

# OFFICE OF THE ATTORNEY GENERAL



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CHARLES A. GRADDICK  
ATTORNEY GENERAL  
STATE OF ALABAMA  
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ADMINISTRATIVE BUILDING  
64 NORTH UNION STREET  
MONTGOMERY, ALABAMA 36130  
AREA (205) 834-5150

LEE L. HALE  
DEPUTY ATTORNEY GENERAL

WILLIAM M. BEKURS, JR.  
EXECUTIVE ASSISTANT

WALTER S. TURNER  
CHIEF ASSISTANT ATTORNEY GENERAL

JANIE NOBLES  
ADMINISTRATIVE ASSISTANT

Honorable Thomas A. Snowden, Jr.  
Judge of Probate and Chairman,  
Shelby County Commission  
Columbiana, Alabama 35051

Commission on Aging -  
Municipalities and Counties

Local governments, county and municipal, may form an "Aging Consortium" to cooperate with the Alabama Commission on the Aging to further programs of that Commission.

Opinion by Assistant Attorney General Davis.

Dear Judge Snowden:

In your letter of April 17, 1979, to this office you request an opinion as to the legal basis under which an "Aging Consortium" may be formed by local (county and municipal) governments, and further, you asked what authority such a consortium would have.

You state that the purpose of the proposed multi-jurisdictional consortium would be to operate a program in conjunction with the Alabama Commission on the Aging which would plan, coordinate and provide social services for the elderly in five named counties, including Shelby County. It is proposed that the program will be governed by a Board of Directors composed of chief elected officials of the cooperating governments, and that it would be financed with local funds from the city and county governments and Federal Funds secured for the consortium through the agis of the

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Alabama Commission on the Aging. You further state that it is proposed to structure the organization along the lines of the Central Alabama Aging Commission.

The Central Alabama Aging Commission was considered in an opinion of this office dated October 9, 1975, and addressed to William F. Joseph, Jr., Chairman of the Central Alabama Regional Planning and Development Commission, to which opinion you refer in your letter. In that opinion a question similar to your first question was considered and the opinion was expressed that:

"...it appears that the 'aging consortium' is authorized by Title 37, Section 814 (10), subsections 5, 6, and 7 [Alabama Code 1940 Recompiled 1958, 1973 Cumulative Supplement, now Code of Alabama 1973, Section 11-85-56, subsection 5, 6, 7]"

You indicated that "while most local governments in the five counties are members of the Birmingham Regional Planning Commission, we do not wish for that to be a criteria for membership in the Consortium."

There are three statutes which bear upon your question. These are: Code of Alabama 1975, Section 38-1-6, Section 11-1-10, and Section 11-40-1. These statutes provide, inter-alia, as follows:

§38-1-6. "...all county and municipal governments in this state are hereby authorized to voluntarily participate in any program which is related to any form of assistance for the aged, including, but not limited to, ...any other program supported by the federal government, ... or other political or private organizations which establish assistance programs for the aged. Participation in said...programs may be in the form of moneys, services rendered or any other form of voluntary participation available."

§11-1-10. "The county commission...is hereby authorized and empowered to enter into contracts, ...compacts or any other form of agreement with...any other county... for the purpose of receiving or acquiring

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funds, matching funds, services,...  
and any and all other benefits deemed  
for the public interest in the  
promotion of...any other beneficial  
development."

§11-40-1. "All municipal organizations  
now existing...and...that may hereafter  
be incorporated...shall be bodies  
politic and corporate,...shall sue  
and be sued, contract and be contracted  
with..."

In view of the foregoing statutory provisions, it is the  
opinion of this office that these statutes provide the basis  
under which local governments may form an "Aging Consortium."  
The authority possessed by such a consortium would be that  
authority delegated to it by the local governments within  
the purview the foregoing statutes.

Sincerely,

CHARLES A. GRADDICK  
Attorney General

CAG/pd