

Meetings of County Commissioners, Fifth Class. County Commissioners, Meetings of Fifth Class Counties. Bills, Payment of in Fifth Class Counties.

In counties of fifth class the board of county commissioners are not authorized to adjourn a regular meeting to the end of the month for purpose of paying bills.

The payment of bills is not such "business of the county" as will require a special meeting of the commissioners in a fifth class county.

December 17, 1910.

Mr. J. H. Stevens,
County Attorney,
Kalispell, Montana.

Dear Sir:

Your letter of December 15th has been received, requesting my opinion upon the following proposition, viz:

"May the board of county commissioners of a county of the fifth class adjourn their regular meetings from time to time during the quarter, so that they may pay their bills monthly?"

In reply I will say that Sec. 2891, Revised Codes, provides that in counties, except of the first, second and third classes, the board of county commissioners must meet on the first Mondays of December, March, June and September of each year, and may sit not exceeding five days at each session, except the December session, at which they may sit not exceeding eight days; but the board may, at any time, by giving at least five days' public notice, hold an extra session of not more than two days' duration.

This section appears to be mandatory, and does not contemplate that the board may adjourn its sessions to the end of the month for the purpose of paying bills, or attending to other business which is not before the meeting, but limits the commissioners to not to exceed five days during the March, June and September meetings, and to eight days during the December meeting, and in my opinion they would not have power or authority to adjourn their meetings to the end of the month for the purpose of paying bills at the end of the month to which the meeting was adjourned.

Sec. 2886 provides for calling special meetings of the board at any time after the adjournment of a regular meeting, if the business of the county requires it, which special meeting may be ordered by a majority of the board. This order must be of record, and five days' notice thereof must be given by the clerk to each member not joining in the order; and the order must specify the business to be transacted, and none other than that specified can be transacted at such special meeting.

In my opinion the "business of the county" would not be such as to require a special meeting of the board for the purpose of paying monthly bills, for they are supposed to be taken care of and paid at the quarterly meetings.

You are, therefore, advised that in my opinion the board of county commissioners of counties other than the first, second and third class cannot, as a matter of law, adjourn their meetings to the first of the month for the purpose of paying monthly bills, but that such bills must wait until the next regular meeting.

Yours very truly,

ALBERT J. GALEN,

Attorney General.