

Opinion No. 17.**Counties — County Commissioners,
Powers of.**

HELD: Whether charge for telephone in residence of deputy sheriff is legal claim against county depends upon question whether it is necessary and is one for county commissioners to determine.

January 16, 1937.

Hon. S. L. Kleve
State Examiner
The Capitol

Dear Mr. Kleve:

You have raised the question whether a charge against a county for a telephone to the residence of a deputy sheriff, is legal, and should be paid by the county. It is claimed that the telephone is necessary for night calls requiring his official services.

This raises a question of fact which should be determined by the county commissioners. If they should find that such telephone is necessary for official use, I am of the opinion that the charge against the county would be legal. It is possible that the commissioners might make some adjustment in case the deputy desired to use the telephone for personal calls. That is a matter, however, for the commissioners to determine after considering all the facts.