



Building Partnerships

Interlocal Cooperation Act

K.S.A. 12-2901 *et seq.*

Purpose

The Interlocal Cooperation Act provides a mechanism for local governmental units to make the most efficient use of their resources by enabling them to cooperate with each other and thereby provide services and facilities in a manner that best suit the geographic, economic, population and other needs influencing the development of local communities. Eligible public agencies include any county, township, city, town, 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 the state or any agency or instrumentality of this state or of the United States. Privately owned agencies may also participate with public agencies in an interlocal agreement.

Interlocal Cooperative Agreements, Responsibilities and Powers

Public water suppliers wishing to create an interlocal cooperative must enter into agreements by ordinance, resolution or otherwise pursuant to law of their governing bodies.

- The agreements must specify the following:
 - The duration of the agreement
 - The precise organization, composition and nature of any separate legal or administrative entity created, together with the powers delegated to that entity
 - The purpose or purposes of the agreement
 - The manner of financing the cooperative undertaking and of establishing and maintaining a budget
 - The methods for partial or complete termination of the agreement and for disposing of property upon such termination
 - Any other necessary and proper matter
- If the agreement does not establish a separate legal entity to conduct the cooperative undertaking, the agreement, in addition to the above listed items, must also specify the following:
 - Provision for an administrator or a joint board, or the participating agencies responsible for administration of the cooperative undertaking. In the case of a joint board, all agencies party to the agreement shall be represented.
 - The manner of acquiring, holding and disposing of real and personal property used in the cooperative undertaking
- If the agreement creates a separate legal entity, such entity will have the following powers:
 - Take and hold any property, real or personal, in fee simple or otherwise
 - Sell, lease, lend or otherwise transfer any property or interest in property owned
 - Make contracts
 - Have and use a corporate seal
 - Issue bonds, notes or other indebtedness
- Agreements must be approved by the Attorney General
- Agreements must be filed with the register of deeds of the county or counties and with the Secretary of State

Formation of a Public Water Supply Cooperative Agreement

- Identify potential cooperative partners and determine interest in participation
- Interested participants form a steering committee
 - Usually a representative from each participating entity
- Identify each participant's needs and potential areas of cooperation
 - Shared/backup operators
 - Bulk purchasing (chemicals, supplies)
 - Centralized water system supervision/management
 - Centralized billing
 - Backup/emergency water supply
 - Emergency assistance/response
 - Equipment purchasing/sharing
- Set assessments to fund any needed studies and pay attorney fees
 - \$\$\$ per meter or flat rate
- Retain an attorney to develop the interlocal cooperative agreement
- Participants' governing bodies approve agreements, pass ordinances/resolutions
- Select consultants to conduct any needed studies
- Complete any needed studies
- Implement and operate cooperative agreement
 - Update/modify as needed