

APPENDICES

APPENDIX A

JOINT CO-OPERATION IN AREA PLANNING

KSA 12-716 THROUGH 12-721

12-716. AREA PLANNING BY CERTAIN POLITICAL SUBDIVISIONS; JOINT COMMISSION, POWERS. Any two or more cities or counties or other political subdivisions having adjoining planning jurisdictions, or any county and city or cities within or adjacent to the county, may jointly co-operate in the exercise and performance of planning powers, duties and functions as provided by state law for cities and counties.

When two or more of such cities and counties shall by ordinance, resolution, rule or order, adopt such joint planning co-operation, there shall be established a joint planning commission for the metropolitan area or region comprising the area coterminous with the areas of planning jurisdiction of the cities or counties co-operating jointly. Such a joint planning agency for the metropolitan area or region may be empowered to carry into effect such provisions of state law relating to planning which are authorized for such joining cities or counties and which each may under existing laws separately exercise and perform.

Any other public authority or agency which operates within, wholly or in part, the area covered by this joint planning co-operation may likewise join with the co-operating cities or counties in co-operative planning through resolution of its governing board or commission. (L. 1957, ch. 101, para. 1; April 26.)

12-717. SAME; PURPOSE OF METROPOLITAN OR REGIONAL COMMISSION; PLANS AND RECOMMENDATIONS. The general purpose of a metropolitan or regional planning commission shall be to make those studies and plans for the development of the metropolitan area or region that will guide the unified development of the area, that will eliminate planning duplication and promote economy and efficiency in the co-ordinated development of the area and the general welfare and prosperity of its people. The metropolitan or regional commission shall make a plan or plans for development of the area, which may include, but shall not be limited to recommendations for principal highways, bridges, airports, parks and recreational areas, schools and public institutions, and public utilities.

Any metropolitan or regional plan so developed shall be based on studies of physical, social, economic, and

governmental conditions and trends. The plans and its recommendations may in whole or in part be adopted by the governing bodies of the co-operating cities and counties as the general plans of such cities and counties. The metropolitan or regional planning commission may also assist the cities and counties within its area of jurisdiction in carrying out any regional plan or plans developed by the commission, and the metropolitan or regional planning commission may also assist any planning commission, board or agency of the co-operating cities or counties in the preparation or effectuation of local plans and planning consistent with the program of the metropolitan or regional planning agency. (L. 1957, ch. 101, para. 2; April 26.)

12-718. SAME; MEMBERSHIP OF COMMISSION; QUALIFICATIONS; TERMS OF AGREEMENT. The co-operating cities and counties which join to create a metropolitan or regional planning commission shall through joining agreement determine the number and qualifications of the members of the commission: PROVIDED, A majority of the members of the metropolitan or regional planning commission shall hold no other public office except appointive membership on a city or other planning commission or board. The joint agreement shall also provide for the manner or co-operation and the means and methods of the operation and functioning of the metropolitan or regional planning commission, including the employment of a director of planning and such staff and consultants as it may require, the proportionate share of costs and expenses, the purchase of property and materials for the use of the commission. The joint agreement may also allow for the addition of other public bodies to the co-operative arrangement. (L. 1957, ch. 101, para. 4; April 26.)

12-719. SAME; FUNDS FOR COMMISSION. A metropolitan or regional planning commission established under the provisions of this act is authorized to receive for its own uses and purposes any funds or moneys from any participating city or county, from the state or federal government, and from any other source any other funds including bequests, gifts, donations or contributions. The participating cities and counties or other public bodies are authorized to appropriate funds for the expenses and costs required by the commission in the performance of its purposes and functions. (L. 1957, ch. 101, para. 4; April 26.)

12-720. SAME; DUTIES AND FUNCTIONS OF COUNTIES, CITIES, LOCAL AGENCIES AND REGIONAL PLANNING COMMISSION. Nothing in this act shall be construed to remove or limit the powers of the co-operating cities or counties as provided by state law. All legislative power with respect to zoning and other planning legislation shall remain with the governing body of the co-operating cities and counties. Each participating city or county may continue to have its own planning commission or board but may under the joint agreement and in the interests of economy and efficiency and in the interest of uniform standards and procedures, request the metropolitan or regional planning commission to assume duties and functions of local planning agencies in whole or in part. The metropolitan or regional planning commission shall have the duty and function of promoting public interest and understanding of the economic and social necessity for long-term co-ordinated planning for the metropolitan or regional area but its official recommendations shall be made to the governing bodies of the co-operating cities or counties. (L. 1957, ch. 101, para. 5; April 26.)

