

**MINUTES FOR JULY 18, 2011****COLUMBUS, KANSAS, CHEROKEE COUNTY****OFFICE OF THE COUNTY CLERK****CRYSTAL L. GATEWOOD**

The Cherokee County Commissioners met July 18, 2011. Chairman Jack Garner called the meeting to order, with Commissioners Collins and Hilderbrand present. The Pledge of Allegiance was said by all present. County Clerk Crystal Gatewood submitted the minutes for July 11, 2011 and Commissioner Hilderbrand made a motion to approve the minutes submitted; Commissioner Collins seconded the motion and Commissioners Collins and Hilderbrand voted in favor, Commissioner Garner abstaining because he had not been present. Commissioner Collins, Hilderbrand, and Clerk Gatewood signed off the approved minutes.

**MOTIONS**

Commissioner Collins made a motion to approve and pass **Resolution # 8-2011 regarding the financial statements and financial reports for the year ending December 31, 2010 to be prepared in conformity with the requirements of K.S.A. 75-1120a(a) are not relevant to the requirements of the cash basis and budget laws of the state and are not significant value to the Commissioners or the members of the general public of Cherokee County.** Commissioner Hilderbrand seconded the motion with Commissioners Collins, Hilderbrand, and Garner voting in favor. Signing off on the resolution were Commissioners Garner, Hilderbrand, and Collins, and Clerk Gatewood.

Commissioner Collins made a motion to approve and pass **Resolution # 9-2011 regarding the financial statements and financial reports for the year ending December 31, 2011 to be prepared in conformity with the requirements of K.S.A. 75-1120a(a) are not relevant to the requirements of the cash basis and budget laws of the state and are not significant value to the Commissioners or the members of the general public of Cherokee County.** Commissioner Hilderbrand seconded the motion with Commissioners Garner, Collins, and Hilderbrand voting in favor. Signing off on the resolution were Commissioners Garner, Hilderbrand, and Collins, and Clerk Gatewood.

Commissioner Hilderbrand made a motion to approve and pass **Resolution # 10-2011 regarding an ordinance relating to the banning of outdoor burning and open fires in Cherokee County until conditions improve.** Commissioner Collins seconded the motion with Commissioners Garner, Hilderbrand, and Collins voting in favor. Signing off on the resolution were Commissioners Garner, Hilderbrand, and Collins, and Clerk Gatewood.

RH

**It is duly noted that Resolutions #8-2011, #9-2011, and #10-2011 are attached to these minutes.**

Commissioner Collins made a motion to take a ten-minute break; his motion was seconded by Commissioner Hilderbrand with Commissioners Hilderbrand, Collins, and Garner voting in favor.

Commissioner Hilderbrand made a motion to present the clock from K-Camp to Commissioner Collins, to keep at his home, for his years of service; Commissioner Garner seconded the motion with Commissioners Hilderbrand and Garner voting in favor and Commissioner Collins abstaining.

Commissioner Collins made a motion to recess for lunch; the motion was seconded by Commissioner Hilderbrand with Commissioners Collins, Garner, and Hilderbrand voting in favor.

Commissioner Collins made a motion to approve the 2012 budget proposal presented by the Cherokee County Conservation District, committing \$25,000.00 for the year 2012; his motion was seconded by Commissioner Hilderbrand with Commissioners Garner, Hilderbrand, and Collins voting in favor. Commissioner Garner and Clerk Gatewood signed off on the documentation submitted.

### **COUNTY BUSINESS**

Paul Bone and Jeff Clark of the Conservation District came before the commission to submit their 2012 budget proposal. Commissioner Collins discussed with them the Spring River Watershed Restoration & Protection Strategy meeting he attended on July 14, 2011. The contents of the meeting that Collins attended are attached to the minutes as well as a copy of the Conservation District approved budget for 2012.

Russel Norvell came before the commission to discuss dump truck traffic on Chico Road. Norvell said the road is breaking down from the truck traffic by Rick Myers transporting topsoil. Commissioner Collins said he was aware of the trucks and the road and that the county would fix the road when Mr. Myers is done with his current project. The commission thanked him for coming in.

Larry Sharp of K-Camp came before the commission and discussed the county's current loss and liability ratio. Mr. Sharp reported that Cherokee County was at 37% and the overall average of the state was 72%, so Cherokee County was under the average. He also presented a wall clock to the commission for being with K-Camp for eighteen years and Commissioners Garner and Hilderbrand made a motion to give the clock to Commissioner Collins for his years of service. Mr. Sharp also discussed the Risk Avoidance Grant available to the county, mainly the County Lot and Sheriff's Department. Sharp explained that they could go on line to apply for the grant funds available. The commission thanked him for coming in.

RA

Rebecca Brassart of the Mapping Department and Janie Fletcher of the County Appraiser's Office explained that Lee's Avenue in the county was partially vacated by a county resolution, but the County Lot reported that Lee's Avenue was not accepted as a road. The commission advised them to send a letter to Fred and Nancy Evans, the property owners, explaining their findings.

