

ORDINANCE NO. 222

AN ORDINANCE AUTHORIZING THE GOVERNING BODY OF THE CITY OF WATHENA, KANSAS, TO JOIN AND COOPERATE WITH THE CITIES OF ELWOOD, TROY, HIGHLAND, WHITE CLOUD, LEONA, SEVERANCE, AND DENTON, KANSAS, AND THE COUNTY OF DONIPHAN, KANSAS, IN THE CREATION AND ESTABLISHMENT OF A DONIPHAN COUNTY REGIONAL PLANNING COMMISSION UNDER THE AUTHORITY OF SECTION 12-716 et seq, 1961 SUPP., TO THE GENERAL STATUTES OF KANSAS, FOR 1949.

WHEREAS, pursuant to the provisions of Section 12-716 et seq, 1961 Supp., G. S. Kansas, 1949, any county and cities having adjoining planning jurisdictions may jointly cooperate in the exercise and performance of planning powers, duties and functions as provided by law and may establish a joint planning commission for the regional area comprising the area coterminus with the areas of planning jurisdiction of said county and cities cooperating jointly, and,

WHEREAS, the County of Doniphan, Kansas, and the Cities of Elwood, Wathena, Troy, Highland, White Cloud, Leona, Severance, and Denton, in the State of Kansas, comprise a regional area and this said regional area should have a plan or plans that will guide the unified development of the area, and that will eliminate planning duplication and promote economy and efficiency in the coordinated development of the area and the general welfare and prosperity of its people:

NOW, THEREFORE, BE IT ORDIANED BY THE GOVERNING BODY OF THE CITY OF WATHENA, KANSAS:

SECTION 1. That the City of Wathena, Kansas, shall cooperate and join with the County of Doniphan, Kansas, and the Cities of Elwood, Troy, Highland, White Cloud, Leona, Severance, and Denton, Kansas, in the creation and establishment of a joint Regional Planning Commission to be known as the Doniphan County Regional Planning Commission for the regional area comprising the area coterminus with the areas of planning jurisdiction of said county and cities cooperating jointly.

SECTION 2. That said City of Wathena, Kansas, shall join with said County of Doniphan, Kansas, and the other cities above named in the creation and establishment of such Regional Planning Commission by concurrent resolution and agreement with said county and other cities, Said concurrent resolution and agreement creating and establishing said REgional Planning Commission shall be

substantially in text and form as follows (numbers and dates to be inserted following the passage and enactment of the necessary ordinances and resolution),
to wit:

CONCURRENT RESOLUTION AND JOINT AGREEMENT OF THE BOARD OF COUNTY COMMISSIONERS OF DONIPHAN COUNTY, KANSAS, AND THE GOVERNING BODIES OF THE CITIES OF ELWOOD, WATHENA, HIGHLAND, TROY, WHITE CLOUD, LEONA, SEVERANCE, AND DENTON, KANSAS, PROVIDING FOR THE ESTABLISHMENT OF A DONIPHAN COUNTY REGIONAL PLANNING COMMISSION AND DEFINING THE POWERS AND DUTIES OF SUCH REGIONAL PLANNING COMMISSION.

By concurrent resolution duly and regularly adopted by the Board of County Commissioners of Doniphan County, Kansas, and the Governing Bodies of the Cities of Elwood, Wathena, Troy, Highland, White Cloud, Leona, Severance, and Denton, in the State of Kansas, IT IS HEREBY AGREED, RESOLVED AND ORDERED:

WHEREAS, pursuant to the provisions of Section 12-716 to 721, inclusive, 1961 Supp., G. S. Kansas, 1949, any County and Cities having adjoining planning jurisdictions may jointly cooperate in the exercise and performance of planning powers, duties and functions as provided by law and may establish a joint planning commission for the regional area comprising the area coterminus with the areas of planning jurisdiction of said County and Cities cooperating jointly, and,

