

CITY ASSESSOR: The same person may, simultaneously, hold the
CITY CLERK: offices of city assessor and city clerk in a
COMPATIBILITY: city of the fourth class.

May 2, 1960

#137

Honorable Phil Hauck
Prosecuting Attorney
Grundy County
Trenton, Missouri



Dear Mr. Hauck:

I have your opinion request of April 14, 1960, which reads:

"In a city of the fourth class may the offices of city assessor and city clerk be filled by one and the same individual?"

The law in Missouri regarding the holding of more than one office by the same individual at a given time, has been discussed in a number of opinions rendered by this department, and the general principles regarding this matter have been set forth. We enclose a copy of an opinion rendered June 10, 1955, to J. Ellis Dodds, Representative, Pulaski County, Waynesville, Missouri, which sets forth these principles.

This department has not rendered any opinion dealing specifically with the offices of city assessor and city clerk. We have, however, noted the duties set forth by statute with respect to these offices as we note that you have done with respect to the city clerk, whose duties are set forth in Section 79.320, RSMo 1949, which section is set forth in your above letter.

Numbered paragraphs 1 and 2 of Section 94.190, RSMo 1949, set forth the duties of a city assessor in a fourth class city. These paragraphs read:

"1. In cities of the fourth class, the city assessor, jointly with the county assessor, shall assess all real and personal property in the city, and the assessment so made, after being passed upon by the board of equalization, shall be the basis upon which the board of aldermen shall make the levy for city purposes.

"2. The assessments of city property made by the city and county assessors shall conform to each other and

Honorable Phil Hauck

after the board of equalization has passed upon and equalized the assessment, the city assessor's books shall be corrected in red ink in accordance with the changes made by the board of equalization and so certified by the board and returned to the board of aldermen."

An examination of the duties of a city clerk in a fourth class city and a city assessor in such a city do not reveal to us any conflict in duty or any incompatibility, and we, therefore, believe that the same person may hold both offices at the same time.

CONCLUSION

It is the opinion of this department that the same person may, simultaneously, hold the offices of city assessor and city clerk in a city of the fourth class.

The foregoing opinion, which I hereby approve, was prepared by my assistant, Hugh P. Williamson.

Yours very truly,

JOHN M. DALTON
Attorney General

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Enclosure