12-721. SAME; INVALIDITY OF PART. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or application of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared to be severable. (L. 1957, ch. 101, para. 6; April 26.)

INTERLOCAL CO-OPERATION

KSA 12-2901 THROUGH 12-2904

12-2901. PURPOSE OF ACT. It is the purpose of this act to permit local governmental units to make the most efficient use of their powers by enabling them to co-operate with other localities, persons, associations and corporations on a basis of mutual advantage and thereby to provide services and facilities in a manner and pursuant to forms of governmental organization that will accord best with geographic, economic, population and other factors influencing the needs and

development of local communities. (L. 1957, ch. 100, para. 1; March 25.)

12-2902. SHORT TITLE. This act may be cited as the interlocal co-operation act. (L. 1957, ch. 100, para. 2; March 25.)

12-2903. DEFINITIONS. For the purposes of this act: (a) The term "public agency" shall mean any county, township, city, town, village, school district, road district, drainage or levee district, sewer district, water district, fire district or other municipal corporation, quasi-municipal corporation or political subdivision of this state or of any other state and any agency or instrumentality of this state or any other state or of the United States;

(b) The term "state" shall mean a state of the United States and the District of Columbia;

(c) The term "private agency" shall mean an individual firm, association or corporation. (L. 1957, ch. 100, para. 3; March 25.)

12-2904. INTERLOCAL AGREEMENTS BY PUBLIC AGENCIES; SPECIFICATIONS; APPROVAL OF ATTORNEY GENERAL. (a) Any power or powers, privileges or authority exercised or capable of exercise by a public agency of this state relating to public improvements, public utilities or fire protection, may be exercised and enjoyed jointly with any other public agency of this state or with any private agency, and jointly with any public agency of any other state or of the United States to the extent that the laws of such other state or of the United States permit such joint exercise or enjoyment. Any agency of the state government when acting jointly with any public or private agency may exercise and enjoy all of the powers, privileges and authority conferred by this act upon a public agency.

(b) Any public agency may enter into agreements with one or more public or private agencies for joint or co-operative action pursuant to the provisions of this act. Appropriate action by ordinance, resolution or otherwise pursuant to law of the governing bodies of the participating public agencies shall be necessary before any such agreement may enter into force.

(c) Any such agreement shall specify the following:

1. Its duration.

2. The precise organization, composition and nature of any separate legal or administrative entity created thereby together with the powers delegated thereto, provided such entity may be

legally created.

3. Its purpose or purposes.

4. The manner of financing the joint or co-operative undertaking and of establishing and maintaining a budget therefor.

5. The permissible method or methods to be employed in accomplishing the partial or complete termination of the agreement and for disposing of property upon such partial or complete termination.

6. Any other necessary and proper matters.

(d) In the event that the agreement does not establish a separate legal entity to conduct the joint or co-operative undertaking, the agreement shall, in addition to items 1, 3, 4, 5 and 6 enumerated in subdivision (c) hereof, contain the following:

1. Provision for an administrator or a joint board responsible for administering the joint or co-operative undertaking. In the case of a joint board public agencies party to the agreement shall be represented.

2. The manner of acquiring, holding and disposing of real and personal property used in the joint or co-operative undertaking.

(e) No agreement made pursuant to this act shall relieve any public agency of any obligation or responsibility imposed upon it by law except that to the extent of actual and timely performance thereof by a joint board or other legal or administrative entity created by an agreement made hereunder, said performance may be offered in satisfaction of the obligation or responsibility.

(f) Every agreement made hereunder shall, prior to and as a condition precedent to its entry into force, be submitted to the attorney general who shall determine whether the agreement is in proper form and compatible with the laws of this state. The attorney general shall approve any agreement submitted to him hereunder unless he shall find that it does not meet the conditions set forth herein and shall detail in writing addressed to the governing bodies of the public and private agencies concerned the specific respects in which the proposed agreement fails to meet the requirements of law. Failure to disapprove an agreement submitted hereunder within ninety (90) days of its submission shall constitute approval thereof. (L. 1957, ch. 100, para. 4; March 25.)

