

Board of County Commissioners, Extra Session. Extra Session, Construed. Notice of Extra Session, Must Be Given.

Whenever it is found necessary to hold an extra session of the Board of County Commissioners, five days notice thereof must be given.

July 30, 1915.

Hon. Paul Babcock,
County Attorney,
Plentywood, Montana.

Dear Sir:

I am in receipt of your letter of the 27th instant, wherein you say:

"The Board of County Commissioners of Sheridan County particularly desire your opinion as to the meaning of 'extra session' as the same appears in Section 2891, as amended by the Session Laws of the Fourteenth Legislative Assembly. Would a special meeting be held an 'extra session' within the meaning of Section 2891, supra. If a special meeting would not be held to be an 'extra session' within the meaning of Section 2891, supra, then is it proper for the Board to, immediately, upon adjourning at a regular session, to call a special session and to proceed on the same day that the regular session is adjourned to consider the business set forth in the order calling the special session."

The language used in Chapter 148, Session Laws of 1915, amending Section 2891, Revised Codes, merely gives to a Board of County Commissioners availing itself of the provisions of the chapter, the right, in case of necessity, to hold an extra session for the purpose of cleaning up such business as might possibly be left over at the completion of the monthly session provided for, at each of which times the board may sit for three days. The words "extra session" used in the chapter above referred to, in my judgment, are synonomous with the words "special meeting" used in Section 2886, but in order to hold this extra session the Board must comply with the law as set forth in Chapter 148, Laws of 1915, by giving the five days public notice therein prescribed. The

Board could not, under the law, immediately upon adjournment at a regular session call a special meeting and proceed upon the same day the regular session is adjourned to consider the business set forth in the order calling the special session for the reason that—call it a “special meeting” or an “extra session”—five days public notice is required to be given of the holding of such meeting.

“Where a special meeting of a county board is called proper notice thereof must be given.”

11 Cyc, 395, citing

Loesnitz v. Soelinger, 127 Ind. 422, numerous other Indiana cases, and also Iowa, Kansas, Michigan, Nebraska, New York, Pennsylvania and West Virginia cases.

“Such notice should set forth the object of the meeting.”

11 Cyc 395, 396, citing Cal., Ia., Neb., Wash., and W. Va. cases.

The object of the amendment to Section 2891 was to permit boards of county commissioners, if they saw fit so to do, to hold sessions once a month, such session to be of not more than three days duration, in order to clean up the business of the county more rapidly than it had been done theretofore, and not have it hanging over for three months.

You are, therefore, advised that if it is found to be necessary to hold an extra session, the requirements of the law with respect to the giving of five days notice thereof must be complied with.

Yours very truly,

J. B. POINDEXTER,

Attorney General.