

SOIL CONSERVATION DISTRICTS: Each elected member of the Board of Supervisors for each Soil Conservation District must be Elected for a term of two years.

March 12, 1951



Honorable J. H. Longwell, Chairman
Missouri State Soil Districts Commission
128 Mumford Hall
Columbia, Missouri

Dear Sir:

This department is in receipt of your recent request for an official opinion. You thus state your request:

"The State Soil Districts Commission requests a statement regarding the terms of office of the supervisors of soil conservation districts.

"Section 5 of Senate Bill 80 of the 62nd General Assembly provides for a board of five supervisors for each soil conservation district, one of which shall be the county extension agent, the other four to be land representatives resident tax paying citizens within that soil district elected by a majority vote of land representatives under rules and procedures formulated by the soil commission. The four elected members shall serve for two years, and in case of the death, removal of residence from the county, or resignation from office of any elected member this successor to the unexpired term shall be appointed by the State Soil Districts Commission.

"The Soil Districts Commission has interpreted this provision of the law as meaning that the four elected supervisors are elected at the time the district is established, all serve two years and all may be reelected for two year terms or successors may be elected in place of one or more of them, again for a two year term.

"In actual practice this method sometimes has resulted in four new and inexperienced supervisors being elected to succeed the outgoing supervisors, with the result that the work of

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the district has suffered until the new supervisors have had time to become familiar with their duties and responsibilities.

"The Commission believes that if the terms of the supervisors were staggered so that the terms of two supervisors expire each year the work of the board of supervisors would be greatly improved due to the carry-over of two experienced supervisors each year. The Commission suggests that, at their next regular election of supervisors, each district elect two supervisors for one year and two for two years, thereafter holding an annual election to elect two supervisors for two year terms. Would this practice be legal under the provisions of the law?"

The law regulating the establishment of the Boards of Soil Conservation Districts is found in Section 278.110, RSMo 1949. The portion of this section which is pertinent to your inquiry reads as follows:

"1. The state soil districts commission upon declaring the establishment of a soil district as provided in section 278.100 shall proceed to arrange in the following manner for the establishment of a board of soil district supervisors to act as a local governing body for such soil district. This board shall consist of five members, as follows: Ex officio, the county agricultural extension agent; and four land representatives resident taxpaying citizens within that soil district for a period of two years next preceeding such election and elected by the majority vote of land representatives under rules and procedures formulated by the soil commission, but the date of this election shall not fall upon the date of any regular political election held in that county.

"2. The term of office of the ex officio member shall be coincident with his term in the office from which he shall be serving on the supervisory board. The four elected members shall each serve for two years, and in case of the death, removal of residence from the county, or resignation from office of any elected

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member his successor to the unexpired term shall be appointed by the state soil districts commission, and such appointee shall be a resident land representative of that county. A soil supervisor may succeed himself by re-election in this office."

From the above, it seems clear to us that the length of term of each of the four elected members cannot be changed by the Missouri State Soil Districts Commission, but that the clear directorate of the law must be followed and that each elected member of the Board of Soil Conservation District must be elected for a two year term. The Legislature alone can change the length of such term of office.

CONCLUSION

Each elected member of the Board of Supervisors for each Soil Conservation District must be elected for a term of two years.

Respectfully submitted,

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APPROVED:



J. E. TAYLOR
Attorney General

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