

Counties—County Commissioners — Proceedings—Publication.

It is the duty of the County Commissioners to give to their proceedings the widest publicity possible, and where publication thereof in a newspaper is available, such method should be adopted.

D. M. Durfee, Esq.,
County Attorney,
Phillipsburg, Montana.

My dear Mr. Durfee:

You have requested my opinion as to whether the County Commissioners must publish the statement of its proceedings in a newspaper, or whether it is sufficient that a statement of the proceedings be posted.

This office, in an opinion found in Volume 9, Opinions of Attorney General, page 400, had this question under consideration and reached the conclusion that publication in a newspaper is not mandatory, but that the public is entitled to know how its business has been conducted by the County Commissioners, and held that unless a very substantial amount could be saved, the Commissioners should cause their proceedings to be published in a newspaper, inasmuch as this is recognized as the most effective means of furnishing the information to the taxpayers and citizens.

Since the rendition of that decision complaints have been made to me by citizens and taxpayers to the effect that the posting of the proceedings does not furnish the information to them.

Upon investigation, I find that the amount that can be saved by posting rather than by publication in a newspaper is comparatively small and that it is really to the best interest of the public to pay the additional cost and secure the necessary publicity of the proceedings of the County Commissioners.

It can readily be conceived that if posting the proceedings is a sufficient compliance with the statute, designing officials might easily defeat the spirit and intent of the law by posting in such manner or in such places that the public will in fact receive no information of the proceedings. To place that interpretation on the law renders it subject to evasion and abuse.

The statute requires a statement of the proceedings of the Board to be published "in a newspaper or otherwise." By the expression "or otherwise" the Legislature must have intended that some means of publication should be used that would be equally effective for furnishing information to the taxpayers as publication in a newspaper.

The posting of notices does not spread information so effectively and so generally as does publication in a newspaper. In fact, any means of furnishing information to the taxpayers that would be as effective for that purpose would be far more expensive than publication in the usual way in a newspaper.

It is, therefore, my opinion that the spirit of the law requires the County Commissioners to give the widest publicity possible to their proceedings, in the manner prescribed by statute; that is, by publication in a newspaper, or otherwise; that where two or more ways of publicity are authorized, as by publication in a newspaper or by post-

ing, it is the duty of the County Commissioners to select that one which will give the greater publicity, and common experience has demonstrated, beyond doubt, that publication in a newspaper is not only the most effective method, but also the most economical, volume of publicity considered, that is available for placing before the people the proceedings of the Board, and, when this method is available it should be adopted.

Very truly yours,

L. A. FOOT,
Attorney General.