AN ORDINANCE of the City Council of the City of Kent, Washington, amending Chapter 4.01 of the Kent City Code to add a new section 4.01.015 entitled “Sex Discrimination in Community Athletics Programs – Prohibited,” which prohibits the City or groups who use City facilities for adult or youth community athletics programs from discriminating against participants on the basis of sex.

RECITALS

A. During its 2009 session, the state legislature adopted Engrossed Substitute Senate Bill 5967 (ESSB 5967) which prohibits sex discrimination in public community athletics programs. The bill provides that no city may discriminate against any person on the basis of sex in the city’s operation, conduct, or administration of youth and adult community athletics programs. Additionally, if a city issues a lease or permit to a third-party to use city facilities for a community athletics program, the city must adopt a policy that specifically prohibits the lessee or permittee from discriminating against any person on the basis of sex in the third-party’s operation, conduct, or administration of youth or adult community athletics programs. Finally, the city must publish the name, office address, and office telephone number of the city employee responsible for its efforts to comply with and carry out its responsibilities under ESSB 5967.

1 Community Athletics Program—No Discrimination on the Basis of Sex
sections of ESSB 5967 applicable to the City of Kent are codified at RCWs 35A.21.350, 49.60.500, and 49.60.505.

B. ESSB 5967 defines a community athletics program as "any athletic program that is organized for the purposes of training for and engaging in athletic activity and competition and that is in any way operated, conducted, administered, or supported by a city, town, county, district, or school district other than those offered by the school and created solely for the students by the school."

C. At a minimum, the City should attempt to include the non-discrimination policy in any publication that includes information about the City's own athletics programs or that includes information about obtaining a permit for operating athletics programs, and the policy should be included on the appropriate city, town, county, or district web site.

D. The City's Parks, Recreation, and Community Services Department is currently working to revise its rental forms and program descriptions to clearly identify that in using City park facilities for adult or youth community athletic programs, no group may discriminate in program participation on the basis of sex. Because chapter 4.01 of the Kent City Code sets forth various rules and regulations applicable to park property, it is appropriate to amend that chapter to include a new section setting forth the non-discrimination policy required by RCWs 35A.21.350, 49.60.500, and 49.60.505.

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

Community Athletics Program—
No Discrimination on the Basis of Sex
ORDINANCE

SECTION 1. - Amendment. Chapter 4.01 of the Kent City Code is amended to add a new section 4.01.015, entitled "Sex discrimination in community athletics programs - Prohibited," as follows:

Sec. 4.01.015. Sex discrimination in community athletics programs – Prohibited.
A. In accordance with RCWs 35A.21.350, 49.60.500, and 49.60.505, as now enacted or later amended, it is the policy of the City of Kent that no community athletics program for youths or adults, either operated, conducted, or administered by the City or a third party who uses City facilities, may discriminate against any person on the basis of sex.
B. A “community athletics program” shall have the meaning ascribed to it by RCW 49.60.500, as now enacted or later amended.
C. Any questions regarding this policy shall be directed to the City’s Recreational and Cultural Superintendent, 220 Fourth Avenue South, Kent, WA 98032, (253) 856-5100.

SECTION 2. - 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 3. - Corrections by City Clerk or Code Reviser. Upon approval of the City Attorney, the City Clerk and the code reviser are authorized to make necessary corrections to this ordinance, including the correction of clerical errors; references to other local, state or federal laws, codes, rules, or regulations; or ordinance numbering and section/subsection numbering.
SECTION 4. - 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
TOM BRUBAKER, CITY ATTORNEY

PASSED: 2 day of January, 2010.
APPROVED: 2 day of January, 2010.

I hereby certify that this is a true copy of Ordinance No. 3943 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