

**OPINION
69-55**

September 23, 1969 (OPINION)

Mr. Lester J. Trnka

City Attorney

Oakes, North Dakota

RE: Cities - Public Buildings - Architect Required

This is in reply to your letter of 18 September 1969 with regard to the application of section 48-02-02 of the 1969 Supplement to the North Dakota Century Code.

You inform us that on December 31, 1968, the City Hall of your City was destroyed by fire. The building was insured and as such the City has received from the Insurance Company an amount of approximately \$35,000 for the damage done to the building. The City Council does not wish to repair the old structure and has since sold it to a local businessman.

You further indicate that the City Council is interested in putting up a moderate structure on some city property that they own and their question is whether or not they have to utilize a licensed architect in expending the insurance funds to construct this building. They are of the opinion that section 48-02-02 deals strictly with additional funds raised through tax or bonding procedures by the City and does not deal with an award made by an insurance company. They would like to construct this building utilizing a local contractor and avoiding the expense of using a licensed architect so that they can keep the cost down and construct a modest structure for the amount the insurance company awarded them. You mention no emergency circumstances.

Section 48-02-02 of the North Dakota Century Code is not limited in terms to expenditures of tax raised funds, nor does it contain any exception as to expenditure of insurance proceeds. In the circumstances you relate it is our opinion that the provisions of section 48-02-02 apply and that the city is required by said section 48-02-02 to employ a licensed architect.

HELGI JOHANNESON

Attorney General