

**LETTER OPINION  
2004-L-05**

January 14, 2004

Ms. Robin R. Huseby  
Barnes County State's Attorney  
230 4th St NW  
Valley City, ND 58072

Dear Ms. Huseby:

Thank you for your letter asking whether board of health members and the health officer of the Valley City-Barnes County Health District (Health District) must be provided office space in the courthouse, or afforded rent for other office space.

Section 11-10-20, N.D.C.C., requires the board of county commissioners to provide offices in the county courthouse for designated county officials and any other officer who has charge of public records. If the courthouse has insufficient space, offices must be furnished by the county in a suitable building within the county. Id. The Valley City-Barnes County Health District was created by the governments of Valley City and Barnes County.<sup>1</sup>

This office has previously concluded that a health district formed by combining counties or cities is a separate political subdivision from the member counties or cities. N.D.A.G. 96-L-230. Thus, officers of health districts are not county officers, but are instead, officers of the health district, a separate political subdivision.

Each health district has a board of health and a local health officer. Each board of health is generally required to designate the location of a local health officer's office and

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<sup>1</sup> A "public health unit" is a "local organization formed under [N.D.C.C. ch. 23-35] to provide public health services in a city, county, or designated multicounty or city-county area. The term includes a city public health department, county public health department, and a health district." N.D.C.C. § 23-35-01(8). A city or county governing body may establish a public health unit by creating and appointing a board of health. N.D.C.C. § 23-35-03(2). "Upon adoption of a resolution, the governing body may form a multicounty or a city-county health district." N.D.C.C. § 23-35-04(1).

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furnish the office with necessary equipment. N.D.C.C. § 23-35-08(19). District health boards may acquire property needed for district health office use. N.D.C.C. § 23-35-10(1). It is necessarily implied that a health district may include the cost of purchasing or renting office space in its annual budget. N.D.C.C. § 23-35-07.

It is my opinion that the Barnes County board of county commissioners is not required to provide office space for the Valley City-Barnes County Health District in the Barnes County Courthouse or afford the district rent for other office space because the health district is a separate entity from county government and, as such, N.D.C.C. § 11-10-20 does not apply. It is further my opinion that a health district may, under N.D.C.C. § 23-35-10(1) purchase or lease property for the district's office.

Sincerely,

Wayne Stenehjem  
Attorney General

mjm/vkk