

METROPOLITAN SEWER DISTRICT: The Metropolitan St. Louis Sewer District has authority to spend money for planning and surveys outside its boundaries.

OPINION NO. 333

May 28, 1970



Honorable Thomas A. Walsh  
State Representative  
1820 A Warren Street  
St. Louis, Missouri 63106

Dear Representative Walsh:

This opinion is in answer to your question concerning the Metropolitan St. Louis Sewer District in which you asked:

"Is the expenditure of metropolitan sewer district funds for purposes outside the district authorized by law?"

Your letter further indicates that you are concerned principally with the expenditure of sewer district funds for planning outside the boundaries of the District.

It is also our understanding that two direct questions are involved in this inquiry; i.e., whether the Metropolitan St. Louis Sewer District can participate with St. Louis County and the Federal Water Pollution Control Commission in the costs of making studies of the collection of sewage within the Grand Glaize Watershed of which the Sugar Creek Watershed is a tributary part, and the carriage of such sewage to the Meramec River, and also a study of the proper method of collecting and treating sewage in St. Louis County outside of the district on a watershed basis, so that the board of trustees can determine whether to approve annexation of the remainder or a portion of the remainder of the county to the district.

The Metropolitan St. Louis Sewer District was established under the provisions of Section 30 of Article VI of the Missouri Constitution. The Plan for the district was submitted to the voters of St. Louis and St. Louis County at a special election February 9, 1954, and was accordingly approved. Subsequently the Missouri Supreme Court upheld the validity of the Plan in State v. Metropolitan St. Louis Sewer District, 275 S.W.2d 225 (En banc 1955).

Honorable Thomas A. Walsh

The sections that we hereafter refer to are sections of the Plan which, with respect to the District, are legislative in character.

The boundaries of the District, Section 2.010, may be extended by petition of the area landowners, approval of the Board, and by vote if required, Section 2.020.

Section 3.020 provides for broad powers for the District and expressly states that the enumeration of powers in the Plan does not operate to restrict the meaning of the general grant of powers or to exclude other powers comprehended within the general grant. Among other things, the District has the power under Section 3.020 of the Plan:

"(7) To contract with municipalities, districts, other public agencies, individuals, or private corporations, or any of them whether within or without the District, for the construction, use, or maintenance of common or joint sewage, drainage, outlets, and disposal plants, or for the performance of any service required by this District.

"(8) To contract with, and thereunder to permit municipalities, districts, other public agencies, individuals, or private corporations, or any of them whether within or without the District, to connect with and use the facilities of the District. . .

"(9) To enter into and perform contracts whether long term or short term, with any establishment, whether within or without the District, for the provision and operation by the District of sewerage facilities to evade or reduce the pollution of waters caused by discharges of wastes by such establishment, and the payment periodically by such establishment to the District of amounts at sufficient to compensate the District for the costs of providing (including payment of principal and interest charges, if any) and operating and maintaining the sewerage facilities serving such establishment.

"(10) To enter into negotiations with the Federal Government and the State of Missouri and other states and political subdivisions thereof, or the agencies of any of them, and

Honorable Thomas A. Walsh

apply for and obtain from any of them, any and all assistance and grants-in-aid that may be available.

\* \* \*

"(18) To enter on any lands, waters, and premises for the purposes of making surveys, soundings, and examinations.

"(19) To approve, revise, or reject the plans and designs of all out-fall sewers, trunks, mains, submains, interceptors, lateral sewers, outlets for sewerage, storm water drains, pumping and ventilating stations, and disposal and treatment plants and works proposed to be constructed, altered, or reconstructed by any other person or corporation, private or public, in the District."

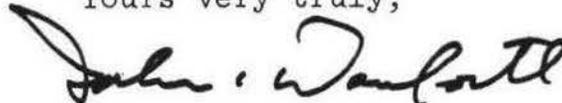
It is our view that the District must have the right to make plans and carry on surveys outside of the limits of the District in order that the Board and the public be fully informed and also for effective, comprehensive planning. For example, we understand that the Sugar Creek Watershed is within the District and that only a part of Grand Glaize Watershed is within the District, and that as land development continues, enlargement and improvement of the present treatment plant will become necessary unless an alternative method of sewage disposal is determined. Although the remainder of the Grand Glaize Watershed is outside of the District, it is our view that the Board has the authority to make studies of the advisability of contracting with private or public facilities with respect to that watershed. Similarly, in our view, the Board has authority to expend District money to plan for and determine the feasibility of expansion by extension of district limits.

#### CONCLUSION

It is the conclusion of this office that the Metropolitan St. Louis Sewer District has authority to spend money for planning and surveys outside its boundaries when the planning and surveys are necessary to the function of the District and the exercise of any of its powers.

The foregoing opinion, which I hereby approve, was prepared by my assistant John C. Klaffenbach.

Yours very truly,



JOHN C. DANFORTH  
Attorney General