



STATE OF KANSAS

Office of the Attorney General

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CURT T. SCHNEIDER
Attorney General

August 11, 1975

ATTORNEY GENERAL OPINION NO. 75-318

Mr. Douglas S. Brunson
Kiowa County Attorney
Kiowa County Courthouse
Greensburg, Kansas 67054

Re: Counties--Publication of Expenditures--Duty of
County Attorney

Synopsis: The County Attorney has authority by virtue of his office to bring an action in the name of the State of Kansas against a board of county commissioners which refuses to publish a statement of county expenditures in compliance with K.S.A. 19-228.

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Dear Mr. Brunson:

You inquire concerning your responsibility, if any, in the face of the avowed intention of the board of county commissioners of Kiowa County to publish a statement of county expenditures which identifies those expenditures only by general categories and provides only totals for each category. I agree with you that the proposed publication does not conform to the statute as interpreted in opinions issued by this office during the last fifteen years, including the most recent pertinent opinion, no. 75-310.

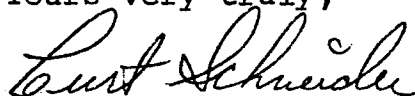
You inquire what steps, if any, should be taken in view of the commissioners' stated intention. You question whether, in view of your position as counsel to the board, you have the authority and obligation to bring an action against the commissioners to enforce their statutory obligation. In *State ex rel. Ratner v. Labette County*, 114 Kan. 726 (1923), the court upheld the right of a county attorney to bring an action in the name of the State of Kansas against the county commissioners of the county in which he serves. While by law the county attorney and board of county commissioners stand somewhat in an attorney-client relationship,

Mr. Douglas S. Brunson
Page Two
August 11, 1975

the relationship is not merely a personal one, but is official in nature. The county attorney has an overriding obligation to assure that the board transacts the business of the county in accordance with law.

Thus, in my judgment you are not inhibited by your official position as counsel to the board of county commissioners from taking steps to assure that the board acts in compliance with state law in the discharge of its official duties, and indeed, from bringing a legal action in the name of the State of Kansas to enforce their official obligations. So long as the statute remains in force, the taxpayers must be given its full benefit and are entitled to full and detailed monthly published disclosure of county expenditures. I earnestly recommend that legal action be brought if the commissioners persist in their stated intention.

Yours very truly,



CURT T. SCHNEIDER
Attorney General

CTS:JRM:kj