Leonard Vanatta and Gene Langerot of the County Lot reported that the county is doing general road maintenance in the county. Commissioner Hilderbrand discussed the signage on Highway 400 near the roundabout. The commission thanked them for coming in.

Commissioner Garner signed off on the updated grant forms for the Health Department. Betha Elliott of the Health Department brought voucher #6886 for \$925.00, payable to Pro Ct, to purchase a laptop for the WIC Program and the money to pay for the voucher will come out of WIC Funds.

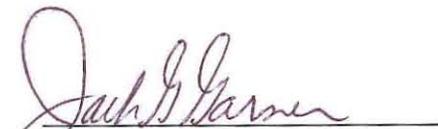
Ralph Houser gave an update on the elevator and work should be starting this month. Commissioner Collins asked Clerk Gatewood to get in touch with Betty McBride at the Exchange Bank to get the loan initiated for the county.

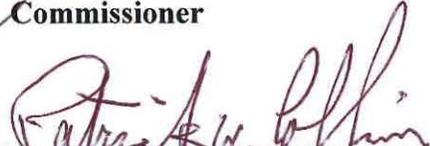
**ADJOURNMENT**

Commissioner Garner made a motion to adjourn at 1:13 PM; his motion was seconded by Commissioner Hilderbrand with Commissioners Collins, Garner, and Hilderbrand voting in favor. The next Cherokee County Commission meeting will be held July 25, 2011 at 9:00 AM in the Cherokee County Courthouse.

**Resolved and ordered this day, July 25, 2011**

  
**Cherokee County Clerk**

  
**Commissioner**

  
**Commissioner**

  
**Commissioner**

9/1/11  
PLAN  
BEST  
MANAGEMENT  
PLAN

**Spring River  
Watershed Restoration &  
Protection Strategy (WRAPS)**

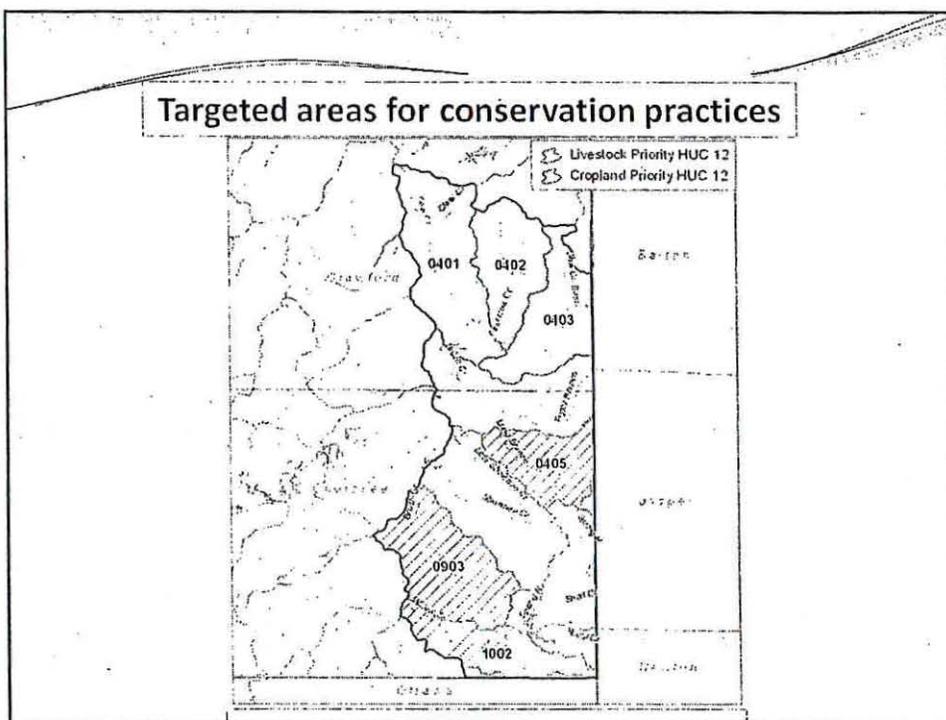
Stakeholder Leadership Team Meeting  
July 14, 2011  
Baxter Springs, KS

Robert Wilson & Josh Roe  
K-State Research & Extension



**TMDL pollution load reductions**

 <p><b>Sediment</b> 4,783 tons/year</p>	 <p><b>Phosphorus</b> 61,670 pounds/year</p>	<p>= 30%</p>
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### Conservation practices

Cropland
Permanent vegetation
Grassed waterways
No-till
Terraces
Vegetative buffers

Livestock
Vegetative filter strips
Relocate feedlots/feeding pens
Relocate pasture feeding sites
Off stream watering systems

## Cropland BMP target adoption rates

BMP	Increase	Treated Acres
Permanent vegetation	↑ 5%	2,417
Grassed waterways	↑ 20%	9,668
No-till	↑ 5%	2,417
Terraces	↑ 20%	9,668
Vegetative buffers	↑ 10%	4,834
Total Treated Acres		29,005

