

Opinion No. 19**Sheriffs, Duties—Mileage—Dances,
Policing of—County Commissioners.**

HELD: It is entirely within the discretion of the board of county commissioners to approve or reject claims for mileage presented by the sheriff for policing a dance or any public meeting held by a fraternal lodge.

January 10, 1933.

You request advice from this office as to the legality of the action of the board of county commissioners in refusing to pay a claim of the sheriff for mileage in attending a dance at the request of the Rebekah Lodge of Alberton, and also request advice as to whether the board of county commissioners may lawfully disallow such claims in the future.

The sheriff's duties are quite fully set out in Section 4774 of the Revised Codes of Montana of 1921, and attending at any public functions at the expense of the county for the purpose of policing an assembly of any nature is not among the duties enumerated in such section.

Section 5 of Chapter 131, Laws of 1929, empowers the board of county commissioners to regulate and control dance halls, but the dance referred to would not come under this heading.

The board of county commissioners is the executive head of a county and all other county officials are under the general supervision of the board, and it is the duty of the board to control, except where the particular officer's duties are outlined in the statute, any and all acts of the county officials. It is particularly within the discretion of the board of county commissioners to pass upon and approve or reject claims presented against the county.

In view of the general powers of the board and in the absence of any statute specifically setting it out as the duty of the sheriff to attend such dances as you refer to, or any other meetings for the purpose of policing the same, it is the opinion of this office that it is entirely within the discretion of the board of county commissioners to approve or reject such claims as the sheriff of Mineral County presented to them and that it is within the power of the board to disallow any such claims in the future.