

MISSOURI AUTHORITY

Missouri Revised Statutes, Chapter 70, governs the power of political subdivisions to cooperate or contract with governmental units. See §§ 70.210-70.320, R.S.Mo. 2000. Section 70.220 specifically permits political subdivisions to contract and cooperate with any other governmental entity or with "[a]ny private person, firm association or corporation, 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 the political subdivision is within its scope of powers." Id. Sections 70.250 and 70.260 provide authority for the participating entities to finance the joint undertaking. Id.¹ Regarding school districts in particular, Chapter 177, which concerns school property and equipment, provides that school districts may enter into agreements with not-for-profit corporations² in order to allow "the acquisition, construction, improvement, extension, repair, remodeling, renovation and financing of sites, buildings, facilities, furnishings and equipment for the use of the educational institution for educational purposes." § 177.088 Moreover, such agreements must comply with statutory bidding requirements. Id.

State of Missouri

Title VI County, Township & Political Subdivision Government

Chapter 70 Powers of Political Subdivisions to Cooperate or Contract with Governmental Units

§ 70.210: Definitions.

As used in sections 70.210 to 70.320, the following terms mean:

- 1) "Governing body", the board, body or persons in which the powers of a municipality or political subdivision are vested;
- 2) "Municipality", municipal corporations, political corporations, and other public corporations and agencies authorized to exercise governmental functions;
- 3) "Political subdivision", counties, townships, cities, towns, villages, school, county library, city library, city-county library, road, drainage, sewer, levee and fire districts, soil and water conservation districts, watershed subdistricts, county hospitals, and any board of control of an art museum, and any other public subdivision or public corporation having the power to tax.

§ 70.220: Political subdivisions may cooperate with each other, with other states, the United States or private persons

- 1) 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, or with any private person, firm, association or corporation, 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 subdivision.
- 4) If any contract or cooperative action entered into under this section is between a municipality or political subdivision and an elective or appointive official of another municipality or political subdivision, such contract or cooperative action shall be approved by the governing body of the unit of government in which such elective or appointive official resides.

¹ Although §§ 70.210-70.325 constitute general authority for cooperation, there are numerous statutes that authorize specific cooperative efforts. Section 537.620 provides that, notwithstanding any direct or implied prohibition in other statutes, any three or more political subdivisions may form a business

entity for the purpose of providing liability insurance. Additionally, other Missouri statues establish government employee retirement systems. ² Such not-for-profit must be formed under the general not for profit corporation law of Missouri, Chapter 355, R.S.Mo.