AN ORDINANCE of the City Council of the City of Kent, Washington, amending Title 2 of the Kent City Code, entitled “Administration and Personnel,” to reorganize City departments, offices, and boards.

RECITALS

A. For more than a year, Kent citizens, developers, and City staff have been reviewing the development permit review and approval process.

B. As a result of that analysis, City administration determined that the permit process could be significantly enhanced if City departments were restructured so that all permit processing functions were administered from a single, unified department.

C. Accordingly, the City Council has determined to restructure City departments consistent with this goal, moving all permit processing functions into a new City department to be known as the Economic and Community Development Department.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF KENT, WASHINGTON, DOES HEREBY ORDAIN AS FOLLOWS:

1. Amend Title 2 KCC – City Departments, Offices, Boards
ORDINANCE

SECTION 1. - Amendment to Section 1.01.100 KCC. Section 1.01.100 of the Kent City Code, entitled “Conflict Amending Code Sections,” is amended as follows:

Sec. 1.01.100. Conflict Amending Code Sections.
A. Intent. The current version of the Kent City Code reflects an iterative drafting process that has been developed and amended over the life of the City. In particular, various councils have elected to reorganize the City’s departmental structure at various times in order to meet the demands of a growing city and changing laws. Because of this ongoing process, despite best efforts, it is not always possible to capture and resolve all conflicts that may arise within the code.

B. Definition of References Made. References to specific departments or specific department directors or generic references to “department” or “director” should be construed to refer to the department or director that has authority over the code subject or function in question as established in Title 2, Subtitle 2, of the Kent City Code, entitled “Departments and Offices.”

Any otherwise unreasonable conflict amending code sections shall be resolved in favor of the section most recently enacted.

SECTION 2. - Amendment to Ch. 2.09 KCC. Chapter 2.09 of the Kent City Code, entitled “Departments,” is amended as follows:

CHAPTER 2.09. DEPARTMENTS

Sec. 2.09.010. Established. There are hereby established departments of the City of Kent as set forth in Chs. 2.10 through 2.30 KCC as follows:

Ch. 2.10, Employee Services Department;
Ch. 2.12, Finance Department;
Ch. 2.14, Information Technology Department;
Ch. 2.20, Legal Department;
Ch. 2.22, Police Department;
Ch. 2.24, Fire Department;
Ch. 2.26, Parks and Community Services Department; and
Ch. 2.28, Public Works Department; and
Ch. 2.30, Economic and Community Development Department.

These departments shall report to the Mayor, or his or her designee, unless otherwise provided in this Title 2 KCC, with the exception of the public works department which shall report to the chief administrative officer or his or her designee.

SECTION 3. – Amendment to Ch. 2.28 KCC. Chapter 2.28 of the Kent City Code, entitled "Public Works Department," is amended as follows:

CHAPTER 2.28. PUBLIC WORKS DEPARTMENT

Sec. 2.28.010. Department created. There is hereby created the public works department for the purpose of performing all public works functions of the City, except for public and private development permitting functions. The department shall be supervised by the director of public works who shall serve as its director and who shall have complete charge of all of the work and who shall be responsible for hiring and supervising employees of the department. The department, through the director, shall report to the chief administrative officer or his or her designee. The divisions of the public works department which report to the director of public works are as follows:

1. Engineering;
2. Street maintenance and operations;
3. Fleet services;
4. Water;
5. Sewer, storm water, and drainage utility; and

**Sec. 2.28.020. Director of public works – Position created.**
There is created a position known as the director of public works.

**Sec. 2.28.030. Appointment.** The director of public works shall be appointed by the Mayor in accordance with the provisions of the City of Kent Policies and Procedures Manual solely on the basis of his or her professional qualifications with special emphasis on professional experience and education and demonstrated knowledge of accepted practices relating to the duties of his or her office. The director of public works shall report to the chief administrative officer.

**Sec. 2.28.040. Qualifications.** The director of public works shall have, or be capable of obtaining, within a reasonable period of time after appointment, a certificate of registration with the state board of registration for professional engineers and land surveyors. The public works director must have the following or equivalent qualifications: he or she must be a graduate of a recognized college or university and have at least a minimum of five (5) years' experience in a supervisory management engineering capacity. It is preferable, although not a requirement of the position, that the director be a graduate of a duly accredited four (4) year college or university in civil engineering and have a certificate of registration with the state board of registration for professional engineers and land surveyors. If the public works director is not a registered professional engineer, the public works director shall ensure that the deputy public works director or City engineer is a professional engineer.
Sec. 2.28.050. Responsibilities – Duties. The director of public works shall organize and supervise each division that reports to him or her pursuant to KCC 2.28.010 in the most efficient manner possible so that the interests of the citizens of the City shall be best served. The director of public works shall coordinate engineering done for the City by consultants and have ultimate responsibilities for all such projects. The director of public works shall create an effective working relationship between the department of public works and all other City departments. The director of public works shall supervise each of the divisions reporting to him or her and make periodic reports to the chief administrative officer.

