

INTERLOCAL AGREEMENT

THIS AGREEMENT is made pursuant to the provisions of K.S.A. 12-2901 *et seq.* as amended and supplemented, by and between the City of Colby, Kansas, and the Board of County Commissioners, Thomas County, Kansas. This agreement is made with the sincere desire of the cooperating governmental entities to promote economic development for the mutual benefit of the citizens and taxpayers of the City of Colby and Thomas County, Kansas. For the purposes of this agreement, the City of Colby, Kansas, shall be referred to as "City," and the Board of County Commissioners of Thomas County, Kansas, shall be referred to as "County."

WHEREAS, City, by Ordinance No. 1217 adopted November 1, 1994, created The Thomas County Economic Development Alliance, thereby promoting and encouraging economic development in the City of Colby and Thomas County, Kansas; and,

WHEREAS, County, by Resolution 1996-10 adopted April 1, 1996, requested the Secretary of the Department of Commerce to formally acknowledge the Thomas County Economic Development Alliance as a qualifying regional economic development organization, and designate Thomas County as a "non-metropolitan region" pursuant to K.S.A. 7450, 116(c)(1) thereby promoting and encouraging economic development in Thomas County, Kansas; and,

WHEREAS, since 1994, the Thomas County Economic Development Alliance has been actively promoting and encouraging economic development in Thomas County under the auspices of City and County; and,

WHEREAS, since 1994, City and County have equally contributed to the financial support for The Thomas County Economic Development Alliance; and,

WHEREAS, City and County desire to enter this Interlocal Agreement in order that The Thomas County Economic Development Alliance shall become a body corporate and politic with those powers and authorities set forth in K.S.A. 12-2904a.

THEREFORE, City and County enter into this Interlocal Agreement on the terms and conditions set forth herein.

1. CREATION. City and County deem it necessary for the proper development of job opportunities and the industrial climate for the citizens of the City of Colby and Thomas County, Kansas, to provide for a county-wide board which shall be known as the Thomas County Economic Development Alliance Board, and the same is hereby established and created.
2. PURPOSE AND AUTHORITY. The purpose of the Thomas County Economic Development Alliance shall be to facilitate economic development in Colby and Thomas County, Kansas generally and specifically to recruit businesses to Thomas County, and to promote Thomas County, Colby, and the cities in Thomas County to business and industry and do all those things incidental thereto, and possesses the following powers and authorities:

- i. Sue and be sued in its corporate name.
 - ii. Take and hold any property, real or personal, in fee simple or otherwise;
 - iii. Sell, lease, lend, or otherwise transfer any property or interest in property owned by it.
 - iv. Make contracts
 - v. Have and exercise those powers set forth in K.S.A. 12-2904a as amended from time to time.
3. MEMBERS; APPOINTMENT. That said Board shall consist of five members. Two members shall be appointed by the Mayor of Colby with concurrence of the City Council; not more than one of these appointees can be an elected city official. Three members shall be appointed by the County Commissioners, with one representative from each Commission District; not more than one appointee can be a County Commissioner.
4. TERM OF OFFICE. The initial Board members shall be appointed for the following terms: One City and one County appointee shall be for a term of one year; one City and one County appointee shall be for a term of two years; and the final County appointee shall be for a term of three years. All subsequent terms shall be for three years or the remaining term of a person being appointed to fill a vacancy on the Board.
5. MEETINGS; RULES. The Board shall hold such meetings as it may deem necessary. The meetings shall be open to the public, except as may be provided in exceptions to the Kansas Open Meetings Act.
6. DUTIES. The Alliance Board shall hire an Economic Development Director, approve the annual operating budget submitted to the Thomas County Commissioners and the Colby City Council, further the economic development of Thomas County, the communities within the county, and its environs through retention and expansion of existing businesses, development and implementation of a county-wide economic development plan, and recruitment of new businesses.
7. FUNDING. During the term of this Interlocal Agreement, City and County shall contribute financial support to the Thomas County Economic Development Alliance as follows:
 - a. City: Fifty Percent (50%)
 - b. County: Fifty Percent (50%)
8. TERM. This agreement shall terminate sixty (60) days after either party submits to the other written notice of termination.
9. PROPERTY RIGHTS. During the term of the Interlocal Agreement and existence of the Thomas County Economic Development Alliance, personal and real property shall be

acquired, held and disposed of by the Thomas County Economic Development Alliance pursuant to the powers and authorities provided in K.S.A. 12-2901 *et seq.* and specifically, 12-2904a. Upon the termination of this agreement, all rights and interests in real and personal property shall pass to and be acquired by the City and County in equal shares and amounts.

10. AMENDMENTS. This Agreement may be amended only upon the mutual written agreement of the parties.
11. EFFECTIVE DATE. This agreement shall become effective when approved by City and County, with notice as required by law, approved by the Attorney General and upon filing with the Thomas County Register of Deeds and Secretary of State.

IN WITNESS WHEREOF, the parties hereto have executed this agreement on the dates set forth below.

CITY OF COLBY, KANSAS

12-16-08
Date

By: [Signature]
K. G. Breber, Mayor

Attest

[Signature]
City Clerk

BOARD OF COUNTY COMMISSIONERS
OF THOMAS COUNTY, KANSAS

December 8, 2008
Date

By: [Signature]
Chairman



Attest

[Signature]
County Clerk