

GENERAL ORDINANCE G-1125
GEARY COUNTY RESOLUTION 12-27-12C

AN ORDINANCE OF THE CITY OF JUNCTION CITY, KANSAS AND A
RESOLUTION OF GEARY COUNTY, KANSAS REESTABLISHING THE JOINT
JUNCTION CITY/GEARY COUNTY ECONOMIC DEVELOPMENT
COMMISSION

BE IT RESOLVED by the Board of County Commissioners of Geary County, Kansas, being assembled in regular session in the office of the County Commissioners in Junction City, Kansas on the 27th day of December, 2012; and

BE IT ORDAINED by the Governing Body of the City of Junction City, Kansas:

Section 1: Sections 110.010 through 110.090 are hereby deleted and replaced with the following

ARTICLE I. ECONOMIC DEVELOPMENT

SECTION 110.010: Economic Development

The City Commission of the City of Junction City, Kansas and the Board of Commissioners of Geary County hereby approve an Amended and Restated Master Agreement ("Master Agreement") and an Economic Development Services Agreement ("Economic Development Services Agreement"), both effective as of January 1, 2013, by and among the City of Junction City, the Geary County and the Junction City Area Chamber of Commerce, a Kansas Non-Profit Corporation (the "Chamber"), pursuant to which the Chamber will have an Economic Development Advisory Committee, appointed by the City, County and the Chamber, and the Chamber will perform certain economic development services for the City and County previously performed the Junction City-Geary County Joint Economic Development Commission, hereinafter referred to as the Prior Joint Board, established pursuant to General Ordinance G-928 approved by the City on August 22, 2002, and Resolution 8-19-02 adopted by the County on August 19, 2002 (the "Prior Joint Action"). The Board of Commissioners of Geary County and the City Commission of the City Junction City hereby confirm as long as the Master Agreement and the Economic Development Services Agreement remain in effect, the economic development activities previously performed by the Prior Joint Board will be performed by the Chamber with the support of the Economic Development Advisory Committee. The City and County also acknowledge and agree that the Prior Joint Board will be reestablished if, for any reason, the Master Agreement and the Economic Development Services Agreement are terminated.

SECTION 110.020: REESTABLISHMENT --QUALIFICATIONS AND NUMBER OF MEMBERS

Only if the Master Agreement and the Economic Development Services Agreement are terminated, at such time there is hereby reestablished the Junction City-Geary County Joint Economic Development Commission, hereinafter referred to as the Reestablished Joint Board.

A. The Reestablished Joint Board shall consist of eleven (11) members appointed as follows:

1. The Mayor of Junction City, Kansas, with the consent of the Commission of the City of Junction City, Kansas, shall appoint a Commissioner of the City of Junction City, Kansas annually. The term of said City Commissioner shall be for one (1) year to commence on May first (1st) and expire on April thirtieth (30th) of each succeeding year.

2. The Chairman of the Board of County Commissioners, with the consent of the County Commissioners of Geary County, Kansas, shall appoint a Geary County Commissioner for a term of one year to begin the 2nd Monday of January each year.

3. The Mayor of Junction City, Kansas, with the consent of the Commission of the City of Junction City, Kansas, shall appoint four (4) additional members with staggered terms of three (3) years.

4. The Chairman of the Board of County Commissioners, with the consent of the County Commissioners of Geary County, Kansas, shall appoint three (3) additional members with staggered terms of three years.

5. The Mayor of the City of Junction City, Kansas, with the consent of the Commission of the City of Junction City and the Chairman of the Board of County Commissioners of Geary County, Kansas, with the consent of the Board of County Commissioners shall jointly appoint the remaining two (2) members for staggered terms of three (3) years.

B. In case of the death, incapacity, resignation or disqualification of any member, the Commission or Board making the appointment shall appoint another member for the unexpired term of such deceased, incapacitated, resigned or disqualified member. The Secretary or Chairman shall report attendance of members for each regularly scheduled and special meeting and any member failing to attend three (3) consecutive regular meetings without an excused absence shall be considered as disqualified hereunder. Any person shall be eligible for appointment by either Governing Body who resides in Geary County. All members, including the Chairman, shall have the right to take part in all discussions and to vote, except that any member who has a conflict of interest in regard to any proposal or matter under consideration by the Reestablished Joint Board shall disqualify himself/herself from the discussion and from voting. Members of the Reestablished Joint Board shall serve without compensation but may be reimbursed for expenses actually incurred in the performance of their duties.

SECTION 110.030: ORGANIZATION AND MEETINGS

The Reestablished Joint Board shall convene for its first (1st) meeting at such time and place as shall be fixed by the Mayor of Junction City, Kansas, and the Chairman of the Board of County Commissioners, and shall thereupon move to elect officers, adopt by-laws and fix and determine times and places of future meetings. Said Reestablished Joint Board shall elect one (1) member as Chairman and one (1) member as Vice-Chairman for terms of one (1) year and/or until their successors have been elected and qualified. Special meetings of the Reestablished Joint Board may be called by the Chairman, or, in his/her absence, by the Vice-Chairman. A quorum of the Reestablished Joint Board shall consist of a simple majority of members. The Reestablished Joint Board shall designate a Secretary who need not be a member of the Reestablished Joint Board. The Secretary shall cause a proper record to be kept of all of the proceedings of the Reestablished Joint Board. The Secretary may be an officer or employee of the City of Junction City.

SECTION 110-040: POWERS--DUTIES AND GENERAL PURPOSES

It shall be the duty and function of the Reestablished Joint Board to study, investigate and promote industrial development within Geary County, Kansas under the laws of the State of Kansas, and recommend the necessary expenditures and actions to accomplish these purposes.

