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Subject

Counties  
GeneralDIVISION CHIEF

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December 10, 1975

ATTORNEY GENERAL OPINION NO. 75-453

Mr. Larry D. Ehrlich  
 Russell County Attorney  
 Russell County Courthouse  
 Russell, Kansas 67665

Re: Counties--Law Enforcement--Consolidation

Synopsis: A county and cities therein may utilize the procedures of K.S.A. 1974 Supp. 12-3901 *et seq.* to provide for the consolidation of law enforcement services provided by such county and cities therein, without the necessity of further authorizing legislation.

\* \* \*

Dear Mr. Ehrlich:

You inquire concerning the availability of K.S.A. 1974 Supp. 12-3901 *et seq.* for consolidation of law enforcement services in Russell County. In particular, you indicate that interest has been expressed in the availability of such a local procedure, so as to obviate the necessity of a special bill in the 1976 Legislature.

K.S.A. 1974 Supp. 12-3901 defines the purpose of the act thus:

"It is the purpose of this act to authorize and permit political and taxing subdivisions of this state to more efficiently and effectively serve the needs of their constituents by consolidating or cooperating in the consolidation of operations, procedures and functions of offices and agencies of such subdivisions

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which may be more efficiently and effectively exercised or provided by a single office or agency."

K.S.A. 1974 Supp. 12-3903 provides in pertinent part as follows:

"[W]henever the governing body of any two or more political or taxing subdivisions of this state shall by the passage of identical resolutions determine that duplication exists in the operations, procedures or functions of offices or agencies of such subdivisions or that the operations, procedures or functions of any of the offices or agencies thereof can be more efficiently and effectively exercised or provided as a consolidated activity performed by a single intergovernmental office or agency or by a single office or agency of one of the participating political or taxing subdivisions, such governing body or governing bodies are hereby authorized to consolidate any or all of the operations, procedures or functions performed or carried on by such offices or agencies by the passage of a resolution or identical resolutions setting out the time, form and manner of consolidation and designating the surviving office or agency. The elimination of an elective office by consolidation under the provisions of this act shall be subject to the approval of a majority of the electors of the political or taxing subdivision served by such office, voting at an election called and held for such purpose, in the manner provided by the general bond law."

The term "political and taxing subdivisions of this state" is defined to include both cities and counties. K.S.A. 1974 Supp. 12-3902.

This act is particularly well-suited for the consolidation of law enforcement services rendered by the county and cities therein. I fully agree that the county, together with the cities therein, may consolidate city and county law enforcement services

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by the adoption of appropriate identical resolutions, without resort to the Legislature for specific authorizing legislation. If it is determined to be desirable to eliminate any elective office, such as that of county sheriff, that question must, of course, be submitted to the people at an election called and held for that purpose, which election might be held at the same time as and in conjunction with the 1976 November general election. If no elective office is to be eliminated, there would be no legal requirement that the consolidation plan be submitted to the electors of the county and cities therein.

Yours very truly,

CURT T. SCHNEIDER  
Attorney General

CTS:JRM:kj