



STATE OF KANSAS

*Office of the Attorney General*

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CURT T. SCHNEIDER  
Attorney General

April 10, 1975

Opinion No. 75- 157

Mr. Alvin F. Grauerholz  
City Commissioner  
716 Maple Street  
Coffeyville, Kansas 67337

Dear Al:

Congratulations on your election victory. I know that your service will be an asset to Coffeyville.

You indicate that for over 24 years, you have been the salaried attorney for Verdigris River Drainage District No. 1, Montgomery County, which is responsible for the levee around the eastern side of Coffeyville. You inquire whether there is any legal objection to your continued service as salaried attorney for the board of directors of the Drainage District while serving at the same time as a member of the board of county commissioners of Coffeyville.

At Dyche v. Davis, 92 Kan. 971 (1914), the court stated thus:

"Offices are incompatible when the performance of the duties of one in some way interferes with the performance of the duties of the other. This is something more than a physical impossibility to discharge the duties of both offices at the same time. It is an inconsistency in the functions of the two offices."  
92 Kan. at 977.

I see no legal incompatibility between your service as counsel for the drainage district and as city commissioner. There appears to be no legal relationship whatever between the duties of the two positions, and certainly, no incompatibility. The fact that

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salary is received for service in both positions is no objection to your continued service in both, for there is no general legal objection to a public official receiving compensation for services from two public political subdivisions, such as municipal corporations and quasi-corporations, except as a statute expressly prohibits it, and there is no statute applicable here. In addition, there is no question of conflict of interest here, that is, a personal interest of your own which would interfere in any way with your responsibilities to either public corporation.

In short, there is in my opinion no objection to your continued service as counsel for the board of directors of the Verdigris Drainage District No. 1, Montgomery County, while serving on the board of city commissioners of Coffeyville.

Again, congratulations on your election. If I can be of help to you and the city at any time, please call.

Yours very truly,



CURT T. SCHNEIDER  
Attorney General

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