

LIBRARIES: Article VII, Section 13 of the Consti-
COMPENSATION: tution prevents the compensation of an
CITY TREASURER: elected city treasurer from being in-
CONSTITUTIONAL LAW: creased during the term of office of
such city treasurer, notwithstanding the
fact that Section 182.291, V.A.M.S., makes the city treasurer cus-
todian of the funds of a city-county library district. A city-
county library district has no authority to compensate the city
treasurer for serving as custodian of the library district's funds.

OPINION NO. 33

March 14, 1974

Honorable Fred Dyer
Representative, District 51
Room 103B, Capitol Building
Jefferson City, Missouri 65101



Dear Representative Dyer:

This is in response to your request for an opinion to the following question:

"May a City-County Library District merged under the provisions of Section 182.291 pay the City Treasurer additional compensation, over and above that compensation paid him by the City for the duties prescribed him under Sections 4 and 7 of Section 182.291?"

We understand that your opinion request concerns the city of St. Charles, a constitutional charter city, where the treasurer is elected for a two year term.

Article VII, Section 13 of the Constitution provides:

"The compensation of state, county and municipal officers shall not be increased during the term of office; nor shall the term of any officer be extended."

That section applies to all officers who are elected or appointed for a definite term of office and, therefore, would apply to a city whose treasurer is elected for a definite term. It has been held that the constitutional prohibition of Article VII, Section 13 does not preclude additional compensation when additional duties are imposed upon the officeholder; State ex rel. McGrath v. Walker, 10 S.W. 473 (Mo. 1889); Mooney v. County of St. Louis, 286

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S.W.2d 763 (Mo. 1956). However, in making the city treasurer the treasurer for a city-county library district (Section 182.291, V.A. M.S.), the legislature did not provide for an increase in the compensation of city treasurers, therefore, since the legislature has not provided for an increase in salaries for performance of the duties provided by that section, it would not be proper under Article VII, Section 13 for the city to increase the compensation of the city treasurer during the term he is serving. For future terms, the city may increase the compensation of the city treasurer provided it follows the procedure set forth in its charter.

From your request, it would appear that the city-county library district may contemplate compensating the treasurer for performing the duties placed on him under Section 182.291. Section 182.291.7(2) provides:

"The city treasurer shall be the custodian of all library funds, which shall be deposited by the city treasurer, in a depository selected and approved by the library board. The library funds shall be kept separate and apart from other moneys of the city and disbursed by the city treasurer only upon the proper authenticated warrants of the library board. Such funds shall be audited annually by the city in the same manner as other funds of the city are audited."

The legislature has not authorized the city-county library district to compensate a treasurer for performing this duty. Therefore, the library district has no authority to compensate the city treasurer for performing this duty during his present term or any future term.

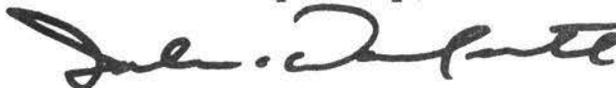
CONCLUSION

It is, therefore, the opinion of this office that Article VII, Section 13 of the Constitution prevents the compensation of an elected city treasurer from being increased during the term of office of such city treasurer, notwithstanding the fact that Section 182.291, V.A.M.S., makes the city treasurer custodian of the funds of a city-county library district. A city-county library district has no authority to compensate the city treasurer for serving as custodian of the library district's funds.

Honorable Fred Dyer

The foregoing opinion, which I hereby approve, was prepared by my assistant, Charles A. Blackmar.

Yours very truly,

A handwritten signature in black ink, appearing to read "John C. Danforth". The signature is written in a cursive style with a large initial "J" and a long, sweeping underline.

JOHN C. DANFORTH
Attorney General