

MUNICIPAL CORPORATIONS: A municipality and a state agency of the state may contract and cooperate for the purpose of building a sewage disposal plant to be used by the city and the state agency.

March 10, 1948

FILED

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Honorable Walter W. Whinrey
Missouri House of Representatives
Jefferson City, Missouri

Dear Mr. Whinrey:

This department is in receipt of your request for an official opinion which reads as follows:

"The citizens of Mt. Vernon in my county have requested me to ask your opinion as to whether the State Sanitarium and their city could cooperate in building a disposal plant. The state institution is located outside the corporate limits of the city and at the present time they are using the same lines and the present system has been out grown. They are either are going to have build separate systems or the state will have to assist in the building of a new sewer. It is proposed to build a disposal plant that can be jointly used."

Section 7403b, Laws of Missouri, 1947, page 401, provides as follows:

"Any municipality or political subdivision of this state, as herein defined, may contract and cooperate with any other municipality or political subdivision, or with an elective or appointive official thereof, or with a duly authorized agency of the United States, or of this State, or with other states or their municipalities or political subdivisions for the planning, development, construction, acquisition or operation of any public improvement or facility, or for a common service; provided, that the subject and purposes of any such contract or cooperative action made and entered into by such municipality or political subdivision shall be within the scope of the powers of such municipality or political subdivisions. If such contract

or cooperative action shall be entered into between a municipality or political subdivision and an elective or appointive official of another municipality or political subdivision, said contract or cooperative action must be approved by the governing body of the unit of government in which such elective or appointive official resides." (Underscoring ours)

Under the provisions of the above act the City of Mt. Vernon may contract and cooperate with the Division of Health of the Department of Public Health and Welfare for the purpose of building a disposal plant to be used for the disposal of the sewage of the city and the State Sanitorium at Mt. Vernon.

CONCLUSION

It is, therefore, the opinion of this department that under the provisions of 7403b, Laws of Missouri, page 401, that the City of Mt. Vernon, Missouri may contract and cooperate with the Division of Health of the Department of Public Health and Welfare to build jointly a sewage disposal plant to be used jointly by the City of Mt. Vernon and the State Sanitorium at Mt. Vernon.

Respectfully submitted,

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Assistant Attorney General

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APPROVED:

J. E. TAYLOR *J.E.T.*
Attorney General