

FILE

Subject

*Quenships  
Fire Districts*

Copy to



STATE OF KANSAS

*Office of the Attorney General*

State Capitol Bldg. (913) 296-2215 Topeka, Kansas 66612

VERN MILLER  
Attorney General

May 6, 1974

Opinion No. 74- 136

Daniel D. Metz  
Lincoln County Attorney  
Lincoln County Courthouse  
Lincoln, Kansas 67455

• Dear Mr. Metz:

You inquire concerning the proposed Sylvan Grove Rural Fire District. The question has arisen whether the board of county commissioners, as the governing body of the district, may lawfully contract with the city of Wilson, Kansas, outside of the fire district, to provide fire protection services to an area within the fire district comprising the south eighteen sections of Highland Township, and agree to pay therefor the proceeds of the fire district levy derived from that territory.

K.S.A. 19-3608 states in pertinent part thus:

"The board of county commissioners, as the governing body of any fire district organized by virtue of this act, may enter into agreements (and may modify or alter the same) with any township or townships, city or cities in the county or with adjacent townships or cities in adjacent townships in adjoining counties having an organized fire department under the control of the governing body thereof, for fire protection services and for the use, operation, care and maintenance of any fire apparatus or equipment belonging to such district."

Wilson is a city in an adjacent township in an adjoining county, and thus, a city with which the fire district may contract for fire protection. The governing body of the fire district may contract with the city to pay the reasonable cost of providing fire protection to the area in question.

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However, the governing body of the fire district cannot be legally obligated, as a condition of organization of the district or otherwise, to pay a fixed amount each year equal to the proceeds from the levy on the eighteen-section area. The amount to be agreed upon for this fire protection is by law within the judgment and discretion of the governing body of the fire district, and cannot legally be irrevocably fixed to the amount of taxes levied from the area serviced pursuant to the agreement.

Yours very truly,



VERN MILLER  
Attorney General

• VM:JRM:jsm