

COUNTY HEALTH AND WELFARE  
PROGRAMS:  
ECONOMIC OPPORTUNITY:

Counties may expend funds to provide  
quarters for community action agencies  
operating under the federal Economic  
Opportunity Act.

OPINION NO. 479 (1967)  
141 (1968)

March 21, 1968



Honorable William Baxter Waters  
State Senator, 17th District  
First National Bank Building  
Liberty, Missouri

Dear Mr. Waters:

We acknowledge your recent request for an official opinion on the legality of counties furnishing quarters, directly or indirectly, to Community Action Agencies.

The Economic Opportunity Act of 1964 (PL 88-452, 1964; as amended, PL 89-253, 1965; PL 89-794, 1966) contains a sub-chapter on urban and rural community action programs. 42 USCA §2781-2831. A "Community Action Program" is therein defined as a program "(1) which mobilizes and utilizes resources, public or private in any urban or rural, or combined urban and rural, geographical area.. for an attack on poverty; (2) which provides services, assistance, and other activities of sufficient scope and size to give promise of progress toward elimination of poverty or a cause or causes of poverty through developing employment opportunities, improving human performance, motivation, and productivity, or bettering the conditions under which people live, learn, and work; (3) which is developed, conducted, and administered with the maximum feasible participation of residents of the areas and members of the groups served; (4) which is conducted, administered or coordinated by a public or private nonprofit agency (other than a political party) or a combination thereof;" 42 USCA §2782.

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In authorizing the Director of the Office of Economic Opportunity to make grants to community action agencies the following statutory criteria has been imposed.

"(a) The Director is authorized to make grants to, or to contract with, public or private nonprofit agencies, or combinations thereof, to pay part or all of the costs of community action programs which have been approved by him pursuant to this part, including the cost of carrying out programs which are components of a community action program and which are designed to achieve the purposes of this part. Such component programs shall be focused upon the needs of low-income individuals and families and shall provide expanded and improved services, assistance, and other activities, and facilities necessary in connection therewith. Such programs shall be conducted in those fields which fall within the purposes of this part including but not limited to, employment job training and counseling, health, vocational rehabilitation, housing, home management, welfare, and special remedial and other non-curricular educational assistance for the benefit of low-income individuals and families.  
\* \* \* \* "42 USCA §2785

Finally, we note that the Director of Economic Opportunity Act has defined a community action agency under the act as a "recipient of aid that is organized on a community wide basis and intends to coordinate a variety of anti-poverty actions." (45 C.F.R., Section 1030.5[a-1]).

With this general statement of federal law, we proceed to an examination of the Missouri statutes of a related nature. Four sections of our present statutes (Sec. 205.580, 205.590, 205.600 and 205.610, RSMo 1959), which descend from the territorial laws, are pertinent to the subject under discussion, and two of these sections are set out herewith in full;

"Poor persons shall be relieved, maintained and supported by the county of which they are inhabitants." (Section 205.-580)

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"Aged, infirm, lame, blind or sick persons, who are unable to support themselves, and when there are no other persons required by law and able to maintain them, shall be deemed poor persons." (Section 205.590)

We consider these laws to have been enacted in the interest of public welfare and to be regarded as humanitarian or grounded on a humane public policy. Accordingly, they are to receive a liberal construction. (82 C.J.S., Statutes, Section 387, page 916; State ex rel Laundry Inc. vs. Public Service Commission, Mo. 34 SW 2d 37 [Division 1, 1931]).

More particularly, the rule in construing statutes relating to the poor has been stated as follows:

"\* \* \* Statutes relating to the relief of paupers are neither in terms nor spirit limited to the relief of chronic or permanent paupers, or any other class of poor persons, but extend to every person coming within the terms of the statute dependent on public assistance for the necessities of life. Hence, such statutes may apply to persons becoming indigent through unemployment because of an economic depression.\* \* \*" (70 C.J.S. Paupers, Section 1, page 6)

"\* \* \* the obligation of supporting needy citizens is a humanitarian one which the state may voluntarily assume or may impose on local governmental units.\* \* \*"

(70 C.J.S., Paupers, Section 3, Page 10; emphasis added)

The first of the above quotations refers to, among other cases, Jennings vs. City of St. Louis, Mo., 58 SW 2d 979 [En banc 1933] in which the following language is found, l.c. 981:

"It necessarily follows that an able bodied man, who is unable to obtain employment on account of the economic conditions existing at the time, and who is without means of support, is entitled to public relief."

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Thus, we construe Section 205.580 to be an authorization to the counties to expend funds in connection with the Community Action program under the Economic Opportunity Act. We do not construe Section 205.590 as a limitation of Section 205.580, but rather as a statement of particular classes, among others, to which the statute shall apply.

"\* \* \*Where the statute contains an enumeration of certain things to which the act applies and also a general expression concerning application of the act, the general expression may be given effect if the context shows that the enumeration was not intended to be exclusive. So the maxim [Expression unius est exclusio alterius] does not apply to a statute the language of which may clearly comprehend many different cases in which some only are mentioned expressly by way of example, and not as excluding others of a similar nature. The expression of one thing in a statute does not exclude another thing when the other thing also is expressed; nor will it generally exclude the application of the statute to things of the same class as those expressly mentioned which have come into existence since the passage of the statute." (82 C.J.S., Statutes, Section 333 b., page 670)

We deem it not amiss to also refer to Section 288.340, RSMo 1959, wherein, under the Employment Security Law of Missouri it is stated:

"(5) For the purpose of establishing and maintaining free public employment offices, the division is authorized to enter into agreements with any agency of the United States charged with the administration of an unemployment insurance law, with any political subdivision of this state or with any private, nonprofit organization, and as a part of any such agreement the division may accept moneys, services, or quarters as a contribution to the unemployment compensation administration fund."

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We perceive in this statute a further indication that the General Assembly of Missouri has intended that the counties may expend funds to alleviate those same problems with which the Economic Opportunity Act is concerned.

Finally, we note yet another statute which in our view manifests a legislative authorization for the cooperative agreements envisioned in your request.

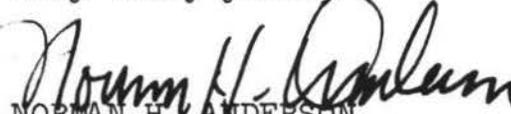
"Any municipality or political subdivision of this state, as herein defined, may contract and cooperate with any other municipality or political subdivision, or with an elective or appointive official thereof, or with a duly authorized agency of the United States, or of this state, or with other states or their municipalities or political subdivisions, or with any private person, firm, association or corporation, for the planning, development, construction, acquisition or operation of any public improvement or facility, or for a common service; provided, that the subject and purposes of any such contract or cooperative action made and entered into by such municipality or political subdivision shall be within the scope of the powers of such municipality or political subdivision. (Section 70.220, RSMo 1959; Emphasis supplied).

#### CONCLUSION

Therefore, it is the opinion of this office that counties may expend funds to provide quarters for community action agencies operating under the federal Economic Opportunity Act.

The foregoing opinion, which I hereby approve, was prepared by my Assistant, Louren R. Wood.

Very truly yours,

  
NORMAN H. ANDERSON  
Attorney General