

OPINION
59-58

September 17, 1959 (OPINION)

COUNTIES

RE: Memorials - Joining With Another Entity - Village Town Hall
as Memorial

This is in reply to your letter of September 10, 1959, in which you request the opinion of this office on the following matter:

You state that the village board of Almont, Morton County, proposes the construction and erection of a village town hall and has requested the Board of County Commissioners of Morton County to dedicate said town hall in the memory of the war dead of this country, and to use approximately five thousand dollars of the memorial levy funds presently in the hands of the county for the construction and completion of said memorial.

The memorial itself is to consist of a town hall of thirty-two feet by forty-four feet in dimension of a concrete block construction. The hall is to contain four separate rooms housing the fire equipment of the village, the public library, a public meeting room, and a storage room. You further state that the village board proposes to name the building "The Almont Memorial Hall" and to affix a plaque thereon dedicating the building to the memory of those who died in the Almont area in the defense of this country and to name said persons on the memorial.

The village board has agreed to enter into an agreement with the County of Morton for the maintenance and operation of the building as a memorial hall and as a public building in the village of Almont.

You also state that the Board of County Commissioners has indicated that they deem this to be a proper memorial and that they propose that they declare this to be a proper memorial by resolution and to authorize the expenditure of no more than five thousand dollars in memorial funds. The board will then work toward the final completion of the memorial with the village board of Almont, reserving unto itself the right to approve the erection of the memorial.

Section 11-3201 of the 1957 Supplement to the N.D.R.C. of 1943 provides that the county commissioners are authorized to erect a memorial or memorials in commemoration of the people of the county who rendered services or lost their lives during World War I, World War II, or the Korean hostilities.

This section further provides in part:

. . . . Such memorial, or memorials, or other suitable recognition shall be erected within the county at a place determined upon by such board and when erected, shall be properly and permanently maintained. The board may provide for

such maintenance or erection by necessary expenditures from the general fund of the county or from funds donated to the county therefor or from either or both such funds, or may enter into a written agreement with any public or private non-profit agency or corporation for the assumption of part or all of such responsibility by such agency or corporation. Pursuant to such agreement, the county may acquire or divest itself of any title to or jurisdiction over such memorial or other suitable recognition."

Section 11-3203 of the 1957 Supplement to the N.D.R.C. of 1943 provides as follows:

MAY JOIN WITH CITIES, SCHOOL DISTRICTS, AND OTHER AGENCIES IN ERECTION AND OPERATION. The board of county commissioners, in carrying out the provisions of sections 1 and 2 hereof (11-3201, 11-3202), may join with a city, school district, or other public or private non-profit corporation or agency, or any or all of same, in the erection and operation of said memorial, or memorials, or other suitable recognition, in any proportion deemed advisable by said board. Said board in conjunction with the other cooperating body or bodies may provide for the operation and administration of said memorial, memorials, or other suitable recognition."

It is the opinion of this office that the plan outlined above for a memorial hall in the village of Almont meets the requirements of chapter 11-32 of the 1957 Supplement to the N.D.R.C. of 1943, as amended, and that such memorial hall would be a proper memorial for the erection of which the Board of County Commissioners may authorize the expenditure of memorial levy funds.

LESLIE R. BURGUM

Attorney General