

STATE OF KANSAS

## Office of the Attorney General

1st Floor, State Capitol Bldg. (913) 296-2215 Topeka, Kansas 66612

**Curt T. Schneider**  
Attorney General

August 9, 1978

ATTORNEY GENERAL OPINION NO. 78- 254

Mr. Samuel L. Schuetz  
Brown County Attorney  
Brown County Courthouse  
Hiawatha, Kansas 66434

Re: Counties And County Officers--Miscellaneous Provisions--  
Authority Of Sheriff To Relocate County Sheriff's Office

Synopsis: Under K.S.A. 1977 Supp. 19-2601, the Sheriff of each county is required to locate his office at the county seat, such place provided by the county, such place provided by law, or at such place as directed by the County Commission.

\*

\*

\*

Dear Mr. Schuetz:

You inquire as to whether the Sheriff of Brown County may move his office from the Brown County Law Enforcement Building to the Brown County Jail. Apparently the county sheriff's office is housed at the Law Enforcement Building with certain other law enforcement agencies within the county, including the Hiawatha City Police Department. Relations between these two agencies are strained, and for this and other reasons the Sheriff on his own initiative wishes to move his offices from the building provided.

There is a specific provision of the Kansas Statutes which is particularly on point. K.S.A. 1977 Supp. 19-2607 provides:

"Every county officer shall keep his or her office at the seat of justice of such county, and in the office provided by the county, if any such has been provided; and if there be none established, then at such

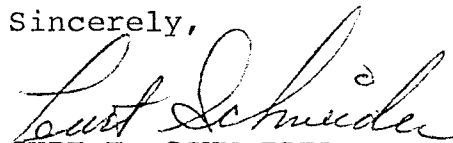
Mr. Samuel L. Schuetz  
Page Two  
August 9, 1978

place as shall be fixed by special provisions of law; or if there be no such provisions, then at such place as the board of county commissioners shall direct and they shall keep the same open during such days and hours as shall be fixed by the board of county commissioners; and all books and papers required to be in their offices shall be open for the examination of any person; and if any of said officers shall neglect to comply with the provisions of this section, such officer shall forfeit for each day he or she so neglects, the sum of five dollars (\$5)."

We have been furnished a copy of a contract between Brown County and the City of Hiawatha, dated 1974, whereby the county agrees to lease quarters in the Law Enforcement Building for the sheriff's office. Although the sheriff is an elected county officeholder, just like the other officials of the county, he enjoys no separate and independent power to establish his office when and where he wishes. His office must be located in quarters provided by the board of county commissioners. If the county has in force a contract for the lease of space in the Law Enforcement Building for the sheriff's offices, the sheriff may not, without the consent of the board of county commissioners, vacate those quarters and relocate his offices elsewhere.

Disregard of the above provisions subjects the Sheriff to the forfeiture of five dollars (\$5) per day.

Sincerely,



CURT T. SCHNEIDER  
Attorney General

CTS:RNW:jj