Sec. 2.28.060. Powers and duties. The general powers and duties of the director of public works shall be to:

1. Supervise and assist in the engineering, surveying, and drafting work involved in public works and improvements of the City or its utilities such as preparation of estimates, plans, specifications, reports and recommendations, and public improvements.

2. Supervise the keeping of plans, plats, maps, drawings, dedications, final estimates, and specifications relating to City projects affairs.

3. Be responsible to the Mayor for the construction, inspection, and repair of public streets and City-owned utilities, and provide technical and advisory engineering assistance to other departments of the City.

Sec. 2.28.070. Salary. The salary of the director of public works shall be that as established in the City’s annual budget.

SECTION 4. – Repealer of Ch. 2.29 KCC. Chapter 2.29 of the Kent City Code, entitled “Offices,” is repealed in its entirety.

SECTION 5. – Amendment to Ch. 2.30 KCC. Chapter 2.30 of the Kent City Code, entitled “Planning Office,” is amended as follows:
CHAPTER 2.30. ECONOMIC AND COMMUNITY DEVELOPMENT  
DEPARTMENT PLANNING OFFICE

Sec. 2.30.010. Department Created. The economic and community development department is created for the purpose of performing all public and private permitting and development review functions. The economic and community development department director shall supervise the department and shall have complete charge of all of the work in the department and shall be responsible to hire, supervise, and discipline department employees. The department, through the director, shall report to the chief administrative officer or his or her designee. The functions of the economic and community development department shall be as follows:

A. Community planning;
B. Permit processing;
C. Development engineering;
D. Building code development review and inspection;
E. Critical Areas and stormwater development permitting review;
F. Code enforcement; and
G. Economic development.

Sec. 2.30.020. Economic and Community Development Director – Creation and Appointment. The position of economic and community development director is created and shall be subject to appointment by the Mayor in accordance with the provisions of the City of Kent Policies and Procedures Manual.

Sec. 2.30.030. Qualifications. The economic and community development director must have the following or equivalent qualifications: he or she must be a graduate of a recognized college or university and
have at least five (5) years’ experience in economic and community development permit processing or similar fields.

2.30.040. Duties and Powers. The economic and community development department director shall have the following duties and powers:

A. With the exception of those aspects of permit issuance pertaining to the fire code under the supervision of the fire department, to examine, review, condition, deny, or approve all aspects of public and private development permits issued by the City, including public and private street, utility, and other infrastructure construction.

B. To operate all economic development functions within the City to encourage and support new residential and business development and redevelopment.

C. To operate the duties and responsibilities of the planning division, as specified in this chapter.

D. To implement the building codes, under the state Building Code Act, when examining, modifying, conditioning, approving, or denying building plans and when conducting building inspections.

E. To collaborate with affected departments on inspections of all development extensions or connections to public utilities.

F. To conduct code enforcement of all areas of the City code that implement the duties and powers vested in the economic and community development department.

Sec. 2.30.050. Salary. The salary of the economic and community development director shall be that as established in the City budget.
Sec. 2.30.060. Planning Division - Authority. The City Council hereby declares its intention to perform all planning functions under Chapter 35A.63 RCW regarding planning and zoning in code cities.

Sec. 2.30.061. Office Planning Division Created. There is created the planning division, which shall serve as the City planning agency in conjunction with the land use and planning board. The planning division shall perform planning and zoning functions, conduct plan reviews, and issue building and development permits, enforce building codes, and perform other duties as established by the City Council. The division shall be supervised by the economic and community development director/planning manager.

Sec. 2.30.063. Planning Division - Duties and responsibilities - Office. The planning division shall have the following duties and responsibilities.

A1. The planning division shall be responsible for all planning matters, including, but not limited to, comprehensive plan formulation and amendments, annexation zoning, and the zoning code, subdivision code, and other assigned codes. It shall be the duty of the planning division to set the agenda for the land use and planning board hearings, workshops, and meetings to prepare all materials, such as agendas, staff reports, and special reports for the land use and planning board; to collect, and to analyze and use technical data to determine logical matters of urban development within the City. The planning division shall be responsible for preparing and updating the comprehensive plan and preparing amendments to the zoning code, the subdivision code, and any other related codes or ordinances.