## Cropland BMP target adoption rates

BMP	Increase	402	401	403	405	1002	Treated Acres
Permanent vegetation	↑ 5%	424	668	331	684	311	2,417
Grassed waterways	↑ 20%	1,695	2,673	1,323	2,735	1,243	9,668
No-till	↑ 5%	424	668	331	684	311	2,417
Terraces	↑ 20%	1,695	2,673	1,323	2,735	1,243	9,668
Vegetative buffers	↑ 10%	847	1,336	662	1,367	621	4,834
Total Treated Acres							29,005
<hr/>							
<i>Acres of cropland</i>		8,475	13,363	6,616	13,674	6,213	48,341

## Cropland BMP pollution reduction

Average Annual Runoff	402	401	403	405	1002	Average
Sediment (tons/acre)	2.49	1.90	1.90	0.84	0.84	1.6
Phosphorus (pounds/acre)	5.46	3.57	4.28	3.06	3.45	4.0

Pollutant	402	401	403	405	1002	Total	
Sediment (tons/year)	5,803	6,982	3,457	3,159	1,435	20,836	↓ 28%
Phosphorus (pounds/year)	10,989	11,326	6,725	9,938	5,091	44,069	↓ 24%

## Cropland BMP implementation costs

Pollutant	402	401	403	405	1002	Total
Total cost	\$642,239	\$1,012,691	\$501,407	\$1,036,286	\$470,868	\$3,663,490
Available cost-share	\$351,397	\$554,086	\$274,341	\$566,997	\$257,632	\$2,004,453
Net cost	\$290,843	\$458,604	\$227,066	\$469,289	\$213,236	\$1,659,037

## Livestock BMP target adoption rates

Livestock	
BMP	Installations
Vegetative filter strips	↑ 10
Relocate feedlots/feeding pens	↑ 10
Relocate pasture feeding sites	↑ 20
Off stream watering systems	↑ 40

## Livestock BMP pollution reduction

Livestock				
Practice	Efficiency	Estimated Phosphorus Reduction (pounds)	Installations	Est. Total Phosphorus Reduction (pounds)
Vegetative filter strips	50%	638	↑ 10	6,379
Relocate feedlots/feeding pens	95%	957	↑ 10	9,568
Relocate pasture feeding sites	50-90%	63	↑ 20	1,261
Off stream watering systems	85%	63	↑ 40	2,522
Total				19,731

## Livestock BMP implementation costs

Livestock				
Practice	Unit Cost	After Cost-Share (EQIP 50%) Unit Cost	Installations	Total Cost
Vegetative filter strips	\$714	\$357	↑ 10	\$3,570
Relocate feedlots/feeding pens	\$6,621	\$3,311	↑ 10	\$33,110
Relocate pasture feeding sites	\$2,203	\$1,102	↑ 20	\$22,040
Off-stream watering systems	\$3,795	\$1,898	↑ 40	\$75,920
Total				\$134,640

## Achieving TMDL pollution reductions

Pollutant	TMDL Load Reduction	Cropland BMPs	Livestock BMPs	Total BMP Reduction	% of TMDL	Years to Achieve TMDL
Sediment (tons/year)	4,783	20,836	0	20,836	435%	3
Phosphorus (pounds/year)	61,670	44,069	19,731	63,800	103%	20

