

PUBLICATION:5/6/23; 5/13/23; 5/20/23

RESOLUTION NO. 2023-09

**A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF
LEAVENWORTH, KANSAS REGARDING FORMATION OF LEAVENWORTH
COUNTY FIRE DISTRICT NO. 2; RESCINDING RESOLUTION NO. 23-06.**

WHEREAS, the Board of County Commissioners is committed to providing adequate fire-fighting resources using a fiscally responsible approach that meets the needs of the citizens of the County; and

WHEREAS, K.S.A. section 19-3601 authorizes and empowers a Board of County Commissioners to organize one or more fire districts and to include within the fire district a city of the third class, pursuant to procedures set forth in statute; and

WHEREAS, the Boards of both Reno Township and Sherman Township, as well as the City Council of the City of Linwood, Kansas, have requested and proposed the formation of a new Leavenworth County Fire District, to be known as Fire District No. 2, County of Leavenworth, Kansas ("Fire District No. 2"), to efficiently provide fire-protection services to the areas encompassed by those entities; and

WHEREAS, pursuant to K.S.A. 19-3612a, the Board of County Commissioners has determined that it is in the best interests of the county to place the supervision and operation of the anticipated Fire District No. 2 under the supervision of a fire district board of trustees; and

WHEREAS, pursuant to K.S.A. 19-3612a(b), the Board of County Commissioners intends to delegate its authority to appoint the members of the fire district board of trustees to a joint board to be appointed by the governing bodies Reno and Sherman Townships and the City of Linwood, such board of trustees to be vested with all of the powers vested in the Board of County Commissioners pursuant to K.S.A. 19-3601 through 19-3606, and amendments thereto, with regard to the supervision and operation of said Fire District No. 2 to the fullest extent allowed by statute; and

NOW, THEREFORE, THE BOARD OF COUNTY COMMISSIONERS OF LEAVENWORTH COUNTY, KANSAS, SITTING IN REGULAR SESSION, DOES HEREBY RESOLVE:

1. That the organization and formation of Fire District No. 2, County of Leavenworth, Kansas, encompassing the entirety of Reno Township, Sherman Township and the City of Linwood, Kansas, except as described below, is advisable in the public interest for protection of lives and property from the hazards of fire.

2. That the boundaries of said Fire District No. 2 are coextensive with the boundaries of Reno and Sherman Townships, and the City of Linwood, Kansas, excluding the portion of Sherman Township that is, as of the date of this Resolution, encompassed within the city limits of De Soto, Kansas.
3. That, it is to the best interests of Leavenworth County to place the supervision of Fire District No. 2 under a fire district board of trustees and, upon formation of said Fire District No. 2, the Board of County Commissioners shall, pursuant to interlocal agreement as authorized by K.S.A. 19-3612a, delegate its authority to appoint said board of trustees to a Joint Board consisting of the governing bodies of Reno and Sherman Township Boards and the City of Linwood, and to delegate to such board of trustees all of the powers of this Board of County Commissioners with regard to the supervision and operation of said Fire District No. 2 to the fullest extent allowed by statute.
4. Further, that upon formation of said Fire District No. 2, the Board of County Commissioners shall, pursuant to an interlocal agreement and as authorized by K.S.A. 19-3612a, delegate the powers and duties of the County Clerk and County Treasurer with regards to the secretary and treasurer position with said board of trustees, to persons deemed qualified and appointed by the Joint Board referenced herein to serve as such subject to requirements set out by state law;
5. That it is the intent of the parties to the proposed Interlocal Agreement that the Fire District 2 Board of Trustees levy a tax not to exceed 5.7 mills as a baseline of funding for the operations of Fire District No. 2; provided, however, that Reno and Sherman Townships will not separately levy any tax for purposes of fire protection that would be duplicative of, or in addition to, the Fire District No. 2 mill levy.
6. That a public hearing on the advisability of organizing Fire District No. 2 as set forth in this resolution shall be held at 9:00 a.m. May 31, 2023, or at such other date that allows for adequate notice pursuant to K.S.A. 19-3602, at the Leavenworth County courthouse in the offices of the board of county commissioners, 300 Walnut, Suite 225, Leavenworth, Kansas, following publication of this resolution and a map of the proposed boundaries pursuant to statute.
7. That Resolution No. 23-06 is hereby rescinded.

Staff is authorized and directed to prepare and publish the statutory notices and prepare all other necessary and appropriate documentation to accomplish the formation of said Fire District No. 2, County of Leavenworth, KS, as described above.

ADOPTED the 3rd day of May, 2023.

NOTICE OF PUBLIC HEARING

(To be published on May 6, 13 and 20, 2023)

Please take notice that, pursuant to K.S.A. 19-3602, the Board of County Commissioners of Leavenworth County, Kansas (the "Board") intends to hold a public hearing on the advisability of organizing Fire District No. 2, County of Leavenworth, Kansas, as set forth in the Resolution adopted by the Board during its regular meeting of May 3, 2023 which is reprinted herewith. A map showing the territory of the proposed district is included with this Notice. The public hearing will take place at 9:00 a.m. May 31, 2023, at the Leavenworth County courthouse in the offices of the Board of County Commissioners, 300 Walnut, Suite 225, Leavenworth, Kansas.

BOARD OF COUNTY COMMISSIONERS
OF LEAVENWORTH COUNTY, KANSAS



VICKY KAAZ, CHAIR



JEFF CULBERTSON, MEMBER



MIKE SMITH, MEMBER



DOUG SMITH, MEMBER



MIKE STIEBEN, MEMBER

ATTEST: _____



JANET KLASINSKI, CLERK

