

MULTI-JURISDICTIONAL AGREEMENT FOR ROCK CREEK WATERSHED PLANNING & WATERSHED MANAGEMENT STUDY

This Agreement is entered into as of January 1 2013, by and among the City of Fairway, Kansas (Fairway), the City of Mission, Kansas (Mission), the City of Overland Park, Kansas (Overland Park), the City of Roeland Park, Kansas (Roeland Park), the City of Prairie Village, Kansas (Prairie Village), the City of Westwood, Kansas (Westwood), and the City of Mission Hills, Kansas (Mission Hills). Fairway, Mission, Overland Park, Roeland Park, Prairie Village, Westwood and Mission Hills are hereinafter collectively referred to as the "Cities".

Recitals

- A The Cities support the idea of multi-jurisdictional cooperation and management of the Rock Creek Watershed and the effort to further study and develop a watershed management plan for the Rock Creek Watershed (the Project).
- B The Project consists of developing a watershed management plan that will set forth a new multi-jurisdictional approach to stormwater management in the Rock Creek Watershed, as agreed to by the Cities. The Project will include but not limited to development of a vision and mission, governance structure, funding strategy, and implementation goals. Specific Project tasks can be found in the attached Exhibit A, "Scope of Services."
- C The Johnson County Stormwater Management Program ("SMP") supports funding the Project, as recommended by the Stormwater Management Advisory Council ("SMAC"). The SMP at 90% of costs, with the partner cities funding 10% of costs up to a total project cost of \$250,000. The breakdown of contributing parties is detailed below in the Agreement, item #3.
- D No funds will be expended by the SMP until the governing body of Johnson County, Kansas (the "County"), the Board of County Commissioners ("BOCC") has formally approved the SMP's 90% share of the cost of the Project
- E If funding is approved by the BOCC, no funds can be expended by the County until such time as the County and Fairway enter into a study agreement that outlines the County's and Fairway's responsibilities.
- F At no point will the SMP fund more than 90% of \$250,000 (\$225,000) for the completion of the Project.
- G All parties will identify a contact person to represent their entity for meetings and report back to their respective governing bodies.

Agreement

- 1 Fairway agrees to undertake the Project and shall enter into, in its name, appropriate contracts for the completion of the study contemplated by the Project.
- 2 The Project shall, generally, encompass the work described on the attached Scope of Services and Fairway shall endeavor to have the Project completed by December 31, 2014.
- 3 The Project costs are anticipated to be approximately \$250,000 which the parties agree shall be shared as follows: the County shall contribute 90% of the cost of the Project, up to \$225,000.

The remaining 10% of the cost of the Project shall be paid for as follows: Fairway and Mission shall each contribute \$12,500. If the Project costs are less than \$250,000, then the share of the Project cost to be paid by Fairway and Mission shall be reduced prorata.

- 4 Mission shall be entitled to receive a detailed invoice from Fairway for their share of costs from Fairway and Fairway shall supply an appropriate and detailed statement of such costs. Fairway shall not include as Project costs any costs other than those billed to Fairway by a third-party contractor and no costs incurred by the County or Fairway for County of Fairway staff time or overhead shall be included as a reimbursable expense.
- 5 Mission agrees to promptly remit to Fairway their share of Project costs upon the receipt of a properly documented statement from the Fairway.
- 6 This Agreement is entered into under the home rule powers of each entity granted by Article 12, § 5 of the Kansas Constitution and is not subject to approval by the attorney general under K.S.A. 12-2901 *et seq.* because, pursuant to K.S.A. 12-2908, it is an agreement between municipalities to perform governmental activities that each is authorized by law to perform, and thus not regarded as a interlocal agreement under the provision of K.S.A. 12-2901 *et seq.*.

This Agreement is entered into as of the January 1, 2013, even though the execution may have occurred before or after such date.

CITY OF FAIRWAY, KANSAS

By: _____
Mayor

Attest: _____

CITY OF MISSION, KANSAS

By: _____
Mayor

Attest: _____

CITY OF OVERLAND PARK, KANSAS

By: _____
Mayor

Attest: _____

CITY OF ROELAND PARK, KANSAS

By: _____
Mayor

Attest: _____

CITY OF PRAIRIE VILLAGE, KANSAS

By: _____
Mayor

Attest: _____

CITY OF WESTWOOD, KANSAS

By: _____
Mayor

Attest: _____

CITY OF MISSION HILLS, KANSAS

By: _____
Mayor

Attest: _____

EXHIBIT A

Scope of Services

Rock Creek Watershed Coalition Strategic Plan

Task 1 – Formation of Coalition Committee: A Coalition Committee (Committee) made up of representatives from each of the seven cities will be formed to develop recommendations regarding governance including but not limited to a watershed coalition (the “Coalition”) and funding. The Committee provides an opportunity to consider issues in more detail and provide representation for their respective cities. Individual Committee members are anticipated to be City Administrators / Managers and Public Works Directors or their appointed designees.

