

Opinion No. 213, Answered by Letter
(Stephan)

June 30, 1964



Honorable Brunson Hollingsworth
Prosecuting Attorney
Jefferson County
Hillsboro, Missouri

Dear Mr. Hollingsworth:

This is in response to your recent request for an opinion of this office which inquires whether the City of Festus may, by contract or otherwise, lawfully have its assessments made by the county assessor's office rather than through its own assessor.

Such a contract is authorized generally by Section 70.220, RSMo 1959, and we also invite your attention to the provisions of Section 77.370, RSMo 1959, which applies to cities of the third class such as Festus and reads in part as follows:

"1. Except as hereinafter provided, the following officers shall be elected by the qualified voters of the city: Mayor, police judge, attorney, assessor, collector, treasurer and, except in cities which adopt the merit system police department, a marshal.

* * * * *

"3. Whenever a city contracts for the assessment of property or the collection of taxes by the county or township assessor or collector respectively, as authorized by section 70.220, RSMo, the city council shall by ordinance provide that at the expiration of the term of the then city assessor or collector, as the case may be,

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the office is abolished and thereafter no election shall be had to fill the office; except that in the event the contract expires and, for any reason, is not renewed, the council may by ordinance provide for the election of such officer at the next and succeeding regular elections for municipal officers."

We are also enclosing herewith a copy of an opinion issued on May 15, 1963, to the Honorable E. J. Cantrell, which relates to the general subject matter of your request.

On the basis of the foregoing authorities, your inquiry is answered in the affirmative, subject to the requirement set out in subparagraph 3 of Section 77.370, supra, to the effect that if such a contract is made "the city council shall by ordinance provide that at the expiration of the term of the then city assessor . . . the office is abolished and thereafter no election shall be had to fill the office; . . ."

We trust the foregoing will be of assistance to you.

Very truly yours,

THOMAS F. EAGLETON
Attorney General

AJS:lt
Enclosure