

**Opinion No. 27.**

**County Commissioners—Publication of Proceeding Mandatory—Specification Required—County Fairs—Claims—Publication.**

HELD: 1. Under the provisions of Section 4465.20 the publication of county commissioners' proceedings is necessary.

2. Publication of county commissioners' proceedings should specify the name, purpose and amount of all claims.

3. Publication of claims paid by county fair commissions is not required by statute.

March 8, 1939.

Hon. W. A. Brown  
State Examiner  
The Capitol

Dear Mr. Brown:

You have submitted the following:

"1. Is publication mandatory, and, if so, must the publication show in detail each item of expenditure, or is it sufficient to publish in the manner above indicated?

"2. County fair fund claims are approved by the fair commission, who issue their own warrants, and the secretary of the fair submits a list of all claims issued, showing the name, purpose and amount, to the county commissioners, and these county fair disbursements are taken into account on the general books of the counties and the warrants are paid and registered by the county treasurer as other county warrants. Is it required that these county fair fund claims be also published in detail, or otherwise?"

Answering your first question, we call attention to the opinion of the Attorney General in Volume 13, Opin-

ions of the Attorney General, page 42, where it was stated (p. 43):

"It is therefore my opinion that by the amendment of Subsection 21 by Chapter 54, the Legislature intended to make the publication in a newspaper of all claims ordered paid and a fair summary of the minutes and records of its proceedings mandatory."

We agree with this opinion. The history of this question is there reviewed. That opinion was given March 4, 1929. Since that date the Legislature has met five times in regular session and has had ample opportunity to amend Section 4465.20, R. C. M., 1935, formerly Subdivision 1 of Section 4465, Laws of 1921. In fact, the Legislature did amend this section in 1931. (See Chapter 100, Laws of 1931.) But the Legislature did not see fit to make any change in the language of this particular section or subdivision so as to make publication of the commissioners' proceedings not mandatory.

The publication of the following item, "County Payroll, \$7,375.21," in my opinion is not sufficient. It does not comply with the letter or spirit of the law. (See Opinions of the Attorney General, Vol. 9, p. 400, Vol. 10, p. 379, Vol. 13, p. 42.) The item as published does not give the people of the county any specific or useful information. The public is entitled to know what the specific items of expenditure of the county are. The publication should therefore show the "name, purpose and amount" as required by statute.

Answering your second question, Section 4465.20 requires publication of "a complete list of all claims ordered paid for all purposes showing the name, purpose and amount, and a fair summary of the minutes and records of all of its proceedings \* \* \*." County fair fund claims are ordered paid by the county fair commission (Section 4550) and are not paid by the county commissioners. Section 4465.20 would therefore have no application. We find no other statute requiring publication of such claims. While it may be good practice to publish such claims so the public may be informed, we find no specific statute requiring it.

Section 4550.3, dealing with district fair, provides:

“\* \* \* that the records are at all reasonable hours open to the taxpayers of the counties comprising the district.”

Possibly this was intended to take the place of publication. At any rate, in the absence of statutory provision, we are unable to advise that publication of such items in the manner specified by Section 4465.20, is mandatory.