

OPINION
56-33

January 6, 1956 (OPINION)

COUNTIES

RE: District Health Units

This office acknowledges receipt of your letter of December 19, 1955, asking our opinion concerning a situation in which the various counties belonging to the Southwestern District Health Unit unite to enter into an agreement for the purchase and use of a building to house the office of the Southwestern District Health Unit. Your first question is whether under Chapter 309 of the 1955 Session Laws a county can take out of unencumbered funds in the general fund for the purchase of a building.

Directing your attention to Chapter 309 of the 1955 Session Laws, it indicates under section 3 that if an agreement has been entered into between the various political subdivisions of the district for the purchase or erection of a building, funds already raised or any other proper funds or properties already on hand may be used to carry out terms of the agreement. So the answer to your question number one is "Yes."

Your question No. 2: Can counties enter into long-term financial agreements? Section 4 of said chapter specifically states that such agreement may be continued for a definite term or until rescinded or terminated, according to its terms. This would indicate that when the various counties have entered into an agreement, it will be determined therein as to how long the agreement may exist and upon what terms it may be discontinued.

Your question No. 3: Is a district health unit a political subdivision? Our answer to this question is that it is not a political subdivision, but it is an agency of the municipal government entering into the agreement and is created by law.

Your question No. 4 is: Can the county build or buy for this purpose and if so, what limits apply? As stated before, an agreement may be entered into between the various counties of the district for the purchase or erection of a building and the law does not state any limit to the amount that may be spent for this purpose. It will depend upon the kind of agreement entered into between the various subdivisions of the district.

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