

COUNTY HEALTH
CENTERS:

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Subject to the provisions of the law a county may establish a county health center. Such county health center would have jurisdiction over and would function in all parts of the said county. Such jurisdiction and functions would not be affected by the fact that a portion of a city occupies a portion of this said county.

September 23, 1952
9/23/52

Honorable Robert G. Kirkland
Prosecuting Attorney
Clay County
Liberty, Missouri

Dear Sir:

This department is in receipt of your recent request for an official opinion. You thus state your opinion request:

"There is a movement on foot in this county to establish a county health center. They have consulted me about some of the legal technicalities involved and these questions involve county officials and county government in Clay County. I would like to obtain your official opinion on the following propositions:

"Clay County is a county of the third class. It contains within its boundaries a part of the city of Kansas City, Missouri. Would a Clay County health center, if established, have jurisdiction to perform all its functions and services within the boundaries of that part of Kansas City in Clay County on an equal basis with all parts of the county? Would any of the operations or functions of the Health Department of the City of Kansas City prevent a Clay County health center from operating within the boundaries of the city of Kansas City in Clay County? Would it be possible under the provisions of Chapter 205 of the Revised Statutes of Missouri, as amended, for a Clay County health center to be established in that

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part and by that part of Clay County outside of the boundaries of the city of Kansas City in Clay County? In other words, could a Clay County health center be set up and operated for only a part of the County of Clay, that is, that part outside of the city limits of Kansas City?"

Your first question is: Would a Clay County health center, if established, have jurisdiction to perform all its functions and services within the boundaries of Kansas City in Clay County on an equal basis with all parts of the county?

The procedure relating to the establishment of a county health center is set forth in Section 205.010, RSMo 1949. However, that section was amended by the Missouri Legislature in 1951, by House Bill No. 307, and appears as Section 205.010 in Vernon's Annotated Missouri Statutes. That section, as amended, reads as follows:

"Any county, subject to the provisions of the constitution of the state of Missouri, may establish, maintain, manage and operate a public health center in the following manner: Whenever the county court shall be presented with a petition signed by at least ten per cent or more of the qualified voters of the county, as determined by the number of votes cast for governor at the preceding general election, asking that an annual tax not in excess of ten cents on each one hundred dollars of the assessed valuation of property in the county, be levied for the establishment, maintenance, management and operation of a county health center and the maintenance of the personnel required for operation of the health center, the county court shall submit the question to the qualified voters of the county at the next general election to be held in the county or at a special election called for the purpose, the county clerk giving notice, published once each week for two consecutive weeks prior to such election date, in one or

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more newspapers published in the county, if any such be published, and if not so published, by posting written or printed notices in each township of the county, fourteen days prior to the election date, which notices shall include the text of the petition and state the rate of tax to be levied annually thereafter upon the assessed property of the county."

From the above section it is clear that a county health center is to be upon a county-wide basis. For example, any qualified voter in the county may sign the petition addressed to the county court requesting the establishment of a health center. Any qualified voter in the county may vote at the election which determines whether such a health center shall be established. And if such health center is established then every taxpayer in the county will be taxed for the establishment of such health center. In other words, as we noted above, county health centers are clearly upon a county-wide basis and include all parts of a county.

Section 205.010, supra, is an absolute grant of power which would in no way be abridged or abrogated by the extension of a portion of a city into a portion of a county.

Furthermore, there is no reason why the extension of a portion of the city of Kansas City into a portion of Clay County would put Clay County in any different position with respect to that portion of the city of Kansas City that is in a portion of Clay County, than Clay County is in with respect to the city of Liberty, which is wholly within Clay County, as far as a county health center is concerned. And certainly no one would contend that if Clay County does establish a county health center, such health center would not function within the city limits of the city of Liberty.

We are all fairly familiar with the fact of the existence of several separate jurisdictions over the same geographical area. For example, the city of Liberty is an incorporated city with numerous powers peculiar to it alone and inviolate to it. But Clay County, in which the city of Liberty is wholly contained, has powers and jurisdictions over the area in which the city of Liberty is located, which are different than the powers and jurisdictions of the city of Liberty, but which are no less real. And likewise, with

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the jurisdiction of the state of Missouri over Clay County, and the city of Liberty, and of the Federal Government over all. A citizen of the city of Liberty is subject to the jurisdiction of that city, of Clay County, of the state of Missouri, and of the Federal Government of the United States. Each operates in its own sphere, according to its powers, without conflict with the others. Such we believe to be the case in the instant situation. Therefore, it is our opinion that a Clay County health center would have jurisdiction to perform its functions in all parts of Clay County, including that portion which is a portion of the city of Kansas City.

Your second question is: Would any of the operations or functions of the health department of the city of Kansas City prevent a Clay County health center from operating within the boundaries of the city of Kansas City in Clay County?

We believe, that on the basis of our comments above, the answer to this question is in the negative.

Your third question is: Could a Clay County health center be set up and operated for only a part of the county of Clay, that is that part outside of the city limits of Kansas City?

We believe that the answer to this question is likewise in the negative in view of our discussion above.

CONCLUSION

It is the opinion of this department that subject to the provisions of the law, a county may establish a county health center. Such county health center would have jurisdiction over and would function in all parts of the said county. Such jurisdiction and functions would not be affected by the fact that a portion of a city occupies a portion of this said county.

Respectfully submitted,

HUGH P. WILLIAMSON
Assistant Attorney General

APPROVED:



J. E. TAYLOR
Attorney General

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