Pursuant to the provisions of the attached Agreement, Fairway will engage a Consultant to assist in the completion of the Project (the “Consultant”) Fairway may be referred to in this Exhibit A as, “Client”. Activities to be performed by the Consultant include:

- Meet with Client to identify needs and objectives
- Development membership lists and recommendations
- Develop recruitment plan
- Create information packets for potential members
- Assist with execution of recruitment plan

Task 2 - Questionnaires: A questionnaire will be distributed to the Committee members before the first meeting and in between the second and third meeting. The questionnaires will gather input regarding preferences, opinions, and understanding the issues surrounding formation of a watershed coalition. This will be administered electronically with paper copies made available to those who are not able to complete it electronically. Information about the potential governance coalition options can also be communicated to recipients of the questionnaire so it can also serve as an educational tool. Activities to be performed by the Consultant include:

- Develop questionnaire content and review it with client
- Create electronic questionnaire
- Distribute questionnaire
- Prepare summary of results
- Present results

Task 3 - Stakeholder Interviews: Committee members will likely have varied opinions, concerns and desires. Stakeholder interviews are helpful early in the process when trying to gather key background information before coalition building process begins. In addition, these interviews allow for Committee members to communicate their thoughts and opinions on a more personal level. We recommend stakeholder interviews be conducted with each community representative prior to the first Committee meeting and before the third meeting.

A standardized tool which includes a list of questions will be used for all participants. Interviews might be with individuals and they might be with small groups. In addition to soliciting input, such stakeholder interview meetings can also be used to educate the various stakeholders about the formation of a coalition as well as manage expectations about the process. Activities to be performed by the Consultant include:

- Develop list of interviewees

- Develop interview questions
- Distribute a questionnaire in advance
- Manage logistics
- Conduct interviews
- Prepare interview notes/ summary and distributive
- Meet with Client to debrief and present findings

Task 4 – Meetings: A series of five (5) meetings will be held in which all Committee members will be invited to participate. The meetings will be a combination of data and information presented by the Consultant as well as collaborative discussions with Committee members. Each meeting will build progressively towards shaping a final plan for creating a Coalition. Following is a list of the anticipated meetings and general topics to be discussed:

Meeting #1: Orientation, Vision & Mission – Committee members will be introduced to each other and the Consultant team. Discussions will center on the Committee members’ ideas for the vision and mission of the Coalition.

Meeting #2: Preliminary Goals & Objectives / Governance Structure – Consultant will lead the Committee through the process of identifying preliminary goals and objectives. Data from the questionnaire and stakeholder interviews will be presented and discussed. Consultant will present possible governance structures and seek input from Committee.

Meeting #3: Finalize Governance Structure / Preliminary Priorities / Funding – Consultant will present a proposed governance structure based on feedback from the Committee through meetings, questionnaires and stakeholder interviews. Committee will begin identifying priorities within the watershed. Consultant will present possible funding strategies and seek input from the Committee.

Meeting #4: Finalize Priorities / Finalize Funding / Draft ILA– Committee will finalize priorities within the watershed including a plan of action for the next two years. Consultant will present a proposed funding structure based on feedback from the Committee through meetings, questionnaires and stakeholder interviews. Consultant will present a Draft Final Report of all findings and recommendations including an inter-local agreement to establish the Coalition.

Meeting #5: Finalize Recommendations / Final ILA – Consultant and Committee will discuss the Draft Final Report including any questions or comments. Following the meeting, Consultant will issue a Final Report which will include a draft inter-local agreement.

Activities to be performed by the Consultant include:

- Prepare for meetings
- Manage logistics
- Attend pre-meeting work session with Client to prepare for meeting
- Attend and facilitate meeting
- Prepare agenda packets for meetings
- Distribute agenda packets and notices
- Prepare meeting notes
- Address following items
- Develop final report

Task 5 - Bus Tour/Field Trip: Tours and field trips provide an excellent opportunity to develop rapport with key stakeholders. A bus tour may be more powerful than presentations within the confines of a meeting room and necessary choices become more familiar to participants. A tour or field trip can allow for questions and answers about the problems and potential solutions in the watershed. The bus tour/field trip will include a watershed tour guide. A bus tour/field trip is recommended between the second and third Committee meeting. Activities to be performed by the Consultant include:

- Develop tour agenda, itinerary and handouts
- Manage logistics
- Develop tour map or field guide for participants
- Lead or participate in tour/ field trip
- Meet with Client to debrief

Task 6 - Strategies Workshop: A Strategies Workshop is useful to bring together stakeholders around to explore in-depth opportunities regarding various strategies that may be implemented by a Rock Creek Watershed Coalition. Formal presentations about potential strategies including planning, projects, codes/standards will be made followed by break-out groups and discussions. This could include other public officials from the communities that don't serve on the Coalition Formation Committee but that could be involved in implementation of strategies. The Strategies Workshop should be held between the second and third workshop. Activities to be performed by the Consultant include:

