

Claims Against Counties—Power of Auditor to Reduce the Amount of Claim.

County Auditors have the power, and it is their duty to examine all claims and determine the reasonableness of the amount charged. Should the charge be excessive he should audit the claim and allow it for such an amount as he may determine a reasonable charge.

October 4, 1917.

Mr. F. A. Weinrich,
Chairman Board County Commissioners,
Plentywood, Montana.

Dear Sir:

I am in receipt of your letter of September 27th, in which you request my opinion on the power of the auditor of Sheridan County to cut or reduce the amount of a claim filed against the County, where the claim filed is in the form required by law, and the only question is the reasonableness of the amount claimed to be due.

The duties of the County Auditor are prescribed by Section 3106, which is as follows:

"It shall be the duty of persons holding claims against any County having a County Auditor to present the same to the County Auditor, whose duty it shall be to audit the same. The County Auditor shall also investigate and examine into all claims presented to him and report the same with his findings to the Board of County Commissioners at their regular session after such investigation shall have been completed with his approval or disapproval indorsed thereon, and he shall keep a complete record of all such claims and of his investigations and examinations of the same in a book kept for the purpose. In all counties having a County Auditor, all bills, claims, accounts or charges for materials of any kind or nature that may be purchased by and on behalf of the County or by any of the County officers or contracted for by the County Commissioners shall be investigated, examined and inspected by the County Auditor, who shall endorse his approval or disapproval thereon before any warrant for the same can be drawn. In all Counties having a County Auditor, no claim against the County shall be paid on warrant drawn therefor, unless the same shall have the approval of the County Auditor; provided, however, that the judge of the district court of the County where any claim has been disapproved by the County Auditor may order the payment of the same."

This Section makes it not only the duty of the County Auditor to investigate and examine into all claims, but also to audit the same. The word "audit" means to examine and adjust, and it includes both the adjustment or allowance, or the disallowance or reduction of an account. 1 Words and Phrases 639; 1 Words and Phrases (2nd Series) 367.

Also, under this section, the County Auditor cannot simply mark a claim "audited" but he is required to endorse on the claim either his approval or disapproval.

I am, therefore, of the opinion that the County Auditor is not restricted to merely examining and investigating a claim for the purpose of ascertaining whether or not it is a proper charge against the County, but he has the power and it is his duty to examine such claim for the purpose of ascertaining and determining the reasonableness of the amount charged against the County. But the amount charged is excessive or unreasonable, it is his duty to audit such claim and to allow it for such an amount as he may determine to be a reasonable and proper charge, endorsing on such claim his approval for the amount which he has determined to be a reasonable and proper charge.

Very truly yours,

S. C. FORD,

Attorney General