

EMERGENCY RELIEF:

Not illegal for county to make Social Welfare Board of city its agent in distributing county and Federal funds for emergency relief.

*See 6900 R.S. Nov 19 29*

October 13, 1933.

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Mr. Wallace Crossley, Director,  
Missouri Relief and Reconstruction Commission,  
Jefferson City, Missouri.

Dear Sir:

We are acknowledging receipt of your letter in which you inquire as follows:

"In developing a plan for the administration of Federal aid in Buchanan County, a question has arisen as to whether or not the County Court may legally appoint the Social Welfare Board as their agent for administering county funds in the county outside St. Joseph. The Social Welfare Board is by law their agent within the City of St. Joseph, and our office has requested that they be made their agent outside the City of St. Joseph in order to perfect a unified plan for administering both Federal and local funds.

For your information we are enclosing outline of plan (Exhibit "A") for administering Federal and other public relief funds in Buchanan County after August 1, 1933, which was presented to our office by our Buchanan County Emergency Relief Committee about the 1st of July of this year. When this outline was received we were advised that the County Court and all other parties involved had agreed to its content. When it came time for the County Court and the Social Welfare Board to make agreement as provided in Sec. II, paragraph 1, of the outline, the Court and Welfare Board were unable to agree. Two or three suggested plans have been presented to this office which were not acceptable from our point of view.

A few days ago, our Field Director, Mr. A. R. Gephart, was in St. Joseph and left with them the enclosed memorandum, marked Exhibit "B". He explained that the content of this memorandum would need to be included in any agreement between the County Court, and the Welfare Board, before it would be acceptable to this office. He explained that the agreement could

be amplified by such additional items as either party might wish to include, but that nothing could be accepted which would nullify the terms specified in the memorandum.

Please advise us whether or not an agreement making the Social Welfare Board the County's agent outside the City of St. Joseph is in any sense a violation of the law. A definite answer on this point will apparently solve our problem as the Court states that it is the only obstacle at the present time to the agreement."

You inquire whether or not it would be illegal for the County Court of Buchanan County to enter into an agreement whereby the Social Welfare Board of St. Joseph should be their agent for disbursing county funds for relief in Buchanan County.

Article 5 of Chapter 38, R. S. Mo. 1929, creates a Social Welfare Board in cities of the second and third classes. Under that Chapter the Social Welfare Board of St. Joseph is the agency for administering relief and in disbursing city funds for relief purposes within the limits of St. Joseph. Section 6900 of the Chapter, among other things, provides:

"\* \* \*Said Board shall further have power to enter into co-operative arrangement with state or county agencies, or with charitable and philanthropic associations in order better to promote the objects of its work. Said board may act as agent for the county superintendent of public welfare within the limits of the city, under such arrangements as may be made jointly by them."

Article 10 of Chapter 125, R. S. Mo. 1929, creates the office of superintendent of public welfare and specifies his duties among which, under Section 14194, is that:

"The county superintendent of public welfare shall be agent of the county court in his county in investigating all requests for charity and applications of blind persons for pensions in his county."

The county welfare board of St. Joseph, under the foregoing Chapter, is authorized and directed to handle relief within the limits of St. Joseph where city funds are used for that purpose. The superintendent of county welfare is the welfare agent of the county. We find nothing, however, in either chapter which would preclude these agencies in co-operating together for the purpose of dispensing funds for the benefit of charity. It is apparent from Exhibit "A" which you have attached to your inquiry that unless the agency administering Federal funds is county wide in its scope, that the benefit of those funds will be greatly reduced and services greatly restricted.

Article 5 of Chapter 38, R. S. Mo. 1929, expressly provides that the social welfare board and the county superintendent may, under a mutual agreement, make the welfare board the agent for the county, within the limits of the city. We do not understand that this is a restriction on such agency or that the county welfare board might not in such an emergency as this be made the agent for the county to administer county relief and dispense county funds. While the county welfare board might not and would not have the authority to dispense city funds for relief purposes outside of the city, we do not believe said Section is a restriction on the right of said board to administer relief in dispensing county funds in connection with the distribution of Federal funds provided for that purpose. While the Act creating the superintendent of county welfare provides that he should be the county welfare agent, it also assigns to him numerous other duties besides the administering of relief for charity. We do not think that the Legislature intended that the said superintendent of public welfare of the county should be the sole or exclusive agent through which the county court is compelled to act in matters of this kind. It is apparent that a co-operation between the county <sup>and the</sup> social welfare board is essential in order that the fullest benefit may be derived during this emergency from funds to be furnished by the Federal government. We do not believe there is any provision in the statutes that would prohibit the county court from arranging with the social welfare board to administer county funds in connection with the Federal funds to be supplied for this purpose.

It is therefore the opinion of this Department that the county, in order to avail itself of Federal funds to be used for emergency relief, might properly use the social welfare board of St. Joseph as its distributing agent in connection with this relief, and that such action on the part of the parties would not be illegal.

Very truly yours,



Assistant Attorney General.

APPROVED:

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Attorney General.

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