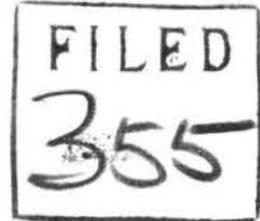


OPINION NO. 355
(Answered by letter--Gardner)

December 4, 1968



Honorable Thomas D. Graham
Representative--122nd District
312 East Capitol Avenue
Jefferson City, Missouri

Dear Representative Graham:

This is in response to your request for an opinion on the question of whether the University of Missouri Extension Council of Cole County may borrow money for the construction of a building to be used by the council.

Your question presumably arises in view of Section 262.590, RSMo Cum. Supp. 1967, which provides in part as follows:

"The council in any county shall have the right and duty to:

* * * * *

(4) Receive by way of gift, purchase, or otherwise acquire, in its own name, real or personal property with the right to hold and to sell and convey title to any such property; provided no real estate not reasonably required for the administration of the extension program shall be held by the council for a period longer than two years."

We are unable to find any authority in the statutes giving the members of the council power to execute a promissory note and a deed of trust securing such note for any purpose, and in the absence of statutory authority, the members of the council have no power to do so. The rule regarding the power of public bodies is tersely stated in Volume 67, C.J.S., Section 107, p. 378, as follows:

"The powers and authority of boards, commissions, and other public bodies are usually defined and limited by law. Boards, commissions, and other public bodies have only such power and authority as are expressly conferred by law or as arise from necessary implication, and any power sought to be exercised must be found within the four corners of the statute under which they proceed. * * * "

Honorable Thomas D. Graham

There is no statutory authority for borrowing money by the extension council and no necessary implication that the council is authorized to borrow money in order to carry out its specific grants of power.

It is, therefore, the opinion of this office that the University of Missouri Extension Council of Cole County is not empowered to borrow money for the construction of a building to be used by the council.

Very truly yours,

NORMAN H. ANDERSON
Attorney General

LJG/jlf