 121634

AN ORDINANCE relating to the Mercer Corridor; modifying restrictions in the 2004 Adopted Budget that limit the Seattle Department of Transportation's spending on the Mercer Corridor Project; recommending the Two-Way Mercer Boulevard and narrowed Valley Street alternative for evaluation in the NEPA and SEPA environmental review process; directing the Department of Transportation to develop options for the proposed Two-way Mercer alternative to meet certain performance improvements; and directing the Department to evaluate other measures that may help traffic flow, including an aggressive Transportation Demand Management Program for South Lake Union.

Publication ordered by JUDITH PIPPIN,
City Clerk.

Date of publication in the Seattle Daily
Journal of Commerce, November 15, 2004.

11/15(178831)

STATE OF WASHINGTON – KING COUNTY

--SS.

166701
City of Seattle, Clerk's Office

No. ORDINANCE IN FULL

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 121365

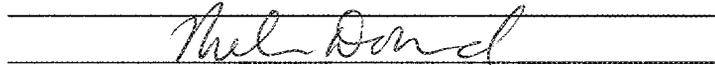
was published on

12/26/2003

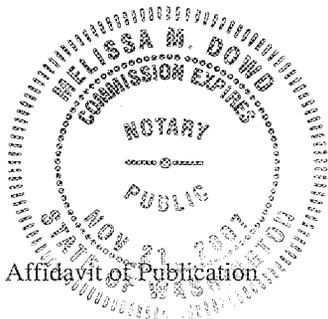


Subscribed and sworn to before me on

12/26/2003



Notary public for the State of Washington,
residing in Seattle



State of Washington, King County

G. Re-Entry. An officer or employee who withdrew his or her deposit in the retirement system before or upon his or her separation from City service and later re-enters City service, shall either (a) resume his or her membership by making a redeposit of the amount of the contribution to the retirement system...

Member contributions as provided in Subsection 4.36.190 A shall be deducted by the Director of Executive Administration and shall be paid into the retirement fund, credited for in this chapter, and shall be provided by the Board together with regular interest (the rate of which shall be determined by the Board).

Every member shall be deemed to consent and agree to the contribution made and provided for in this section, and shall receipt in full for his or her salary or compensation. Payment less said contributions shall be a full and complete discharge of all claims and demands whatsoever for the service rendered by such person during the period covered by such payment, except his or her claim to the benefits to which he or she may be entitled under the provisions of this chapter.

practices; and amending sections 4.36.050, 4.36.200, 4.36.210, 4.36.230, 4.36.260, 4.36.270, 4.36.320, and 4.36.380 of the Seattle Municipal Code.

HEREAS, the Seattle City Employees' Retirement System Board of Administration recommended that amendments to certain provisions within the Retirement Code be made and additional amendments be made to the Retirement Code for purposes of consistency with the City's practices and for clarity; NOW, BEFORE,

BE IT OBTAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Subsection 4.36.040 G of the Seattle Municipal Code is amended as follows:

MC 4.36.040 Definitions - Alphabetical "C" through "D."

"Current benefit" means the annual benefit currently paid on behalf of a member. It includes, where applicable, the permanent benefit increase granted by Ordinance 104755. It takes into account any reductions based on options selected by the member under Section 4.36.260. It shall also mean payments of accrued contributions made under (Section) 4.36.270 B (A), and payments received by a beneficiary as a result of an annuity selected under Section 4.36.280. It

visions of (SMC) (a) Subsection 4.36.190 B. In no instance shall military service in excess of five (5) years be credited under this chapter. (The Board may, in its discretion, credit military service in excess of five (5) years for members who are receiving full military retirement benefits pursuant to Title 26, Uniformed Services Uniform Act.)

5. Redeposit agreements shall be subject to the approval of the Board. The Board of Administration in its discretion may include supplemental terms and conditions by rule or by approving a form of agreement on the following subjects, among others:

- a. A minimum installment payment per pay period;
- b. The deferral of a redeposit of an installment during a member's leave, military leave, or other approved leave, with catch-up redeposits upon the member's resumption of pay status;
- c. Allocation of payments between interest and principal;
- d. Appropriate arrangements in the event of a member's suspension or separation from City service, including the making of set-offs, acceleration of payments, continuation of payments from other sources during the interim, or adjusting creditable service being purchased on a pro-rata basis;
- e. Other terms and conditions as the Board may deem appropriate. (The Board may, in its discretion, require the execution of a contract by members who are redepositing in installments through payroll deduction in August 2003.)

Section 8. Section 4.36.191 of the Seattle Municipal Code is amended as follows:
SMC 4.36.191 Purchase of creditable service for initial six months of City service for employees hired during 1988 through 1995 period.

