

2003 3 0 933 RESOLUTION 148-05

A RESOLUTION ESTABLISHING A SEDGWICK COUNTY ADVISORY BOARD FOR ONSITE WASTEWATER SYSTEM INSTALLATION AND MAINTENANCE, AND SANITARY SERVICE; PRESCRIBING THE NUMBER, QUALIFICATIONS AND MANNER OF APPOINTING ITS MEMBERS AND ESTABLISHING ITS RESPONSIBILITIES.

WHEREAS, K.S.A. 19-101A CONFERS HOME RULE POWERS ON THE BOARD OF COUNTY COMMISSIONERS OF SEDGWICK COUNTY TO PERFORM ALL POWERS OF LOCAL LEGISLATION AND ADMINISTRATION IT DEEMS APPROPRIATE; AND

WHEREAS, THE BOARD OF COUNTY COMMISSIONERS OF SEDGWICK COUNTY WISHES TO OBTAIN THE ADVISORY SERVICES OF LICENSED PROVIDERS OF ONSITE WASTEWATER SYSTEM INSTALLATION AND MAINTENANCE AND OF SANITARY SERVICE; AND

WHEREAS, ON OCTOBER 16, 2002, THE BOARD OF COUNTY COMMISSIONERS OF SEDGWICK COUNTY ENACTED SEDGWICK COUNTY RESOLUTION #152-02, EFFECTIVE OCTOBER 21, 2002, PROVIDING FOR THE ESTABLISHMENT OF THE SEDGWICK COUNTY ADVISORY BOARD FOR ONSITE WASTEWATER SYSTEM INSTALLATION AND MAINTENANCE AND SANITARY SERVICE;

WHEREAS THE BOARD DEEMS IT APPROPRIATE TO INCREASE THE BOARD MEMBERSHIP BY TWO POSITIONS BY ADDING ONE ADDITIONAL LICENSED WASTEWATER SYSTEM INSTALLER AND ONE ADDITIONAL LICENSED PROVIDER OF SANITARY SERVICES; AS WELL AS MAKE CERTAIN CLARIFYING MODIFICATIONS REGARDING THE BOARD'S POWERS;

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

Section 1. CREATION. There is hereby created the Sedgwick County Advisory Board for Onsite Wastewater System Installation and Maintenance and Sanitary Service ("the Advisory Board").

Section 2. MEMBERSHIP AND TERM OF OFFICE. The Advisory Board shall consist of seven (7) persons who shall be appointed as follows:

At least three (3) members who hold a current Sedgwick County license for onsite wastewater system installation and maintenance in Sedgwick County;

At least two (2) members who hold a current Sedgwick County license to provide sanitary service in Sedgwick County;

At least one (1) member who is a member of the general public residing in Sedgwick County; and

At least one (1) member who holds a professional engineer's license in the State of Kansas and who practices in Sedgwick County.

Such Advisory Board members shall assume membership upon appointment to their respective positions of office or employment, and they will continue to serve thereon as long as they hold their said respective positions. Advisory Board members shall be appointed by and serve at the pleasure of the Sedgwick County Board of County Commissioners.

Appointments shall be for a period of four years commencing upon the date of the adoption of the appointing resolution.

Section 3. Meetings, Officers, Records. The Advisory Board shall convene for its meetings at the Sedgwick County Department of Code Enforcement at 1144 S. Seneca, Wichita, Kansas, or at other locations as designated by the Chair of the Advisory Board. The Advisory Board shall elect one member as its chair, and one member as its vice-chair. The terms of office of the Chair and Vice-Chair shall be for one year. The Director of the Department of Code Enforcement shall be an ex officio member of the Advisory Board and shall act as secretary to the Advisory Board but shall have no vote on any matter before the Advisory Board. The Director of the Department of Code Enforcement shall cause a proper record to be kept of all proceedings of the Advisory Board.

Section 4. **Responsibilities.** The purpose of the Advisory Board is to advise the Sedgwick County Board of County Commissioners and the Director of the Department of Code Enforcement on matters of policy and procedure regarding any matters related to the onsite wastewater system installation and maintenance and sanitary service. In support of same, the Advisory Board may:

(A) Recommend, when it deems necessary, operational policies and procedures for the Sedgwick County Board of County Commissioners, and also recommendations for implementation of those policies and procedures.

(B) Conduct hearings on orders, decisions or determinations made by the Director of the Department of Code Enforcement relative to the application and interpretation of Sedgwick County resolutions concerning onsite wastewater system installation and maintenance and sanitary service, including but not limited to decisions to deny, suspend or revoke any license or permit issued by the Director of the Department of Code Enforcement for onsite wastewater system installation and maintenance or denial of a permit or license for sanitary service.

(C) Adopt rules of procedure for conducting its business, and shall render all decisions in writing to the parties affected with a duplicate copy to the Director of the Department of Code Enforcement. Appeals from decisions of the Advisory Board may be taken to the Sedgwick County Board of County Commissioners.

Section 5. **Limitation on the Advisory Board's Power.** Other than that set out in Section 4(B) of this resolution, the Advisory Board shall have no other authority relative to interpretation of the Sedgwick County Code or resolutions concerning onsite wastewater system installation and maintenance or sanitary service nor shall the Advisory Board be empowered to waive requirements of those resolutions.

Section 6. **Effective Date.** This resolution shall take effect after publication. The clerk is hereby directed to publish this resolution once in the official county newspaper.

Commissioners present and voting were:

DAVID M. UNRUH	<i>Aye</i>
TIM R. NORTON	<i>Aye</i>
THOMAS G. WINTERS	<i>Aye</i>
LUCY BURTNETT	<i>Aye</i>
BEN SCIORTINO	<i>Aye</i>

DATED this 7 day of September, 2005.

BOARD OF COUNTY COMMISSIONERS
OF SEDGWICK COUNTY, KANSAS




David M. Unruh, Chairman
First District

APPROVED AS TO FORM:



Robert W. Parnacott
Assistant County Counselor

ATTEST:



Don Brace
County Clerk

