

Opinion No. 378**County Commissioners — Poor—Relief
—Employment Manager, Employment
of—National Re-employment
Administration**

HELD: County Commissioners have power to hire an employment manager for the purpose of providing and caring for dependent poor.

October 31, 1933

You have submitted the question whether the county commissioners have power to employ a manager for a county employment office.

It is my understanding that such office will co-operate with the State Director of the National Re-employment Service of the United States Department of Labor; that the latter will assist such office in the registering and placing of the unemployed; that he will supply the necessary application blanks for the registering of the unemployed; that he will advise the county manager of proposed work and when a contract is awarded, will submit the name of the contractor, the time the work will begin and the approximate number of men needed; and will assist the county manager in such other ways from time to time as may prove helpful. The county manager will be hired and discharged by the county commissioners and at all times will be entirely subject to the control and the direction of the county commissioners.

Section 4465, R. C. M. 1921, as finally amended by Subdivision 5, Chap-

ter 100, Laws of 1931, provides that the county commissioners have jurisdiction and power "to provide for the care and maintenance of the indigent sick, or the otherwise dependent poor of the county; * * *."

It will be noted that the exact method in all instances by which the county commissioners shall provide for the care and maintenance of the dependent poor is not specified. In normal times the usual method is by the giving of money or supplies. During the depression it is a well known fact that many counties, due to the lack of remunerative employment of their residents, have been and are now financially unable to furnish the money and supplies in amounts adequate to care for and maintain all the dependent poor. Counties have found it necessary in many instances to furnish employment to the poor in order to supplement their donations of cash and supplies. This method wherever possible is undoubtedly legitimate as well as wise, desirable and to the interests of both the taxpayers and the dependent poor. If jobs can be found for those poor who are willing to work and who are dependent only for the reason that they are not employed, then the taxpayers should not be required to supply them with money and supplies and it is the duty of the county commissioners to provide the jobs if they can do so. Nor should the needy of the county be humiliated by being forced to accept public charity when there is work for them to do in the performance of which they may retain a worthy pride and self-respect.

The county commissioners are charged not only with the duty of saving the taxpayers money in all instances where they can, but also with the duty of caring for and maintaining the dependent poor. If employment is a legitimate method then it would seem that the commissioners have the power of providing the means by which such employment might be furnished. The county commissioners must necessarily have authority commensurate with their public duty.

It is therefore my opinion that the setting up of an employment office, if the county commissioners determine that it is necessary and desirable in order to find employment for the de-

pendent poor of the county, is a method reasonably well adapted to the end of providing for the care and maintenance of the dependent poor and that the power to do so may be found in the above mentioned Section 4465, as amended.