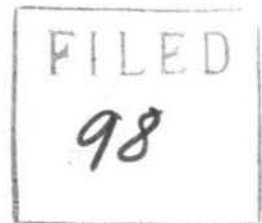


March 23, 1971

Answer by letter-Mansur

OPINION LETTER NO. 98

Honorable W. Clifton Banta, Jr.
Prosecuting Attorney
Mississippi County Court House
Charleston, Missouri 63834



Dear Mr. Banta:

This is in response to your request for an opinion from this office on whether a county clerk in a third class county may accept employment and receive additional compensation for serving as an assistant ditch supervisor to aid and assist the supervision of work on ditches in a drainage district organized by the county court under Chapter 243, RSMo.

We are enclosing herewith Opinion No. 152 issued by this office on November 4, 1965, to Honorable Haskell Holman, State Auditor, Jefferson City, Missouri. It generally defines the principles of law that apply to public officials accepting other or additional employment while holding public office. These same principles would apply to a county clerk in a third class county in accepting employment as described by you.

The duties of public officers are those defined by statute and those necessarily implied in order to perform those described by statute. We do not find any statute that makes it the duty of the county clerk in a third class county to supervise the construction of drainage ditches in a drainage district organized by the county court. Such work does not appear to be in conflict with or incompatible with any of the official duties of a county clerk in a third class county.

Honorable W. Clifton Banta, Jr.

It is our opinion that a county clerk in a third class county may accept employment and receive additional compensation for acting as an assistant ditch supervisor to aid and assist in the supervision of the construction of drainage ditches in a drainage district organized by the county court if he is otherwise qualified for such employment.

Yours very truly,

JOHN C. DANFORTH

Enclosure: Op. No. 152
11-4-65, Holman