

**Opinion No. 92.****Public Welfare—Clerk and Recorder—  
County Attorney.**

HELD: 1. Neither the County Attorney nor Clerk & Recorder is entitled to charge any part of his regular salary to welfare fund.

2. County Commissioners, while acting as welfare board, cannot issue warrants on a county fund.

3. County Commissioners can only hold a special session following a regular session at which such special session was authorized as provided by law.

4. A Board of County Commissioners cannot designate one of its members to act as administrator or supervisor of welfare work.

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April 24, 1937.

Mr. R. N. Hawkins  
Assistant State Examiner  
Capitol Building  
Helena, Montana

Dear Mr. Hawkins:

You have submitted to this office certain questions relative to the Social Security Act for our opinion.

Question No. 1. A Board of County Commissioners meets as the County Welfare Board on three days during the month of March. During those days, the County Clerk is in attendance as the secretary or clerk, and the County Attorney is in attendance as legal adviser. The entire three days are devoted to county welfare matters. Is either entitled to charge any part of his regular salary to the welfare fund?

The County Clerk and Recorder and the County Attorney receive a fixed monthly or yearly salary, dissimilar to that of the salary of the Board of County Commissioners, and would not be paid by the State Welfare Board

from the public welfare funds, but would be paid in the manner as formerly.

Question No. 2. Can a Board of County Commissioners, while in session as a County Welfare Board, issue warrants on a county fund, or does the law only grant such power to issue warrants against the county to the Board of County Commissioners while acting as a Board of County Commissioners? In other words, is there anything in the Social Security Law which gives the County Welfare Board the right to issue warrants against county funds or against any county fund?

The Board of County Commissioners while sitting in session as a County Welfare Board cannot issue warrants on a county fund.

Question No. 3. In some former opinions of the Attorney General, it has been held that a special meeting can only be called at, or during a regular session, of the Board. If the first Monday of the month should fall on the 5th day of the month, is there any legal authority which would permit the holding of a special meeting on the first, second or third days of such month, which would be prior to the regular monthly meeting? Or would they have to hold the regular monthly meeting before any special meeting could legally be called?

The Board can only hold a special meeting following a regular meeting, and if the first Monday of the month should fall on the 5th day of the month, the Board would be without authority to hold a special meeting on the first, second or third days of such month. The board secures its authority to hold a special meeting under and pursuant to the order and notice of calling its special meeting, which it receives during a regular meeting. The Board, as individual members, and while not meeting as an entity, has no authority to call a special meeting.

Question No. 4. Can a Board of County Commissioners designate one of its members to act as the administrator or supervising officer over the welfare work in their county, and, if so, should such commissioner be paid \$8.00 per day for such service, the same as

though he were acting as a County Commissioner?

The Board of County Commissioners cannot designate one of its members to act as an administrator or supervising officer over the welfare work in its county. The members of the Board can only act as **members of the board**, and shall draw only their fees as members of said board while acting in regular or special session.