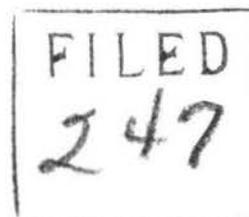


Answer by letter-Wood

5-20-69

OPINION LETTER NO. 247



Mr. Gene Sally
Acting Director
Department of Community
Affairs
Jefferson Building
Jefferson City, Missouri 65101

Dear Mr. Sally:

This is in response to your letter of April 28, 1969, requesting my opinion as to the ability of your department to legally participate in the Comprehensive Planning Assistance Grant from the United States Department of Housing and Urban Development. The grant will be made pursuant to Section 701 of the Housing Act of 1954, as amended (40 U.S.C.A. Section 461) and it has been designated Program No. Mo. P-146.

You have supplied us with a copy of the application for this grant and a copy of the contract to be executed between the United States Department of Housing and Urban Development and the Missouri Department of Community Affairs.

The Department of Community Affairs by and through the director is vested with the statutory power to:

". . . accept grants and other financial assistance and may consult, cooperate with, assist, make and enter into contracts with other boards, commissions, agencies and institutions of this state, with local and federal governments, and private organizations, upon such terms as may be mutually agreed upon, . . ." (Section 251.090, RSMo Cum. Supp. 1967)

Mr. Gene Sally

The Department is further empowered:

"To contract for, receive and utilize grants or other financial assistance made available by the state or federal government or from any other source, public or private, for performing the functions of the state office. . . ." (Section 251.190, RSMo Cum. Supp. 1967)

Finally, the Department has been conferred the following specific powers with regard to planning:

"The department of community affairs is hereby designated as the official state planning agency for the purpose of providing planning assistance to counties, municipalities, metropolitan planning areas, and regional planning commissions herein created when requested by such local governmental unit or planning commission to do so, and for such purposes is authorized to:

"(1) Contract with public agencies or private persons or organizations for any purposes of [this law];

* * * *

"(3) Require or receive reimbursement from any political subdivision or subdivisions or regional planning commissions for the actual cost of planning assistance or planning has been requested by said political subdivision or commission except that no reimbursement shall be required or received for such costs to the extent that such costs are covered by federal grants." (Section 251.170, RSMo Cum. Supp. 1967)

The 74th General Assembly of Missouri at its regular session in 1967 appropriated a total of \$187,427.00 to the Department of Community Affairs for the fiscal year ending June 30, 1968. In 1968, the First Extra Session of the 74th General Assembly appropriated a total of \$923,967 to the Department of Community Affairs for the fiscal year July 1, 1968, to June 30, 1969. The 75th General Assembly of Missouri, now in regular session, will conclude its work on June 30, 1969. Until such time, it cannot be stated with certainty the exact amount that will be appropriated to the Department of Community Affairs for the fiscal year beginning July 1, 1969 and ending June 30, 1970. At this stage of the session,

Mr. Gene Sally

however, the House has approved a bill appropriating \$418,894.00 to the Department and this bill is now being considered in the Senate. In light of the prior years' appropriations and the interim status of the fiscal year 1970 appropriation, it appears that the Department of Community Affairs will have available from state funds at least \$201,290.00 to assure the non-federal obligation of funds under the Comprehensive Planning Grant, Mo. P-146. This, of course, does not take into account the possibility of contributions from the various cities of the state who are to receive planning services under the program.

In view of the statutes of Missouri above noted, it is also my opinion that the Comprehensive Planning Assistance Grant Mo. P-146 is a legal undertaking of the Department of Community Affairs and that such is consistent with the laws of Missouri.

I call to your attention Section 33.085, RSMo Cum. Supp. 1967, requiring copies of applications for federal funds, including a description of the project therein contemplated, to be supplied to the Director of the Budget, the legislative Fiscal Officer, the Chairmen of the Missouri House and Senate Appropriations Committees and the Minority Floor Leaders of the Senate and House.

Yours very truly,

JOHN C. DANFORTH
Attorney General

By
Louren R. Wood
Assistant Attorney General