APPENDIX B

NATIONAL GOVERNORS ' CONFERENCE POLICY POSITIONS 1974-1975

SUB-STATE DISTRICT DEVELOPMENT

Sub-state districting is an issue of growing concern to state and local elected officials. The concept is an organizational one. It proposes a structure which cuts across the array of substantive programs, enabling elected officials to effectively coordinate the use of federal, state and local resources in solving areawide problems.

The following principles are recommended in the development of such systems:

Multijurisdictional planning and policy development organizations should be public bodies with governing boards composed at a minimum of a majority of elected officials, selected by and representing general purpose local governmental units, representing at least a majority of the population of the region served. There should be clear authority for localities to work toward boards made up entirely of elected officials if the localities choose.

Umbrella multijurisdictional organizations should be the general purpose organization in a given region, providing a forum for locally elected officials to address problems, issues and functions of an areawide nature. Such organizations should be empowered to make decisions in order to resolve competing objectives and to set regional priorities which should be recognized by federal and state funding agencies.

Functions of an umbrella multijurisdictional organization should include:

- A. development and coordination of areawide policies and plans;
- B. coordination of the policies and plans of separate functional organizations;
- C. promotion of mutual problem solving and exchange of information; and
- D. such other services as requested by local governments.

Federal and state policies should recognize a single umbrella multijurisdictional organization as the desirable objective is attained, it may be necessary to fund separate multijurisdictional organizations within the same region; if so, the governing board of such separate organizations should be composed predominantly of elected officials.

The umbrella multijurisdictional organization should function as the review and comment agency for all federal and state funded programs and projects that will have an impact within the region.

Federal, state and local governments should contribute funds for the operation of the umbrella multijurisdictional organizations. State governments should to the extent possible:

- A. provide broad, flexible enabling legislation for umbrella multijurisdictional organizations;
- B. conform state planning areas to the regional boundaries of the umbrella multijurisdictional organizations;
- C. conform administrative areas of state programs which are exclusively administered by States to the regional boundaries of the umbrella multijurisdictional organizations;
- D. provide general policy guidance and reasonable criteria for umbrella multijurisdictional organizationa; and
- E. cease the establishment of separate, single purpose multijurisdictional organizations, except where the purpose is directed to an area that is compellingly unique.

Federal and state programs administered on an area-wide basis should move toward integration with the umbrella multijurisdictional organization. Such programs should include specific requirements for coordination with multijurisdictional organizations in accordance with the Intergovernmental Cooperation Act of 1968.

The weighting of the votes of the representatives on the umbrella multijurisdictional organization boards should be left to the determination of the localities represented on the board.

Boundaries of the umbrella multijurisdictional organizations should be set by the States, but acceptable to local general purpose governments.

In interstate urban areas, the thrust of federal programs concerned with areawide planning and intergovernmental coordination should be on increasing the abilities of local and state governments to act effectively in a concerted fashion, notwithstanding the multi-state character of the area. Toward this end, priority among federal programs in large interstate areas should be to strengthen the ability of the interstate umbrella multijurisdictional organization to deal with areawide problems. In small interstate urban areas, due recognition and coordination should be given to the affected state planning and development agencies.*

*Source: National Governors' Conference, POLICY POSITIONS 1974-1975, Washington, D.C.: The National Governors' Conference, pp. 16-17.

APPENDIX C

EXECUTIVE ORDER

RELATING TO THE INTERGOVERNMENTAL COOPERATION
ACT OF 1968, PUBLIC LAW 90-577, AND THE
ESTABLISHMENT OF PLANNING AND DEVELOPMENT DISTRICTS
WITHIN THE STATE OF KANSAS

WHEREAS, the Intergovernmental Cooperation Act of 1968, Public Law 90-577, places certain responsibilities upon the states for coordination of Federal, State and local plans and projects; and

WHEREAS, the Office of Management and Budget, charged by Congress for implementation of said Act has issued Circular A-95 pertaining thereto; and

WHEREAS, there has been increasing recognition at all governmental levels of the need for the delineation of State districts or regions; and

