

**OPINION
71-118**

November 2, 1971 (OPINION)

Mr. Joseph C. McIntee

State's Attorney

McHenry County

RE: Counties - Redistricting - Compensation of Board

This is in response to your letter in which you ask for an opinion concerning Chapter 11-07 of the North Dakota Century Code relating to county redistricting. You state:

"The question has arisen as to whether or not the township supervisors called to a meeting by the County Auditor are permitted to be paid mileage and if so, would such mileage be paid for out of general county funds or should it be paid from the respective townships. I have in mind specifically, Section 11-07-01 of the North Dakota Century Code.

"The same question will apply of course to the members of the County Redistricting Board that is, will they be permitted mileage and also per diem if so, the amount that they will be allowed."

The township supervisors, pursuant to Section 11-07-01, are ex officio members of the county redistricting board. The redistricting board is a function of the county. Its primary purpose pertains to redistricting the county commissioner districts. The entire subject matter of such board pertains to representation in the governing body of the county.

Section 11-10-15 sets forth the mileage authorized and allowed for county officials.

Section 44-08-04 sets forth the amount authorized for sustenance while traveling which includes officials and employees of political subdivisions, as well as those of the state.

The duties and responsibilities of the county redistricting board pertain to the counties and not to the townships. The townships are only indirectly affected by the action taken by the redistricting board.

It is therefore our opinion that a township supervisor who attends an official meeting of the county redistricting board as a member of such board is entitled to mileage as set forth in Section 11-10-15 and travel expenses as set forth in Section 44-08-04.

It is our further opinion that such travel and mileage allowances are to be paid by the county from general funds of the county.

HELGI JOHANNESON

Attorney General