

Opinion No. 583**Counties—Poor Funds—Poor—Relief
—Office Rent—County
Commissioners.**

HELD: Since the work of the local commissions and officers of the F. E. R. A. is directly connected with the giving of relief to the dependent poor of the county, the county commissioners have the power, under Chapter 100, Laws of 1931, to pay rent for local administrative offices where it is necessary and where it is not practicable or possible to establish same in the county court house.

July 30, 1934.

You have submitted for my opinion the question whether county commissioners may use county poor funds to pay rent of local administrative offices of local commissions and officers working for the F. E. R. A.

The money being spent by the Federal Government through the F. E. R. A. is for the purpose of providing relief to the dependent poor who, because of illness, unemployment or some other reason, are unable to provide for themselves. Authority is expressly given to the county commissioners by Subdivision 5 of Chapter 100, Laws of 1931, amending Section 4465, R. C. M., 1921, to "provide for the care and maintenance of the indigent sick, or the otherwise dependent poor of the county."

Since the work of the local commissions and officers of the F. E. R. A. is directly connected with the giving of relief to the dependent poor of the county, it is my opinion that the county commissioners have the power, as provided by said Chapter 100, to pay rent for local administrative offices where it is necessary and where it is not practicable or possible to establish the same in the county court house, as to do so is directly connected with the

furnishing of relief to the dependent poor of the county for which the county poor fund is collected and maintained.

We call attention to our opinion No. 423, this volume, dated January 23, 1934, where we held that the county commissioners have power to purchase paint and other supplies out of the poor fund for the purpose of keeping the poor employed by the C. W. A. In that opinion we said "the purchasing of such materials seems to be a method reasonably well adapted to the end of providing for the care and maintenance of the dependent poor, a duty with which the county commissioners are charged."

See also opinion No. 378, this volume, dated October 31, 1933, holding that the county commissioners had power to employ a manager for a county employment office. In that opinion we pointed out that the statute does not specify the exact method by which the county commissioners shall discharge their duty of providing care and maintenance for the dependent poor, and that the establishment of an employment office, where necessary and desirable in order to find employment, was a method reasonably well adapted to that end, and that the power may be found in said Section as amended. See also our opinion No. 439, this volume, dated February 2, 1934.

The principle here involved is not essentially different from that considered in those cases. As we have heretofore pointed out in our previous opinions, the county commissioners are the judges of the necessity and desirability.