

COUNTY HEALTH CENTERS: Board of health center trustees managing county health center governed by Secs. 205.150 RSMo 1959 is vested with authority to expend monies derived from its authorized tax levy for the purpose of erecting a health center building on premises leased from the Federal Government.

COUNTIES:

May 24, 1961



Honorable Robert Bonney
Prosecuting Attorney
Wayne County
Greenville, Missouri

Dear Mr. Bonney:

This opinion is rendered in reply to your inquiry reading, in part, as follows:

"The Wayne County Health Unit and The Wayne County Court have requested that I write your office and request an official opinion on whether the county health unit can properly use county moneys to erect a health center building on leased land from the Federal Government for a fifty-year term. * * *"

In a telephone conversation with you the "County Health Unit" referred to in the above inquiry has been demonstrated to be a county health center organized under and subject to the provisions of Sections 205.010 to 205.150, RSMo 1959.

Article IV, Section 37, Missouri's Constitution of 1945 provides:

"The health and general welfare of the people are matters of primary public concern; and to secure them the general assembly shall establish a department of public health and welfare, and may grant power with respect thereto to counties, cities or other political subdivisions of the state."

A power vested in the board of health center trustees, and particularly germane to the authority to lease grounds for the county health center, is found in the following language from Section 205.042, RSMo 1959:

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" * * * They shall have the exclusive control of the expenditures of all moneys collected to the credit of the county health center fund, and of the purchase of site or sites, the purchase or construction of any county health center buildings, and of the supervision, care and custody of the grounds, rooms or buildings purchased, constructed, leased or set apart for that purpose. * * *" (Underscoring supplied)

In the foregoing quoted language from Section 205.042, RSMo 1959, we find authority expressly given to the board of health center trustees to lease ground for the purposes of the health center and to construct buildings thereon. When you referred to "county moneys" in the question posed in the forepart of this opinion we assume you were making reference to the monies derived from the tax levy duly made by the county court for the sole use and benefit of the county health center and certified by the board of health center trustees under authority found in Section 205.045, RSMo 1959.

CONCLUSION

It is the opinion of this office that the board of health center trustees managing the county health center governed by Sections 205.010 to 205.150, RSMo 1959, is vested with authority to expend monies derived from its authorized tax levy for the purpose of erecting a health center building on premises leased from the Federal Government.

The foregoing opinion, which I hereby approve, was prepared by my assistant, Julian L. O'Malley.

Very truly yours,

THOMAS F. EAGLETON
Attorney General

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