

JUN 20 2022

**RESOLUTION NO. 2022 -14**

**A Resolution Amending and Restating Resolution 2021-09 Updating the Procedure for Payment of Proceeds of Insurance Policies in the Event of Fire or Other Damage Pursuant to K.S.A. 40-3903 and Establishing Procedures for Collection Thereof**

**WHEREAS**, the Board of County Commissioners of the County of Jackson, Kansas, is authorized by K.S.A. 40-3903 to establish, by resolution, a procedure for payment to the County of not more than fifteen percent (15%) of the proceeds of any insurance policy based upon a covered claim payment made for damage or loss to a building or other structure, caused by or arising out of any fire, explosion or windstorm, where the covered claim payment is in excess of seventy-five percent (75%) of the face value of the policy covering a building or other insured structure; and

**WHEREAS**, the Board of County Commissioners of the County of Jackson, Kansas approved such a Resolution (2021-09) on March 29, 2021; and

**WHEREAS**, the Board of County Commissioners of the County of Jackson, Kansas wish to update and restate the terms of that Resolution as provided below.

**NOW, THEREFORE**, the Board of County Commissioners of the County of Jackson, Kansas, resolves to authorize the following:

1. A lien shall arise in favor of Jackson County on the proceeds of any insurance policy based upon a covered claim payment made for damage or loss to a building or other structure caused by fire, explosion or windstorm for any and all structures located within the County.

2. The lien arises upon any unpaid tax, special ad valorem levy, special assessment or other charge imposed upon real property by or on behalf of the County which is an encumbrance on real property, whether or not evidenced by written instrument, or such tax, levy, assessment, expense, or other charge that has remained undischarged for at least on (1) year prior to the filing of a proof of loss.

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3. Such special assessment shall include the cost of removal of the building or structure, less salvage value, pursuant to K.S.A. 40-3903(c), in the event certification is not made pursuant to K.S.A. 40-3906.

4. Payment of insurance proceeds as authorized in K.S.A. 40-3903(a) by the insurer to the County shall be fifteen percent (15%) of the proceeds of any insurance policy based upon a covered claim payment made for damage or loss to a building or other structure, caused by or arising out of any fire, explosion or windstorm.

5. This Resolution shall apply only to a covered claim payment which is in excess of seventy-five percent (75%) of the face value of the policy covering a building or other insured structure.

6. Payment made to the County pursuant to this Resolution, after all amounts due the holder of a first real estate mortgage against the building or other structure pursuant to the terms of the policy and endorsements thereto are paid, shall be deposited into an interest-bearing account.

7. The County shall release the insured's proceeds and any interest which has accrued on such proceeds received within forty-five (45) days after receipt of such moneys, unless the County has instituted proceedings, using the procedure under K.S.A. 12-1752, and amendments thereto. If the County has instituted legal proceedings, all moneys in excess of that necessary for the removal of the building or structure, less salvage value, and such other liens on the property as referenced in K.S.A. 40-3904, shall be paid to the insured. The County shall have a reasonable amount of time to determine such cost of removal.

8. The County shall institute legal proceedings using the procedure under K.S.A. 12-1752 in the event the enforcing officer of the County deems the removal of a building or structure damaged by fire, explosion or windstorm is necessary for the health, safety and welfare of the public.

9. The enforcing officer for Jackson County shall be and is the Zoning Administrator. The

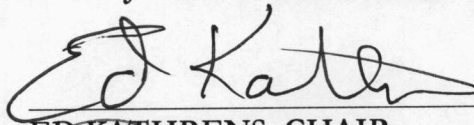
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Zoning Administrator shall seek the advice of experts, when necessary, in making her/his determinations.

10. The Board of County Commissioners of Jackson County, Kansas shall notify the Commissioner of Insurance upon adoption of this Resolution.

**APPROVED** this 20<sup>th</sup> day of June, 2022.

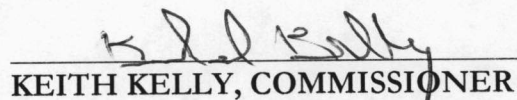
**BOARD OF COUNTY COMMISSIONERS  
JACKSON COUNTY, KANSAS**



**ED KATHRENS, CHAIR**



**DAN BRENNER, COMMISSIONER**



**KEITH KELLY, COMMISSIONER**

**ATTEST:**



**KATHY MICK, COUNTY CLERK**