

**OPINION  
45-312**

July 13, 1945 (OPINION)

**WELFARE BOARDS**

**RE: Counties - Salaries Fixed by County Commissioners**

This will acknowledge your letter of July 19. In your letter you ask: "is the legal right to set salaries for employees in the county welfare office vested in the board of county commissioners or in the county welfare board?"

Chapter 50-01 of the 1943 Revised Code deals with county poor relief administration.

Under section 50-0102, the board of county commissioners of each county have exclusive jurisdiction and control of the administration of poor relief within the county, except as otherwise provided in the chapter. Section 50-0107 provides that the board of county commissioners of each county in this state shall provide for the establishment of a county welfare board. Section 50-01100 provides that a member of the county welfare board may be removed without cause, by resolution, to that effect adopted by the board of county commissioners and the public welfare board of North Dakota. It further states that the resolution may be initiated either by the board of county commissioners or the public welfare board.

There does not appear to be any specific statute dealing with the county welfare work, which directly answers your question. However, it is apparent that the county commissioners have exclusive jurisdiction over county poor relief except insofar as they have delegated that work to the county welfare board. The county welfare board in turn, usually with the consent and approval of the board of county commissioners, hires an executive secretary to be in charge of the work. It seems clear that, should the county welfare board set the salaries for the employees of the county welfare office, which do not meet with the approval of the county commissioners of the county involved, they, having exclusive jurisdiction, would have the right to adjust and set the salaries of such employees.

It is the opinion of this office that the board of county commissioners has the legal right to set salaries for employees in the county welfare office. However, as a matter of practice, the salaries should be set after discussion between the county welfare board and the board of county commissioners.

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