

July 27, 1962

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Honorable Thomas D. Graham
Speaker, House of Representatives
State of Missouri
512 Central Trust Building
Jefferson City, Missouri

Dear Mr. Graham:

This is to acknowledge receipt of your letter under date of July 25, 1962, requesting an opinion of this office, wherein you asked:

"May a city attorney, as an officer of a third class city operating under the provisions of Chapter 77, R.S.Mo. 1959, lawfully contract with the City, through its Mayor and City Council, to review, revise and codify the ordinances of the city for a compensation, which would be in addition to the salary of the city attorney as provided by an ordinance of the city, when the duties of the city attorney, as prescribed by the ordinances of the city, do not require him to review and codify the ordinances of the city, without being in violation of Sections 77.440, 77.470 and 106.300 R.S.Mo 1959?"

In reference to your inquiry, an opinion under date of May 9, 1955, issued to the Honorable Haskell Holman as auditor of the State of Missouri, concluded that the Board of Aldermen of fourth class cities is not authorized to pay its mayor a fee of thirty dollars for auditing the books of said city and such acts violate the provisions of Section 106.300, RSMo 1949. Another opinion under date of May 15, 1958, issued to the Honorable Rolin T. Boulware as Prosecuting Attorney of Shelby County, Missouri, concluded that a lease consummated by city officials who have a pecuniary interest in it comes within the

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purview of Section 106.300, RSMo 1949. Further, an opinion under date of December 8, 1960, issued to Honorable Charles A. Powell, Jr., Prosecuting Attorney of Macon County, Missouri, concluded that an assistant city marshall of a third class city is prohibited by law from selling the city in which he is assistant city marshall, a motor vehicle, because of the fact that he is a city officer. (Copies of the foregoing opinions are enclosed herewith.)

In view of the conclusions reached in the aforesaid opinions and the provisions of Sections 77.370, 77.400, 77.470, and 106.300, RSMo 1959, we conclude that the proposed action, as described in your request, comes within the purview of Sections 77.470 and 106.300, RSMo 1959.

Yours very truly,

THOMAS F. EAGLETON
Attorney General

PAS:lt

Enclosure