## Cherokee County Conservation District 2012 Operations Fund Budget

	Preceding Year Actual 2010 Column 1	Current Year Estimated 2011 Column 2	Proposed Budget 2012 Column 3	Adopted Budget 2012 Column 4
<b>Expenditure Classifications:</b>				
Salaries & Wages (gross)	\$ 16,382.00	\$ 20,000.00	\$ 30,000.00	\$ 30,000.00
Employee Benefits	\$ 2,337.71	\$ 3,000.00	\$ 4,000.00	\$ 4,000.00
Meeting & Travel Expenses	\$ 1,428.94	\$ 2,000.00	\$ 2,500.00	\$ 2,500.00
Operating Expenses	\$ 4,308.53	\$ 5,250.00	\$ 8,500.00	\$ 8,500.00
Equipment Purchases & Maintenance	\$ 2,445.00	\$ 30,000.00	\$ 20,000.00	\$ 20,000.00
Administrative Expenses	\$ 144.85	\$ 300.00	\$ 550.00	\$ 550.00
Investments - Securities	\$ 25,000.00	\$ -	\$ 5,000.00	\$ 5,000.00
Securities Redemptions/Reinvestments	\$ 30,385.02	\$ 30,000.00	\$ 20,000.00	\$ 20,000.00
Reimbursements & Fund Transfers	\$ 20,357.56	\$ 450.00	\$ 500.00	\$ 500.00
Miscellaneous Expenses	\$ 317.25	\$ 500.00	\$ 500.00	\$ 500.00
Information & Education	\$ 920.30	\$ 250.00	\$ 350.00	\$ 350.00
<b>Total Expenditures</b>	<b>\$ 104,027.16</b>	<b>\$ 91,750.00</b>	<b>\$ 91,900.00</b>	<b>\$ 91,900.00</b>
<b>Receipt Classifications:</b>				
Cash on Hand, January 1*	\$ 75,864.36	\$ 96,684.43	\$ 61,048.36	\$ 61,048.36
a. Checking Account	\$ 24,824.13	\$ 24,824.13	\$ -	\$ -
b. Savings/Investment Account	\$ 4,733.21	\$ 4,733.21	\$ -	\$ -
c. Petty Cash & Other Currency	\$ -	\$ -	\$ -	\$ -
d. Short-Term Securities	\$ 43,307.02	\$ 43,307.02	\$ -	\$ -
e. NPS I&E Fund***	\$ 3,000.00	\$ -	\$ -	\$ -
County Appropriation - General Fund	\$ -	\$ -	\$ -	\$ -
County Appropriation - Special Levy	\$ 25,000.00	\$ 25,000.00	\$ 25,000.00	\$ 25,000.00
County Appropriation - Other Funds	\$ -	\$ -	\$ -	\$ -
State Appropriation (matching funds)**	\$ 22,955.00	\$ 24,484.00	\$ 25,000.00	\$ 25,000.00
State Appropriation (Soil Tech Wages)	\$ 10,693.19	\$ -	\$ -	\$ -
Interest	\$ 667.17	\$ 450.00	\$ 400.00	\$ 400.00
Donations	\$ -	\$ -	\$ -	\$ -
Investments - Securities	\$ 25,000.00	\$ -	\$ 5,000.00	\$ 5,000.00
Securities Redemptions/Reinvestments	\$ 30,385.02	\$ 30,000.00	\$ 20,000.00	\$ 20,000.00
Miscellaneous	\$ -	\$ -	\$ -	\$ -
Refunds or Transfer of Funds	\$ 10,146.85	\$ -	\$ -	\$ -
<b>Total Receipts</b>	<b>\$ 200,711.59</b>	<b>\$ 152,798.36</b>	<b>\$ 136,448.36</b>	<b>\$ 136,448.36</b>
<b>Less Total Expenditures</b>	<b>\$ 104,027.16</b>	<b>\$ 91,750.00</b>	<b>\$ 91,900.00</b>	<b>\$ 91,900.00</b>
<b>Cash on Hand, December 31</b>	<b>\$ 96,684.43</b>	<b>\$ 61,048.36</b>	<b>\$ 44,548.36</b>	<b>\$ 44,548.36</b>

\* The sum of Cash On Hand, January 1 must equal Cash On Hand, December 31 of previous year.

\*\* NOTE: As per K.S.A. 2-1907c, if state appropriations are insufficient to match county funds (not to exceed \$25,000/district), distribution shall be prorated in proportion to eligible amount.

\*\*\* This fund cannot be used in the daily operations of the District, it can only be used for NPS I&E Program related tasks, equipment, or materials. **This fund was eliminated as of June 30, 2010.**

**Please submit completed budget forms to the State Conservation Commission (SCC) following district adoption of the final budget. If unable to do so by September 1, please contact the SCC.**

**County Certification to District**

It is hereby certified that the commissioners of Cherokee County, Kansas, have approved and certified to the county clerk a budget that includes an allocation of \$ \_\_\_\_\_ from the county's general fund and /or \$ \_\_\_\_\_ from the special mill levy, in accordance with the provisions of K.S.A. 2-1907b (Conservation District Law), and \$ \_\_\_\_\_ from other funds for a total of \$ \_\_\_\_\_ for the Cherokee County Conservation District for calendar year 2012.

Passed by the governing body, the \_\_\_\_\_ day of July, 2011

County of Cherokee, State of Kansas

Signed: \_\_\_\_\_, Commission Chairperson

Attest: \_\_\_\_\_, County Clerk

\*\*\*\*\*

**District Certification to State Conservation Commission**  
(complete after district adopts final budget)

In accordance with the provisions of K.S.A. 2-1907c (Conservation District Law); it is hereby certified that the commissioners of Cherokee County, Kansas, have approved a total allocation of \$ \_\_\_\_\_ for the Cherokee County Conservation District for calendar year 2012.

Financial assistance, so provided, will not be used to support discrimination on the basis of race, color, sex, religion, national origin or ancestry.

Budget for 2012 was adopted by the conservation district board, the \_\_\_\_\_ day of July, 2011.

Cherokee County Conservation District

Signed: \_\_\_\_\_, District Chairperson

Attest \_\_\_\_\_, District Secretary/Manager

Please submit completed budget forms with original signatures to the State Conservation Commission (SCC) following district adoption of the final budget. If unable to do so by September 1, please contact the SCC.

