

State Fair, Power of the Board of Directors to Appoint Custodian.

It is within the power and authority of the Board of Directors of the State Fair to appoint a custodian of the State Fair grounds and property, and to fix his compensation.

Helena, Montana, Nov. 14, 1907.

Hon. John W. Pace,
Sec. Montana State Fair,
Helena, Montana.

Dear Sir:—

I am in receipt of your favor of the 8th inst., making request for the opinion of this office respecting the right of the Board of Directors of the Montana State Fair to appoint you as custodian of the State Fair Grounds and property, and allow you, as a salary therefor, the sum of one thousand dollars per year in addition to the salary allowed by law and paid you as Secretary and Treasurer.

In this connection you state that the Board of Directors of the Montana State Fair passed a resolution on October 4, creating the office of Custodian of State Fair Property, appointing you to such position, and fixing the compensation for such service.

By the law creating the State Fair (Chap. XCVI, Laws 1903, page 173) the State Fair directors are, by Section 7, given full power and authority to "take and have full control and management of the State Fair as a State Institution and * * * care of the property and * * * entrusted with the entire direction of the business and financial affairs * * * and shall determine the duties, responsibilities, compensations, and tenure of office, of all officers or other employees, and may remove from office any person appointed by them to any office for inefficiency, neglect of duty, or malfeasance in office."

The language of the law above quoted I think sufficiently broad to confer upon the Board of Directors the power and authority to appoint a custodian of the grounds and property and to fix his compensation. It is certain that a custodian of the grounds and property is absolutely necessary for the protection and preservation of the grounds and personal effects belonging to this State institution, and it seems to me that this is a proper and legitimate item of expense in connection with

the maintenance of the State Fair, and that the resolution adopted by the said Board above referred to is entirely within its power and province.

Yours very truly,

ALBERT J. GALEN,

Attorney General.