

**CONFLICT OF INTEREST:
AGRICULTURE:
JOHNSON GRASS LAW:
COUNTY WEED CONTROL BOARD:**

The employment by the Platte County Weed Control Board of one of its members to perform services for the Board is against public policy and therefore unlawful.

March 14, 1967

**OPINION NO. 149
Answered by letter-Downey**

Mr. J. P. Argenbright
Assistant Commissioner
Department of Agriculture
Jefferson Building
Jefferson City, Missouri



Dear Mr. Argenbright:

Reference is made to your request for an official opinion from this office as follows:

"One of the members of the Platte County Weed Control Board wishes to do some work for the board. Under the Johnson Grass Law members serve on the board without remuneration and are paid for actual expenses only.

"Would it be legal for the board to employ one of its members to perform actual services for the board."

The Johnson Grass Control Law is found in Sections 263.255 through 263.267 (all references herein are to the Revised Statutes of Missouri, 1959). The County Weed Control Board is appointed by the Commissioner of Agriculture pursuant to Section 263.257 (2). Taxes to provide revenues to pay the expenses of the County Weed Control Board are provided by Section 263.265. The duties of the County Weed Control Board are to inspect or cause to be inspected annually all lands within the county, to advise and assist in the administration of the Johnson Grass Control Law and to perform such other duties as prescribed by the Commissioner of Agriculture (263.257 and 263.259). Duties for the Weed Control Board have been prescribed by the Commissioner of Agriculture and include the following rule and regulation:

Mr. J. P. Argenbright

"II. 2. Select such personnel as deemed necessary to expedite the County Weed Control Program."

It appears that the selection of employees, the determination of their duties, setting the amount of compensation for employment, and the direction and supervision of duties performed are subject entirely to the judgment and discretion of the County Weed Control Board.

This office rendered its official Opinion No. 465 on December 29, 1966, to Mr. Lee E. Norbury, Assistant Executive Secretary, Missouri State Soil and Water Districts Commission, which discusses the legal principles applicable to the question which you have raised. A copy of the opinion is enclosed. The opinion concludes that the employment of an individual by a public body of which he is a member is void as against public policy.

It is the opinion of this office that the employment by the Platte County Weed Control Board of one of its members to perform services for the Board is against public policy and therefore unlawful.

Very truly yours,

NORMAN H. ANDERSON
Attorney General

TJD:db

Enclosure: Opinion No. 465