

CITIES OF THIRD CLASS:
COMMISSION FORM OF GOVERNMENT:
CITY LIBRARIES:

Sections 78.060 and 78.070, RSMo 1949,
control the administration and management
of city libraries in cities of the third
class operating under the commission form
of government.



March 3, 1955

Mr. Paxton P. Price
State Librarian
State Office Building
Jefferson City, Missouri

Dear Sir:

Reference is made to your request for an official opinion
reading as follows:

"This office would truly appreciate an
opinion from your department on the fol-
lowing questions:

"1. The Revised Statutes of Missouri,
1949, Sections 78.010 to 78.420 cover
the operation of a third class city
government under a Commission Form and
makes mention of the city public li-
brary. Sections 182.140 to 182.300
cover the establishment, management and
operation of city libraries. Are these
two different sets of laws, applying to
a given third class city organized under
a commission form of government, in con-
flict with each other as they apply to
the that city's public library? Which
law holds precedence?

"2. Can a city public library be estab-
lished and operated under the conditions
outlined in Sections 182.140 to 182.300
in a third class city that is organized
under the Commission form of government?

"Thank you in advance for the prompt
handling of this request."

Mr. Paxton P. Price

It appears that two of the statutes comprising the scheme for the adoption and exercise of the commission form of government in cities of the third class are inconsistent with the general statutes relating to the management and administration of city libraries found as Sections 182.140 to 182.300, inclusive, RSMo 1949.

We direct your attention to the following portion of Section 78.060, RSMo 1949:

"The council * * * shall also possess and exercise all executive, legislative and judicial powers and duties now had and exercised by * * * board of library trustees in all cities wherein such boards now exist or may be hereafter created.
* * * "

also, to the following provisions of Section 78.070, RSMo 1949:

"* * * The council shall at said first meeting, or as soon as practicable thereafter, elect by majority vote the following officers: * * * three library trustees * * *."

These statutes, being special in nature, and treating the administration and management of city libraries in cities of the third class, operating under the commission form of government, are, in our opinion, exceptions to the general statutes relating to such libraries. We, therefore, believe that they are controlling in such cities with respect to their subject matter.

CONCLUSION

In the premises, we are of the opinion that the administration and management of city libraries in cities of the third class operating under the commission form of government are controlled by the provisions of Sections 78.060 and 78.070, RSMo 1949, insofar as the subject matter of such statutes is applicable.

The foregoing opinion, which I hereby approve, was prepared by my assistant, Will F. Berry, Jr.

Very truly yours,

JOHN M. DALTON
Attorney General

WFB:DA