

CITIES, TOWNS,
AND VILLAGES:
OFFICERS:

There is no constitutional or statutory provision disqualifying a person from running for the position of Alderman of the City of St. Louis because he is employed as an assistant principal in the School District of the City of St. Louis.

OPINION NO. 92

February 11, 1970



Honorable Fred Williams
State Representative
72nd District
5621 Chamberlain
St. Louis, Missouri 63112

Dear Representative Williams:

This letter is in response to your request for the opinion of this office on whether an assistant principal of a grade school can legally run for the office of Alderman of the City of St. Louis.

There is no provision in the Missouri Constitution setting forth particular requirements for holding a municipal office. However, Article VII, Section 8 is applicable to all public offices in the State and states as follows:

"No person shall be elected or appointed to any civil or military office in this state who is not a citizen of the United States, and who shall not have resided in this state one year next preceding his election or appointment, except that the residence in this state shall not be necessary in cases of appointment to administrative positions requiring technical or specialized skill or knowledge."

Similarly, there is no qualification for an Alderman under the Charter of the City of St. Louis, Missouri which would prevent

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a person because he is the assistant principal of a grade school from holding the position of Alderman. Section 2 of Article IV of the St. Louis Charter states as follows:

"No person shall become an Alderman except he be a voter and at least twenty-five years of age, and shall have been next before his election five years a citizen of the United States, three years a resident of the city, two years an assessed taxpayer of the city, and one year a resident of the ward from which elected, nor who shall have been convicted of malfeasance in office, bribery, or other corrupt practice of crime; and if any Alderman shall be so convicted or shall at any time not be a resident of such ward, he shall thereby forfeit his office. The salary of each Alderman shall be Three Thousand Dollars per annum."

We have found no statute pertaining to people holding administrative positions in the public schools of the State of Missouri which would disqualify an assistant principal from seeking election and, if elected, serving as a member of the Board of Aldermen of the City of St. Louis. In Section 168.221, RSMo 1967 Supp. the procedure for the removal of both probationary and permanent teachers and principals in a metropolitan school district is set forth. There is nothing in this section which gives the Board of Education the power to discharge a principal for the reason that he has run for, been elected to, and serves as a member of the Board of Aldermen of the City of St. Louis.

Should the principal in question be elected to the Board of Aldermen of the City of St. Louis, we do not believe that there is a conflict between the duties of an assistant principal in the School District of the City of St. Louis and the duties of a member of the Board of Aldermen. The Board of Aldermen of the City of St. Louis does not have supervisory power over an assistant principal, nor does it control him or have the power of removal over him. Therefore, we see no inconsistency or incompatibility between the two positions. See State ex rel. Walker v. Buss, 135 Mo. 325, 36 S.W. 636 (1896) and 67 C.J.S. Officers §23.

We caution that we have not reviewed any rules and regu-

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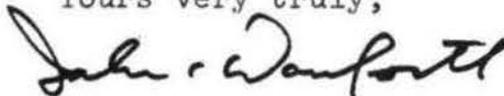
lations of the assistant principal's employer which may be a part of his employment contract. Therefore, this opinion does not pertain to the applicability of any such rules and regulations to the situation about which you inquire.

CONCLUSION

It is the conclusion of this office that there is no constitutional or statutory provision disqualifying a person from running for the position of Alderman of the City of St. Louis because he is employed as an assistant principal in the School District of the City of St. Louis.

The foregoing opinion, which I hereby approve, was prepared by my assistant, D. Brook Bartlett.

Yours very truly,



JOHN C. DANFORTH
Attorney General