



STATE OF KANSAS

OFFICE OF THE ATTORNEY GENERAL

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March 18, 1982

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ATTORNEY GENERAL OPINION NO. 82- 69

Roland R. Cordon
Trustee
Reilly Township
Goff, Kansas 66428

Re: Townships -- General Provisions -- Repair of
Township Buildings

Synopsis: The maintenance and repair of township buildings is entrusted to the township board, which may fund such repairs either from the general budget, through special levies or through the issuance of general obligation bonds. Only in the latter case is an election required, with a decision otherwise left to the discretion of the township board.
Cited herein: K.S.A. 79-1962a, 80-104, 80-113, 80-115, 80-301.

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Dear Mr. Cordon:

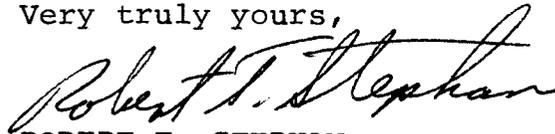
As trustee for Reilly Township in Nemaha County, Kansas, you request the opinion of this office on a question dealing with the power of the township board to repair buildings owned by the township. Specifically, you inquire whether the board is bound by any type of petition or survey which indicates popular sentiment on the issue.

Under Kansas statutes, the township board (composed of the trustee, clerk and treasurer of the township) is responsible for the care and maintenance of all buildings owned by the township, with day-to-day supervision vested in the trustee. (K.S.A. 80-301.) Current statutes provide three alternative methods of funding such repairs. As part of its general authority, the board may pay for such repairs out of the general fund, for which the mill levy currently is set at .5 mill by K.S.A. 79-1962a. Alternatively, the board may levy a special

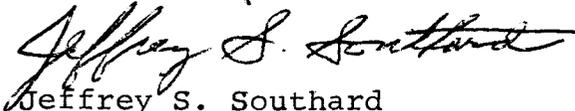
tax of up to 1 mill (but producing revenues not to exceed \$2,000) as authorized by K.S.A. 80-115 and 79-1962a. As a third option, the board may, pursuant to K.S.A. 80-113, issue bonds, the proceeds of which are to be used for such repairs.

While we note that the last of these options requires the holding of an election along the same lines as set out by K.S.A. 80-104 (purchase or erection of township buildings), no voting requirements exist for the first two. Although the board may seek to determine popular feeling on the issue by conducting a survey, it is not bound by the results, as any findings would be advisory in nature only. The same effect must be given to any petitions filed with the board, i.e. they may help the board reach its decision, but are not binding upon it in any way. As a result of their election to the board, the township officials are vested with the discretion to determine such matters on behalf of the township's residents, and may exercise this authority without recourse to a popular vote or a petition, except in the limited case mentioned above.

Very truly yours,



ROBERT T. STEPHAN
ATTORNEY GENERAL OF KANSAS



Jeffrey S. Southard
Assistant Attorney General

RTS:BJS:JSS:hle