



STATE OF KANSAS

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ATTORNEY GENERAL OPINION NO. 83- 19

Brenda West Hagerman  
Pawnee County Attorney  
Pawnee County Courthouse  
Larned, Kansas 67550

Re: Cities and Municipalities--Interlocal Cooperation--  
Interlocal Agreement to Construct a Building for  
School District, City and County Purposes

Counties and County Officers--County Buildings--  
Financing of Construction Costs

Synopsis: A county may enter into an interlocal agreement with a city and school district to provide for the construction, operation and maintenance of a public building. K.S.A. 19-15,116 prescribes the sources from which the county can derive moneys with which to pay its share of the costs of such an undertaking. Finally, if the county chooses to issue general obligation bonds in regard to this project, a vote of the county electors may or may not be required, depending upon whether the cost to the county would exceed \$100,000. Cited herein: K.S.A. 12-2901, 19-15,114, 19-15,116.

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Dear Ms. Hagerman:

You explain that there is a good deal of interest in Pawnee County for the construction and operation of a community center in the city of Larned. You indicate that one of the possibilities being considered is to have Pawnee County, the city of Larned,

and Unified School District No. 495 enter into an interlocal agreement to effect the construction and provide for the operation and maintenance of such a center. Finally, you indicate that, in Attorney General Opinion No. 82-90, we opined, among other things, that the city of Larned and Unified School District No. 495 were authorized to enter into an interlocal agreement for the purpose of constructing such a building, if the same was needed for both school and municipal purposes.

On behalf of Pawnee County, you request the opinion of the Attorney General concerning the following questions. First, can the county of Pawnee, pursuant to an agreement made under the authority of K.S.A. 12-1901 et seq., participate with the city of Larned and Unified School District No. 495 in the construction, operation and maintenance of a community center? Second, what alternatives are available to the county to fund its share of the costs of constructing such a center? Finally, can the county "raise funds" for its share of the costs of constructing such a center, without the necessity of holding a bond election?

In response to your first inquiry, we see no need to undertake an exhaustive recitation of the authority conferred upon public agencies, including counties, cities and school districts, by the provisions of K.S.A. 12-2901 et seq. Suffice it to say that, consistent with prior opinions of this office, we are of the opinion that a county, under the authority of K.S.A. 12-2901 et seq., may contract with a city and a school district to provide for the construction, operation and maintenance of a public building. See Attorney General Opinion Nos. 82-90 and 74-360.

In regard to your inquiry concerning the alternatives available to the county to pay its share of the costs of constructing such a building, we note the legislature has enacted an act, applying uniformly to all counties, which prescribes methods of financing the costs of constructing public county buildings. The act is codified at K.S.A. 19-15,114, et seq. We believe the county would be required to proceed under this act, specifically K.S.A. 19-15,116, to finance its share of the costs in constructing such a building.

Finally, in regard to your inquiry of whether an election would be necessary before the county could issue general obligation bonds, we note that K.S.A. 19-15,116 specifically provides:

"The board of county commissioners of  
any county may for the purposes herein-  
before authorized and provided:

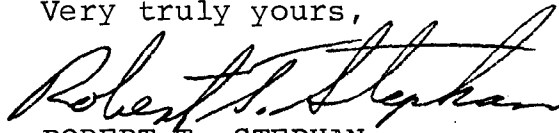
. . . .

"(c) Issue general obligation bonds of the county, except that no bonds for any construction, acquisition or improvement, the cost of which exceeds one hundred thousand dollars (\$100,000) shall be issued until the question of the issuance of such bonds shall have been submitted to a vote of the qualified electors of the county and received the approval of a majority of those voting thereon at a general election or at a special election called for that purpose. Such election shall be called and held and bonds issued in the manner provided by the general bond law . . . ."

Thus, whether an election is required prior to the issuance of general obligation bonds depends on whether the cost to the county would exceed \$100,000.

In summary, therefore, it is our opinion that a county may enter into an interlocal agreement with a city and school district to provide for the construction, operation and maintenance of a public building. K.S.A. 19-15,116 prescribes the sources from which the county can derive moneys with which to pay its share of the costs of such an undertaking. Finally, if the county chose to issue general obligation bonds in regard to this project, a vote of the county electors may or may not be required, depending upon whether the cost to the county would exceed \$100,000.

Very truly yours,



ROBERT T. STEPHAN  
Attorney General of Kansas



Rodney J. Bieker  
Assistant Attorney General

RTS:BJS:RJB:jm