

PUBLICATION: _____

RESOLUTION NO. 2023-10

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF LEAVENWORTH, KANSAS FORMING LEAVENWORTH COUNTY FIRE DISTRICT NO. 2 AND ORGANIZING, NAMING AND DECLARING THE BOUNDARIES OF FIRE DISTRICT NO.2.

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, on May 3, 2023, the Board of County Commissioners of Leavenworth County, Kansas adopted resolution No. 23-09, stating that it is advisable in the public interest that a new Fire District No. 2 be formed in Leavenworth County for the protection of lives and property from the hazards of fire, and describing the limits and boundaries of the proposed Fire District No. 2, County of Leavenworth, Kansas, as coextensive with the boundaries of Reno and Sherman Townships, and the City of Linwood, Kansas, excluding the portion of Sherman Township that is encompassed within the city limits of De Soto, Kansas; and

WHEREAS, pursuant to K.S.A. 19-3602, said Resolution No. 23-09 was published on May 6, 13 and 20, 2023 in the official county paper, the *Leavenworth Times*, in connection with a map showing the territory of the proposed Fire District No. 2; and

WHEREAS the publication of Resolution No. 23-09 was accompanied by a notice that a public hearing on the advisability of organizing said Fire District No. 2 would be held at 9:00 a.m. on May 31, 2023 at the Leavenworth County courthouse in the offices of the Board of County Commissioners, 300 Walnut, Suite 225, Leavenworth, Kansas.

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

1. That Fire District No. 2, County of Leavenworth, Kansas is hereby organized.
2. That the organization and formation of Fire District No. 2, County of Leavenworth, Kansas is advisable in the public interest for protection of lives and property from the hazards of fire.
3. That the boundaries of said Fire District No. 2, as finally determined, shall be 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.
4. That, pursuant to K.S.A. 19-3612a, it is in the best interests of Leavenworth County to place the supervision and operation 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.
5. 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.
6. 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.
7. That a public hearing on the advisability of organizing Fire District No. 2 was held at 9:00 a.m. May 31, 2023, after 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.

8. That this Resolution shall be published once in the official County paper, the *Leavenworth Times*, which publication shall finally and fully accomplish the legal organization of Fire District No. 2, County of Leavenworth, Kansas.

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 31st day of May, 2023.

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

