

County Commissioners—Mileage and Fees in Connection With Special Meetings—Number of Special Meetings in Any Month.

The County Commissioners may collect mileage only once each way for each session.

The County Commissioners are vested with a great deal of discretion in connection with the calling of special meetings. They may not, however, hold such sessions in such a manner as to constitute a continuous session and collect mileage for each trip, and they may not call a greater number of separate meetings than the requirements of public business demand.

John B. Muzzy, Esq.,
County Attorney,
Stanford, Montana.

My dear Mr. Muzzy:

You have submitted the following inquiry:

1. How many meetings regular and special are the County Commissioners permitted to hold in any one month?
2. May the County Commissioners hold as many sessions in any one month as they deem necessary for the transaction of the business of the county, holding such sessions in periods of one day each, and charging mileage for attending each of said one day sessions?

As to your first question, Chapter 148 of the Laws of 1915, amending Section 2891 of the Revised Codes, reads as follows:

“The Board of County Commissioners, except as may otherwise be required of them, may meet at the county seat of their respective counties on the first Monday of each and every month of the year, for the purpose of allowing bills and attending to any other business that may regularly come before them, and may sit not exceeding three (3) days at each session, except the December session, at which time they may sit not exceeding eight (8) days. But the Board may at any time, by giving at least five (5) days public notice, hold an extra session of not over three (3) days' duration; provided, that the limitations as to the time of sessions of the Board of County Commissioners contained in this section shall not apply to counties of the First, Second, Third or Fourth Classes.”

The phrase, “and the Board may at any time, by giving at least five days public notice, hold an extra session of not over three days' duration,” is authority for the Board to hold as many extra sessions as they may deem necessary by giving the requisite notice.

The Attorney General's office has in the past been called upon a number of times to answer questions arising out of situations similar to that here presented. Opinions covering such situation are to be found in the opinions of the Attorney General in Volume 4, page 15, Volume 5, page 592, Volume 6, page 202, Volume 6, page 221, Volume 8, page 43, Volume 8, page 48, Volume 8, page 99.

The effect of these opinions is that the County Commissioners may collect mileage only once each way for each session. Neither Chapter 148, supra, nor above opinions contemplate that the County Commissioners may hold a practically continuous session and call each day's meeting a session, or subdivide what is in fact but one session in any manner so that the sessions do not conform to the requirements of the county's business, and when matters for which any meeting is called are not completed it would certainly not be proper for the County Commissioners to adjourn after a one day session and immediately thereafter call another special meeting for the same purpose and collect additional mileage therefor.

A great deal is left to the discretion and good faith of the County Commissioners in connection with the calling of special meetings, but the opinions referred to indicate that they will not be permitted to hold such sessions in such manner as to constitute practically a continuous session and collect mileage for each trip for the purpose of attending such session, or call a greater number of separate meetings than the requirements of public business as distinguished from the convenience or advantage of the County Commissioners demand.

Very truly yours,

WELLINGTON D. RANKIN,
Attorney General.