

STATE OF KANSAS

## Office of the Attorney General

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**Curt T. Schneider**  
Attorney General

February 17, 1978

ATTORNEY GENERAL OPINION NO. 78-77

Mr. Richard J. Rathbun II  
Comanche County Attorney  
215 East Main  
Coldwater, Kansas 67029

Re: Counties--Buildings--Contracts

Synopsis: K.S.A. 19-214 requires that all contracts for the erection of county buildings be awarded on a public letting to the lowest responsible bidder. It does not apply, however, to the purchase of an existing structure by the board of county commissioners for county use. No charter resolution is necessary to exempt the transaction from the cited statute, accordingly, and purchase of the structure may be authorized by ordinary resolution.

\* \* \*

Dear Mr. Rathbun:

You request my opinion concerning a proposed contract between the board of county commissioners of Comanche County, Kansas, and two individuals who are members of the board of trustees of the Comanche County Hospital.

The two individuals, acting in their private capacity, proposed to purchase a tract of land from the county, erect a building thereon, and convey the completed structure and site therefor to the county.

K.S.A. 19-214 states in pertinent part thus:

"All contracts for the erection of any courthouse, jail, or other county building,

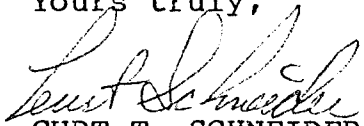
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or the construction of any bridge, the cost of which exceeds two thousand dollars (\$2,000), shall be awarded, on a public letting, to the lowest responsible bidder."

You inquire whether this statute applies to the proposed contract. In my judgment, it does not. The statute applies only to contracts for construction, and does not extend to contracts providing only for the purchase of a completed structure.

In response to your second question, in my judgment, the board of county commissioners may approve the contract by ordinary resolution rather than by charter resolution. From my review of the matter, I find no statute which prohibits the proposed course of action as described above, and thus, no statute from which the county need seek to exempt itself by charter resolution. Thus, an ordinary resolution is sufficient to authorize the procedure as described above.

Yours truly,

  
CURT T. SCHNEIDER  
Attorney General

CTS:JRM:kj