SECTION 110.050: FINANCING ECONOMIC DEVELOPMENT

A. In order to promote economic development in the City and County, and to fund the economic development services activities which the Chamber will perform for the City and County pursuant to the Economic Development Services Agreement, or, if the Economic Development Services Agreement terminates, the activities of the Reestablished Joint Board, the Commission of the City of Junction City, Kansas, shall, subject to cash basis law and annual appropriation, levy a tax of one (1) mill upon the taxable tangible property within the City of Junction City, Kansas, as authorized by the Kansas Statutes and as previously approved by the electorate of the City of Junction City, Kansas. The City expresses its intent, on an annual basis, subject to cash basis law and annual appropriation, to allocate seventy-five percent (75%) of such tax to fund operational activities of the Chamber Economic Development Advisory Committee pursuant to the Economic Development Services Agreement, or, if the Economic Development Services Agreement terminates, the activities of the Reestablished Joint Board. The City reserves the right to retain and allocate twenty-five percent (25%) of such tax to fund an economic development fund of the City to be used for such economic development purposes as may be approved by the Commission of the City of Junction City from time to time.

B. The Board of County Commissioners of Geary County, Kansas, shall, subject to cash basis law and annual appropriation, provide the amount that equals one-half (1/2) mill in accordance with K.S.A. 19-4102, as amended. The County expresses its intent, on an annual basis, subject to cash basis law and annual appropriation, to allocate a portion of such tax to fund activities of the Chamber Economic Development Advisory Committee pursuant to the Economic Development Services Agreement, or, if the Economic Development Services Agreement terminates, the activities of the Reestablished Joint Board. The County reserves the

right to retain and allocate a portion of such tax to fund an economic development fund of the County to be used for such purposes as may be approved by the Board of County Commissioners from time to time.

C. If a tax is levied by the Board of County Commissioners pursuant to K.S.A. 19-4102, as amended, and such action is subjected to a vote of the qualified electors of Geary County, said vote nullifying the action of the Board of County Commissioners, then the obligation of Geary County under this Resolution shall be terminated.

D. If the Economic Development Services Agreement terminates, and the Reestablished Joint Board becomes effective, the City Treasurer of the City of Junction City, Kansas, is hereby designated as the custodian and disbursing agent for the expenditures of funds and shall disburse said funds upon recommendation of the Reestablished Joint Board and authorization of the Commission of the City of Junction City, Kansas. The Board of County Commissioners shall direct the County Treasurer to pay over the share of Geary County, as herein prescribed, directly to the City Treasurer of Junction City, Kansas.

E. If revenues provided above from the City and County and projected year end cash balance do not equal the annual budget for the economic development activities approved jointly by the City and County Commissions, the City will provide 60% of the additional funding and Geary County will provide 40% of the funding, if available from funds budgeted in accordance with Kansas "cash basis law", to-wit K.S.A. 10-1116 et seq.

SECTION 110.060: EFFECTIVE DATE

This Joint Resolution and Article shall constitute an agreement between the City of Junction City, Kansas, and Geary County, Kansas, and shall also constitute a Resolution of the Board of County Commissioners and an Ordinance of the City of Junction City, Kansas, and shall be effective upon its passage and adoption by the Board of County Commissioners of Geary County, Kansas, and the Commission of Junction City, Kansas, acting separately and after its publication once as provided by law in the official City newspaper of Junction City, Kansas and in the official County newspaper of Geary County, Kansas. A fully executed and attested copy shall be filed with the County Clerk of Geary County, Kansas, and the City Clerk of Junction City, Kansas.

SECTION 110.070: SAVINGS CLAUSE

If this Joint Resolution and Article or any part thereof shall be held or determined to be unconstitutional, illegal, ultra vires, or void, the same shall not be held or construed to change or annul any provision hereof which may be legal or lawful, and in event this Joint Resolution and Article, or any part thereof, shall be held unconstitutional, illegal, ultra vires, or void, the same shall not affect any action heretofore taken by the Reestablished Joint Board as heretofore established and constituted.

SECTION 110.080: TERMINATION

Either of the Governing Bodies may cancel or terminate this agreement by written notice to the other Governing Body. If such notice of termination is exercised, the notice shall be given prior to July first (1st) of the year, to be effective at the end of the current budget year.

SECTION 110.090: CHAIRMAN MAY CALL UPON EMPLOYEES AND OFFICIALS

The Chairman of the Reestablished Joint Board may call upon any employee or official of the City of Junction City, Kansas, or Geary County, Kansas, for their advice and assistance in carrying out the terms of this Article and Resolution.

SECTION 3: Ordinance G-928 is hereby repealed.

SECTION 4: County Resolution 8-19-02 is hereby repealed.

ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF GEARY COUNTY this 27th day of December, 2012, after due consideration of all members being present and voting as follows:



ATTEST:

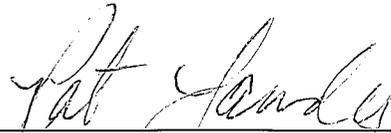
Florence C. Whitebread
Chairperson

R. Dan Bennett
Commissioner

Jerry Steel
Commissioner

Rebecca Bossemeyer
Rebecca Bossemeyer
County Clerk

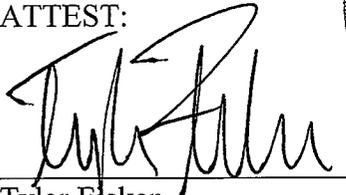
PASSED AND ADOPTED BY THE GOVERNING BODY OF THE CITY OF JUNCTION
CITY, KANSAS, THIS 18th DAY OF DECEMBER, 2012



Pat Landes, Mayor



ATTEST:



Tyler Ficken
City Clerk