

OLD AGE ASSISTANCE BOARDS: Qualifications of County Boards.

10-7

October 7, 1935.



Honorable W. Ed Jameson,  
President, Board of Managers,  
State Eleemosynary Institutions,  
Jefferson City, Missouri.

Dear Sir:

We have received your inquiry which is as follows:

"Question has come up with the Eleemosynary Board as to the flexibility of the appointment of men and women on the County Old Age Assistance Boards.

"The law requires that there should be one woman, and I would like to have your opinion as to whether or not this means only one woman or whether at the discretion of the County Court they can appoint one or more women on these boards."

Replying thereto, Section 3 of the Old Age Assistance Act, Laws of 1935, page 309, is as follows:

"In every county there shall be established a County Old Age Assistance Board, to consist of three persons domiciled in the county, each of whom shall have been a resident taxpaying citizen of the county for a period of five years prior to his or her appointment at least one of whom shall be a woman, who shall be appointed by the

October 7, 1935.

county court for a term of four years, except that of the members first appointed, one shall be appointed for a term of two years and one for a term of three years. Vacancies shall be filled in the same way in which the original appointment was made. The members of the county board shall serve without compensation, except that the necessary expenses incurred while in the performance of their duties shall be paid to them."

Section 28 thereof provides that

"The State Board shall have authority to make such rules and regulations as are necessary to carry out the provisions of this Act."

It will be noted that Section 3 above lays down the requirement that each member of the County Old Age Assistance Board must be domiciled in the county, each of them shall have been a resident taxpaying citizen of the county for a period of five years prior to his or her appointment, and at least one of said three members shall be a woman. There is no provision requiring that the other two be men or women, but whoever is appointed must have the above set forth qualifications.

#### CONCLUSION

It is our opinion that power is lodged in the discretion of the County Court to appoint one, two or three women as members of the County Old Age Assistance Board, provided they have the other qualifications set forth hereabove.

Yours very truly,

DRAKE WATSON,  
Assistant Attorney General.

APPROVED:

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

DW:HR