



*Lynn Fitch*  
ATTORNEY GENERAL

OPINIONS DIVISION

January 31, 2020

Jay Barbour, Esquire  
Attorney, Yazoo County Board of Supervisors  
Post Office Box 1106  
Yazoo City, Mississippi 39194-1106

Re: Donation of County Building for Use by the American Red Cross

Dear Mr. Barbour:

Attorney General Lynn Fitch is in receipt of your opinion request and has assigned it to me for research and reply.

## OFFICIAL OPINION

### Factual Background

In your letter, you explain that Yazoo County owns a building that is used part-time as a polling place and for other election-related purposes. You explain that during other times, the building is not utilized or occupied. You also state that the American Red Cross does not have office space that it can use to meet with individuals who are seeking goods or services offered by the American Red Cross in Yazoo County. The Board of Supervisors would like to allow the American Red Cross use of the building when performing its duties, without charging a fee, on an as needed basis. Pursuant to our telephone conversation, you further clarified that if permissible, the county will enter into a use agreement with the organization.

### Question Presented

May the Yazoo County Board of Supervisors allow the American Red Cross organization to use a county-owned building free of charge when providing goods or services to the citizens of Yazoo County?

### Legal Research and Response

The sole authority for counties to grant any donations to private charities is governed by Section 19-5-93 of the Mississippi Code Annotated, which enumerates certain organizations which are authorized recipients for county donations. Specifically, Section 19-5-93(l) provides that a board of supervisors is authorized, in its discretion, to donate annually, a sum not exceeding One Hundred Dollars (\$100.00) per million of assessed valuation to the support of the American Red Cross. Our office has further opined that such donation can be monetary or in-kind. See MS AG Op., Walters (March 18, 1992). Thus, it is the opinion of this office that Yazoo County is authorized to enter into a use agreement which will allow an in-kind donation to the American Red Cross for the use of a county building so long as the value of the in-kind contribution does not exceed the annual monetary limit imposed by Section 19-5-93(l).

If this office may be of any further assistance to you, please let us know.

Sincerely,

LYNN FITCH, ATTORNEY GENERAL

By:

  
Avery Mounger Lee  
Special Assistant Attorney General

OFFICIAL OPINION