

COUNTIES:  
COOPERATIVE AGREEMENTS:  
CITIES, TOWNS & VILLAGES:

1. A third class county may enter into a cooperative agreement for operation of a common dumping ground with fourth class municipalities of

such county. 2. A third class county may enter into a cooperative agreement for operation of a common dispatch service for the peace officers of the county and contracting municipalities. 3. Fourth class cities may enter into a cooperative agreement for a common sewer system.

OPINION NO. 475

October 20, 1970

Honorable Peter H. Rea  
Prosecuting Attorney  
Taney County Court House  
Forsyth, Missouri



Dear Mr. Rea:

This is in reply to your letter requesting an opinion of this office in which you ask the following questions:

"1. May a third class county, Taney County, Missouri, enter into a contract and agreement with the fourth class municipalities within its boundaries for the operation and maintenance of a sanitary landfill and dumping grounds?

"2. May Taney County, Missouri enter into a contract and cooperative agreement with the municipalities within its boundaries for the proper operation of dispatching service for all police officers, cars and units in the county and municipalities, and for the common maintenance, upkeep, feeding of prisoners and maintenance of a jail for all prisoners in the county?

"3. Would the Sheriff of Taney County, Missouri be a party to such a contract as described in sub-paragraph 2 above? Or, may the County Court and the City Councils of the municipalities in the county and situation above described enter into a cooperative contract and agreement for the purchase of telephone service for all police units and officers?

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"4. May the city of Branson, a 4th class municipality, and the city of Hollister, a 4th class municipality, enter a common agreement and cooperative contract for the operation, maintenance and construction of a common sewer system? May other municipalities join in this effort, and may Taney County become a party to said contract?"

The first question asks whether Taney County may enter into a cooperative agreement consistent with Section 70.220, RSMo 1969, with a fourth class municipality within its boundary for the operation of a sanitary landfill or dumping ground. By reference to Section 64.490, RSMo 1969, it can be seen that Taney County is given the statutory authority to enter into a cooperative agreement with the fourth class municipalities of its county for the operation of a dumping ground:

"1. Any county of the second, third or fourth class may purchase or lease, maintain and operate a dumping grounds for the disposal of ashes, garbage, refuse and rubbish as defined in sections 64.460 to 64.487 and may agree or contract with any municipality within the county for the operation of a dumping grounds, as provided in chapter 70, RSMo.

"2. Any dumping grounds operated under the provisions of this section shall be inspected by the state division of health and is subject to the rules and regulations promulgated by the division pursuant to section 64.477."

Your second question asks whether Taney County may enter into a cooperative agreement with municipalities in Taney County for the maintenance of a common jail for all prisoners in the county, and for their common upkeep. Additionally, you ask in your third question who would be the proper parties to this contract. Find enclosed Opinion No. 50, Keeler, February 22, 1968, which we feel answers your question concerning the maintenance of a common jail. Additionally, your second question asks whether Taney County may enter into a cooperative agreement with the municipalities in its county for the operation of a dispatch service with cars and other units of all peace officers in Taney County.

As to your question as to the authority to enter a cooperative agreement consistent with Section 70.220, RSMo 1969, for the operation of a dispatch service for all police officers, cars, and units in the county and municipalities, we think it an obvious incidental

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power to the powers of the sheriff and the municipalities, and hold that the sheriff of Taney County, may enter into a contract with the municipalities in Taney County, for the operation of a dispatch service for the county and municipality peace officers with the approval of the county court, consistent with Section 70.220, and Opinion No. 23, Kuhlman, January 21, 1970.

Your last question asks whether Taney County may cooperate consistent with Section 70.220, with the fourth class municipalities in Taney County for the operation, maintenance, and construction of a common sewer system. Find enclosed Opinion No. 40, Hibbard, May 12, 1952, which we feel answers this question. Additionally, you ask whether the cities of Branson, and Hollister, and other fourth class municipalities of Taney County, may enter into a cooperative agreement amongst themselves for the operation, maintenance, and construction of a common sewer system. Consistent with Section 88.832, RSMo 1969, fourth class cities are specifically given authority for the establishment of a general sewer system:

"The governing body of any municipality shall have power to cause a general sewer system to be established, which shall be composed of four classes of sewers, to wit, public, district, joint district, and private sewers. Public sewers shall be established, along the principal courses of drainage, at such time, to such extent, of such dimensions, and under such regulations as may be provided by ordinance. These may be extensions or branches of sewers already constructed or entirely new throughout, as may be deemed expedient. The municipality may levy a tax on all property made taxable for state purposes over the whole municipality to pay for the constructing, reconstructing and repairing of the work, which tax shall be called 'special public sewer tax' and shall be of the amount as may be required for the sewer provided by ordinance to be built; and the fund arising from the tax shall be appropriated solely to the constructing, reconstructing and repairing of the sewer."

Fourth class cities have authority to construct sewer lines outside the limits of such cities. City of Ash Grove v. Davis, 418 S.W.2d 194 (Spr.Ct.App. 1967).

Thus, in light of the fact that fourth class cities may establish sewer systems, it is the conclusion of this office that consistent with Section 70.220, RSMo 1969, fourth class municipalities

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of Taney County may enter into a cooperative agreement for the construction, operation, and maintenance of a common sewer system.

CONCLUSION

It is, therefore, the opinion of this office that:

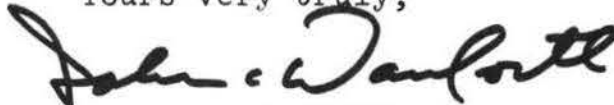
1. A third class county may enter into a cooperative agreement for operation of a common dumping ground with fourth class municipalities of such county.

2. A third class county may enter into a cooperative agreement for operation of a common dispatch service for the peace officers of the county and contracting municipalities.

3. Fourth class cities may enter into a cooperative agreement for a common sewer system.

The foregoing opinion, which I hereby approve, was prepared by my Assistant, Kenneth Romines.

Yours very truly,



JOHN C. DANFORTH  
Attorney General

Enclosures: Op. No. 50  
2-22-68, Keeler  
  
Op. No. 40  
5-12-52, Hibbard  
  
Op. No. 23  
1-21-70, Kuhlman