

February 5, 1971

Answered by Letter - Klaffenbach
OPINION LETTER NO. 29



Honorable Richard M. Webster
State Senator
Thirty-second District
Room 429, State Capitol
Jefferson City, Missouri 65101

Dear Senator Webster:

This letter is in response to your opinion request in which you inquire concerning the authority of the City Council of the City of Carthage to enact ordinances regulating the travel expense of the members of the Board of Public Works of that city.

We understand that the board operates an electric utility which provides electric power for the city and also operates the water system and as a part of the water system the sewage disposal operation.

Sections 91.450, RSMo 1969, et seq., provide for the organization and authority of the board of public works of third class cities such as Carthage.

We call to your attention that Section 91.510, RSMo 1969, expressly provides:

"All bills of such board and all salaries of its employees shall be allowed and paid in the same manner that bills and salaries of other officers and employees of such city are allowed and paid."

Honorable Richard M. Webster

We find no judicial interpretation of the above section, however, we believe that the language and the legislative intent is clear. Under Section 77.260, RSMo 1969, the mayor and the council have the duty and authority to have the care, management and control of the city and its finances and the power to enact and ordain ordinances not repugnant to the constitution and the laws of the state.

We have stated in other opinions of this office, not otherwise pertinent here, that the Board of Public Works is obviously not the governing body of the city but is a board of limited powers. We conclude in this instance also that such a Board of Public Works has only the authority which is expressly given to it by statute or is necessarily implied.

In direct answer to your question concerning the city's authority to regulate the expenses incurred by the individual members of the board, it is our view that the city does have such authority.

Very truly yours,

JOHN C. DANFORTH
Attorney General