WHEREAS, the Board of County Commissioners of Doniphan County, Kansas, on December _____, 1962, duly adopted a resolution authorizing said Board to cooperate and join with the Governing Bodies of the Cities herein named in the establishment of a joint planning commission for the regional area comprising the entire area of Doniphan County, Kansas, including all lands lying within the corporate limits of all Cities located in said County, and,

WHEREAS, the governing body of the City of Elwood, Kansas, on December _____, 1962, duly passed and adopted Ordinance No. _____ of said City authorizing said City to join and cooperate with the County of Doniphan Kansas, and the other Cities herein named in the establishment of such joint regional planning commission, and,

WHEREAS, the governing body of the City of Wathena, Kansas, on December _____, 1962, duly passed and adopted Ordinance No. _____ of said City authorizing said City to join and cooperate with the County of Doniphan Kansas, and the other Cities herein named in the establishment of such joint regional planning commission, and,

WHEREAS, the governing body of the City of Troy, Kansas, on December _____, 1962, duly passed and adopted Ordinance No. _____ of said City authorizing said City to join and cooperate with the County of Doniphan Kansas, and the other Cities herein named in the establishment of such joint regional planning commission, and,

WHEREAS, the governing body of the City of Highland, Kansas, on December _____, 1962, duly passed and adopted Ordinance No. _____ of said City authorizing said City to join and cooperate with the County of Doniphan, Kansas, and the other Cities herein named in the establishment of such joint regional planning commission, and,

WHEREAS, the governing body of the City of White Cloud, Kansas, on December _____, 1962, duly passed and adopted Ordinance No. _____ of said City authorizing said City to join and cooperate with the County of Doniphan, Kansas, and the other Cities herein named in the establishment of such joint regional planning commission, and,

WHEREAS, the governing body of the City of Leona, Kansas, on December _____, 1962, duly passed and adopted Ordinance No. _____ of said City authorizing said City to join and cooperate with the County of Doniphan, Kansas, and the other Cities herein named in the establishment of such joint regional planning commission, and,

WHEREAS, the governing body of the City of Severance, Kansas, on December _____, 1962, duly passed and adopted Ordinance No. _____ of said City authorizing said City to join and cooperate with the County of Doniphan, Kansas, and the other Cities herein named in the establishment of such joint regional planning commission, and,

WHEREAS, the governing body of the City of Denton, Kansas, on December _____, 1962, duly passed and adopted Ordinance No. _____ of said City authorizing said City to join and cooperate with the County of Doniphan, Kansas, and the other Cities herein named in the establishment of such joint regional planning commission, and,

WHEREAS, the County of Doniphan, Kansas, and the Cities of Elwood, Wathena, Highland, Troy, White Cloud, Leona, Severance and Denton, in the State of Kansas, comprise a regional area and this said regional area should have a plan or plans that will guide the unified development of the area, that will eliminate planning duplication and promote economy and efficiency in the coordinated development of the area and the general welfare and prosperity of its people. Such plan may include, but shall not be limited to, recommendations for coordinated land use, coordinated zoning, housing and other regulation, principal highways, bridges, airports, parks and recreational areas, schools and public institutions, elimination and prevention of blighted conditions, public utilities and public works programs. Any regional plan so developed shall be based on physical, social, economic and governmental conditions and trends. Such regional planning commission may also assist the County and Cities within its area or jurisdiction in carrying out any regional plan or plans developed by such commission, and may also assist any planning commission, board or agency in Doniphan County, Kansas, in the preparation or effectuation of local plans and planning consistent with the program of the regional planning commission,

NOW, THEREFORE, IT IS HEREBY FURTHER AGREED, RESOLVED AND ORDERED AS FOLLOWS:

SECTION 1. DEFINITION OF REGION. All territory in Doniphan County, Kansas, and in the Cities of Elwood, Wathena, Highland, Troy, White Cloud, Leona, Severance and Denton, in the State of Kansas, is hereby designated as the regional planning area.

