



STATE OF KANSAS

OFFICE OF THE ATTORNEY GENERAL

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February 19, 1982

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ATTORNEY GENERAL

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ATTORNEY GENERAL OPINION NO. 82- 44

Mr. Rodney K. Lyons  
Stafford County Attorney  
County Courthouse  
St. John, Kansas 67576

Re: Public Health -- Solid and Hazardous Waste --  
Sale or Lease of County Trash Hauling Trucks to a  
Private Individual

Counties and County Officers -- General Provisions --  
Sale or Lease of County Trucks to Private Individual

Synopsis: A board of county commissioners may sell county trucks under their general authority granted in K.S.A. 19-212 Sixth without complying with the requirements of K.S.A. 19-211 if the appraised value of said trucks is less than \$25,000. Alternatively, the county may lease said trucks to a private individual in order to establish an effective solid waste management program. Cited herein: K.S.A. 19-211, 19-212, 65-3401, 65-3410.

\* \* \*

Dear Mr. Lyons:

You ask for an opinion addressing the following two questions. First, you ask whether the board of county commissioners may sell four trash collection trucks, which had an original total value of \$50,000 - 55,000 and a current appraised total value of \$5,000, at a private sale without having to hold a public auction or receive sealed bids. Second, you ask whether the board of county commissioners may enter into a lease agreement for said trucks with a private individual to permit the individual to take over the trash hauling business in the county, thereby permitting the county to withdraw from the trash hauling business, in the event a private sale cannot be made.

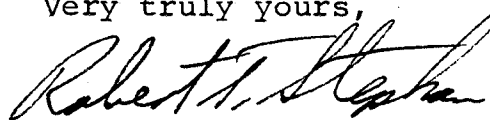
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The board of county commissioners is granted the power: "[t]o represent the county and have the care of the county property, and the management of the business and concerns of the county, in all cases where no other provision is made by law." K.S.A. 19-212 Sixth. K.S.A. 19-211 limits the power to dispose of county property when the value of said property exceeds \$25,000. Assuming that the trucks have been properly appraised, their total value falls well below that which would require compliance with the provisions of 19-211. Therefore, the county commissioners would be permitted to sell the trucks under 19-212 Sixth in the manner which promotes the best interests of the county.

K.S.A. 65-3401(b) specifically establishes as a policy of the state the authority to utilize private enterprise in solid waste management programs. K.S.A. 65-3410 grants counties the authority to do all things necessary to establish an effective solid waste management program. The county would be permitted to lease the trucks to a private individual if the commissioners determine that such a course of action would permit the county to establish an effective solid waste management program.

In conclusion, a board of county commissioners may sell county trucks under their general authority granted in K.S.A. 19-212 Sixth without complying with the requirements of K.S.A. 19-211 if the appraised value of said trucks is less than \$25,000. Alternatively, the county may lease said trucks to a private individual in order to establish an effective solid waste management program.

Very truly yours,



ROBERT T. STEPHAN  
ATTORNEY GENERAL OF KANSAS



Brenda L. Hoyt  
Assistant Attorney General

RTS:BJS:BLH:hle