

CIVIL DEFENSE:
POLITICAL SUBDIVISIONS:

Official of political subdivisions authorized to sign project applications for federal contributions to Civil Defense Program is chief executive officer of political subdivision and not local civil defense director.



January 7, 1955

Mr. Marvin W. Smith
Director, Civil Defense Agency
Jefferson Building
Jefferson City, Missouri

Dear Mr. Smith:

This is in response to your request for an opinion dated December 22, 1954, which reads as follows:

"Pursuant to our general discussion with your assistant, John W. English, regarding the question as to who is eligible and qualified to sign for the local political subdivision a project application form 233, requesting participation in the Matching Funds Program (FCDA Federal Contributions Manual M25-1 Revised October 1954) for certain civil defense materials, facilities and equipment.

"A draft copy of Mo. GDA Circular 55.54 covering the appointment of Civil Defense Director, represents the logical procedure we would like to follow as it would lend itself to an effective Civil Defense organization."

In your request you refer to a proposed Mo. GDA Circular 55.54 by which it is proposed to require that project applications for matching funds from the federal government be signed on behalf of the political subdivision by the local civil defense director. Your particular question is as to whether this is proper, and if not, who the proper official is that should sign the project application.

We have examined the project application forms and the Federal Contributions Manual M25-1, Revised October, 1954.

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Throughout the instructions contained on the project application forms and the Contributions Manual wherever the signature of an official of the political subdivision is required the official is referred to merely as the "authorized official" of the political subdivision. We must, therefore, turn to the Missouri statutes on the subject to see who that authorized official is.

Section 44.070, RSMo. Cum. Supp. 1953, the section dealing with contributions of federal aid to political subdivisions for Civil Defense purposes, reads as follows:

"Whenever the federal government or officer or agency thereof shall offer to the state, or through the state to any political subdivision thereof, services, equipment, supplies, materials or funds by way of gift, grant or loan, for the purpose of civil defense, the state acting through the governor, or the political subdivision, acting with the consent of the governor and through its executive officer, may accept such offer and upon acceptance the governor or executive officer of the political subdivision may authorize any officer of the state or of the political subdivision, as the case may be, to receive such services, equipment, supplies, materials or funds on behalf of the state or the political subdivision subject to the terms of the offer."

It is to be noted in the above section that the political subdivision through its "executive officer" may accept the offer of the federal government to contribute services, equipment, supplies, etc.

Section 44.010, Subsection (4), RSMo. Cum. Supp. 1953, reads as follows:

"(4) 'Executive officer of any political subdivision' means the county court or county supervisor of counties and the mayor or other manager of the executive affairs of any city, town, village or fire district;"

Therefore, it is our conclusion that the official authorized to sign project applications for federal contributions on behalf

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of political subdivision, is the chief executive officer of the political subdivision. For example, in a city under the mayor-council form of government it would be the mayor, in a city under the city-manager form of government, it would be the city manager, etc. There is no authority for requiring project applications to be signed by local directors of Civil Defense. Consequently, proposed No. CDA Circular No. 55.54 should not issue.

CONCLUSION

It is the opinion of this office that the official authorized to sign project applications for federal contributions in the Civil Defense Program on behalf of political subdivisions is the chief executive officer of the political subdivision, and not the local director of civil defense.

The foregoing opinion, which I hereby approve, was prepared by my Assistant, Mr. John W. English.

Yours very truly,

JOHN M. DALTON
Attorney General

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