

In all counties that have a voting population of less than fifteen thousand the County Surveyor is on a per diem basis and (your county being in the class of less than fifteen thousand voting population) would draw compensation by the day instead of a regular salary.

Section 4921, R. C. M. 1921, provides for the compensation of the County Surveyors in counties of the sixth class.

The fact that the County Surveyor is put on a per diem basis, while practically all other county officers are on a salary basis, impels this office to the conclusion that a County Surveyor can draw compensation only for such time as he is employed and, as he is under the supervision and is employed by the county only when directed by the commissioners to do certain work, our conclusion is that if the Commissioners give him no work he is not entitled to draw any compensation. In other words, he may draw his per diem only when actually engaged in work for the county under the instructions of the County Board.

#### **Opinion No. 17**

##### **County Commissioners—Powers— County Surveyor—Salary.**

HELD: The office of County Surveyor is a constitutional office and the Board of County Commissioners has no authority to lay off such officer or give him a furlough against his wishes. However, the County Surveyor may draw his per diem only when engaged in work for the county under the instructions of the County Board.

---

January 11, 1933.

We were advised that you desire the opinion of this office in regard to whether or not the Board of County Commissioners of a sixth class county can temporarily lay off or furlough a County Surveyor for the purpose of saving his per diem.

The office of County Surveyor is a constitutional office and the Board of County Commissioners has no authority to lay off such officer or give him furlough against his wishes.