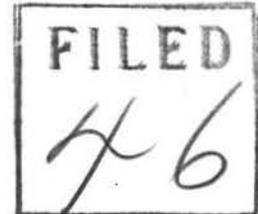


ELEEMOSYNARY INSTITUTIONS: Board of Managers may employ an "Executive Secretary" to work in central office at Jefferson City, Missouri, with reservations.

February 2, 1943

2-6

Mr. Ira A. Jones, President
Board of Managers
State Eleemosynary Institutions
Jefferson City, Missouri



Dear Sir:

This is to acknowledge receipt of your letter of January 21st, 1943, in which you request the opinion of this department. Your request reads as follows:

"At the request of the Board of Managers of the Eleemosynary Institutions, we are writing you for information.

"Has the Board of Managers the power to create an Executive Secretary and set the salary for same?"

For an answer to your question we must refer to the statutes of Missouri, which create a Board of Managers of the State Eleemosynary Institutions, to ascertain the powers and duties of such board.

The Board of Managers of the Eleemosynary Institutions of the State is created by Section 9259, R. S. Mo. 1939, which statute gives the board the care, management and control of the State Eleemosynary Institutions. This board, consisting of six men, is appointed by the Governor and is bipartisan, and one of their number is designated as president, who shall devote his entire time to the said institutions. (Section 9261, R. S. Mo. 1939.)

Under Section 9263, R. S. Mo. 1939, the Board of Managers shall have authority to make all necessary rules, regulations and by-laws for the government, discipline and management of each institution under its jurisdiction, not inconsistent with the laws of the state.

The statutes designate by name the various officers of the institutions under the management of the Board of Managers and fix their salaries. The president receives \$5,000 per annum under Section 9270, R. S. Mo. 1939. The health supervisor receives not exceeding the sum of \$5,000, per annum, to be determined by the board, under Section 9274, R. S. Mo. 1939. Under Section 9278, R. S. Mo. 1939, each of the various eleemosynary institutions shall have a superintendent, who shall receive, unless otherwise provided for, \$3600 per annum. The various institutions shall have physicians and assistant physicians, whose duties it shall be to administer to the wants and needs of the inmates of such institutions and their salaries are fixed under the provisions of Section 9280, R. S. Mo. 1939. This section further provides that the Board of Managers in charge of the office at Jefferson City shall have a chief clerk, who shall receive a salary of not to exceed \$2800 per annum.

The Eleemosynary Institutions of the State, located at Fulton, St. Joseph, Nevada and Farmington, the State Sanatorium at Mount Vernon, and the Missouri State School at Marshall, constitute the various institutions under the control and management of the Board of Managers and necessarily employ hundreds of employees to work in said institutions and care for the inmates.

You ask whether the board has power to create an executive secretary and set the salary of such secretary. We are of the opinion that under the broad powers given the Board of Managers to employ the necessary assistance to properly care for and manage the various institutions that it has the power to employ the necessary and essential help in the central office at Jefferson City and to fix the amount of salary of the employees located therein, within reasonable and lawful limits. Under the statutes the board would have no authority to create any new office or appoint an officer for such office. However,

the Board of Managers has the authority to designate a certain employee to perform certain duties. The name given the employee is not significant and if the board desires to employ such a person and, for purposes of designation, desires to call him "Executive Secretary," we see no objection to such appellation.

CONCLUSION

It is our opinion that the Board of Managers of the State Eleemosynary Institutions has the authority to employ a clerk in the office at Jefferson City, Missouri, to perform the necessary duties in connection with the administrative duties of the board, and may call the clerk so designated as "Executive Secretary," if it so desires, however, the salary must be in keeping with the duties performed.

Respectfully submitted,

COVELL R. HEWITT
Assistant Attorney-General

CRH:CP

APPROVED:

ROY MCKITTRICK
Attorney-General