

VOLUME NO. 33

Opinion No. 21

**SCHOOL DISTRICTS - Board of trustees - Special meetings; Notice. Section 75-1622, R.C.M. 1947.**

**HELD:** 1. The 48-hour written notice of special meetings of the board of trustees can be waived if all the members are present and consent to the meeting.

2. Section 75-1622, R.C.M. 1947, does not place a limitation on the number of special meetings that can be held by a board of trustees in any one month.

June 24, 1970

Mr. Larry Persson  
Ravalli County Attorney  
Office of the County Attorney  
Hamilton, Montana 59840

Dear Mr. Persson:

You have requested my opinion on the following questions:

1. Is a 48-hour written notice of special meetings of the board of trustees mandatory if all members are present and consent to the meeting?
2. Are there any restrictions on the number of special meetings that may be held by a board of trustees in any one month?

The applicable statutory provision is section 75-1622, Revised Codes of Montana, 1947. That section provides:

“The board shall hold, in districts of the first class, at least one and not more than five meetings each month for the transaction of its business; and in all districts at least four meetings each year shall be held, to wit: On the third Saturdays of April, July, October and January, at such places and hours as

shall be fixed by the board. A special meeting of the board may be held upon the call of the chairman or any two members of the board; at least forty-eight hours' written notice shall be given to each member of the board of any special meetings, and no business transacted by the board shall be valid unless transacted at a regular or special meeting thereof. All school trustees regularly qualified for office in first, second, and third class districts, including the extra high school trustees provided for in section 75-4601, R.C.M. 1947, who live three (3) miles from the meeting place shall be entitled to mileage at the rate of eight cents (8c) per mile for travel from their homes to the meeting place and return, for attendance at all regular and special meetings of the board of trustees held according to law. The payment for mileage may accumulate until the end of the fiscal year at the discretion of the trustee."

In answer to your first question, the 48-hour written notice of a special meeting may be waived by the fact that all the members of the board of trustees are present and consent to the meeting. This was the opinion of Attorney General L. A. Foot in **Opinions of the Attorney General**, Vol. 14, page 291, and I can see no compelling reason to overrule this interpretation of the law.

In answer to your second question, section 75-1622, R.C.M. 1947, limits to five the number of regular meetings in one month in a first class district; however, there is no limitation on the number of special meetings that may be held by a board of trustees for any class of district in any one month. The purpose of a special meeting is to conduct business that cannot be conducted in a regular meeting either due to the volume of business or the occurrence of some unusual event that requires immediate attention. To place a limit on the number of special meetings, no matter what class of school district, would defeat the very purpose for which such meetings were authorized by section 75-1622, R.C.M. 1947.

THEREFORE, IT IS MY OPINION that:

1. The 48-hour written notice of a special meeting of the board of trustees can be waived if all the members are present and consent to the meeting; and
2. Section 75-1622, R.C.M. 1947, does not place a limitation on the number of special meetings that can be held by a board of trustees in any one month.

Very truly yours,

ROBERT L. WOODAHL  
Attorney General