



STATE OF KANSAS

## Office of the Attorney General

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**Curt T. Schneider**  
Attorney General

October 4, 1977

ATTORNEY GENERAL OPINION NO. 77- 322

Mr. Kenneth Harts  
Vice-Chairman  
Crawford County Conservation District  
Post Office Box 37  
Girard, Kansas 66743

Re: Counties--Area Planning Commission--Membership

Synopsis: A soil conservation district organized under K.S.A. 2-1909 *et seq.* is not eligible for membership on an area or countywide planning commission established under K.S.A. 12-716 *et seq.*

\* \* \*

Dear Mr. Harts:

You advise that the Crawford County conservation district, organized pursuant to K.S.A. 2-1901 *et seq.*, has formally requested the board of county commissioners of Crawford County to admit the district to membership on the Crawford County Countywide Planning Commission, which was organized and operated pursuant to K.S.A. 12-716 *et seq.*

K.S.A. 12-716 provides for joint planning commissions in pertinent part as follows:

"Any two (2) or more cities or counties of this state having adjoining planning jurisdictions, or any county and city or cities within or adjacent to the county, may jointly cooperate in the exercise and performance of planning powers, duties and functions as provided by state law for cities and counties

. . . .

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When two (2) or more of such cities or counties shall by ordinance of each city and by resolutions of the board of county commissioners enter into agreements providing for such joint planning cooperation, there shall be established a joint planning commission for the metropolitan area or region comprising that portion of the areas of planning jurisdiction of the cities or counties cooperating jointly as shall be designated by the joint ordinances and resolutions."

The quoted language above clearly provides that only counties and cities may join together in a planning commission which is organized under this act. Kansas law does not authorize any other political or governmental unit or subdivision to join together with cities and counties in the exercise of their joint planning powers under this act. You suggest that this restricted membership discriminates against approximately 16 per cent of the population of Crawford County residents of rural areas who did not have an opportunity to vote for any one of the members of the present countywide planning commission. You advise that the countywide planning commission consists of eleven elected officers, one from each of ten incorporated cities in the county, and an elected county commissioner. In addition, there are three appointed members. All county residents are represented by the person designated by the board of county commissioners to represent the county on the countywide planning commission.

Clearly, the legislature has not authorized conservation districts, or any other political or governmental subdivisions, to hold membership on area planning commissions organized under K.S.A. 12-716 et seq. Every political subdivision in the county having general planning jurisdiction, i.e., the county and every city, is represented on the countywide planning body, and I find no basis upon which to conclude that the statutory membership scheme is unconstitutionally discriminatory in any fashion.

Yours truly,



CURT T. SCHNEIDER  
Attorney General

CTS:JRM:kj