

OPINION
57-72

July 15, 1957 (OPINION)

COUNTY COMMISSIONERS

RE: Authority to Specify Length of Vacations

I have your letter of July 12, 1957, in which you raise the following question:

Does the board of county commissioners have the authority to specify the length of vacation time taken by elective county officers and to fix the times therefor?

Section 11-1111, subsection 2, of the N.D.R.C. of 1943, states that the board of county commissioners shall supervise the conduct of the respective county officers.

I have always taken this to mean that the county commissioners have authority to fix the time for opening and closing the court house, and it would be my opinion that they also have the authority to determine the length of time of vacations for county officers. It might be analogous to the board of directors of a corporation who has considerable exercise of power over the members of said corporation unless the by-laws specifically define the duties, privileges, etc. As far as I have been able to determine, the statute is silent on the question which you raise with the exception of the general provision above quoted which gives the commissioners the authority to supervise the conduct of county officers. However, I feel that it was the intention of the Legislature to give someone the authority to supervise the affairs of the county, and it is my judgment that the authority is vested in the county commissioners. We confirm your views in the matter, and trust that they might work out to the satisfaction of all concerned.

LESLIE R. BURGUM

Attorney General