

CITIES: (1) The city of Holden may  
COUNTIES: contribute funds to a multi-  
CITY PARKS: purpose watershed protection  
RECREATION: project six miles outside the  
FEDERAL GRANTS: city limits which includes  
WATERSHED DISTRICTS: recreational facilities pur-  
COOPERATIVE AGREEMENTS: suant to Section 278.145, RSMo,  
UNIFORM RELOCATION ASSISTANCE ACT: and (2) the city of Holden, Mis-  
souri, Johnson County, Missouri,  
and the South Fork of the Blackwater River Watershed Subdistrict have  
the authority to make relocation assistance payments pursuant to 42  
U.S.C. §§ 4601, et seq.

OPINION NO. 27

March 24, 1975

Mr. James L. Wilson, Director  
Department of Natural Resources  
Post Office Box 176  
Jefferson City, Missouri 65101



Dear Mr. Wilson:

This is in response to your request for an opinion concern-  
ing the following questions:

- "1. Does the City of Holden, Missouri; County Court of Johnson County, Mo.; and the South Fork of the Blackwater River Watershed Subdistrict have the authority under sections 523.200, 523.205, and 523.210 to make payments for relocation assistance specified by the Uniform Relocation and Advisory Assistance Act, 42 U.S.C. 4601-4655?
- "2. Does the City of Holden, Missouri, have the authority to sponsor a recreation development which is approximately 6 miles from the city limits?"

We will consider your second question first because it must be established that the city of Holden has authority to participate in this project before considering whether it may pay relocation assistance, which is a requirement of federal law (42 U.S.C. §§ 4601, et seq.) for all entities found otherwise eligible to participate.

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According to a document that the United States Department of Agriculture provided this office entitled "Revised Watershed Work Plan Agreement" dated July, 1972, a water supply structure is planned approximately six miles from Holden, Missouri. This structure will serve several purposes including watershed protection, flood control, and recreation. Your question asks whether the city of Holden has the authority to "sponsor" this project. The plan, previously mentioned, contains the following caption:

"REVISED WATERSHED WORK PLAN AGREEMENT

between the

SOIL AND WATER CONSERVATION DISTRICT OF JOHNSON COUNTY

SOUTH FORK OF BLACKWATER RIVER WATERSHED SUBDISTRICT

JOHNSON COUNTY COURT

CITY OF HOLDEN, MISSOURI

MISSOURI WATER RESOURCES BOARD

\* \* \*

State of Missouri

and the

Soil Conservation Service  
United States Department of Agriculture"

We assume that the city of Holden is within the Soil and Water Conservation District of Johnson County. We further assume that by "sponsor" you mean the contribution of funds, or other assets, of the city to the project. It is our further understanding that the city plans to develop and operate some recreational facilities at this project.

Section 278.145, RSMo, states:

"The county court of any county or the governing body of any city, town or village in which a soil and water conservation district lies in whole or in part may cooperate with the supervisors of the district in carrying out the purposes of the district program, and in the event the county court or governing body finds that

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the benefits accruing to the county or municipal area by reason of the program of the soil and water conservation district justify such action, the county court or governing body may contribute money, services or the use of equipment to the district."

This provision appears to give counties and cities broad authority to participate in soil and water conservation district projects which may affect the city or county.

Since the Soil and Water Conservation District of Johnson County is a sponsoring local organization of this project, it is our view that Section 278.145 is applicable. Therefore, it is our view that the city of Holden, Missouri, may contribute "money, services or the use of equipment" to the project.

Concerning your first question, enclosed are Opinion Letter No. 314 issued September 29, 1971, to Robert L. Dunkeson and Opinion Letter No. 37 issued December 13, 1973, to N. William Phillips. Both letters indicate that Sections 523.200 to 523.215, RSMo Supp. 1973, are not applicable when the project in question involves federal funds. Both letters, however, also note that Article III, Section 38(a), Missouri Constitution, authorizes the contribution, by state agencies or political subdivisions of the state, of relocation assistance that is necessary as a condition to receiving federal funds.

Clearly, the city of Holden and the county of Johnson are political subdivisions of the state. This office has previously held that a soil and water conservation subdistrict is an agency of the state. In Attorney General's Opinion No. 304 issued August 22, 1967, to Lee E. Norbury, we stated, at page 7:

"It appears, therefore, that soil and water conservation subdistricts have the power to impose taxes and are agencies of the state.  
. . ."

Based on this authority, it is our view that the city of Holden, the county court of Johnson County, and the South Fork of the Blackwater River Watershed Subdistrict have the authority to make said payments for relocation assistance.

#### CONCLUSION

It is the opinion of this office that (1) the city of Holden may contribute funds to a multi-purpose watershed protection project

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six miles outside the city limits which includes recreational facilities pursuant to Section 278.145, RSMo, and (2) the city of Holden, Missouri, Johnson County, Missouri, and the South Fork of the Blackwater River Watershed Subdistrict have the authority to make relocation assistance payments pursuant to 42 U.S.C. §§ 4601, et seq.

The foregoing opinion, which I hereby approve, was prepared by my assistant, Andrew Rothschild.

Yours very truly,



JOHN C. DANFORTH  
Attorney General

Enclosures: Op. No. 133  
12-6-66, Kiser  
  
Op. Ltr. No. 314  
9-29-71, Dunkeson  
  
Op. Ltr. No. 37  
12-13-73, Phillips