

OPINION NO. 351 (17-1962)

Answered by letter.

March 1, 1962

FILED
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Honorable Joe H. Miller
Prosecuting Attorney of
Carroll County
Carrollton, Missouri

Dear Mr. Miller:

This is in response to your request for advice as to whether the person who is both county highway engineer and county surveyor in Carroll County may accept compensation from a drainage district in Carroll County for work performed at its request.

In your initial request you indicated that the engineer-surveyor might, in the course of his employment by the drainage district, perform some work on the highway bridges across the drainage ditch. However, you subsequently advised that the work of the engineer-surveyor for the drainage district would be limited to "overseeing the repairing and maintenance of the drainage ditch such as clearing the brush, maintaining the flood gates and work of that nature." In view of this latter fact we would have no hesitancy in holding that the engineer-surveyor may be so employed.

This position is based on the premise that the maintenance of the ditch itself is in no way related to the duties of county highway engineer or those of county surveyor. If the maintenance of the ditch were part of or germane to the official duties of either the surveyor or engineer, the person involved herein would not be entitled to any compensation for his drainage district work

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beyond that which he regularly receives in his dual capacity as engineer-surveyor. This rule received comprehensive treatment in an opinion issued by this office on September 8, 1961, to the Honorable Proctor N. Carter. A copy of that opinion is attached herewith.

Very truly yours,

THOMAS F. EAGLETON
Attorney General

Enclosure

AFS:mc