

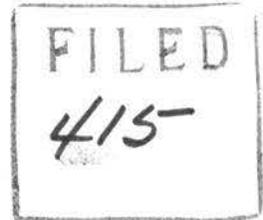
COUNTY HEALTH CENTER
PROSECUTING ATTORNEY
SHERIFFS
DEPUTY SHERIFFS

The trustees of the Taney County Health Center may appoint personnel on a full or part-time basis to investigate and enforce violations of environmental laws and regulations.

December 21, 1971

OPINION NO. 415

Honorable Peter H. Rea
Prosecuting Attorney
Taney County
Box 27
Branson, Missouri 65616



Dear Mr. Rea:

This is in reply to your request for an official opinion of this office, which request reads as follows:

"Would the Health Center Trustees, in a 3rd class county, be authorized and empowered to expend funds from the Health Center treasury received from the people in the 10-cent levy, for purposes of paying an investigator working under the Prosecuting Attorney whose job description is in the field of ecology, to-wit: The enforcement of statutes relating to water pollution in the county and to investigate complaints of citizens relating to the general field of ecology?"

You have stated that the Health Center trustees would contribute \$1,500 as part payment of the salary of a Taney County water patrolman who will be commissioned a deputy sheriff and who will act as an investigator for the prosecuting attorney's office. The primary duties of the patrolman would be to investigate and enforce environmental laws and regulations on such problems as water pollution, dumping and trash disposal, and septic tank and sewage disposal. This person would operate on Lake Taneycomo, Bull Shoals, Table Rock, and the many streams of Taney County.

Honorable Peter H. Rea

Of course, as stated in your opinion request, this officer would also enforce other criminal laws relating to violations on these water areas.

Section 205.010, RSMo 1969, provides for the creation of county health centers and the assessment and levy of a tax for such purposes. You have stated that Taney County has established such a center and presently has some \$37,000 accumulated from the tax.

Such funds are to be expended for the following purpose:

"The board of health center trustees shall make and adopt such bylaws, rules and regulations for their own guidance and for the government of the county health center as may be deemed expedient for the economic and equitable conduct thereof. They shall have the exclusive control of the expenditures of all moneys collected to the credit of the county health center fund, and of the purchase of site or sites, the purchase or construction of any county health center buildings, and of the supervision, care and custody of the grounds, rooms or buildings purchased, constructed, leased or set apart for that purpose. All moneys received for the county health center shall be deposited in the county treasury to the credit of the county health center fund, and paid out only upon warrants ordered drawn by the county court upon properly authenticated vouchers of the board of health center trustees." Section 205.042.4, RSMo 1969.

In addition the trustees may appoint personnel as follows:

"The board of health center trustees may appoint and remove such personnel as may be necessary and fix their compensation; and shall in general carry out the spirit and intent of sections 205.010 to 205.155 pertaining to establishing and maintaining a county health center." Section 205.042.5, RSMo 1969.

The question then is whether such a person would be appointed to carry out the spirit and intent of Sections 205.010 to 205.155, RSMo 1969.

Honorable Peter H. Rea

The only provision answering this question is Section 205.050, RSMo 1969, which provides:

"The public health center is established, maintained and operated for the improvement of health of all inhabitants of said county or counties."

It is our opinion that the term "public health center" is not strictly limited to a "building or facility." Therefore, it is appropriate for the trustees of the public health center to appoint personnel whose duties are to maintain and improve the health of the inhabitants of the county even though they do not necessarily operate out of any building or facility designated as the public health center.

The important question is whether such a person who is investigating such environmental problems as water pollution and waste disposal is working to maintain and improve health. It is our further opinion that such a person would be meeting the purposes of Sections 205.010 through 205.155.

In reaching this conclusion, we note that in the Missouri Water Pollution Law, Chapter 204, RSMo, "pollution" is defined as the discharge of sewage or wastes into waters of the state to such an extent as to be detrimental to "public health." Section 204.010(5), RSMo 1969. Also, in the Missouri Air Conservation Law, Chapter 203, RSMo, "air pollution" is defined as the presence of air contaminants causing or contributing to injury to "health." Section 203.020(4), RSMo 1969.

Thus, it is apparent that investigating and enforcing environmental problems is related to maintaining and improving the health of the inhabitants of Taney County.

CONCLUSION

It is the opinion of this office that the trustees of the Taney County Health Center may appoint personnel on a full or part-time basis to investigate and enforce violations of environmental laws and regulations.

The foregoing opinion, which I hereby approve, was prepared by my Assistant, Walter W. Nowotny, Jr.

Yours very truly,



JOHN C. DANFORTH
Attorney General