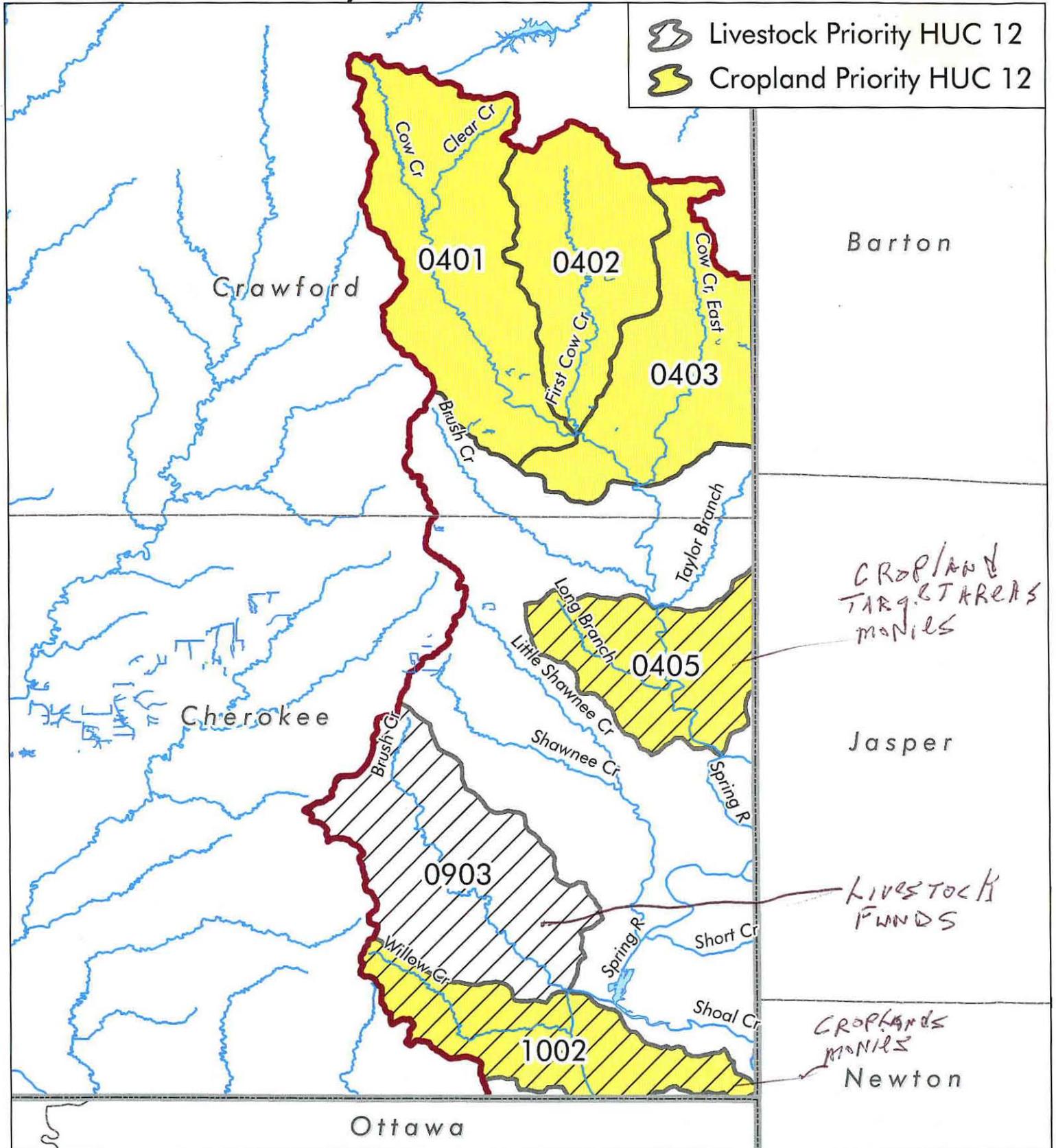
## Cherokee County Conservation District 2012 Enterprise Fund Budget

	Preceding Year Actual 2010 Column 1	Current Year Estimated 2011 Column 2	Proposed Budget 2012 Column 3	Adopted Budget 2012 Column 4
<b>Expenditure Classifications:</b>				
Operating Expenses	\$ -	\$ 100.00	\$ 150.00	\$ 150.00
Annual Meeting Expenses	\$ 843.75	\$ 950.00	\$ 1,100.00	\$ 1,100.00
Meeting & Travel Expenses	\$ 110.29	\$ 150.00	\$ 200.00	\$ 200.00
Fixed Assets Purchases	\$ -	\$ -	\$ -	\$ -
Information & Education	\$ 42.59	\$ 100.00	\$ 150.00	\$ 150.00
<b>Total Expenditures</b>	<b>\$ 996.63</b>	<b>\$ 1,300.00</b>	<b>\$ 1,600.00</b>	<b>\$ 1,600.00</b>
<b>Receipt Classifications:</b>				
Cash on Hand, January 1*	\$ 5,629.88	\$ 5,606.95	\$ 5,516.95	\$ 5,516.95
a. Checking Account	\$ 5,629.88	\$ 5,606.95	\$ -	\$ -
b. Savings/Investment Account	\$ -	\$ -	\$ -	\$ -
c. Petty Cash & Other Currency	\$ -	\$ -	\$ -	\$ -
Retail Sales & Services	\$ -	\$ -	\$ -	\$ -
Equipment Rental	\$ -	\$ 100.00	\$ 350.00	\$ 350.00
Interest	\$ 5.68	\$ 10.00	\$ 15.00	\$ 15.00
Donations/Sponsorships	\$ 968.02	\$ 1,100.00	\$ 1,200.00	\$ 1,200.00
Miscellaneous	\$ -	\$ -	\$ -	\$ -
<b>Total Receipts</b>	<b>\$ 6,603.58</b>	<b>\$ 6,816.95</b>	<b>\$ 7,081.95</b>	<b>\$ 7,081.95</b>
<b>Less Total Expenditures</b>	<b>\$ 996.63</b>	<b>\$ 1,300.00</b>	<b>\$ 1,600.00</b>	<b>\$ 1,600.00</b>
<b>Cash on Hand, December 31</b>	<b>\$ 5,606.95</b>	<b>\$ 5,516.95</b>	<b>\$ 5,481.95</b>	<b>\$ 5,481.95</b>

