ORDINANCE NO. 1622

An Ordinance of the City of Kent prescribing duties of the City Attorney; creating the office of Assistant City Attorney, and providing for appointment thereto, and providing that no compensation shall be paid therefor; and amending Section 1. of Ordinance No. 1054, relating to the salary of the City Attorney.

THE CITY COUNCIL OF THE CITY OF KENT DO ORDAIN as follows:

Section 1. It shall be the duty of the City Attorney to advise the city authorities and officers in all legal matters pertaining to the business of the City, and to approve all ordinances as to form. He shall represent the City in all actions brought by or against the City, or against City officials in their official capacity. He shall perform such other duties as the City Council by ordinance may direct. Included in the foregoing and in addition thereto, the City Attorney shall:

1. Attend each council meeting, regular and special.

2. Attend meetings, upon request, of all official boards and commissions of the City, particularly of the Planning Commission and the Board of Adjustment.

3. Advise the Council, boards, commissions, department heads and other City officials and officers, rendering formal opinions when requested, or when it appears to the attorney necessary or advisable.

4. Answer inquiries from citizens for information concerning City matters.

5. Consult interested officials and officers concerning, and prepare all resolutions, ordinances, petitions, contracts, leases, easements, deeds, notices and other legal documents, and suggested legislation, where the responsibility for preparation is upon the City, or requested by City officials; examine and approve, or suggest changes, all such instruments when the duty of preparation rests upon others than the City.

6. Prosecute in the court of original jurisdiction, and on appeal in appellate courts, all alleged violations of City ordinances, and actions to recover licenses, penalties and forfeitures. Advise the proper officials and officers on the filing of complaints therefor.

7. Prosecute and/or defend, in courts of original jurisdiction, and on appeal, all civil actions brought by or against the City, or against officials, officers and employees in their official capacity. Participate in consultations concerning settlement of claims against the City, or its officials, officers and employees in their official capacities; provided that where insurance counsel also defends the City, the main burden of such actions may be left to such counsel. See to the
ultimate enforcement of all judgments and decrees rendered in favor of the City in any action or suit.

8. Participate in the expedition of bond issues; providing this shall not require an opinion of the validity of the bonds in any case where special bond counsel is retained by the City or any prospective bond buyers.

9. On request, participate in and consult concerning intergovernmental relations in which the City is concerned.

10. Perform such other duties as may be required by the laws of the State of Washington.

Section 2. The duties of the City attorney as prescribed in Section 1. hereof shall not prohibit the use of special counsel to assist the City Attorney in unusual cases of a specialized nature when authorized by the City Council.

Section 3. Nothing herein shall prohibit the private practice of law by the City Attorney so long as such practice does not adversely affect the performance of his duty as City Attorney and provided that there is no conflict of interest between the City and private clients. No attorney with whom the City Attorney is associated in the private practice of law shall undertake to represent any party whose interest does or might conflict with the interests of the City of Kent. If conflict of interest should develop between the private client of the City Attorney and the City, the City Attorney shall withdraw from representation of the private client and shall act only for the City.

Section 4. That there is hereby created the office of Assistant City Attorney. The Assistant City Attorney shall be appointed by the Mayor, subject to confirmation by the City Council, from a list of those submitted to the Mayor by the City Attorney. Such Assistant City Attorney shall serve only during the pleasure of the Mayor. The Assistant City Attorney shall, under the direction of the City Attorney, assist and when necessary substitute for the City Attorney, during vacations and necessary absences of the City Attorney, and assist the City Attorney in his presence at such times as he may desire. The primary responsibility of the performance of the duties of the office of City Attorney shall, however, rest upon the City Attorney, and the utilization of the Assistant City Attorney by
the City Attorney shall be subject to periodic review by the legislative and/or the executive branch of the city government of the City of Kent. No salary shall be paid to or for the Assistant City Attorney.

Section 5. In the event that services other than those outlined as the duties of the City Attorney in this ordinance should be required by the City of the City Attorney, provision shall then be made between the City and the City Attorney for compensation for those services on a mutually agreeable basis, with consideration being given to the Washington State Bar Association minimum fee schedule for hourly work and/or special appearances.

Section 6. That Section 1. of Ordinance No. 1054 entitled "An Ordinance of the City of Kent fixing the salary of the City Attorney and repealing Section 1. of Ordinance No. 837", passed 7 December, 1959, approved 8 December, 1959, and published 9 December, 1959, be and the same is hereby amended to read as follows:

"Section 1. The salary to be paid to the City Attorney of Kent, commencing with the 1st of April, 1963, shall be the sum of One-thousand ($1,000.00) Dollars per month."

Section 7. This ordinance shall take effect and be in force five (5) days after its passage, approval and publication as by law provided.

Mayor

Attest: City Clerk

Approved as to form: City Attorney

PASSED the 18th day of March, 1963
APPROVED the 19th day of March, 1963
PUBLISHED the 20th day of March, 1963.