

Answer by letter-Wood

October 6, 1969

OPINION LETTER NO. 431



Mr. William L. Culver
Executive Director
Missouri Law Enforcement
Assistance Council
Department of Community Affairs
Jefferson Building
Jefferson City, Missouri 65101

Dear Mr. Culver:

You have asked for my opinion if regional law enforcement assistance councils have the status of local government and political subdivisions under Missouri law.

The Omnibus Crime Control and Safe Streets Act of 1968 (PL 90-351; 42 U.S.C.A., §3701, et seq.) provides for planning grants to states to enable state law enforcement planning agencies and units of general local government to institute programs and projects that will improve and strengthen law enforcement.

The Department of Community Affairs was created to, among other things:

"Exercise the state's responsibility for administering, supervising, coordinating and generally performing the role of state government as set forth in those federal programs concerning community affairs which are assigned to the department by the general assembly or by the governor;"
(\$251.030(8), RSMo)

By Executive Order, Governor Hearnes did on August 19, 1968, establish an agency within the Department of Community Affairs for the purpose of implementing the above federal law. This agency, the Law Enforcement Assistance Council, has set up regional councils in Missouri so that local units of government can participate

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in comprehensive planning for crime control and criminal justice. These councils formulate and supervise the execution of policy for their regions, seek to identify local needs and guide local planning efforts in accordance with general guidelines and priorities of the State Law Enforcement Assistance Council (page 20 of the State Plan.)

The Community Affairs Act defines "political subdivision" as:

" . . . counties, townships, cities, towns, villages, whether or not incorporated, special districts excluding school districts, housing authorities, land clearance for redevelopment authorities, municipal, county, regional or other planning commissions and any other local public body created by the general assembly or exercising governmental functions." (§251.020(6), RSMo; emphasis added)

"Local government" is defined as ". . . any political subdivision of the state;" (§251.020(5), RSMo).

It is my opinion that the activities and responsibilities of Regional Law Enforcement Assistance Councils as delineated in the State Plan can be considered the "exercis[e] [of] governmental functions" Hinds v. City of Hannibal, 212 S.W.2d 401 (Mo. 1948), and it is therefore my opinion that such councils are "local public bod[ies]" (§251.020(6), RSMo).

Accordingly, I am of the opinion that Regional Law Enforcement Assistance Councils established by your agency are local governments and political subdivisions within the meaning of Chapter 251, RSMo.

Yours very truly,

JOHN C. DANFORTH
Attorney General