A. Buy-back. Employees who were hired during the period 1988 through 1995 who have not purchased creditable service for the initial six (6) months of employment may purchase said creditable service by paying into the retirement fund, at the time of resignation or retirement from City service, the actuarial present value of the resulting increase in their benefit. The terms and conditions of purchase shall be in accordance with the provisions of (SMC) Subsection 4.36.190 B (4) (B).

B. One-year Window. During a window period of one (1) year, beginning on the effective date of this section, employees who were hired during the period 1988 through 1995 who have not purchased creditable service for the initial six (6) months of City employment may purchase said creditable service by paying the purchase price, as determined by the Board, into the retirement fund, or signing a creditable service purchase contract pursuant to (SMC) Subsection 4.36.190 C and filing it with the Retirement Board. The creditable service may be purchased based on the following price formula:

(current hourly rate) x (current member contribution rate) x (amount of hours to be purchased).

Current City Employees

(current hourly rate) x (current member contribution rate) x (amount of hours to be purchased).

Former City Employees

(current hourly rate) x (current member contribution rate) x (amount of hours to be purchased).

G. City Matching Money. The City shall match the member's contributions and deposits, including interest, in the same manner as other members. If the worker provided services in two (2) or more departments, the City Finance Director shall apportion the amount of the City contribution among the employing departments. The City Finance Director's apportionment shall be final.

H. Members who have otherwise failed to exercise an option to purchase creditable service for prior service previously rendered as a temporary worker, as that term is defined in (SMC) Subsection 4.04.030 (4)(b) (3), shall be allowed to purchase creditable service for prior service previously rendered but not credited as a temporary worker, by paying into the retirement fund, at the time of resignation from City service or at retirement, the actuarial present value of the resulting increase in his or her benefit. The terms and conditions of purchase shall be in accordance with the provisions of (SMC) Subsection 4.36.190 B (4)(b) (3).

Section 9. Section 4.36.197 of the Seattle Municipal Code is repealed.

Section 10. Section 4.36.400 of the Seattle Municipal Code is amended as follows:

SMC 4.36.400 Election to participate in RCW Chapter 41.54.

A. As authorized by RCW 41.54.061, the City irrevocably elects to participate in the portability of public retirement systems as contemplated by RCW Chapter 41.54, and to pay for the additional cost it may incur as a result of the benefits provided.

B. The eligibility of members for the portability of public retirement benefits, the benefits available thereunder, the limitations of (including RCW 41.54.080), and the procedures shall be as set out in RCW Chapter 41.54. A member may aggregate systems for the purpose of determining the percentage factor to be used in calculating a service retirement allowance pursuant to (SMC) Subsection 4.36.210 B.

(C. During the period December 1, 2001, through December 31, 2009, an active dual member as defined at RCW 41.54.010(4), who has failed to restore creditable service pursuant to RCW 41.54.020(2), may redeposit in the retirement fund an amount equal to that which he or she previously withdrew therefrom (or the date of his or her last termination of membership) plus compound interest as determined by the Board. The terms and conditions of purchase shall be in accordance with the provisions of (a) Subsection 4.36.190 B (4)(a).)

(C. Beginning January 1, 2003, a dual member, as defined at RCW 41.54.010(4), who has failed to restore creditable service pursuant to RCW 41.54.020(2), or to redeposit during the period of December 1, 2001 through December 31, 2002 as provided in Section 9 of Ordinance 120654 (subsections of this section), may redeposit in the retirement fund an amount equal to that which he or she previously withdrew therefrom (or the date of his or her last termination of membership) plus compound interest as determined by the Board. The terms and conditions of purchase shall be in accordance with the provisions of (a) Subsection 4.36.190 B (4)(a).

Section 11. 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 8th day of December, 2003, and signed by me in open session in authentication of its passage this 8th day of December, 2003.

PETER STEINBRUECK,

President of the City Council

Approved by me this 8th day of December, 2003.

GREGORY J. NICKELS,

Mayor

Filed by me this 17th day of December, 2003.

(Seal) JUDITH PIPPIN,

City Clerk

Publication ordered by Judith Pippin, City Clerk.

Date of publication in the Seattle Daily Journal of Commerce, December 26, 2003.

12/26(186701)

Supervisor Court for the Superior Court for the State of Washington in and for King County, John Berg, Plaintiff, vs. the persons or parties with Mae Jamison, and all about January 2, 2004. The contract will be issued on demand of the complaint which has been filed with the clerk of the said Court. Officers contemplating the said Court. The scheduling of on-site visits, attorney for plaintiff at his office, the professional staff interviews, below stated, and in the case of your failure to do so judgment will be rendered against you according to demand of the complaint which has been filed with the clerk of the said Court.