



OFFICES OF THE
ATTORNEY GENERAL OF MISSOURI
JEFFERSON CITY

JOHN C. DANFORTH
ATTORNEY GENERAL

April 18, 1969

OPINION LETTER NO. 234

County Court

Dear Sirs:

It has been called to our attention that there has been in many counties a failure by some county officials to furnish under oath the information required by Section 51.150(5) RSMo, Supp. 1967. Such section provides as follows:

"* * *1. It shall be the duty of the clerk of the county court:

(5) To compile and keep a list of all salaries and non-accountable fees received by each elected county official by virtue of his office for each calendar year. The source of each fee shall be itemized, the amount of mileage allowance received shall be reported, and the total fees less expenses shall be shown. Each elected official shall certify and give all of the aforesaid information under oath by affidavit on his office to the clerk of the county court on or before February fifteenth of each year for the preceding calendar year and any official who fails to do so shall not receive any remuneration for his services until he complies with this provision; the county court shall not order and the county clerk shall not issue a warrant for disbursement of any money to any elected county official who has not filed his report as provided in this section; * * *"

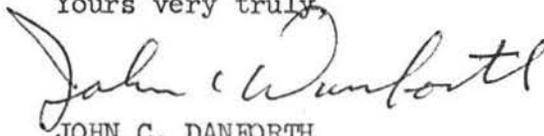
We call your attention to the fact that such section provides in crystal clear language that the county court shall not order the issuance of a warrant for disbursement of money to any elected county official who has not filed the required report before the statutory deadline.

Your attention is invited to the case of State to use of Consolidated School District No. 42 of Scott County v. Powell et al. 221 SW 2d 508, 359 Mo. 321. In that case the Supreme Court of Missouri affirmed a personal money judgment in the amount of \$9531.25 against the school district directors who transferred money from the teachers' fund to the incidental fund because such transfer was considered by the directors necessary to the operation of the district. The court stated the facts as follows: 1c. 509

"* * * The evidence shows that, between July 1, 1944 and June 30, 1946, with the knowledge, acquiescence and consent of each and everyone of the defendants, some \$8500 of funds of the said district, belonging to the 'Teachers' Fund, were transferred by order of the board to the Incidental Fund of said district and expended as such contrary to the provision of Sec. 10366, R.S. 1939, as amended, Laws 1943, p. 893, Sec. 1, Mo. R.S.A. § 10366. There was further testimony that the said school district was short of incidental funds and that the transfer was considered necessary to the operation of the schools of the district. * * *"

Such case makes clear that public officers who authorize expenditures of public funds contrary to law are personally liable for such wrongful expenditures.

Yours very truly,

A handwritten signature in cursive script, appearing to read "John C. Danforth". The signature is written in dark ink and is positioned above the printed name and title.

JOHN C. DANFORTH
Attorney General