

MS

OPINION NO. 344
Answered by Letter--Gardner

September 3, 1968

Honorable Joe D. Holt
State Representative
102nd District
829 Center Avenue
Fulton, Missouri 65251

Dear Representative Holt:

This is in response to your request for an opinion on the question whether the City Council of the City of Fulton may designate the existing "Park Board" as the "Park and Recreation Board" and delegate thereto administrative powers and responsibilities for the operation of a system of public recreation in the city park.

While the Legislature has directed that the taxes levied, collected and specified in Section 90.500, RSMo Cum. Supp. 1967, shall be known as the "park fund", there are no statutory provisions requiring the directors appointed under Section 90.520, RSMo 1959, be known as the "park board". Therefore, the city council by ordinance may provide that the existing park board may be known as the "park and recreation board" if the council chooses to do so.

Authority to empower the board to administer a recreation program is derived from Section 64.765, RSMo Cum. Supp. 1967, the first sentence of which is as follows:

"The governing bodies establishing a system of public recreation may conduct the same through any existing board or body or may establish a separate recreational board or commission, or park and recreational board or commission, and delegate thereto all administrative powers and responsibilities of the governing body under sections 64.750 to 64.780. * * * "

Honorable Joe D. Holt

It is clear that the administrative powers and responsibilities of the city council under Section 64.750 to Section 64.780 may be delegated to the existing park board or to a separate recreational board or commission established for that purpose.

Your last question concerning funds for recreational purposes was considered in our Opinion No. 102, issued June 26, 1962, to the Honorable Chester W. Hughes, State Representative from Johnson County. A copy of that opinion is enclosed. Please note, however, that since that opinion was issued, Section 90.500 has been amended to increase the maximum rate of taxation from two mills on each one dollar to 40 cents per year on each one hundred dollars assessed valuation. In all other respects, the conclusion reached with respect to the City of Warrensburg would be applicable to the City of Fulton.

Very truly yours,

NORMAN H. ANDERSON
Attorney General

LJG/jlf
Enc.--Op. No. 102; 6/29/62; Hughes