



MEC
OPINION NO.

2007.02.CI.004--3

STATE OF MISSOURI

MISSOURI ETHICS COMMISSION
P. O. BOX 1254
JEFFERSON CITY, MISSOURI 65102

573/751-2020
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February 13, 2007

At the February 13, 2007 meeting of the Missouri Ethics Commission, your request for an opinion was discussed. The following is the Commission's response to your questions:

A public school district, may offer space in its Central District office for lease through a competitive bidding process as required by Missouri state law. One of the bidders may be a general not for profit corporation created under Missouri law. Several of the board members for the not for profit corporation are elected municipal officials of political subdivisions created under the laws of the state of Missouri, and at least one board member may be an appointed municipal officer. If a not for profit corporation, has on its board of directors elected and appointed municipal officials of political subdivisions created under the state of Missouri, is the successful bidder to lease real property that is owned by a public school district, can the corporation lease the space without creating or appearing to create a conflict of interest?

Sections 105.454(2) RSMo, 105.458.1(2) RSMo and 105.458.2(2) RSMo do not directly apply to the factual scenario presented in your question of whether a not for profit corporation may submit a bid to lease property from the political subdivision as opposed to leasing property to the political subdivision. From the information presented in your letter, the Commission stated that it would be acceptable for a not for profit corporation to submit a bid to lease property from the political subdivision assuming that all appropriate competitive bidding processes established for the political subdivision are followed and all conflict of interest provisions relating to public officials, including Sections 105.452 RSMo and 105.454 RSMo are followed.

Sincerely,

R.F. Connor
Executive Director
RFC:ez

NOTICE

Anyone examining this advisory opinion should be careful to note that an opinion of the Missouri Ethics Commission deals only with the specific request to which the opinion responded and only as to the law as it existed at the date of the response and cannot be relied upon for any other purpose or in any other manner.