

*Also see  
7, 3/1/74  
1/14/74, Presc*

LIBRARIES: A city or county library district  
COUNTY LIBRARIES: has authority to lease land for a  
CITY LIBRARIES: library building. The leases may  
CONSTITUTIONAL LAW: be for a term of years provided  
the current income and revenue and  
surplus from previous years on hand at the time the lease is  
executed are sufficient to provide for the payments called for  
by the lease.

September 17, 1974

OPINION NO. 88

Mr. Charles O'Halloran  
Missouri State Library  
308 East High Street  
Jefferson City, Missouri 65101



Dear Mr. O'Halloran:

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

"May a city library district or a county library district, both of which are political subdivisions of the state, enter into an agreement with a property owner whereby the library district, for either annual payments or a lump sum payment, would obtain a long term lease up to a 99-year lease on a tract of land on which the library district would then erect a building to be paid for with public funds?"

A county library district under Section 182.070, and a city library district under Section 182.200.5, has the power to lease ground for a library. However, Article VI, Section 26 (a) of the Constitution prohibits a political corporation, such as a library district, from becoming indebted in an amount exceeding in any year the income and revenue provided for such year plus any unencumbered balances from previous years. Under this constitutional provision, a long term lease which over its course would call for the expenditure of an amount exceeding the revenue and income for the year the lease was executed plus the surplus from previous years

Mr. Charles O'Halloran

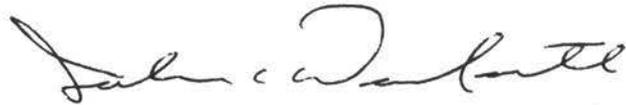
on hand would be a debt and void under Article VI, Section 26 (a). See: Ebert v. Jackson County, 70 S.W.2d 918 (Mo. 1934), and Opinion No. 304, Kiser, November 9, 1965.

CONCLUSION

Therefore, it is the opinion of this office that a city or county library district has authority to lease land for a library building. The leases may be for a term of years provided the current income and revenue and surplus from previous years on hand at the time the lease is executed are sufficient to provide for the payments called for by the lease.

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

Very truly yours,



JOHN C. DANFORTH  
Attorney General

Enclosure:

Op.No. 304  
11/9/65, Kiser