



STATE OF KANSAS

Office of the Attorney General

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Curt T. Schneider
Attorney General

September 11, 1978

ATTORNEY GENERAL OPINION NO. 78-285

The Honorable Robin D. Leach
State Representative
Rural Route 1, Box 93
Linwood, Kansas 66062

Re: Libraries--Leases--Authority

Synopsis: A library board constituted under K.S.A. 12-1218 et seq., K.S.A. 12-1231 and K.S.A. 12-1236 is authorized to enter into long-term leases for quarters for library operations, so long as the term of the lease is reasonable under all the facts and circumstances. Such a lease may include provision for periodic reevaluation of the terms and conditions of the lease.

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Dear Representative Leach:

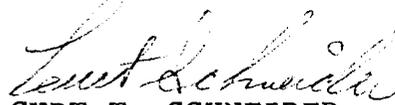
We have your letter of August 25, 1978, enclosing two questions which have been raised by the board of directors of the Linwood library.

The board inquires, first, whether it may enter into a long-term lease agreement with a nonprofit corporation for the purpose of securing quarters in which the library may operate its facilities. You do not indicate under what statutory authority the library is constituted. Library boards which are created under K.S.A. 12-1218 et seq., are authorized "to lease . . . a building or buildings for the use of the library." K.S.A. 12-1225(a). Library boards established under K.S.A. 12-1231 and -1236 have similar powers.

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You also ask if there may be included a periodic review clause in such an agreement to permit the district to reevaluate the agreement on a regular periodic basis. There is no statutory objection to any such provision for mutual review of the terms of the agreement as might be mutually agreeable to the parties. There is no fixed limit upon the term of a lease which the board may enter into, so long as it is reasonable, in light of all the pertinent facts and circumstances. A provision for periodic review and revision of its terms is entirely permissible.

Yours truly,



CURT T. SCHNEIDER
Attorney General

CTS:JRM:kj