

COUNTY HOSPITAL
BOARD OF TRUSTEES:
EMPLOYMENT OF ARCHITECT:

The board of trustees of a county hospital is authorized to employ an architect to draw up the plans and specifications for such a hospital.



May 8, 1957

Honorable Edward C. Westhouse
Prosecuting Attorney
Madison County
Fredericktown, Missouri

Dear Sir:

Your recent request for an official opinion reads:

"Previously I wrote to you asking your opinion on several questions concerning the matter of a county hospital. You assigned the request to your assistant, Hugh P. Williamson, to answer the question.

"Upon the same general matter of a county hospital, I would like to ask your opinion as to whether the county court can make an agreement with an architect to prepare preliminary drawings of a hospital, surveys and all other matters necessary for application to the Hill-Burton Committee for Federal aid. This agreement contains the provision that the county court must employ this architect, if the bond issue passes by vote, to draw up the actual plans and specifications for the hospital. This agreement would be all right in my estimation if the county court was the body to employ the architect, but I believe that it is up to the Board of Trustees, who are appointed by the county court, and later elected by the people, would be the body to select and hire the architect.

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"Therefore, would you please inform me which body or group select and employ the architect?"

In regard to the above, I direct your attention to paragraph 4 of Section 205.190, RSMo 1949, which paragraph reads:

"The board of hospital trustees shall make and adopt such bylaws, rules and regulations for their own guidance and for the government of the hospital as may be deemed expedient for the economic and equitable conduct thereof, not inconsistent with sections 205.160 and 205.340 and the ordinances of the city or town wherein such public hospital is located. They shall have the exclusive control of the expenditures of all moneys collected to the credit of the hospital fund, and of the purchase of site or sites, the purchase or construction of any hospital buildings, and of the supervision, care and custody of the grounds, rooms or buildings purchased, constructed, leased or set apart for that purpose; provided, that all moneys received for such hospital shall be deposited in the treasury of the county to the credit of the hospital fund, and paid out only upon warrants ordered drawn by the county court of said county upon the properly authenticated vouchers of the hospital board." (underscoring ours.)

From the underlined portion of the above quoted paragraph, it would appear to be clear that after its appointment, the hospital board of trustees is in complete charge of the hospital. Since the employment of an architect is an indispensable prerequisite to the erection of a hospital and since the board of trustees is charged with the construction of any hospital building, we believe that the employment of an architect would be in the hands of the board of trustees.

We note that Section 205.250, RSMo 1949, reads:

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"No hospital buildings shall be erected or constructed until the plans and specifications have been made therefor and adopted by the board of hospital trustees, and bids advertised for according to law for other county public buildings."

The above section would appear to strengthen the conclusion which we have reached above.

Section 205.160, RSMo 1949, reads:

"The county courts of the several counties of this state are hereby authorized, as provided in sections 205.160 to 205.340, to establish, construct, equip, improve, extend, repair and maintain public hospitals, and may issue bonds therefor as authorized by the general law governing the incurring of indebtedness by counties." (underscoring ours.)

It will be noted that the above section charges the county court with the duty to "establish, construct . . . public hospitals." We believe, however, that this section is entirely compatible with our previous conclusion, and that the board of trustees, in the construction of a hospital, is acting as the agent of the county court.

CONCLUSION

It is the opinion of this department that in the erection of a county hospital, it is the duty of the board of trustees of such hospital to employ the architect who will draw up the plans and specifications of such hospital.

The foregoing opinion, which I hereby approve, was prepared by my assistant, Hugh P. Williamson.

Yours very truly,

John M. Dalton
Attorney General

HPW:db:lc