

COUNTY COURTS: May charge County Agent office rent for rooms used by him in County Courthouse.

January 4, 1944



Honorable F. E. Wrenn
President
Cedar County Extension Association
Stockton, Missouri

Dear Sir:

The Attorney-General wishes to acknowledge receipt of your letter of December 21st, 1943, in which you request the opinion of this department. This opinion request, omitting caption and signature, is as follows:

"We would like to have a legal opinion as to whether or not the County Court has the power to charge rent for a County Agent's office in the court house.

"It is our feeling that the County Court House is a public building housing people that are working in the interests of the public, and we feel that our County Agent is working in the interests of the public just as much as any other person in the court house.

"Our County Court has sent us a court order stating that we should pay rent and that they should have a contract in their hands by the first of January, agreeing that we will.

"I believe, somewhere in the statutes of Missouri, there is reference made to this; and we would appreciate it if you would give us your opinion."

Under the provisions of Article 4, Chapter 100, of the Revised Statutes of Missouri for 1939, the various counties of this State are authorized and empowered to erect a courthouse and jail and to purchase real estate for that purpose.

Also, under such provisions there is a requirement that the county shall erect buildings for the benefit of the recorder and clerk for the purpose of preserving the records of those offices. However, under the statutes specified above there is no direct provision which provides that the county shall furnish offices for the various officers of such county. The general tenor of the statutes aforesaid, seem to be that the courthouse is erected chiefly for the purpose of providing a place in which to hold the circuit court in the various counties. However, it is a matter of common knowledge that a county courthouse is a building not only in which the circuit court is to be held but also a building in which the various county officers of the several counties shall maintain an office. It is further a matter of common knowledge that in the various counties such officers do have their offices and that such office space is furnished by the county to such officers without any charge whatsoever. There are also various statutes throughout the statute books of this State, which, for the purpose of this opinion would be useless to cite, which require that certain officers shall have their offices in the county seat and one in particular in which it is provided that the county clerk of the various counties shall maintain his office in the county courthouse.

In this particular opinion request, however, the question arises as to whether or not a County Extension Agent can be forced to pay rent in a county courthouse, which necessarily brings us to the question of whether or not such County Agent is a county officer. The exact status of the County Extension Agent is rather hard to define since the office was created in a peculiar way as far as the counties in the State of Missouri are concerned. In the Smith-Lever Act passed by the Congress of the United States provision was made for a setup of the kind now operated by the various county extension agents. The county extension agents are furnished by the University of Missouri to the various counties in the State of Missouri. There are Federal funds and also county funds which are used for the payment of their salary. There are also funds in many instances taken from the different farm bureaus which also go to the payment of the county agents' salaries. However, we have searched the statutes of the State of Missouri thoroughly and we do not find in any instance where provision is made for the employment of a county agent by the county court, nor do we find any provision which provides for the discharging of a county agent by a county court. In other words, a county agent is a person who is holding his office or

employment, first, by reason of the passage of the Smith-Lever Act, and second, by his designation to serve in a particular county by the University of Missouri. It is true, as stated above, that certain moneys are used and may be appropriated with which to partially pay his salary by the county courts of the various counties, but we do not feel that under any construction of the law a County Extension Agent can be said to be a county officer under the definitions of the term in general use. It has been the practice in many counties in this State that an order is made by the county court of the various counties for the benefit of the farm association of the county, whereby a certain amount of money is to be paid as salary to the county agent in such county and that various expenses of his office may be taken care of by the county, and doubtless in many instances provisions have been made in such order of the court that the county court shall furnish office space to such county agents.

We must assume for the purpose of this opinion, that there is no such order made by the County Court of Cedar County whereby the County Extension Agent is furnished office space in the county courthouse. Otherwise, it would be necessary for us to be informed as to the exact provisions of the order made by the County Court wherein the County Agent is to be furnished office space.

The county courts in the various counties are the custodians and managers of the courthouses in their respective counties. They have the control of such courthouses, with the possible exception of the circuit court room, and may say, within limits provided by statutes and decisions of the courts of this State, as to how such courthouses shall be operated. We do feel that a county court would not have the authority to charge rent for office space in its courthouse to the county officers whose duty it is to look after the business of the county itself. However, we do feel that in the case of a person who is not a county officer, such as a County Agent, that the county court has the right to dictate the manner in which the courthouse shall be operated and if there is room in such courthouse which is not necessary to be used for the business of the county, which the county court desires to rent, that it would have the right to rent such rooms and charge a rental fee therefor.

As a result of the above, we feel that if the county court of Cedar County wishes to rent office space to the County Agent of such county, that it may do so and that in view of the

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fact that a county agent is not a county officer under the meaning of the term, that it has the authority to charge such county agent rent for the use of such room.

Conclusion

Therefore, it is the opinion of this Department that the County Court of Cedar County, in the absence of any order to the contrary whereby such County Court is to furnish office space for the County Agent, may charge the County Agent rent for any office space used by him in the county courthouse of Cedar County, Missouri.

Respectfully submitted,

JOHN S. PHILLIPS
Assistant Attorney-General

APPROVED:

ROY McKITTRICK
Attorney-General

JSP:EG