\* The sum of Cash On Hand, January 1 must equal Cash On Hand, December 31 of previous year.

**Please submit completed budget forms to State Conservation Commission (SCC) following district adoption of the final budget. If unable to do so by September 1, please contact the SCC.**

# Spring River WRAPS Priority HUC 12 Watersheds



The purpose of this publication is to illustrate general watershed conditions in the state of Kansas. This map product is provided without representation or implied or expressed warranty of accuracy and is intended for watershed planning purposes only. The originating agency is not responsible for publication or use of this product for any other purpose. This product may be corrected or updated as necessary without prior notification.

## Risk MAP Discovery

### The Goal

To work closely with communities to better understand local flood risk, mitigation efforts, and other topics and spark watershed-wide discussions about increasing resilience to flooding. The Discovery process of FEMA's Risk MAP program helps communities identify areas at risk for flooding and solutions for reducing that risk.

### The Partners

During Discovery, FEMA partners with:

- Community and Tribal officials, including leaders, floodplain administrators, engineers, watershed council representatives, planners, emergency managers, and GIS specialists
- Federal, State, and regional, non-profit organizations concerned with flooding or land use
- Other locally identified stakeholders

### The Meeting

Once communities provide FEMA with local flood risk and other data, FEMA schedules a Discovery Meeting to:

- Review and validate the flood risk data gathered to date
- Discuss the community or Tribe's flooding history, development plans, flood mapping needs, and flood risk concerns
- Review stormwater, floodplain management, and other community activities that relate to flood risk
- Discuss the vision for the watershed's future, as well as the importance of mitigation planning and community outreach

## Learn More

To learn more about Discovery and the types and formats of data communities can contribute, contact Tom Pickering, Engineer, FEMA Region 6, Mitigation Division, at [thomas.pickering@dhs.gov](mailto:thomas.pickering@dhs.gov). We look forward to working with you.

### Related FEMA Programs

FloodSmart  
[www.floodsmart.gov](http://www.floodsmart.gov)

Hazard Mitigation Assistance  
[www.fema.gov/government/grant/hma](http://www.fema.gov/government/grant/hma)

Community Rating System  
[www.fema.gov/business/nip/crs.shtm](http://www.fema.gov/business/nip/crs.shtm)

National Dam Safety Program  
[www.fema.gov/plan/prevent/damfailure/ndsp.shtm](http://www.fema.gov/plan/prevent/damfailure/ndsp.shtm)

Specific FEMA Region 6 information can be found at  
[www.riskmap6.com](http://www.riskmap6.com)



FEMA

[www.fema.gov/plan/prevent/fhm/cm\\_main.shtm](http://www.fema.gov/plan/prevent/fhm/cm_main.shtm)  
1-877-FEMA-MAP

# Risk MAP Discovery

Capturing a More Complete Picture  
of Your Watershed



FEMA

RiskMAP  
Increasing Resilience Together

## Discovery and Risk MAP

The FEMA Risk Mapping, Assessment, and Planning, or Risk MAP, program helps communities identify, assess, and reduce their flood risk. Through Risk MAP, FEMA provides information to enhance local mitigation plans, improve community outreach, and increase local resilience to floods.

During Discovery, FEMA:

- Gathers information about local flood risk and flood hazards
- Reviews mitigation plans to understand local mitigation capabilities, hazard risk assessments, and current or future mitigation activities
- Supports communities within the watershed to develop a vision for the watershed's future
- Collects information from communities about their flooding history, development plans, daily operations, and stormwater and floodplain management activities
- Uses all information gathered to determine which areas of the watershed require mapping, risk assessment, or mitigation planning assistance through a Risk MAP project



## Local and National Flood Data Tell the Story

The data that FEMA has available at the national and regional levels only tells part of the story. For a holistic picture of a community's flood risk, FEMA relies heavily on information and data provided by the community itself.