SECTION 2. NAME. A Regional Planning Commission for such area comprising all of Doniphan County and all of the Cities of Elwood, Wathena, Highland, Troy, White Cloud, Leona, Severance and Denton, in the State of Kansas, is hereby created and is hereby designated as "THE DONIPHAN COUNTY REGIONAL PLANNING COMMISSION,"

SECTION 3. MEMBERSHIP. The Doniphan County Regional Planning Commission shall consist of Seven (7) members, three (3) of whom shall be appointed by the Board of County Commissioners of Doniphan County, Kansas, and the remaining four (4) members of said commission shall be appointed, one by each city, by the Governing Bodies of the Cities of Elwood, Wathena, Highland, and Troy, Kansas. All members shall be citizens and residents of Doniphan County, Kansas. Members selected by the Board of County Commissioners of Doniphan County, Kansas, shall not reside within the corporate limits of the Cities of Elwood, Wathena, Highland, or Troy, Kansas. Members of said commission selected by the Governing Bodies of the City of Elwood, Wathena, Highland, and Troy, Kansas, shall reside within the corporate limits of the City selecting and appointing such member. A majority of the members of said Regional Planning Commission shall hold no other public office except appointed membership on a City of other Planning Commission or Board. All members shall be appointed for a term of three (3) years, except that the respective terms of the members first appointed shall be two (2) for one (1) year, two (2) for two (2) years, and three (3) for three (3) years, and such members shall continue to hold such appointment until their successors are duly appointed and qualified. Vacancies occurring otherwise than through the expiration of terms shall be filled for the unexpired term in the same manner as the original appointment. All members, including the chairman, shall have the right to vote on all matters before the commission.

SECTION 4. COMPENSATION. All members of the commission shall serve without compensation.

SECTION 5. REMOVAL. A member of the commission, once qualified, shall not be removed during his term of office except for cause and after hearing held before the governing body by whom he was appointed.

SECTION 6. OFFICERS. The commission shall elect a chairman, a vice-chairman, and a secretary-treasurer from among its members. The term of these officers shall be for one (1) year with eligibility for re-election.

SECTION 7. RULES. The commission shall adopt bylaws, including rules for the transaction of business, which said bylaws and rules shall be approved by the Board of County Commissioners of Doniphan County, Kansas. Said commission shall keep a record of its functions and activities, which shall be a public record.

SECTION 8. QUORUM. Two (2) members appointed by the County and two (2) members appointed by the Cities shall constitute a quorum for the transaction of business at any meeting.

SECTION 9. MEETINGS. The commission shall meet regularly as determined by its bylaws and all meetings of the commission shall be open to the public.

SECTION 10. FUNCTIONS, DUTIES AND POWERS. The Doniphan County Regional Planning Commission shall have the functions, duties and powers as provided for by 1961 Supp., G. S. Kansas, 1949, Sections 12-716 to 721, inclusive.

A. In the exercise of its general functions, duties and powers, the commission:

1. Shall prepare and recommend to the Board of County Commissioners of Doniphan County, Kansas, and the Governing Bodies of the Cities of Elwood, Wathena, Troy, Highland, White Cloud, Leona, Severance, and Denton, Kansas, a Regional Plan, or functional segments thereof, that may include, but not be limited to,

recommendations for coordinated land use, coordinated zoning, housing and other regulations, for principal highways, bridges, airports, parks and recreational areas, schools and public institutions, elimination and prevention of blighted conditions, public utilities and public works programs.

2. Such Regional Planning Commission shall, in the interest of economy and efficiency and in the interest of uniform standards and procedures, wholly assume the duties and functions of local planning agencies in connection with the preparation, adoption, implementation, and administration of local plans and planning consistent with the program of the Regional Planning Agency for the Cities of White Cloud, Leona, Severance, and Denton, Kansas, and for the County of Doniphan Kansas.

3. Such Regional Planning Commission, if requested, may also assist the Cities of Elwood, Wathena, Highland, and Troy, Kansas, in the carrying out of any regional plan or plans developed by such Commission and in the preparation and effectuation of local plans and planning consistent with the program of the Regional Planning Agency.

4. Such Regional Planning Commission may employ such staff and consultants as it may require subject to approved budgetary limitations as hereinafter provided.

