



STATE OF KANSAS

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May 17, 1985

ATTORNEY GENERAL OPINION NO. 85- 53

The Honorable Marvin Smith  
State Representative, 50th District  
123 East 82nd Street  
Topeka, Kansas 66617

Re: Counties and County Officers -- County Buildings --  
Civic Centers in Certain Counties

Synopsis: K.S.A. 1984 Supp. 19-15,140 authorizes the Shawnee County Commissioners to issue general obligation bonds of the county to carry out the authority granted in K.S.A. 1984 Supp. 19-15,139. The latter statute permits the county commissioners to acquire, by purchase or otherwise, civic and other multi-use public facilities. The board is authorized to do all things "incidental or necessary" to the establishment of such facilities. Such language, along with similar language in the ballot proposition by which the voters approved the issuance of the bonds, is sufficiently broad to cover expenditures for the purchase of property which is "incidental and necessary" to the establishment of the civic or multi-use public facility. Cited herein: K.S.A. 19-15,114; K.S.A. 1984 Supp. 19-15,139; 19-15,140.

\* \* \*

Dear Representative Smith:

As state representative for the 50th district, you have requested our opinion on a question relating to the expenditure of certain bond proceeds in Shawnee County.

Issuance of the bonds in question was approved by Shawnee County voters in 1983. The ballot proposition submitted to the voters provided:

"Shall Shawnee County, Kansas issue and sell its General Obligation Bonds in the aggregate principal amount of not exceeding Nineteen Million Seven Hundred Thousand Dollars (\$19,700,000) for the purpose of providing funds to construct on the Shawnee County Fairgrounds a civic center complex consisting of buildings and parking facilities and to remodel and equip certain existing public buildings, together with all things necessary and incidental thereto, under the authority of K.S.A. 19-15,139 et seq., 19-15,114 et seq., all as amended, and Article One of Chapter 10 of the Kansas Statutes Annotated and all amendments thereto?" (Emphasis added.)

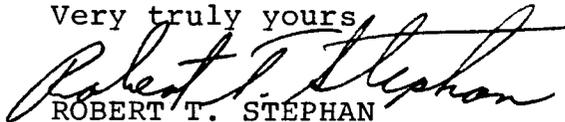
The bonds were authorized by K.S.A. 19-15,139 et seq., and K.S.A. 15,114 et seq. By the terms of K.S.A. 1984 Supp. 19-15,140, the Shawnee County Commissioners are authorized to issue general obligation bonds of the county to carry out the authority granted in K.S.A. 1984 Supp. 19-15,139. The latter statute provides in relevant part:

"The board of county commissioners of . . . Shawnee . . . county[y] may acquire by condemnation, gift, bequest, purchase or lease from public or private sources and may plan, construct, reconstruct, repair, remodel, furnish, equip, operate and maintain, and may lease to others for operation and maintenance, civic and other multi-use public facilities for the benefit of the people of the county . . . . The board may do all things incidental or necessary to establish public or private facilities, located upon, above or below the ground, for the types of functions deemed suitable by the board." (Emphasis added.)

You inform us that it has come to your attention that the county has expended bond proceeds for the purchase of property near the fairgrounds and for relocation expenses of the owners of the property. It is your opinion that expenditure for such purposes

is not within the scope of the proposition approved by the voters, nor within the scope of the county resolution authorizing the issuance. However, it is our conclusion that the phrase in the ballot proposal providing that bond proceeds will be used to construct a civic center complex, "together with all things necessary and incidental thereto," is sufficiently broad to cover the expenditures you have described. The relevant authorizing statute also contains language providing that a board of county commissioners may expend bond proceeds to acquire by purchase and "do all things incidental or necessary" to establish civic centers and other multi-use public facilities. You do not provide any examples of the expenditures in question other than to indicate that the property was "near the fairgrounds." It appears that if the purchase of the property, which includes the incidental expense of relocating the owners, "is necessary and incidental" to the construction and development of the civic center, such expenditures fall within the scope of the ballot proposition and the relevant authorizing statutes.

Very truly yours

  
ROBERT T. STEPHAN  
ATTORNEY GENERAL OF KANSAS

  
Mary F. Carson  
Assistant Attorney General

RTS:JSS:MFC:crw