### Data FEMA Requests from Communities

FEMA works with communities to collect and review\*:

- Areas of nuisance flooding
- Historical local flooding mitigation activities and grant projects, ongoing and planned
- Comprehensive plans
- Local development and floodplain management plans
- Stormwater management activities
- Community ordinances
- Infrastructure information, especially for levees and new bridges, dams, culverts, and road improvements
- Building footprints or parcel data
- Boundary, hydrography, and transportation layers
- Elevation data
- Flood study needs
- Regional watershed plans
- Details of the current flood risk communication process

### Data Available to FEMA at the National/Regional Level

FEMA can access and review:

- FEMA-approved mitigation plans
- Previous flood studies
- Numbers of flood insurance policies
- Letters of Map Change
- Average Annualized Loss (AAL) information
- Census data
- National levee and dam inventories\*
- Related data from other Federal and State agencies

### Why Is this Important?

Because flood hazards change over time, this effort provides a great opportunity to take a comprehensive look at the components and activities that contribute to your community's and your watershed's flood risk. In addition to providing another perspective, participating in this process will increase your understanding of your flood risk and help you identify proactive steps you can take to protect your community from losses to life and property that often accompany flooding.

\* Communities may also have additional data that may help explain their flood risk or hazard. FEMA will communicate to them, wherever they have it, to provide as complete a picture as possible.

**Resolution 8-2011**

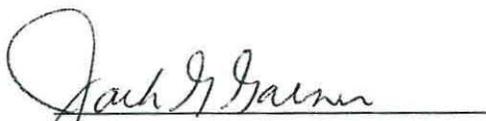
WHEREAS the Commissioners of Cherokee County, Kansas, has determined that the financial statements and financial reports for the year ending December 31, 2010 to be prepared in conformity with the requirements of K.S.A. 75-1120a(a) are not relevant to the requirements of the cash basis and budget laws of this state and are of no significant value to the Commissioners or the members of the general public of the County of Cherokee and

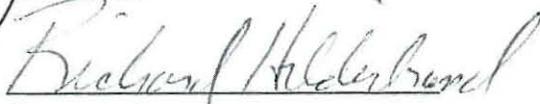
WHEREAS there are no revenue bond ordinances or other ordinances or resolutions of the municipality which require financial statements and financial reports to be prepared in conformity with K.S.A. 75-1120a(a) for the year ending December 31, 2010.

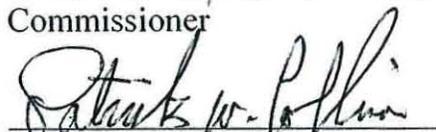
NOW, THEREFORE BE IT RESOLVED, by the Commissioners of Cherokee County, Kansas, in regular meeting duly assembled the 18<sup>th</sup> day of July, 2011 that the Commissioners requests the Director of Accounts and Reports to waive the requirements of K.S.A. 75-1120a(a) as they apply to the County of Cherokee for the year ending December 31, 2010.

BE IT FURTHER RESOLVED that the Commissioners shall cause the financial statements and financial reports of the County of Cherokee to be prepared on the basis of cash receipts and disbursements as adjusted to show compliance with the cash basis and budget laws of this State.

Be it resolved  
Cherokee County Commission

  
Chairman

  
Commissioner

  
Commissioner

  
Cherokee County Clerk

**Resolution 9-2011**

WHEREAS the Commissioners of Cherokee County, Kansas, has determined that the financial statements and financial reports for the year ending December 31, 2011 to be prepared in conformity with the requirements of K.S.A. 75-1120a(a) are not relevant to the requirements of the cash basis and budget laws of this state and are of no significant value to the Commissioners or the members of the general public of the County of Cherokee and

WHEREAS there are no revenue bond ordinances or other ordinances or resolutions of the municipality which require financial statements and financial reports to be prepared in conformity with K.S.A. 75-1120a(a) for the year ending December 31, 2011.

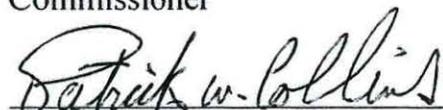
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BE IT FURTHER RESOLVED that the Commissioners shall cause the financial statements and financial reports of the County of Cherokee to be prepared on the basis of cash receipts and disbursements as adjusted to show compliance with the cash basis and budget laws of this State.

Be it resolved  
Cherokee County Commission

  
Chairman

  
Commissioner

  
Commissioner

  
Cherokee County Clerk

**CHEROKEE COUNTY RESOLUTION NUMBER: 10-2011**

**AN ORDINANCE RELATING TO THE BANNING OF OUTDOOR BURNING  
AND OPEN FIRES.**

**WHEREAS**, from time to time sustained periods of dry weather in the Cherokee County, Kansas area produce extremely dry vegetation and ground cover in the Cherokee County, Kansas area, Cherokee County, Kansas is defined as all that land contained within the lawfully described area comprising Cherokee County, Kansas including all cities, townships, incorporated areas and rural areas,

**WHEREAS**, vegetation is highly combustible during those sustained periods of dry weather and outdoor burning of any kind under such conditions is extremely hazardous; and

**WHEREAS**, extremely dry conditions justify the imposition of an outdoor burning ban in order to protect the health, safety and welfare of the general public; now therefore, in consideration of those home rule powers granted Cherokee County, Kansas by Kansas Statutes and the Kansas Constitution it is hereby ordained by the governing Board of Cherokee County Commissioners of Cherokee County, Kansas as follows:

**SECTION 1. SCOPE OF ORDINANCE**

This Ordinance shall apply to all areas of Cherokee County, Kansas but shall not interfere with the enforcement of nor supersede those ordinances adopted by the cities, townships or incorporated areas located within Cherokee County, Kansas. In plain language, those cities, townships or incorporated areas that have adopted ordinances relating to open fires within said entities shall remain in full force and effect.