5. The Doniphan County Regional Planning Commission is hereby authorized to apply for, receive and expend federal funds and to enter into contracts with the United States Government to perform and carry out its duties and functions as defined by the provisions of Sections 12-716, 12-717, 12-719 and 12-720, 1961 Supp., G. S. Kansas, 1949, and further to provide planning assistance to the municipalities herein named and to perform planning work in the regional areas herein defined as herein provided.

B. In the exercise of its fiscal functions, duties and powers, the Commission:

1. Shall prepare an annual budget in the same manner as other departments of the County. Such budget shall be submitted to the Board of County Commissioners of Doniphan County, Kansas, at least thirty (30) days prior to the meeting at which said Board adopts its annual budget.

2. Shall have authority to make expenditures upon vouchers executed by proper officers of the Commission from funds appropriated, such funds to be held by the County Treasurer of Doniphan County, Kansas, who is hereby designated as the fiscal agent of said Regional Planning Commission. The County Treasurer shall make disbursement upon receipt of such vouchers. All funds, including federal grants, gifts, or donations, shall be held and disbursed by said fiscal agent as provided herein and as said Regional Planning Commission shall determine by its bylaws.

3. Shall have authority to purchase property and materials for the use of said Regional Planning Commission and to issue vouchers in payment therefor as herein provided.

4. Shall have authority to accept, receive and expend funds, grants and services from the United States Government or its agencies and instrumentalities and from State and Local Governments.

5. Shall have authority to accept, receive and expend funds, grants and services from private persons or organizations, including business or non-profit organizations.

6. Shall deposit any monies received as gifts, donations or grants from public or private sources for planning purposes, with the fiscal agent to be available for expenditure by the Regional Planning Commission by warrants upon such monies to be drawn only upon vouchers signed by the Chairman and Treasurer -of the Regional Planning Commission.

7. Shall operate within a budget approved by the Board of County Commissioners of Doniphan County, Kansas.

SECTION 11. PAYMENT OF COSTS AND EXPENSES. The costs and expenses to be incurred in connection with the formulation, preparation and adoption of the Regional Plan and functional segments thereof herein provided for shall be divided among certain of the municipalities that are parties to this resolution and agreement in amounts as follows: City of Elwood, Kansas, \$1,122.88, City of Wathena, Kansas, \$850.59, City of Highland, Kansas, \$608.65, City of Troy, Kansas, \$946.69, City of White Cloud, Kansas \$239.41, County of Doniphan, Kansas, \$4,854.78. All costs and expenses of said REGIONAL Planning Commission to be incurred following the formulation, preparation, and adoption of the Regional Plan and functional segments thereof herein provided for shall be defrayed by the County of Doniphan, Kansas.

SECTION 12. ADDITION OF OTHER PUBLIC BODIES. Other public bodies not parties to this resolution and agreement may be included herein as provided by law should future public interest and economic and social necessity for long term coordinated planning require their inclusion.

SECTION 13. SEPARABILITY. If any one or more of the provisions of this concurrent resolution and agreement is declared unconstitutional or contrary to law, the validity of the remainder of the resolution and agreement shall not be affected thereby.

SECTION 14. EFFECTIVE DATE. This resolution and agreement shall become effective when passed, approved, and adopted by the Board of County Commissioners of Doniphan County, Kansas, and the Governing Bodies of the Cities of Elwood, Wathena, Troy, Highland, White Cloud, Leona, Severance, and Denton, Kansas, and the Doniphan County Regional Planning Commission shall be officially and legally created and established as of the date that this resolution and agreement is approved, passed, and adopted by Doniphan County, Kansas, and all of the Cities herein named."

SECTION 3. That all ordinances and parts of ordinances in conflict herewith are hereby repealed.

SECTION 4. That this ordinance shall take effect and be in force from and after its publication in the official city paper.

Passed by the Governing Body and approved by the Mayor this 18th day of December, 1962.

ATTEST:

City Clerk
(SEAL)

Mayor of the City of Wathena, Kansas.