

COUNTY OFFICERS: County required to furnish necessary supplies for county officers if same has been contemplated in the budget.

March 27, 1943.



Mr. George O. Dalton
Collector
Marion County
Hannibal, Missouri

Dear Mr. Dalton:

This will acknowledge receipt of your letter of March 23d in which you request an opinion of this Department. Your request, omitting caption and signature, is as follows:

"Will you please advise me just what authority the County Collector has to purchase necessities for his office such as, desks, chairs, typewriters, stationery, books and other necessary supplies.

"As a matter of common sense and cooperation, I have made every effort to cooperate with the County Court and conform to my budget figures when major purchases are made.

"However, I shall very much appreciate your opinion which I feel will greatly enlighten me as to this subject. "

In answer to your question, we will first cite you to Section 2480, R. S. Mo. 1939, which provides as follows:

"The said court shall have control and management of the property, real and personal, belonging to the county,

and shall have power and authority to purchase, lease or receive by donation any property, real or personal, for the use and benefit of the county; to sell and cause to be conveyed any real estate, goods or chattels belonging to the county, appropriating the proceeds of such sale to the use of the same, and to audit and settle all demands against the county."

In the case of *Ewing v. Vernon County*, 216 Mo. 681, the court held that it is the duty of the county to provide and pay for the necessary janitor services for the office of county recorder, and in that case, where the county refused and the recorder paid for the necessary services, he was allowed to recover the amount which he had paid.

Again, in *Harkreader v. Vernon County*, 216 Mo. 696, the court held that it was the duty of the county to pay for the water and light used in the jail, after the sheriff was forced to pay for such services himself.

And we wish to cite you to the case of *Buchanan v. Ralls County*, 222 S. W. 1002, where it was held that it is the duty of the county to furnish the treasurer of the county with suitable office space, heat, lights and janitor service.

There seems to be no doubt that the county shall pay for the maintenance of offices of the various county officers and furnish the necessary supplies of such offices. However, the cases cited above were all decided prior to the budget act for the different counties, which is in force and effect in the State of Missouri. This budget act is found in Chapter 73 of the Revised Statutes of Missouri for 1939. Section 10912 of said act provides as follows:

"It is hereby made the express duty of every officer claiming any payment

for salary or supplies to furnish to the clerk of the county court, on or before the fifteenth day of January of each year an itemized statement of the estimated amount required for the payment of all salaries or any other expense for personal service of whatever kind during the current year and the section or sections of law under which he claims his office is entitled to the amount requested, also he shall submit an itemized statement of the supplies he will require for his office, separating those which are payable under class 4 and class 6. Officers who are paid in whole or in part other than out of the ordinary revenue, whether paid by fees or otherwise, shall submit an estimate for supplies in the same manner as officers who are paid a salary out of ordinary revenue. No officer shall receive any salary or allowance for supplies until all the information required by this section shall have been furnished. The clerk of the county court shall prepare and file an estimate for his office; also for the expense of the judges of the county court. If for any year there should not be sufficient funds for the county court to pay all the approved estimates under class 4, after having provided for the prior classes, the county court shall apportion and appropriate to each office the available funds on hand and anticipated, in the proportion that the approved estimate of each office bears to the total approved estimate for class 4."

Conclusion.

It is the conclusion of this Department that the county shall furnish necessary supplies for the various county

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officers, and, following the cases cited above, it appears that in several instances where the county court has refused so to do, that the county officer, after purchasing such supplies himself, has been able to recover the amount so expended. However, under the budget act as cited above, before any supplies may be purchased in this manner, it is necessary that they be considered and placed in the county budget at the time such budget is made up.

Respectfully submitted,

JOHN S. PHILLIPS
Assistant Attorney-General

APPROVED:

ROY McKITTRICK
Attorney-General

JSP:EG