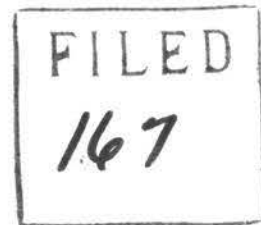


June 19, 1973

OPINION LETTER NO. 167  
Answer by letter-Card

Honorable C. David Darnold  
Prosecuting Attorney  
Vernon County  
Buckner Building  
Nevada, Missouri 64772



Dear Mr. Darnold:

This letter is in response to your request for an opinion asking whether the county court of Vernon County, Missouri, can enter into a contract with the city of Nevada, Missouri, under which the county court will provide county land for the purpose of construction by the city on such property of a city-county community recreational center.

Section 67.755, RSMo, reads in part as follows:

"1. The governing body of any political subdivision may provide, establish, equip, develop, operate, maintain and conduct a system of public recreation, including parks and other recreational grounds, playgrounds, recreational centers, swimming pools, and any and all other recreational areas, facilities and activities, and may do so by purchase, gift, lease, condemnation, exchange or otherwise, and may employ necessary personnel. Funds to be spent for such purposes may be set up in their respective budgets by any governing body."

Section 67.760, RSMo, reads as follows:

"Any two or more governing bodies may establish and conduct jointly a system of

Honorable C. David Darnold

public recreation and may exercise all the powers authorized by sections 67.750 to 67.780. The respective governing bodies administering programs jointly may provide by agreement among themselves for all matters connected with the programs and determine what items of cost and expense shall be paid by each."

Section 67.750(2), RSMo, defines "governing body" to include both a city council and a county court.

It is clear from the above statutes that the county and city can enter into an agreement to establish and conduct a system of public recreation. Under such an agreement the county court may provide the land. However, we express no opinion on the propriety of any of the terms which might be contained in such a contract.

Yours very truly,

JOHN C. DANFORTH  
Attorney General