**SECTION 2. AUTHORITY TO BAN OUTDOOR BURNING**

**A.** The Governing Board of Cherokee County Commissioners, Cherokee County, Kansas shall have the authority to temporarily ban outdoor burning whenever they determine that there is a significant fire danger in all or part of Cherokee County, Kansas, in order to temporarily ban outdoor burning, the Board of Cherokee County Commissioners shall make a written finding that the health, safety and welfare of the general public would be enhanced by the imposition of a temporary ban on outdoor burning.

**B.** Any such temporary ban on outdoor burning effectuated by the Board of Cherokee County Commissioners shall be effective immediately upon the signing of a written finding and resolution making the finding set forth in section "A" above. The temporary ban on outdoor burning shall remain in effect for thirty (30) days or until the temporary ban is rescinded, whichever occurs first. The Commission may extend the outdoor ban for successive thirty (30) day increments if conditions warrant. The Commission shall take reasonable steps to disseminate any findings, resolutions or bans issued under this ordinance. Reasonable steps to disseminate findings, resolutions or bans shall include, but not be limited to, press releases or publication in the newspaper or local television stations.

**C.** No part of this ordinance shall be construed to affect prior resolutions or orders of this governing body concerning the issue of county-wide burn bans nor the inherent authority of the governing body to protect the health, safety and welfare of the citizens of Cherokee County, Kansas.

### **SECTION 3. PENALTIES**

**A.** Criminal Penalties. First Offense: A person violating any provision of this Ordinance or who fails to comply with any of its requirements is guilty of a class C nonperson misdemeanor, if so determined by the Court, and each day or portion thereof during which a violation is committed, continued, or not permitted shall constitute a separate offense. The penalty for each violation upon first offense is a fine of not more than \$500.00 and/or incarceration in the Cherokee County Jail for a period not to exceed 30 days. Second or Subsequent Offense: A person violating any provision of this Ordinance and whose acts are adjudged by the Court to be a second or subsequent offense shall be guilty of a Class B non-person misdemeanor. The penalty for each second or subsequent violation is punishable by a fine of not more than \$1,500.00 and/or incarceration in the Cherokee County Jail for a period not to exceed six months; for each successive violation.

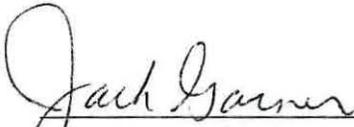
**B.** Civil Action. In addition to any criminal penalty provision provided herein, Cherokee County, Kansas may take civil action against any person who violates any provision of this ordinance or who fails to comply with any of its requirements. Such civil action includes, but is not limited to, injunctive relief, license revocation, and abatement or all of the above. If Cherokee County, Kansas prevails in a civil lawsuit, the Court may award the County reasonable costs including, but not limited to, the costs of the responsible official's time, witness fees, attorney fees, court costs, and the costs of the County for abatement or of enforcement of an injunction, or both. Any or all of the remedies articulated above may be used by Cherokee County, Kansas to enforce this ordinance. Nothing contained in this ordinance shall prevent the County from taking such other lawful action as is necessary to prevent or remedy any violation.

C. The term "person" shall mean an individual human, a partnership (including partners and members), a corporation (including board members, officers, and managers), or any other entity of any kind.

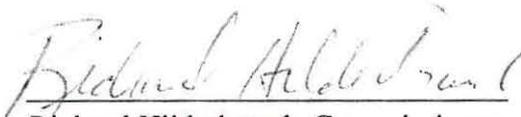
#### SECTION 4. SAVINGS AND SEVERABILITY

If any provision, or portion thereof, contained in this ordinance is held to be unconstitutional, invalid, or unenforceable, such provisions, or portion(s) thereof, shall be deemed severed and the remainder of this ordinance shall not be affected and shall remain in full force and effect.

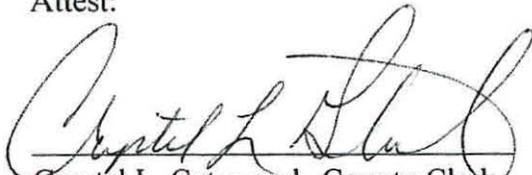
This ordinance shall take effect immediately upon publication.

  
\_\_\_\_\_  
Jack Garner--Chairman

  
\_\_\_\_\_  
Pat Collins--Commissioner

  
\_\_\_\_\_  
Richard Hilderbrand--Commissioner

Attest:

  
\_\_\_\_\_  
Crystal L. Gatewood--County Clerk