

RESOLUTION NO. 2008-14

A RESOLUTION CREATING THE LINCOLN COUNTY, KANSAS PUBLIC BUILDING COMMISSION AND ESTABLISHING THE PURPOSE, COMPOSITION, POWERS, FUNCTIONS AND DUTIES THEREOF.

WHEREAS, the Board of County Commissioners (the "Board") of Lincoln County, Kansas (the "County"), has heretofore adopted Charter Resolution No. 2008-CO1 on July 7, 2008, 2008 (the "Charter Resolution") pursuant to the provisions of K.S.A. 19-101 *et seq.*, which Charter Resolution exempted the County from the provisions of K.S.A. 12-1758 and K.S.A. 12-1767b and provided substitute and additional provisions therefore in order to provide an additional and alternative method for financing certain public buildings and facilities of governmental entities; and

WHEREAS, the County is a "county" within the meaning of K.S.A. 12-1757 *et seq.* as modified by the provisions of the Charter Resolution (collectively, the "Act"); and

WHEREAS, the Act authorizes the County to create a public building commission under the conditions set forth in the Act; and

WHEREAS, the Board hereby finds it advisable and necessary to formally create a public building commission and to establish the purpose, composition, powers, functions and duties of such public building commission all pursuant to the Act, as modified herein.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF THE LINCOLN COUNTY, KANSAS:

Section 1. Creation. There is hereby created under the authority of the Act, a municipal corporation to be known as the Lincoln County, Kansas Public Building Commission (the "PBC").

Section 2. Composition. The PBC shall be composed of three (3) members (the "Members"). Each Commissioner shall appoint one Member to the PBC; such Members shall serve at the pleasure of and only during the term of the Commissioner that appoints such Member. In the event that the PBC provides buildings or structures that are leased to governmental entities other than the County, the composition of the PBC shall be modified by subsequent resolution of the County to conform to the requirements of the Act.

Section 3. Purpose, Powers and Functions. The PBC is created for the purposes of, and shall have the powers and shall perform the functions set forth in, the Act; provided that the PBC shall not enter into any leases for PBC property to entities other than the County without the prior approval of the Board. The County, by resolution or charter resolution hereafter taking effect, shall have the authority to further limit or expand the purposes, powers and/or functions of the PBC.

Section 4. Support Services. Unless otherwise approved by the Board, the County Clerk shall provide administrative services to the PBC and the County Attorney and the County's bond counsel shall provide legal services to the PBC.

Section 5. Further Action. The PBC shall have the authority to adopt bylaws, resolutions or other official actions authorized by the Act and not inconsistent with the provisions of this Resolution to govern its actions.

Section 6. Severability. If any provision of this Resolution is deemed or ruled unconstitutional or otherwise illegal or invalid by any court of competent jurisdiction, such illegality or invalidation shall not affect any other provision of this Resolution. This Resolution shall be enforced and construed as if such illegal or invalid provision had not been contained herein.

Section 7. Effective Date. This Resolution shall be in force and take effect from and after its adoption by the Board.

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ADOPTED by the Board of County Commissioners of Lincoln County, Kansas, on September 29, 2008.

(SEAL)



[Signature]
Chairman

[Signature]
Commissioner

[Signature]
Commissioner

ATTEST:

[Signature]
Clerk

APPROVED AS TO FORM ONLY.

[Signature]
County Attorney

CERTIFICATE

I, hereby certify that the above and foregoing is a true and correct copy of Resolution No. 2008-14 of Lincoln County, Kansas adopted by the Board of County Commissioners on September 29, 2008, as the same appears of record in my office.

DATED: September 29, 2008.



[Signature]
Clerk

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