

12-888. Agreement creating; requirements, procedure. (a) Any city in which the resolution of the governing body thereof providing for the creation of a municipal energy agency has become effective may become a member of such municipal energy agency, with all the rights, powers and duties pertaining thereto, by executing an agreement creating the municipal energy agency. Such agreement shall be approved by resolution of a majority of the members of the governing body of each such city and shall be executed by the mayor of each such city. The agreement shall include the following:

- (1) The name of the agency, which shall include the words "municipal energy agency";
- (2) the duration of the agency, which may be perpetual;
- (3) the name of each city proposing to be a member of the agency;
- (4) the address of the agency's registered office and the name of the resident agent in charge of such office, except that where the city clerk of a member city is to be the resident agent the name of such city clerk need not be specified in the agreement;
- (5) the manner in which bylaws of the agency may be adopted;
- (6) the number of directors to serve on the board of directors and the method of selecting such directors, consistent with the provisions of K.S.A. 12-891;
- (7) a statement that the cities which are members of the municipal energy agency are not liable for the obligations of the agency;
- (8) any limitation or restriction on the power of the agency not specified in this act; and
- (9) any other provision relating to the organization or operation of the agency which the parties deem appropriate and which is not inconsistent with this act or the laws of this state.

(b) No agreement made pursuant to this section shall take effect until submitted to and approved by the attorney general. Such agreement shall be approved unless the attorney general finds that it does not meet the requirements set forth in this act or other laws of this state, in which event the attorney general shall give written notice to the governing body of each of the proposed member cities, detailing the specific respects in which the proposed agreement fails to meet the requirements of law. Failure to disapprove an agreement submitted hereunder within sixty (60) days of its submission shall constitute approval thereof.

(c) Before a municipal energy agency commences business, the agreement, as approved by the attorney general, shall be filed with the secretary of state and the state corporation commission. A copy thereof, certified by the secretary of state, shall be filed in the office of the register of deeds of each county in which any member city is located. Upon filing of such certified copy of the agreement with the register of deeds of each such county, the municipal energy agency so created shall thereupon be a quasi-municipal corporation.

History: L. 1977, ch. 48, § 4; July 1.