

COMMITTEE SUBSTITUTE FOR ORDINANCE NO. 100177

Creating a new department to be known as the Capital Projects Department by amending Chapter 2, Administration, Code of Ordinances, by enacting new sections to be in Article V, Departments, to be known as Division 23, Section 2-715, Establishment, Section 2-716, Appointment and Designation of Director, and Section 2-717, Powers and Duties of Director and withdrawing the City Manager's authority to transfer the duties or activities of the Human Relations Department between departments by amending Chapter 2, Administration, Code of Ordinances, by repealing Section 2-141, Reorganization of departmental duties and enacting in lieu thereof a new section of like number and subject matter.

WHEREAS, Section 415 of the Charter anticipates the occasional need for the Council to reconsider the administration and delivery of City services by restructuring the departmental organization of City government by establishing additional departments under the administrative control of the City Manager; and

WHEREAS, the Council finds that the current fragmentation and duplication of similar capital construction project functions among the Departments of Water Services, Aviation, Parks and Recreation, and General Services is not in the best interests of the City; and

WHEREAS, the Council finds that consolidating the administration, coordination, planning, estimating, management, and oversight of all design and construction functions for the delivery of capital construction projects into a single department will improve the efficiency and effectiveness of the City's delivery of capital construction projects; and

WHEREAS, the Council acknowledges that Section 402(a) of the City Charter empowers the Council to delegate to the City Manager the authority to transfer obligations of certain departments between departments to provide for greater efficiency and effectiveness of the City's workforce; and

WHEREAS, the Council acknowledges that it has previously delegated this authority to the City Manager by the enactment of Ordinance No. 040315, which created and codified Section 2-141 entitled "Reorganization of departmental duties"; and

WHEREAS, the Council finds that it is not in the best interests of the City for the City Manager to transfer the duties and activities of the Human Relations Department to other City departments or to the City Manager's Office; NOW, THEREFORE,

BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY:

Section 1. That Chapter 2, Administration, Code of Ordinances, is hereby amended by enacting a new sections in Article V, Departments, to be codified within a new division of Article V to be known as Division 23, Capital Projects Department; those

new sections being Section 2-721, Establishment, Section 2-722, Appointment and Designation of Director and Section 2-723, Powers and Duties of Director.

Division 23. Capital Projects Department.

Sec. 2-715. Establishment.

Pursuant to the provisions of Section 415 of the Charter, there is hereby established a department to be known as the Capital Projects Department.

Sec. 2-716. Appointment and Designation of Director.

The officer in charge of the Capital Projects Department shall be known as the Director of Capital Projects Department and shall be appointed by, and be responsible to, the City Manager.

Sec. 2-717. Powers and Duties of Director.

(a) The director of the Capital Projects Department shall have such duties, powers and authorities as are prescribed in this division, or as may hereafter be prescribed by the City Manager in accordance with section 2-141, Code of Ordinances.

(b) Generally, when not otherwise assigned specifically to another department by administrative regulation issued by the City Manager, the Director of the Capital Projects Department shall be responsible for all of the following:

- (1) management of the design and construction of capital projects, public improvements, and infrastructure, with the exception of:
 - (i) maintenance projects;
 - (ii) capital projects with a total individual budget of less than \$250,000.00;
 - (iii) aggregate of smaller (less than \$250,000.00 each) associated capital projects with a total budget of less than \$1,000,000.00 for the aggregate;
 - (iv) design and capital construction related to airport in-field projects; and
 - (v) design and capital construction related to an Overflow Control Plan incorporated into either a consent decree or order issued by a U.S. District Court;
- (2) management of the Capital Improvements Program (CIP);
- (3) expansion, renovation, remodeling, or replacement of city buildings, structures, and facilities, including but not limited to bridges, roadways, pipelines, waterworks, storm water, and sewerage;

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- (4) demolition work in preparation for the design and construction of city buildings and facilities;
- (5) procurement of all construction-related professional, specialized, or technical services, including but not limited to land surveying, geotechnical services, public art, and LEED commissioning;
- (6) selection of design professionals, negotiation, and management of all design contracts;
- (7) preparation, estimating, bidding, and management of all construction contracts;
- (8) acquisition of easements and right-of-way necessary for all projects managed by the department including coordination with any utilities;
- (9) development, implementation and delivery of performance measurements and reports to owning departments, the City Manager, the Council and the Mayor;
- (10) overall scheduling and coordination of all capital improvements and maintenance projects to map project locations and develop a city-wide calendar of construction projects; and
- (11) coordination of all projects to minimize negative environmental impact, encourage conservation of resources and promote the use of renewable resources.

(c) With the approval of the City Manager, the Director may permit any or all departments to be responsible for the performance of any or all of the functions specified in subsection (b)(1)--(11) when it is in the best interest of the city. In such a case the designated department will have to utilize and conform to the same project management and reporting methods and standards used by the Capital Projects Department.

(d) The director shall have the authority to appoint such assistants and other employees as may be necessary to perform the functions of the department.

(e) The director shall have the power to prescribe and enforce rules and regulations, not inconsistent with the charter or the code of ordinances, for the conduct of the employees of the department.

Section 2. That Chapter 2, Administration, Code of Ordinances, is hereby amended by repealing Section 2-141, Reorganization of departmental duties and enacting in lieu thereof a new section of like number and subject matter, to read as follows:

Sec. 2-141. Reorganization of departmental duties.

(a) *Findings.*

- (1) The city is called upon to perform a multitude of functions.
- (2) The organizational structures appropriate to the most efficient and effective delivery of services can quickly change depending upon forces and pressures outside the complete control of the city.
- (3) From time to time the council has established new departments to meet important needs of the time.
- (4) For the city manager to possess the necessary discretion to organize city government to best meet the current needs of the city's residents, the ability to shift certain responsibilities between departments from time to time, either on a temporary or permanent basis, is necessary.
- (5) When established by ordinance, the functions of departments are intended to constitute the initial assignment of duties, but are not intended to preclude later transfer of duties.

(b) *Purpose.* The purpose of this section is to permit the city manager to modify the assignment of duties among departments, except when the city charter mandates a specific responsibility be held by a certain department, or its successor.

(c) *Authority of the city manager.*

- (1) *Transfer of duties.* The city manager is authorized to transfer duties or activities among departments within his management control, subject to the limitations below.
- (2) *Purpose of transfers.* Such transfers may be made when the city manager finds reassignment of duties or activities should improve the efficiency or effectiveness of the service or activity.
- (3) *Limitation--Express prohibition.* Establishment of duties for specific departments by the council shall not preclude reassignment by the city manager unless those duties or activities are assigned to the Human Relations Department by ordinance, resolution or contract or expressly prohibited in the ordinance mandating an activity be performed by a specific department.

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- (4) *Limitation--City Charter.* The city manager may not transfer the duties and activities of departments made by the people through the City Charter.
- (d) *Council notification.* Before effecting a transfer of duties and activities of departments, the city manager will inform the city council by reporting to a standing committee of the council designated by the mayor for that purpose.

Approved as to form and legality:

Galen P. Beaufort
City Attorney