- Meet with client to identify desired outcomes
- Prepare event plan
- Arrange and attend pre-meeting
- Identify and research possible speakers
- Develop presentations, displays and meeting materials
- Train staff assisting with event
- Create and manage an invitation distribution list
- Recruit participants
- Staff and facilitate event
- Manage logistics
- Compile documents (sign in sheets, comment cards, etc.)
- Prepare and distribute a summary
- Hold a debriefing meeting

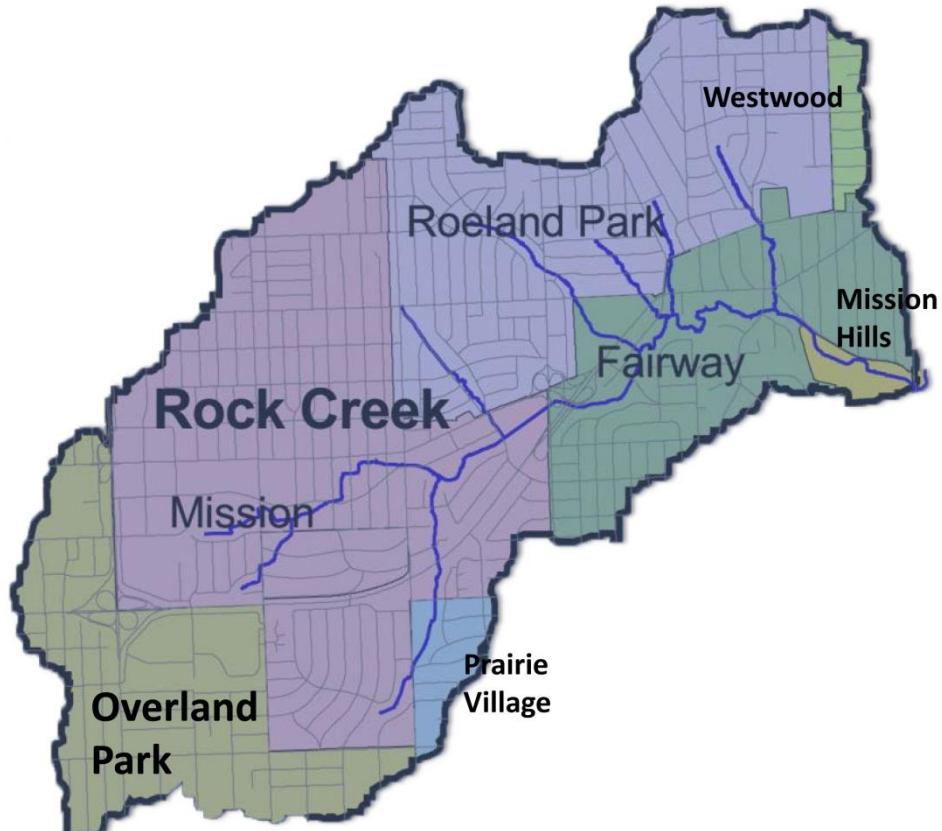
Task 7 - Elected Officials Briefing: Elected officials from each of the communities should be briefed during the process. We will provide tools to help the Committee members and County staff brief elected officials periodically throughout the Coalition formation process. Activities to be performed by the Consultant include:

- Prepare briefing materials
- Schedule briefing
- Meet with elected officials
- Conduct follow up

Task 8 – Technical Support: The Consultant will provide the following technical engineering and planning services as necessary to support the various tasks under this agreement:

- **Evaluation of Existing Studies:** Conduct a review of all relevant studies of the watershed in an effort to piece together a comprehensive picture of previously documented stormwater and development challenges facing the watershed. Provide a current summary and status report of the improvements that are recommended in each of the studies.
- **Identification of Changes to the Watershed:** Identify significant changes to the watershed that have occurred since the most recent study activity. Examples of such changes would include capital improvements, new development and redevelopment within the watershed.
- **Development Policy Review:** Provide an initial review of the development policies for each of the communities and Johnson County to assess their ability to guide future growth and development with regards to stormwater management. A review of the comprehensive plans, stormwater management plans and other policy documents will be conducted and a summary of those policies impacting stormwater management practices will be prepared.
- **Development Regulation Review:** Provide a brief overview of each of the local communities and Johnson County zoning ordinances, and other development codes, to assess the development code impact on stormwater management practices. Code requirements and practices impacting stormwater management along the Rock Creek corridor will be identified and summarized.
- **Stormwater Management Practices Review:** A basic review of current storm water management practices will be prepared to identify potential options for applications within the Rock Creek Watershed. The intent of the review is to generally demonstrate the different practices and their potential impacts on the development patterns of a community as well their impact to the watershed.
- **Enabling Legislation Review:** A review of the State of Kansas enabling legislation will be conducted to provide an understanding of the process and documentation to formally recognize a watershed management organization.

Rock Creek Watershed & Statistics



Community	Watershed Area (Sq. Mile)
Mission	1.7
Roeland Park	1.2
Fairway	0.8
Overland Park	0.8
Prairie Village	0.1
Mission Hills	0.1
Westwood	0.1
TOTAL	4.8