

Board of County Commissioners, Authority of. Deputy or Assistant, to All County Officers. County Officers, General Deputy or Assistant to.

Boards of county commissioners have authority to employ additional deputies when under certain circumstances, and may employ the same person as assistant or deputy in various offices for such time as the business of the county may require.

August 2nd, 1913.

Hon. B. E. Burg,
County Attorney,
Columbus, Montana.

Dear Sir:

I am in receipt of your letter of the 30th ultimo, submitting the question:

"Has the board of county commissioners the authority to hire a general assistant to all the officers of a county when in their judgment the business of the county demands such assistant?"

Sec. 3123, Revised Codes, has not been repealed. Under authority there given, the board has the authority to employ additional deputies when "needed for the faithful and prompt discharge of the duties of any county office." The statute does not designate the length of time such additional help may be employed, hence the board has the authority to employ the same person as assistant or deputy in the various offices for such time as the business of the county in the judgment of the board may require in each office. Determining the salary of such moving deputy or assistant would be a mere matter of mathematical computation. The general authority of the board in this matter was discussed to some extent by the supreme court in *Hogan v. Cascade County*, 36 Mont. 183; *Opinions of Attorney General*, 1910-12, page 57.

The question of salary in such cases was briefly considered by this department in *Opinions of Attorney General*, 1910-12, p. 305.

Yours very truly,

D. M. KELLY,
Attorney General.