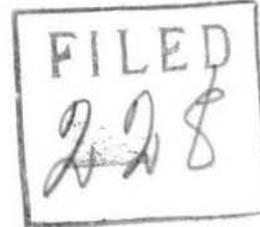


(Opinion request No. 228 answered by letter.)

May 24, 1962



Honorable Shandy A. Stewart  
Member, House of Representatives  
St. Clair County  
Lowry City, Missouri

In re: Can a non-resident of the City  
of Osceola be a qualified member  
of the City of Osceola Park Board?

Dear Mr. Stewart:

This is to acknowledge receipt of your recent opinion request in regard to the above-captioned matter.

Although we have not been advised as to the contents of the city ordinance referred to in said request, we were advised in said request that the Osceola Park Board was organized under the provisions of Sections 90.500 - 90.570, RSMo 1959.

In regard to the question presented herein, Section 90.520, RSMo 1959, states as follows:

"When any incorporated city or town shall have decided to establish and maintain public parks under sections 90.500 to 90.570, the mayor of such city shall, with the approval of the legislative branch of the municipal government, proceed to appoint a board of nine directors for the same, chosen from the citizens at large with reference to their fitness for such office, and no member of the municipal government shall be a member of the board."  
(Emphasis provided.)

Honorable Shandy A. Stewart

As Osceola is a fourth class city, your further attention is directed to Section 79.250, RSMo 1959, which states as follows:

"All officers elected or appointed to offices under the city government shall be qualified voters under the laws and constitution of this state and the ordinances of the city. No person shall be elected or appointed to any office who shall at the time be in arrears for any unpaid city taxes, or forfeiture or defalcation in office, or who is not a resident of the city." (Emphasis provided.)

A case involving the preceding section indicates that a city of the fourth class is without power to appoint a non-resident engineer to design and supervise street improvements. City of Jackson v. Houck, 43 S.W.2d 908, 226 Mo. App. 835.

It would appear, therefore, from the foregoing authorities that a non-resident of the city of Osceola would not be a qualified member of the city of Osceola Park Board.

Yours very truly,

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THOMAS F. EAGLETON  
Attorney General

PNS:mc:jh