

Supplemental
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Sec 17938-17940 KS 7401729

CHARITY AND RELIEF:-The County Court of Buchanan County may enter into an agreement with the social welfare board of St. Joseph for the purpose of distributing county funds for relief work.

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October 31, 1933.

Mr. Wallace Crossley, Director,
Missouri Relief and Reconstruction Commission,
Jefferson City, Missouri.

Dear Sir:

We are acknowledging receipt of your letter in which you inquire as follows:

"In developing a plan for the administration of Federal aid in Buchanan County, a question has arisen as to whether or not the County Court may legally appoint the social welfare board as their agent for administering county funds in the county outside of St. Joseph. The social welfare board is by law their agent within the city of St. Joseph, and our office has requested that they be made their agent outside the city of St. Joseph in order to perfect a unified plan for administering both Federal and local funds.

For your information we are enclosing outline of plan (Exhibit "A") for administering Federal and other public relief funds in Buchanan County after August 1, 1933, which was presented to our office by our Buchanan County Emergency Relief Committee about the 1st of July of this year. When this outline was received we were advised that the County Court and all other parties involved had agreed to its content. When it came time for the County Court and the social welfare board to make agreement as provided in Sec. II, paragraph 1, of the outline, the Court and welfare board were unable to agree. Two or three suggested plans have been presented to this office which were not acceptable from our point of view.

A few days ago, our Field Director, Mr. A. R. Gephart, was in St. Joseph and left with them the enclosed memorandum, marked Exhibit "B". He explained that the content of this memorandum would need to be included in any agreement between the County Court and the welfare board, before it would be acceptable to this office. He explained that the agreement could be amplified by such additional items as either party

might wish to include, but that nothing could be accepted which would nullify the terms specified in the memorandum.

Please advise us whether or not an agreement making the social welfare board the County's agent outside the city of St. Joseph is in any sense a violation of the law. A definite answer on this point will apparently solve our problem as the Court states that it is the only obstacle at the present time to the agreement."

You inquire whether or not it would be illegal for the County Court of Buchanan County to enter into an agreement whereby the social welfare board of the city of St. Joseph should be the agent for disbursing county funds for relief in Buchanan County in connection with the Federal Aid program now in force.

Section 12938, R. S. Mo. 1929, provides as follows:

"In all counties of this state that now or may hereafter have located within said counties a city or cities of the first class, there is hereby created and established a board which shall be styled 'The social welfare board of the city of _____.' All powers and duties connected with and incident to the betterment of social and physical causes of dependency, the relief and care of the indigent, and the care of sick dependents, with the exception of the insane and those suffering from contagious, infectious and transmissible diseases, and excepting those persons who may be admitted to the county poor-houses of such counties, shall be exclusively invested in and exercised by said board. Said board shall have power to receive and expend donations for social welfare purposes and shall have exclusive control over the distribution and expenditure of any public funds set aside and appropriated by such cities and counties for relief of the temporarily dependent. This board shall have power to promote the general welfare of the poor within the limits of such cities by social and sanitary reforms, by industrial instruction, by the inculcation of habits and providence and self-dependence, and by the establishment and maintenance of any activities to these ends. Said board shall have power to sue and be sued, complain and defend in all courts, to assume the care of or take, by gift, grant, devise, bequest or otherwise, any money, real estate, personal property, right of property, or other valuable things, and may use, enjoy, control, sell or convey the same for charitable purposes, to have and to use a common seal and alter the same at pleasure. Said board may make by-laws for its own guidance, rules and regulations for the government of its agents, servants and employes, and for the distribution of the funds under its control."

Section 12953, R. S. Mo. 1929, provides as follows:

"The county court of each county, on the knowledge of the judges of such tribunal, or any of them, or on the information of any justice of the peace of the county in which any person entitled to the benefit of the provisions of this article resides, shall from time to time, and as often and for as long a time as may be necessary, provide, at the expense of the county, for the relief, maintenance and support of such persons."

Under Section 12938 above, the social welfare board of the city of St. Joseph has the power to receive and expend donations for social welfare purposes and shall have exclusive control over the distribution and expenditure of any public fund set aside and appropriated by the city and county for the relief of the temporarily dependent.

Under Section 12940, R. S. Mo. 1929, "Said board shall consist of the mayor of such cities and the president of the county court of such counties, who shall be ex officio members thereof, and six other members, three of whom shall be appointed by the county court of such counties, who shall hold office, one for one year, one for two years and one for three years, whose terms of office shall be designated by such county court, three by the mayor and common council of such cities, who shall hold office, one for one year, one for two years and one for three years, whose terms of office shall be designated by the mayor.* * *

It appears from the foregoing Sections that the social welfare board of the city of St. Joseph is a body composed of representatives of both the city, and the county of Buchanan. It apparently was the intention of the Legislature that said board should be as much a representative of the county as it is of the city, and under Section 12938 the board is given exclusive control over the distribution and expenditure of public funds appropriated by cities of the first class and counties wherein such cities are located for relief of the temporarily dependent. We do not find anything in said Section which would indicate that this joint board, representing both the city and the county, is by law compelled to confine its activity to the limits of the city. Section 12953 imposes a duty upon the county to provide, at the expense of the county, for the relief, maintenance and support of poor persons. There are no provisions in Article IV of Chapter 90, of which this Section is a part, which place any limitation as to the manner in which the county may disburse its funds for the benefit of the needy. The county court may perform its duty as such, directly, or it may utilize an agency for that purpose. The social welfare board of St. Joseph includes in its membership the president of the county court and three representatives appointed by the court. This board, it appears to us, in the absence of any provisions in the statute prohibiting it, is the proper agency to represent the county in the distribution of county funds in connection with the Federal

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funds. You state in your inquiry that it is very necessary, in order to receive Federal assistance, that the same agency administer local relief funds for the entire county. We find no provisions in the statute which would prohibit the County of Buchanan from agreeing with the social welfare board of St. Joseph to administer county funds for and on behalf of the county.

It is therefore the opinion of this Department that the County Court of Buchanan County has authority to disburse funds of the county to be used for charity through the medium of the welfare board of the city of St. Joseph, and that both the welfare board and the County Court have authority to enter into an agreement to that effect.

Very truly yours,



Assistant Attorney General.

APPROVED:

Attorney General.

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