

OFFICE OF THE ATTORNEY GENERAL



79-00206

file # 172

CHARLES A. GRADDICK
ATTORNEY GENERAL
STATE OF ALABAMA
MAY 24 1979

LEE L. HALE
DEPUTY ATTORNEY GENERAL

WILLIAM M. BEKURS, JR.
EXECUTIVE ASSISTANT

WALTER S. TURNER
CHIEF ASSISTANT ATTORNEY GENERAL

JANIE NOBLES
ADMINISTRATIVE ASSISTANT

ADMINISTRATIVE BUILDING
64 NORTH UNION STREET
MONTGOMERY, ALABAMA 36130
AREA (205) 834-5150

Mr. Jack D. Boozer, Chairman
Calhoun County Commission
Anniston, Alabama 36201

Calhoun County - Mental Health
Centers - Health Department

Property of County Health De-
partment is owned by county
and may be labelled as such.
Property of Mental Health Center
belongs to Center although it
is bought with county appropria-
tions.

Dear Mr. Boozer:

Acknowledgement is made to your request for an opinion of
the Attorney General on the following matter:

"At the present time, the Calhoun
County Commission is undertaking to
identify, inventory and tag all items
of personal property which are owned
by Calhoun County. The position of
Calhoun County Commission is that
these items are public property and
that they should have a proper list-
ing, so that each item can be readily
identified.

"In connection with this, some question has been raised with respect to items of personal property in the possession of Calhoun County Health Department and the Calhoun-Cleburne Mental Health Center. It is the contention of the Calhoun County Commission that all of the personal property items located in these two facilities are property of Calhoun County, Alabama, and that Calhoun County, Alabama should have a complete and accurate list of all items, and should be listed in some fashion so they can be easily identified as belonging to the County.

"1. Does Calhoun County own the personal property items located in these two institutions.

"2. If Calhoun County owns this property, are they authorized to identify each by tagging, or labelling, as Calhoun County property.

"3. If Calhoun County does not own this property, then who does own it and who is accountable for it and to whom are they accountable."

Code of Alabama 1975, Section 22-3-5, describe the duties of a county health officer who is the head officer of the county health department. Subsection (11) states:

"To occupy an office to be provided by the county commission, and the county commission shall appropriate from the revenue of the county such sums as are found necessary to furnish and equip the office of the county health officer with all necessary supplies and furnish all necessary staff, transportation, and other expenses of the county health officer and shall appropriate, from the revenues of the county, money for the

Mr. Jack D. Boozer
Page Three

prosecution of public health work which has been recommended by the county health officer and endorsed by the county board of health and approved by said county commission."

Thus a county furnishes the facilities and equipment of a county health department and for the county health officer. It owns all the personal property which it supplies for the county health department and officer and they may identify it and inventory such property as owned by them.

Mental Health Programs in this state are established under Code of Alabama 1975, Title 22, Chapter 51 and are organized as public corporations headed by a Board of Directors chosen by each county or municipal governing body who authorized the formation of the corporation. Section 22-51-14 provides that each governing body which is entitled to appoint a member of the Board of Directors shall make appropriations to the mental health program or center as their share in the cost of construction of the facilities and operations of the program. The personal property purchased with these funds do not belong to the county or municipality appropriating the funds but it belongs to the public corporation organized under Title 22, Chapter 51 to promote the mental health program of that county. Thus the property in the Calhoun-Cleburne Mental Center does not belong to the respective counties but it belongs to the Mental Health Center and such property cannot be labelled or tagged by Calhoun County as county property.

If our office can be of further assistance, please do not hesitate to call on us.

Sincerely,

CHARLES A. GRADDICK
Attorney General

By -



LYNDA F. KNIGHT
Assistant Attorney General

LFK;mj