



Sedgwick County...
working for you

Sedgwick County

525 North Main Street 3rd
Floor
Wichita, KS 67203

Legislation Text

File #: 17-358, **Version:** 1

Interlocal agreement by and between Sedgwick County and Butler County for a communications tower.

Recommended Action: Accept and sign agreement.

In 2010, Butler County and Sedgwick County entered into a co-ownership agreement for a radio tower that resides on property leased from the Kansas Turnpike Authority that resides in Butler County near the city of Andover. In April of 2016, Butler County requested, on behalf of the City of Andover, to allow additional equipment to be installed on the tower that would allow Andover to extend their IT network to their remote facilities. Through this request it was discovered that the co-ownership agreement was not executed as an interlocal agreement and therefore was not signed by the Attorney General. We are requesting the Chairman to sign the new interlocal agreement to replace the co-ownership agreement that was executed in 2010, therefore allowing us to move forward with the request for additional equipment to be installed on the tower as originally sought.

Alternatives:

The current co-ownership agreement between Butler County and Sedgwick County is not legitimate as it was not signed as an interlocal agreement by the Kansas Attorney General. To continue operating under that co-ownership agreement would be negligent as we have a lot of expensive, critical equipment located on that tower without the coverage of a valid agreement to protect us.

Financial Considerations:

There are no new financial considerations as this agreement, including the payment for the lease, is already in place.

Legal Considerations:

The Interlocal Cooperation Act, K.S.A. 12-2901 et seq., authorizes Butler and Sedgwick Counties to contract for certain joint cooperative purposes. It is the opinion of counsel for both Sedgwick and Butler County that operation of this tower is a joint and cooperative undertaking, thereby requiring an interlocal agreement.

Both entities are public agencies, as that term is defined in K.S.A. 12-2903, and are capable of entering into this Interlocal Agreement pursuant to K.S.A. 12-2904. The authority for this action is K.S.A. 19-101, fourth, under which Sedgwick County can make all contracts and do all other acts in relation to the concerns of the County. Approval is by simple majority vote.

Policy Considerations:

There are no policy considerations to be aware of.