B2. Under the direction of the economic and community development director, the planning division shall advise the Mayor and City Council.
Council on planning matters. The planning division office may carry out special projects at the request of the City Council which requests shall be forwarded to the economic and community development department planning office through the office of the Mayor.

C3. The planning division agency shall be responsible for all planning matters, including, but not limited to, comprehensive plan formulation and amendments, annexation zoning, zoning code, subdivision code, and other assigned codes. It shall be the responsibility of the planning division department office to prepare the plans and codes for these planning matters and the responsibility of the land use and planning board to hold public hearings on these plans and codes when advised to do so by the planning division department office. The planning division office shall forward items for consideration to the land use and planning board. The land use and planning board, after holding one (1) or more public hearings, shall forward its recommendation on the planning office's proposals to the City Council for final action. The Council may hold public hearings and perform other related functions on specific planning matters in addition to or in lieu of delegating this function to the land use and planning board.

Sec. 2.30.065000. Planning Division – Planning Director Manager – Position created, and salary, and appointment. There is hereby created the position of City planning director manager who shall be appointed by the economic and community development director chief administrative officer or his or her designee, in accordance with the provisions of the City of Kent Policies and Procedures Manual solely—on the basis of professional experience, education, and demonstrated knowledge of accepted practices relating to the duties of the division office. The salary of the planning director shall be that as established in the annual City budget. All references in the Kent City Code to the planning manager director with respect to the functions of the
planning division as set forth in this code chapter, shall mean the planning director manager.

**Sec. 2.30.06799. Planning Division - Planning director - Qualifications.** The planning director manager must have the following or equivalent qualifications: he or she must be a graduate of a recognized college or university and have at least three (3) years' experience in as a municipal planning planner or similar field as deemed appropriate to the position by the appointing authority.

**Sec. 2.30.069400. Planning Division - Planning director - Duties and responsibilities - Manager.**

A. The planning director manager shall be in charge of the planning division. The planning director manager shall prepare an annual planning program and an annual budget to implement this program. The division shall represent the City before government agencies and the public as deemed necessary. The planning director manager or a designated planning staff member shall be present at all City Council and land use and planning board meetings and public hearings. The planning director manager shall perform such other duties as the economic and community development director or chief administrative officer may direct or as may be required by the laws of the state.

B. The planning director manager, or his or her designee, shall act as the State Environmental Policy Act (SEPA) responsible official as set forth in Ch. 11.03 KCC.

**Sec. 2.30.110. Salary.** The salary of the planning manager shall be that as established in the annual city budget.

**Sec. 2.30.070. Building official - Position created and appointment.** There is hereby created the position known as building

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The building official shall be appointed by the economic and community development director in accordance with the provisions of the City of Kent Policies and Procedures Manual on the basis of professional experience, education, and demonstrated knowledge of accepted practices relating to the duties of the office.

Sec. 2.30.072. Building Official - Qualifications. The building official must have the following or equivalent qualifications: he or she must be a graduate of a recognized college or university, have at least three (3) years’ experience in the field of building and land development, be familiar with the international and uniform building codes, or have experience in a similar field as deemed appropriate to the position by the appointing authority.

Sec. 2.30.074. Building Official - Duties and powers. It shall be the duty of the building official to examine building plans and perform building inspections as prescribed by the Kent City Code.

SECTION 6. - Repealer of Ch. 2.40 KCC. Chapter 2.40 of the Kent City Code, entitled “Building and Development Services Office,” is repealed in its entirety.

SECTION 7. - Repealer of Ch. 2.42 KCC. Chapter 2.42 of the Kent City Code, entitled “Permit Center,” is repealed in its entirety.

SECTION 8. - Severability. If any one or more section, subsections, or sentences of this ordinance are held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portion of this ordinance and the same shall remain in full force and effect.
SECTION 9. - Effective Date. This ordinance shall take effect and be in force thirty (30) days from and after its passage as provided by law.

Suzette Cooke
SUZETTE COOKE, MAYOR

ATTEST:

Brenda Jacober
BRENDA JACOBER, CITY CLERK

APPROVED AS TO FORM:

TOM BRUBAKER, CITY ATTORNEY

PASSED: 4th day of August, 2009.
APPROVED: 14th day of August, 2009.
PUBLISHED: 8th day of August, 2009.

I hereby certify that this is a true copy of Ordinance No. 3926 passed by the City Council of the City of Kent, Washington, and approved by the Mayor of the City of Kent as hereon indicated.

Brenda Jacober (SEAL)
BRENDA JACOBER, CITY CLERK