

**Board of County Commissioners, Authority to Contract Debt. County Fair, Improvement on Ground of. Indebtedness Exceeding \$10,000, Election for.**

A board of county commissioners cannot lawfully subdivide expenses for general improvements and expend \$10,000 for each subdivision. Where the aggregate exceeds \$10,000 the question must be submitted to the electors.

July 13th, 1913.

Hon. O. C. Cooper,  
Chairman Board of County Commissioners,  
Hamilton, Montana.

Dear Sir:

I am in receipt of your letter of the 9th inst., submitting the question: Whether the board of county commissioners has authority to contract for the erection of a grandstand, costing at least four thousand dollars, on the county fair ground, the board having already contracted to expend \$7,150.96 for other improvements thereon?

Sec. 5, Art. XIII, of the State Constitution, provides, in part, that no county shall incur any indebtedness or liability for any single purpose to an amount exceeding \$10,000 without the approval of the electors, etc. It appears that this expenditure is all for one general purpose, to-wit: Improvements on the county fair grounds. The courts give this section a very strict construction.

Hefferlin v. Chambers, 16 Mont. 349.

Hoffman v. Commissioners, 18 Mont. 224.

Hotchkiss v. Marion et al., 12 Mont. 218.

Jenkins v. Newman, 39 Mont. 77.

Morse v. Granite County, 44 Mont. 78.

Reed v. Lincoln County, 46 Mont. 31.

I am, therefore, of the opinion that it would be an invasion of this provision of the constitution to let the contract for the grandstand for an amount which would exceed in the aggregate the sum of \$10,000.

Very truly yours,

D. M. KELLY,  
Attorney General.