WHEREAS, the provisions of a number of Federal, State and local assistance programs require planning and development regions in order that communication and coordination among and between the planning and related efforts of all units of government be more expeditiously accomplished; and

WHEREAS, it is deemed desirable to establish and preserve the eligibility of State and local governments to participate in the aforesaid assistance programs and also to provide a framework of organization which will improve communication and promote effective coordination and participation in public programs; and

WHEREAS, it is the responsibility of the State to encourage local initiative in developing organizational and procedural arrangements for coordinating comprehensive and functional activities and to avoid overlap, duplication, and competition between local planning activities; and

WHEREAS, the State must exercise its leadership in delineating and establishing a system of planning and development regions which provide a consistent geographic base for the coordination of Federal, State and local development programs; and

WHEREAS, the laws of Kansas provide for cities and counties to join together for the purpose of planning under KSA 12-716 - 12-721; and

WHEREAS, KSA 74-5009 provides that the Planning Division of the Kansas Department of Economic Development is the Official State Planning Agency for the State of Kansas; and

WHEREAS, the said planning agency has delineated planning and development regions through a study completed in 1967; and

WHEREAS, several local, State and Federal agencies are encouraging the use of these regions as delineated;

NOW, THEREFORE, under the authority vested in me as Governor of the State of Kansas, I hereby order and direct, that the eleven (11) said regions, as designated below be and hereby are officially established for the purposes provided and direct that all agencies within the executive branch of government shall take the regional alignment into consideration in the establishment and revision of all applicable State programs.

<u>Region 01</u>	<u>Region 02</u>	<u>Region 03</u>	<u>Region 04</u>
The Counties of:	The Counties of:	The Counties of:	The Counties of:
Anderson	Allen	Chase	Butler
Coffey	Bourbon	Clay	Chautauqua
Douglas	Cherokee	Dickinson	Cowley
Franklin	Crawford	Geary	Elk
Jefferson	Labette	Lyon	Greenwood
Johnson	Montgomery	Marion	Harper
Leavenworth	Neosho	Morris	Harvey
Linn	Wilson	Pottawatomie	Kingman
Miami	Woodson	Riley	McPherson
Osage		Wabaunsee	Reno
Shawnee			Rice
Wyandotte			Sedgwick
			Sumner

<u>Region 05</u>	<u>Region 06</u>	<u>Region 07</u>	<u>Region 08</u>
The Counties of:	The Counties of:	The Counties of:	The Counties of:
Barber	Clark	Finney	Cheyenne
Barton	Ford	Grant	Decatur
Comanche	Gray	Greeley	Logan
Edwards	Hodgeman	Hamilton	Rawlins
Kiowa	Meade	Haskell	Sheridan
Pawnee	Ness	Kearny	Sherman
Pratt		Lane	Thomas
Rush		Morton	Wallace
Stafford		Scott	
		Seward	
		Stanton	
		Stevens	
		Wichita	

Region 09
The Counties of:

Ellis
Gove
Graham
Norton
Osborne
Phillips
Rooks
Russell
Smith
Trego

Region 10
The Counties of:

Cloud
Ellsworth
Jewell
Lincoln
Mitchell
Ottawa
Republic
Saline

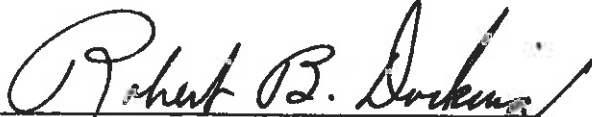
Region 11
The Counties of:

Atchison
Brown
Doniphan
Jackson
Marshall
Nemaha
Washington

FURTHERMORE, local governmental units are encouraged to jointly participate in regional planning and development commissions within this system of regions to enhance intergovernmental cooperation for the purposes of comprehensive planning and development and the administration of State and Federally supported programs within the State of Kansas as authorized by the provisions of law, and

THIS ORDER contemplates that if compelling cause develops for changes in regional boundaries in the process of local consent to regional organization the appropriate revisions to this order will be considered.

Done this 15th day of February, 1971.


ROBERT B. DOCKING
GOVERNOR OF KANSAS


SECRETARY OF STATE



KANSAS DEPARTMENT OF ECONOMIC DEVELOPMENT

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