

County Commissioners, Publication of Proceedings. Publication of Commissioners' Proceedings, How Furnished. County Commissioners, Special Meetings, How Called.

Under Subdivision 21, Sec. 4230, Political Code, it is the duty of the Board of County Commissioners to cause a fair statement of its proceedings to be published. The county clerk should furnish such fair statement to the printer, and the same need not be a full copy of the commissioners' minutes.

Under Section 4215, Political Code, two members of the Board of County Commissioners can call a meeting by signing a written order and having the same recorded. They need not formally meet in order to make the signing of such order valid.

Helena, Montana, Aug. 17, 1907.

Mr. John L. Slattery,
County Attorney,
Glasgow, Montana.

Dear Sir:—

Your letter of the 14th. inst., requesting an opinion upon the following questions, received.

First: Is it the duty of the County Clerk to furnish copy of the Commissioner's proceedings to the person having the contract with the county to do the county printing?

Second: Under Section 4251 of the Political Code is it necessary that a majority of the Board of County Commissioners meet at the county seat, as a Board, to legally order a special meeting of the Board, or would it be legal for a majority of the members of the Board to meet and sign a written order for such special meeting and mail same to the County Clerk, such members not being in session as a Board at the time of making and signing the order?

In answer to your first question you are advised that under Sub-division 21 of Section 4230 of the Political Code it is the duty of the Board of County Commissioners to cause to be published in a newspaper a fair statement of all its proceedings, and therefore it would be the duty of the county clerk, he being the clerk of such Board, to furnish such "fair statement" to the newspaper for publication. You will notice that this provision of the law does not require that a full and complete copy of the commissioners' proceedings must be published, but only a fair statement or synopsis sufficiently specific to show to the taxpayers of the county the nature and character of the business acted upon by the Board. That is, resolutions, orders, etc. need not be published in full, but simply a statement that a resolution to a certain effect was adopted, or an order relating to a certain matter was duly passed, etc. It is clearly the duty of the county to furnish such copy for the printer the same as in other publications.

In answer to your second question you are advised that it is not necessary for a majority of the Board to meet as a Board in order to call a special meeting. In fact, a majority of the Board cannot meet as a Board until legal notice has first been served upon the third member. Therefore, at any time, two members of the board can sign a written order calling a special meeting and send the same to the county clerk, who should record it in the Commissioners' minute book, and the clerk should then give five days notice of such meeting to the member not joining in the order.

The above is all that is necessary in order to make a regular special meeting; provided there are two members of the Board in attendance at the special meeting on the date named in the call for the same.

Yours very truly,

ALBERT J. GALEN,

Attorney General.