

**(Published in the official county newspaper on the 10th day
April, 2013)**

RESOLUTION NO. 9 - 2013

A RESOLUTION SETTING THE COMPOSITION OF THE BOARD OF DIRECTORS OF FIRE DISTRICT NO. 1, COUNTY OF CHEROKEE, KANSAS, LOCATED IN LOLA TOWNSHIP; AND, DESIGNATING THE POWERS TRANSFERRED TO SUCH BOARD FROM THE BOARD OF COUNTY COMMISSIONERS OF CHEROKEE COUNTY, KANSAS.

BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF CHEROKEE COUNTY, KANSAS:

WHEREAS, the County in the form of its duly elected governing body has the authority under K.S.A. § 19-3601, et seq to organize one or more fire districts and has previously created Fire District No. 1, County of Cherokee, Kansas; and,

WHEREAS, K.S.A. 19-3612a provides that whenever the Board of County Commissioners shall determine that it is in the best interests of the county to place the supervision of such fire district under a fire district Board of Trustees, the Board may appoint a Board of Trustees of not less than three members and not more than nine members, who shall serve at the pleasure of the Board of County Commissioners; and,

WHEREAS, the Board of County Commissioners determines it is in the best interests of the county to appoint a five person Board of Directors to so supervise the fire district; and,

WHEREAS, the Board of County Commissioners may delegate such supervisory powers over Fire District No. 1, County of Cherokee, Kansas, as it shall deem advisable, to the Board of Directors of the fire district; and,

WHEREAS, it is appropriate to designate such powers as are set forth below.

WHEREAS, the Board of County Commissioners of Cherokee County, Kansas, (hereinafter designated "Board") meeting in regular session, this ~~1st~~^{8th} day of April, 2013, does hereby resolve as follows:

Section 1. Fire District No. 1, County of Cherokee, Kansas, Board of Directors. The membership of the Board of Directors of Fire District No. 1, County of Cherokee, Kansas, (herein designated "Board of Directors"), shall be five members.

Section 2. Membership; Appointment; Removal. The members of the Board of Directors shall be appointed by the Board of County Commissioners. The members of the Board of Directors shall be appointed to serve for two year terms that expire on the 31st day of January of every odd-numbered year. Vacancies shall be filled by appointment by the Board of County Commissioners for the unexpired term only. The Board of County Commissioners, in its sole discretion, may remove any member of the Board of Directors at any time. Members of the Board of Directors shall serve without compensation. The positions on the Board of Directors shall be designated as Position #1 through Position #5.

Section 3. Meetings; Records; Budgets. The members of the Board of Directors shall meet at least annually, and at such other times as they may designate in their bylaws. The Board of Directors shall cause a proper record to be kept of its proceedings and regularly and promptly forward copies thereof to the County Clerk of Cherokee County, Kansas. The Board of Directors shall annually timely provide a budget and quarterly provide reports of its expenditures to the Board of County Commissioners.

Section 4. Powers and Duties. The Board of Directors shall have only those powers and duties set forth in K.S.A. 19-3601a(a)(b)(c)(d)(f)(g)(i) and (j), as well as the power to create and adopt bylaws. The Board of Directors shall not have the power to exercise eminent domain or the power to issue bonds. All expenditures of the fire district shall remain within the budgeting therefore by the Board of County Commissioners.

Section 5. Budget. The Board of County Commissioners, after consultation with the Board of Directors, or its designee, shall approve a budget for the fire district and establish a mill levy within the district to pay for the operations of the fire district, not to exceed 5 mills.

Section 6. Severability. If any section, subsection, subdivision, paragraph, sentence, clause or phrase in this resolution, or the application thereof to any circumstances, is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this resolution.

Section 7. Publication. This resolution shall be published once in the official county newspaper.

Adopted this 8th day of April, 2013, by the BOARD OF COMMISSIONERS OF CHEROKEE COUNTY, KANSAS.



Patrick W. Collins
County Commissioner



Richard J. Hilderbrand
County Commissioner



Charlie Napier
County Commissioner

ATTEST.



Rodney Edmondson
County Clerk

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Prepared by:
Kevin Cure, Attorney