

County Charges, What Are. Board of County Commissioners, Authority of to Pay Certain Expenses. Expenses of Certain County Officers, Authority of Board of County Commissioners to Pay.

There being no authority of law compelling the attendance of or prescribing the duties of county officers at a meeting to be held at some point within the state and at a time to be mutually agreed upon, there is no law providing for the payment of their expenses.

Under the provisions of Sec. 2894 and 3199 of the Revised Codes, if the actual interests of the county demand such attendance, the presumption is there would be no objection raised to the payment of the expenses.

January 13th, 1913.

Hon. John A. Slattery,
County Attorney,
Glendive, Montana.

Dear Sir:

I am in receipt of your letter of the 7th inst., submitting the question:

"Whether or not the board of county commissioners has any authority in law to pay the expenses of the county clerk, county assessor, and one member of the board of county commissioners to the annual meeting of the board of county commissioners?"

I presume by this is meant the general meeting that is held by the various county officers at some point in the state and at some time to be mutually agreed upon. I have not been able to find any law naming or designating any such meeting, and, therefore, conclude that the same is wholly voluntary with the county officers; that there is no law compelling their attendance nor prescribing the duties to be performed at such meeting. There is, therefore, no law providing for the payment of expenses.

However, the provisions of Sec. 2894 of the Revised Codes, particularly of subdivision 22 thereof, and of subdivision 8, Sec. 3199, are quite general in their terms, and if the actual interests of the county demand such attendance I presume there would be no objection raised to the payment of the expenses, and in the absence of any statutory direction or authority, no general or specific rule can be given.

The case of *Wade v. L. & C. Co.*, 24 Mont. 338, deals in a general way with what is a proper charge against a county.

Very truly yours,

D. M. KELLY,
Attorney General.