

OFFICE OF THE ATTORNEY GENERAL



99-00227

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June 14, 1999

Honorable James H. West
Mayor, City of Slocomb
P. O. Box 1147
Slocomb, AL 36375

Senior Citizens – Public Purpose –
Municipalities - Funds

The City of Slocomb, pursuant to section 38-1-6 of the Code, may appropriate funds to the East Geneva County Senior Citizens Services, Inc., and may allow the organization to utilize a municipal building and provide utilities to the organization.

Dear Mayor West:

This opinion of the Attorney General is issued in response to your request.

QUESTIONS

1. May the City of Slocomb make budgetary allotment from its general fund annually for the benefit of East Geneva County Senior Citizens Services, Inc.?
2. If the answer to question one is in the negative, then can the City of Slocomb enter into

a contractual agreement by which they compensate East Geneva Senior Citizens Services, Inc., to supply recreations and nutritional services to senior adults within the City of Slocomb?

3. Can the City of Slocomb allow the East Geneva County Senior Services, Inc., to utilize the city's building without compensation?

4. Can the City of Slocomb supply utilities to the premises without charge to East Geneva County Senior Citizens Services, Inc.?

FACTS AND ANALYSIS

Your request stated:

The City of Slocomb is a lawfully incorporated Alabama municipality having a population of approximately 2000 people. The city owns a building that has been used as a senior citizens center since at least 1981. In 1981, the senior citizens organization incorporated as East Geneva County Senior Citizens Services, Inc., a public, not-for-profit corporation under the laws of the State of Alabama. In 1994, the corporation achieved charitable organization status under the Internal Revenue Code.

Due to their incorporated status, questions have arisen within our municipal government about the legality of certain relationships between the city and the corporation.

Section 38-1-6 of the Code of Alabama states in pertinent part:

(a) The state government and 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, such programs as senior citizens volunteers, foster grandparents, senior aids, various programs of the Federal Department of Health, Education and Welfare and any other program supported by the federal government, private foundations or other political or private organizations which establish assistance programs for the aged. Participation in said old-age assistance programs may be in the form of moneys, services rendered or any other form of voluntary participation available.

ALA. CODE § 38-1-6(a) (1992).

The Attorney General has concluded that, pursuant to the authority granted by section 38-1-6, a municipality may appropriate funds to programs providing assistance to the aged. Opinions of the Attorney General to Honorable Larry K. Anderson, City Attorney, City of Dothan, dated June 16, 1989, A.G. No. 89-00325, and to Honorable Roy W. Owens, Mayor, City of Scottsboro, dated February 9, 1981, A.G. No. 81-00229.

Pursuant to section 38-1-6, participation by governmental entities in senior citizens assistance programs may include money, services rendered, or any other form of voluntary participation available. In addition to allocating funds to the East Geneva County Senior Citizens Services, Inc., the City of Slocomb may allow that organization to utilize a municipal building and supply utilities to the organization.

While a municipality can voluntarily donate money and other services to a senior citizens assistance program, the municipality may also contract with the program to provide certain services to senior adult residents. This Office has concluded on numerous occasions that a city may contract with a nonprofit organization to provide those services that the city is authorized to provide to its citizens. Opinions of the Attorney General to Honorable Glen Fuller, Mayor, City of New Site, dated January 31, 1997, A.G. No. 97-00099, and to Honorable John R. Phillips, Attorney at Law, Anniston, dated May 28, 1993, A.G. No. 93-00190.

Honorable James H. West
Page 4

CONCLUSION

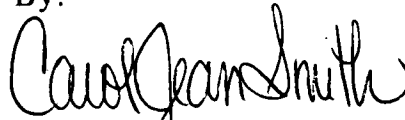
The City of Slocomb, pursuant to section 38-1-6 of the Code, may appropriate funds to the East Geneva County Senior Citizens Services, Inc., and may allow the organization to utilize a municipal building and provide utilities to the organization.

I hope this opinion answers your questions. If this Office can be of further assistance, please contact Carol Jean Smith of my staff.

Sincerely,

BILL PRYOR
Attorney General

By:

A handwritten signature in cursive script that reads "Carol Jean Smith".

CAROL JEAN SMITH
Chief, Opinions Division

BP/LKW/jho
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