

SCHOOLS: County Superintendent must pay for clerical hire under Sec. 9467 from his own funds. County Court pays for necessary printing.

11-6
November 1, 1935.



Honorable Glen W. Huddleston,
Prosecuting Attorney,
Carrollton, Missouri.

Dear Sir:

We are in receipt of your inquiry of October 8, 1935, which is as follows:

"Some years ago the question arose as how greater economy could be effected in the office of the County Superintendent in the printing of materials necessary for the conduct of the office. At this time, the printing work was sent to a public stenographer for mimeographing and a part of it was sent to the local printing companies.

"In order to effect a saving, the County Court purchased a mimeograph machine and allowed the County Superintendent the privilege of securing some one to come to the office and do the work there at a flat rate of so much per month. By this plan a savings was effected amounting to from 50% to 75% of the cost of the work which was sent out.

"When the audit of Carroll County was made several months ago, the auditor stated: 'It is claimed that this \$30.00 per month is allowed for multigraph work and the amount is paid as a salary and in many instances as is shown on the warrant register as "clerk hire" and it

is noted that this employee does clerical work including the writing of letters, answering the telephone, and otherwise performing the duties of a general clerk in the office. This salary..... was approved and ordered paid by the County Court in violation of Section 9467. It is recommended that the expense of this office be so arranged that the amount paid will not exceed the amount allowed under Section 9467 R. S. Missouri 1929.'

"In consequence of the auditors interpretation the entire four years of pay for such mimeographic service is charged personally to the County Superintendent even though the warrants are written directly to the girl doing the work and the bills as sent in for this service by the County Superintendent in all cases stated that the services were for 'mimeographic service.'

"Since the entire sum of the money paid to the girl for these mimeographic services during the past four years has been charged against the County Superintendent he is planning to abandon the policy of keeping a girl in the office to do this work and will send the work out as provided in Section 9456 R. S. 1929, which will incur a much greater expense to the county; since we have on hands the necessary mimeographic equipment for doing such printing we regret to change back to the old plan of sending all necessary printing matter outside to have it done.

"Will you kindly advise whether or not an arrangement of doing the mimeographic work in the office of the County Superintendent is illegal as indicated by the auditor in his report?"

Section 9456, R. S. Mo. 1929, in part, speaking of the duty of the county court with reference to supplying printing to the county superintendent, states the following:

" * * * and said county court shall supply the superintendent with all necessary record books, stationery and postage stamps for properly conducting the business of his office, and shall allow all necessary printing of notices and circulars of information, the same to be paid for by warrant drawn upon the county treasurer."

Section 9467, R. S. Mo. 1929, in part, states the following:

"That the county superintendent of public schools shall be allowed out of the county treasury not to exceed twenty-five per cent of his annual salary for traveling expenses and necessary clerical assistance, provided such allowance shall not exceed three dollars (\$3.00) annually for every teacher under his jurisdiction. The county court shall, upon presentation of his bill properly setting forth his actual expenditures for traveling expenses and clerical hire, draw a warrant upon the county treasury for the payment of same."

The statute appears to contemplate that the county superintendent of schools may employ such clerical help as he desires, within the limitations of Section 9467, supra, the same to be presented to the county court, and the bill shall set forth the clerical hire, and thereupon the county court shall draw a warrant upon the county treasury for its payment.

We do not find any other section of the law authorizing the county superintendent of public schools to employ clerks than the one above referred to.

Section 9456, supra, appears to authorize the county superintendent to have printed all necessary notices and

Honorable Glen W. Huddleston

-4-

November 1, 1935.

circulars of information of his office, and directs that the same shall be paid for by a warrant drawn on the county treasurer.

CONCLUSION

Our opinion is that mimeograph work is printing, and if the work which was paid for as inquired about by you was necessary printing of notices or circulars of information, and was required in the proper administration of said office of county superintendent of schools, then it should be paid by the county in the manner hereabove set forth. If the payments complained of in the auditor's report are for clerical hire, then they must be paid out under the provisions of Section 9467, supra, and if otherwise paid out they are unlawfully so paid.

Yours very truly,

DRAKE WATSON,
Assistant Attorney General.

APPROVED:

JOHN W. HOFFMAN, Jr.,
(Acting) Attorney General.

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