

Improvement District—County Commissioners, Powers Of.

An improvement district created pursuant to Chapter 156 of the Session Laws of 1917 is wholly within the control of the Board of County Commissioners.

December 21st, 1918.

Mr. Maurice James,
Drummond, Montana.

Dear Sir:

I am in receipt of your letter of recent date regarding an improvement district at Drummond. In your letter you state:

“One of the main ideas in this organization, was the taking over of an electric light plant which is owned individually. In the session laws of 1917, I am unable to find anything of a definite nature as to the powers of the commissioners of the improvement district. It seems to state plainly enough the powers of the Board of County Commissioners.”

I take it that your reference to the Session Laws of 1917 is to Chapter 156 of such session laws, and this improvement district was created under this chapter. This chapter provides the method for the creation of such a district by the board of county commissioners, and the manner in which the improvements made shall be paid for, all powers in connection therewith being exercised by the board of county commissioners. The act makes no provision whatever for any commission for the improvement district, and the board of county commissioners is not authorized to appoint or designate commissioners for the district. The creation of the district, and all acts in connection

with the making of the improvements, and the control and management of the district is placed entirely in the Board of County Commissioners, and not in any other commission.

I assume that in order to present this matter to the Board of County Commissioners, in order to have the board take the necessary action towards creating this district, an organization of the citizens of Drummond was formed, which was designated as the Improvement District Commission. However, if this is true it was not a commission authorized or recognized by any provision of this Chapter, and never has had, and has not now any right to exercise any power, authority or control whatever over this improvement district.

Respectfully,

S. C. FOKD,

Attorney General.