

OFFICERS: County must furnish and pay for reasonable
office expenses of county officials.
COUNTIES:

August 8, 1936.



Hon. Thomas A. Matthews,
Prosecuting Attorney,
St. Francois County,
Farmington, Missouri.

Dear Sir:

We acknowledge receipt of your inquiry which is
as follows:

"Mr. Joe Grandhomme, Collector of
Revenue of St. Francois County, Missouri,
asked that I write and obtain from you an
opinion on the following:

"Whether or not the County Court must or
may allow expenses for office of ex-officio
Treasurer, or whether such construction
must be placed upon Section 12132a, page
339, Session Acts of the year 1933."

We construe your question to be, what are the legal
rights of the Collector of the Revenue and Ex-officio
Treasurer of St. Francois County with respect to being re-
imbursed by the county for expenses reasonably incurred by
him in the performance of his official duties?

The law passed by the 1933 Legislature relating to
the consolidation of the offices of Treasurer and Collector
in certain counties (Laws of 1933, page 338) does not deal
with the question of expenses of the office. It merely pro-
vides for the consolidation in certain instances of the two
offices, and in counties having a population of less than
forty thousand inhabitants provides that the County Collector
shall take over all the duties of the Treasurer, and shall
be not only County Collector but Ex-officio Treasurer, and
shall perform the duties attached to both offices with no
additional remuneration beyond that allowed as County
Collector.

Section 12138 of said Laws evidently is dealing with the compensation of Treasurers of counties other than those falling within the class we are now discussing, and for the purposes here we assume that St. Francois County does not operate under township organization and is a county the population of which, according to the last decennial United States census, is shown to be less than forty thousand inhabitants.

The question you asked has been passed on by the courts in Missouri. In the case of Ewing v. Vernon County, 216 Mo. 681, the court had under consideration the right of the Recorder of Vernon County to recover money that he had paid out for janitor services in caring for the Recorder's office. At page 693 the court says:

"Finally, we shall assume that among civilized people approved advances and results in scientific research make janitor services in public offices (i. e., the prevention of the propagation and spread of disease from filth), a necessity, and that the Legislature knew and gave effect to that fact."

The court further says that buildings for Clerks' and Recorders' offices

"being for the preservation of the records of the county, how could this main idea have effect if those records are not to be kept free from deterioration from filth? Is the general public not interested in and benefitted by clean windows, clean floors, clean furniture, clean spittoons, heat in winter and wholesome, healthy air at all times in public offices? It is useless to argue that question. It answers itself."

And in that case the county was required to reimburse the Recorder for such money reasonably expended by him in procuring the services of the janitor in properly caring for the office.

In the more recent case of Buchanan v. Ralls County, (1920) 283 Mo. 10, the Supreme Court of Missouri held that the county was under the liability to pay back to the County Treasurer the money theretofore expended by her in paying rent for the Treasurer's office during her incumbency, saying l. c. 15:

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"It was the duty of the appellant to furnish respondent with suitable office space, heat, lights and janitor service."

And further, l. c. 17:

"* * * we think the jury should be instructed that if the appellant failed to provide for the use of respondent reasonably suitable space in the courthouse or elsewhere in the county seat in which to maintain her office and transact her official business, then respondent had the right to provide such office, and to provide heat, light and janitor service therefor, and that the county is bound to pay the reasonable cost of the same."

From the principles applied and the holdings in the above two cases, it would seem that the county is under the legal liability and obligation to provide for the holder of a public county office all of the reasonably required equipment to properly discharge the duties of such office, and that the County Collector and Ex-officio Treasurer is so entitled to have furnished for him by the county reasonable janitor services, books and records, stationery, postage stamps, ink, and office equipment, and that if the county fails to so provide the same, such officer may provide therefor and recover from the county the reasonable cost of so providing therefor.

Yours very truly,

DRAKE WATSON,
Assistant Attorney General.

APPROVED:

JOHN W. HOFFMAN,
(Acting) Attorney General.

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