

CIVIL DEFENSE:
MILEAGE:
EXPENSES:

The Boone County Court, in the exercise of its control of the fiscal affairs of the County has authority to reimburse the County Civil De-

fense Director for all actual and necessary travel expenses incurred in the performance of public duties, which would include travel to attend civil defense conferences outside the political subdivision and outside the State of Missouri.

OPINION NO. 149

July 1, 1969

Honorable Frank Conley
Prosecuting Attorney
Boone County Court House
Columbia, Missouri 65201



Dear Mr. Conley:

This is in reply to your request for an official opinion as to the legality of Boone County's reimbursing its Civil Defense Director for travel expenses incurred in attending a civil defense conference outside the political subdivision and outside the State of Missouri. We assume that provision is made for such reimbursement of expenses in the county's annual budget.

Boone County was directed to establish a Civil Defense organization under Section 44.080, RSMo Supp. 1967, and in this connection it was authorized to expend funds in the administration of such a program.

"1. Each [county] . . . of this state shall establish a local organization for disaster planning in accordance with the state survival plan and program. The . . . [county court] shall appoint a coordinator who shall have direct responsibility for the organization, administration and operation of the local disaster planning for civil defense, subject to the direction and control of the . . . [county court]. Each local organization for disaster planning shall be responsible for the performance of civil defense functions within the territorial limits of its political subdivision, and may conduct these functions outside of the territorial

Honorable Frank Conley

limits as may be required pursuant to the provisions of this law.

"2. In carrying out the provisions of this law, each political subdivision may:

"(1) Appropriate and expend funds, make contracts, obtain and distribute equipment, materials and supplies for civil defense purposes, provide for the health and safety of persons, including emergency assistance to victims of any enemy attack; the safety of property, and direct and coordinate the development of disaster plans and programs in accordance with the policies and plans of the federal and state disaster and emergency planning;

"(2) Appoint, provide, or remove rescue teams, auxiliary fire and police personnel and other emergency operating teams, units or personnel who may serve without compensation;" (Section 44.080, RSMo Cum. Supp. 1967)

The county courts are empowered by law to manage the fiscal affairs of the county.

"The county court shall have power to audit, adjust and settle all accounts to which the county shall be a party; to order the payment out of the county treasury of any sum of money found due by the county on such accounts; . . ." (Section 50.160, RSMo 1959; emphasis added)

One adjunct of this power has been characterized as the:

". . . discretionary quasi-legislative function and duty, State ex rel Dietrich v. Daves, 315 Mo. 701, 287 S.W. 430, of determining the necessity and amount of expenditures not otherwise specifically provided for by statute. . . ." (Miller v. Webster County, 228 S.W.2d 706, 708 (Div. 2, 1950))

The statute pertaining to county civil defense organizations does not in terms provide for reimbursement of the director's travel expenses, but it is nevertheless our opinion that the Boone County Court could properly determine that the expenses incurred in the

Honorable Frank Conley

trip to Miami Beach were ". . . bona fide, reasonable, and actual expenditures for indispensable expenses of this office . . ." (Rinehart v. Howell County, 153 S.W.2d 381, 382 (Div. 2, 1941)).

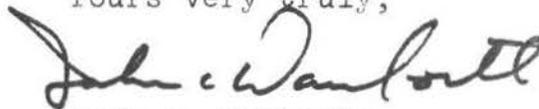
We believe that the test employed by the county court in reaching this determination should be the practical benefit of the National Conference to the Boone County Civil Defense Program. If the primary purpose of attending the Conference was to gain information clearly applicable or of definite utility to the present performance of the director's duties, then we feel the county court could allow reimbursement. However, if there is only a long term general benefit to the particular director in attending the Conference, then the county court might properly, in our view, decline to make the reimbursement.

CONCLUSION

It is the opinion of this office that the Boone County Court, in the exercise of its control of the fiscal affairs of the County has authority to reimburse the County Civil Defense Director for all actual and necessary travel expenses incurred in the performance of public duties, which would include travel to attend civil defense conferences outside the political subdivision and outside the State of Missouri.

The foregoing opinion, which I hereby approve, was prepared by my Assistant, Louren R. Wood.

Yours very truly,



JOHN C. DANFORTH
Attorney General