

LEVEE DISTRICTS:  
DRAINAGE DISTRICTS:  
COOPERATION AMONG POLITICAL  
SUBDIVISIONS:  
INTERSTATE AGREEMENTS:

Section 70.220, RSMo 1959 authorizes drainage and levee districts of the State of Missouri to contract with and enter into agreements with levee districts from other states and also with authorized agencies of the United States.

OPINION NO. 318

August 1, 1968



Honorable Bernard W. Gorman  
Prosecuting Attorney  
Atchison County  
101½ South Third  
Tarkio, Missouri

Dear Mr. Gorman:

This is in answer to your letter of June 18, 1968, asking this office for an opinion as to whether drainage and levee districts have the authority to enter into interstate agreements and contracts with political subdivisions of other states, and also with the United States. Apparently, the agreement with which you are concerned would bring together levee districts from Missouri, Nebraska and Iowa for the purpose of building a common levee across state lines.

Section 70.220, RSMo 1959 reads as follows:

"Any municipality or political subdivision of this state, as herein defined, may contract and cooperate with any other municipality or political subdivision, or with an elective or appointive official thereof, or with a duly authorized agency of the United States, or of this state, or with other states or their municipalities or political subdivisions, or with any private person, firm, association or corporation, for the planning, development, construction, acquisition or operation of any public improvement or facility, or for a common service; provided, that the subject and purposes of any such contract or cooperative action made and entered into by such municipality or political subdivision shall be

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within the scope of the powers of such municipality or political subdivision. If such contract or cooperative action shall be entered into between a municipality or political subdivision and an elective or appointive official of another municipality or political subdivision, said contract or cooperative action must be approved by the governing body of the unit of government in which such elective or appointive official resides." (emphasis added)

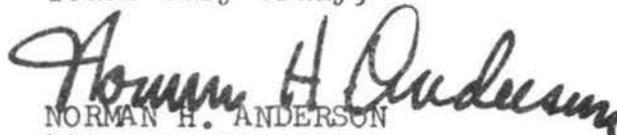
It is clear that Section 70.220, which closely parallels Article VI, Section 16, Constitution of Missouri, authorizes political subdivisions of the State of Missouri to enter into contracts and agreements with duly authorized agencies of the United States and also with the political subdivisions of other states. Section 70.210, RSMo 1959, subsection 2, contains a definition of the term "political subdivision". It specifically includes drainage and levee districts. There can be no doubt but that drainage and levee districts are included in the purview of Section 70.220. Since this section authorizes political subdivisions of the State of Missouri to contract with political subdivisions of other states and with the United States, we are of the opinion that the drainage and levee districts with which you are concerned may contract with such districts in the states of Nebraska and Iowa in order to effectuate their common purpose where that purpose is within the scope of the powers of the drainage and levee districts as it is here.

#### CONCLUSION

Therefore, it is the opinion of this office that Section 70.220, RSMo 1959 authorizes drainage and levee districts of the State of Missouri to contract with and enter into agreements with levee districts from other states and also with authorized agencies of the United States.

The foregoing opinion, which I hereby approve, was prepared by my assista.t, Gary G. Sprick.

Yours very truly,

  
NORMAN H. ANDERSON  
Attorney General