

Drouth Relief—County Commissioners—Powers—Special Collectors.

The county commissioners may employ a special agent for the purpose of collecting notes given the county under the drouth relief act of 1919, and such agent need not be employed as a deputy.

J. H. McAlear, Esq.,
County Attorney,
Chester, Montana.

July 8, 1929.

My dear Mr. McAlear:

I have your letter relative to the employment by the county com-

missioners of a special agent to collect notes given the county under the drouth relief act of 1919, in which you have called my attention to an opinion of this office in Volume 10, Opinions of Attorney General, page 352, wherein it was held that a special agent could be employed and also to a later opinion in Volume 11, page 167, to the effect that such agent should be employed as a county officer and subject to the same restrictions as to salary as a deputy, and you wish to know if such agent must be employed as a deputy and, if so, of what office.

At the time the opinion in Volume 11, supra, was rendered there was some question as to whether a contract for the employment of a special deputy to collect county revenue was void as being contrary to public policy and the payment of the agent's salary thereunder subject to being enjoined by the taxpayers. However, in the recent case of Arnold et al. vs. Custer County, 83 Mont. 130, our court held:

"The board of county commissioners may exercise powers not specifically granted if they are necessarily implied from those granted, and under its implied power it may contract to have work done which is necessary for the proper management of the county's business and the preservation of its property, if the law does not make it the duty of some county officer to do the work."

It is therefore my opinion that the county commissioners may employ a special agent for the purpose above mentioned and that such agent need not be employed as a deputy.

Very truly yours,
L. A. FOOT,
Attorney General.