

Opinion No. 454 answered by Letter.

November 18, 1963



Honorable E. J. Cantrell
Representative, 6th Dist.
St. Louis County
3406 Airway
Overland 14, Missouri

Dear Representative Cantrell:

You have asked for our opinion as to whether in a City of the Fourth Class the Mayor votes to break a tie on the Board of Aldermen when said body is selecting: (1) an "acting president" of the board or (2) the city clerk.

With respect to selecting an "acting president," we have an opinion of this office which rules that under Sec. 79.060, RSMo 1959, such position is to be created only when the mayor is absent. Hence, being absent, the mayor could not vote. (Opinion of November 10, 1936 to C. D. Bray enclosed.)

With respect to selecting the city clerk, we see no impediment to the mayor's voting to break a tie. See Mound City v. Shields, 278 S.W. 798, at page 801.

Yours very truly,

THOMAS F. EAGLETON
Attorney General

By _____
Robert Northcutt
Assistant Attorney General

enc.