

Cities and Towns—City Treasurer—Clerk—Offices—Compensation.

The office of city clerk may be abolished and the treasurer required to perform the duties theretofore performed by the clerk. The treasurer may not receive additional compensation therefor.

L. Q. Skelton, Esq.,
State Examiner,
Helena, Montana.

January 17, 1925.

My dear Mr. Skelton:

Your letter was received, reading as follows:

"Where city and town councils have appointed a treasurer and clerk, can such councils remove the clerk and consolidate the two offices by having the treasurer perform the duties of both offices and draw an increased salary?"

Under section 4995, R. C. M., 1921, the officers of a city of the first class, among others, consist of a treasurer elected by the electors of the city and a clerk appointed by the mayor with the advice and consent of the council. This is also true of cities of the second and third class. (Section 4996, R. C. M., 1921.)

Section 5000 authorizes the council to consolidate any offices, the appointment to which is made by the mayor, with the advice and consent of the council, and section 4999 authorizes the council to abolish any office, the appointment to which is made by the mayor, with the advice and consent of the council.

Consequently, it follows that the city and town councils may remove the clerk and require the treasurer to perform the duties theretofore required of the clerk. However, in view of the plain provisions of section 5022 the treasurer may not receive any compensation therefor other than that fixed by ordinance, which amount may not exceed the maximum amount named in that section.

Very truly yours,

L. A. FOOT,
Attorney General.