

Opinion No. 464.**Cities and Towns—City Treasurer—
Bond, Reduction of—City Council.**

HELD: In the absence of statute or contract prohibiting it, the amount of the bond required of the city treasurer may be reduced if the city council deem it excessive.

February 16, 1934.

You have submitted the question: "Where the bond of a City Treasurer has been fixed by ordinance in the amount of \$100,000.00, and a subsequent Council has deemed the amount of the bond is excessive, can the Council reduce the amount of the bond during the term of the City Treasurer?"

Section 5017 Revised Codes of Montana 1921 provides: "The city treasurer, city clerk, and city marshal, and such other city officers as the council by ordinance may require, must give official bonds, in such sums and securities as the ordinance may prescribe, which bonds must be approved by the council and filed with the city clerk, except the bond of the city clerk, which must be filed with the city treasurer, and no officer must become surety upon the official bond of another." Section 6236, R. C. M. 1921, as amended by Chapter 145, Laws of 1923, provides that the premium on a surety company bond furnished by a city official shall be a proper charge against the general fund of the city.

I find no statute prohibiting the reduction in the amount of such bond where it is deemed excessive. Since the amount of the bond is not fixed by statute, but left to the discretion of the city council, in the absence of statute or contract prohibiting it, I am of the opinion that the amount of such bond may be reduced if the city council deem it excessive. There appears to be no good reason why this may not be done and the cost of city government thus reduced.