

September 15, 1961



Honorable Richard E. McFadin
Prosecuting Attorney
Clay County
Liberty, Missouri

Dear Mr. McFadin:

This is in response to your letter dated July 28, 1961, in which you request an opinion from this office.

In your letter you ask the question of whether the city attorney of a third class city operating under the city manager form of government is required to be a resident of said city.

Briefly, the answer to this inquiry is in the affirmative. As you well know, these statutory provisions relating to the city manager form of government are found within Sections 78.430 through 78.640, RSMo 1959. Section 78.440 states that Chapter 77 (which relates to third class cities) shall govern unless there is an inconsistency within the applicable provisions of Chapter 78. So, then, in Section 77.370 it designates the city attorney as an "officer" and in Section 77.380 it states that officers except city sextons must be a resident of the city.

Therefore, it is the opinion of this office that the combined reading of the relative sections in Chapters 77 and 78 reaches the conclusion that a city attorney of a third class city operating under a city manager form of government is required to be a resident of the city.

Very truly yours,

THOMAS F. EAGLETON
Attorney General

EB:BJ