

28 June 2024

MEMORANDUM FOR Trustee, High Prairie Township  
Mayor, City of Lansing  
Chairman, Fire District 1 Board of Trustees

SUBJECT: Delaware Township – Notice of Intent to Withdraw from Fire District 1 (FD1) Interlocal Agreement (ILA).

1. At its meeting on 17 June 2024, the Delaware Township board unanimously approved a motion to withdraw from the ILA establishing and maintaining FD1 on 31 December 2024 or the earliest practicable date thereafter under the terms stipulated in paragraphs 2 and 10(b) of the agreement. This memorandum communicates this intent to the parties to the ILA, the FD1 Board and the BoCC.
2. The City of Lansing approved a motion to withdraw from the ILA at a meeting of the city council on 15 December 2022 and formally communicated its intent that the withdrawal be effective 26 June 2024. The city has agreed to remain a party to the FD1 relationship through year-end 2024 to accommodate budgetary and administrative considerations associated with the transition to the establishment of a city department and the convenience of the other parties to the ILA.
3. As the city noted in its letter, this action in no way indicates dissatisfaction with the fire and emergency services protection provided by the FD1 department. Delaware Township commends both the leadership of Chief Stackhouse and the oversight and governance provided by the FD1 board under its chair, Rob Gaslin. Lansing's withdrawal from the ILA does however, unravel the fabric of the fiscal and administrative structure supporting the operations of FD1, calling its ability to provide a viable public safety service to question. This situation presents all parties to the agreement with risk management issues that require a restructuring of the relationship among the parties to the ILA. Thus, Delaware has engaged in good faith negotiations with both the City of Lansing and High Prairie Township to attempt to define a contractual relationship meeting the requirements for fire and emergency services protection for all parties. Delaware believes an agreement among all three parties to the current ILA offers the lowest risk course of action going forward. Failing such agreement, Delaware Township believes a contractual relationship with the City of Lansing is the lowest risk course to serve the public safety interests of the township.
4. Delaware Township's assessment is that upon the withdrawal of the City of Lansing from the ILA the *pro rata* dissolution of the materiel and fiscal resources stipulated in paragraphs 10(c) and (d) will, at that point in time, be insufficient to support staffing and operations of the FD1 department at capability levels sufficient to service the needs of the two remaining signatories. This degradation of service constitutes a hazard to the public safety interests of its constituents. As the contract deliverable of the ILA is the provision of effective fire and emergency services to the district, such situation effectively creates an anticipatory breach condition which the Delaware board believes can only be remedied by the waiver of the 18 month notice requirement in paragraph 10(b), thereby freeing all signatories to establish new service relationships at such time as the City of Lansing withdraws from the agreement, currently set at midnight, 31 December 2024.

5. Delaware Township therefore requests that the FD1 Board of Trustees take such action as may be needed to abrogate the provisions of paragraph 10(b) of the ILA and amend the agreement to suspend operations of the FD1 department concurrently with the withdrawal of the City of Lansing from the ILA and the commencement of operations by the Lansing Fire Department. If the FD1 Board of Trustees feels this action is outside the scope of its charter, we ask that this action be referred to the Board of County Commissioners for consideration and appropriate action.

Respectfully submitted,

TRAVIS T. HUNSEKER  
Trustee, Delaware Township

Copy furnished: Board of County Commissioners (BoCC) - Leavenworth County, Kansas