

OPINION REQUEST NO. 270
ANSWERED BY LETTER

June 27, 1963



Honorable A. Basey Vanlandingham
State Senator
State Capitol
Jefferson City, Missouri

Dear Senator Vanlandingham:

This refers to your letter of June 17, 1963, in which, pursuant to a letter addressed to you by Mr. Harry Gershenson, St. Louis, Missouri, dated June 13, 1963, you request an opinion concerning the question whether meetings of the board of aldermen of a fourth class city must be conducted within the limits of the city, and what the situation is if there is no available space in the city.

The Missouri statutes do not contain any provision stating where meetings of the board of aldermen of a fourth class city shall be held. Also, like Mr. Gershenson, we find no Missouri court decision on this subject or decisions in other states which are of any real assistance.

There is no prior opinion of this office dealing with this specific question; but, in an opinion furnished to Edward W. Garnholz on April 13, 1956, a copy of which is enclosed, it was concluded that the municipal court of an incorporated town or village must be held within the corporate limits of the town or village.

It is apparent from Mr. Gershenson's letter that he has substantial doubt concerning the validity of action taken at meetings held outside of the city in the case with which he is concerned. Undoubtedly, a board of aldermen or similar body, as a general proposition, should hold its meetings within the limits of its city; and we are unable to express with any assurance an opinion whether, or in what circumstances, action could be legally taken at meetings held elsewhere.

Honorable A. Basey Vanlandingham

We believe, however, that action taken at meetings held outside the city would not necessarily be held invalid in all circumstances. If the board of aldermen in a case such as that described by Mr. Gershenson should by unanimous action determine that there was no available meeting place within the city and establish a meeting place at a convenient location near the city where residents of the city and others having business with the board could readily attend the meetings, it is our thought that, considering the necessity and practical effect of holding meetings at the place so selected, a court probably would not hold that action taken at such meetings was void merely because the meetings were held outside of the city.

On the other hand, it is entirely possible that any member of the board could prevent the legal holding of meetings outside of the city by refusing to agree thereto. Moreover, the legality of meetings outside of the city at best would depend upon the facts of the particular cases; and it seems more likely that such action would be upheld as a temporary expedient than as a permanent arrangement. In this connection, it may be noted that the impossibility of holding meetings within a city probably would be debatable in almost any case and it is questionable whether there could be any necessity for that condition to continue indefinitely.

We regret that we cannot give you more definite and helpful advice, but it must be recognized that to hold meetings outside of the city limits does involve significant risks and that no opinion expressed by this office would have any effect upon the legal consequences of such action.

Very truly yours,

THOMAS F. EAGLETON
Attorney General

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