

Opinion No. 13

COUNTY COMMISSIONERS; Powers; expenditures for sheriffs' and deputies' uniforms—COUNTY COMMISSIONERS; Budget; expenditures for sheriffs' and deputies' uniforms—SHERIFFS; Powers; expenditures for sheriffs' and deputies' uniforms—Sections 16-1001 and 16-1007, Revised Codes of Montana, 1947

Held: It is permissible for the sheriff and county commissioners to budget for and expend money for the acquisition and maintenance of uniforms for the sheriff and his deputies.

July 1, 1959

Mr. Douglas R. Drysdale
Gallatin County Attorney
Bozeman, Montana

Dear Mr. Drysdale:

You have requested my opinion whether it is permissible for the sheriff and the board of county commissioners to budget for and expend moneys for the acquisition and maintenance of uniforms for the sheriff and his deputies.

Your question necessarily involves consideration of whether such an expenditure is a proper expenditure of public moneys under Montana law.

The board of county commissioners has supervision over the official conduct of all county officers (Section 16-1001, RCM, 1947), and has the jurisdiction and power to purchase any real or personal property necessary for the use of the county (Section 16-1007, RCM, 1947). In addition to the specific powers granted to it by law the board has all the powers necessary for the proper execution of the duties specifically delegated to it by statute (*Arnold v. Custer County*, 83 Mont. 130, 269 Pac. 396).

The Montana Supreme Court has never had occasion to consider the specific question involved here and the adjudicated cases are sufficiently different on their facts to shed little light upon this inquiry. Similar questions have, however, been determined in prior Attorney General's opinions and those opinions furnish us a guide to be used in this instance.

In 13 Attorney General's Opinions, Page 305, Attorney General Foot defined the powers of the board of county commissioners in this manner:

"The board has authority to adopt such means as in its judgment shall be expedient in assisting county officers properly to discharge the duties of their office . . ."

In specific cases in construing this authority of the commissioners previous Attorney Generals have held that the purchase of automobiles for general county purposes was authorized and a proper expenditure under the above quoted statutes (Volume 14, Opinion No. 10. Volume 23, Opinion No. 120, page 324). Similarly a board of county commissioners may authorize payment of storage charges for storage of a court reporter's automobile if they find that such payment is necessary for the convenient and proper discharge of the county business (Volume 16, Opinion No. 196, page 204).

The same reasoning applies to the office of the sheriff with perhaps even more force, since the sheriff's office is primarily responsible for the peace and safety of the inhabitants of the county. Following this logic, in Volume 17, Opinion No. 17, page 19, it was held that county funds may properly be expended for a telephone in the residence of a deputy sheriff.

Without touching specifically upon the question involved here these opinions indicate the scope of the authority of the board of county commissioners to authorize expenditures of the type here in question. They indicate that whenever the board of county commissioners finds that a particular expenditure is "expedient in assisting county officers properly to discharge the duties of their office" it is a proper county expenditure.

It is therefore my opinion that it is permissible for the sheriff and county commissioners to budget for and expend money for the acquisition and maintenance of uniforms for the sheriff and his deputies.

Very truly yours,
FORREST H. ANDERSON
Attorney General