

SHERIFFS: MOTOR VEHICLES: County Board has authority to specify color of Sheriff's squad cars. Minn. Stat. §§ 169.98 subd. 1 (a); 375.18 subd. 2; 387.29 subd. 2.

390a-14

June 9, 1999

Ross E. Arneson
Blue Earth County Attorney
Government Center
410 South Fifth Street
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Mankato, MN 56002-3129

Dear Mr. Arneson:

In your letter to Attorney General Mike Hatch you submit the following:

FACTS

The Blue Earth County Board of Commissioners (hereinafter "county board") has informed the County Sheriff (hereinafter "sheriff") that it wants the sheriff to order white squad cars. The sheriff wants to order brown squad cars. The sheriff has threatened to appeal his budget under Minnesota Statutes section 387.20 unless he can order brown squad cars.

You ask the following:

QUESTION

Who has the authority to specify the color of the county squad cars, the county board or the sheriff?

OPINION

Minnesota Statutes § 169.98. subd. 1(c) (1998) requires that the motor vehicles of the county sheriff's office be predominantly brown or white, but does not specify who has the authority to choose the color. In our opinion the county board has the authority to specify the color of the county squad cars.

Each county board in the State of Minnesota has the general power to manage the county property, funds, and business unless it is otherwise provided for. Minn. Stat. § 375.18, subd. 2 (1998). This authority generally extends to making determinations concerning the facilities and equipment to be acquired for use by county officials. *See e.g., Curtis v. Lincoln County*, 161 N.W. 210 (Minn. 1917) (county board's duty to provide a jail includes the duty to determine its construction and equipment); Op. Atty. Gen. 785, September 1, 1950 (decision whether to furnish radio broadcast equipment).

On the specific subject of motor vehicles, Minn. Stat. § 387.29, subd. 2 (1998) provides that "the board of county commissioners . . . may furnish to the sheriff of the county such necessary motor vehicles and supplies therefor as are needed to carry out the duties of office." This language has been interpreted as recognizing broad discretion in the county board in the matter of deciding what "vehicles and supplies" will be furnished to the sheriff. *See Op. Atty. Gen. 390a-11*, Dec. 5, 1966. This broad discretion would seem to include authority to choose the color of the motor vehicles. That authority may be distinguished from Minn. Stat. § 387.03 (1998) which states that the sheriff can purchase boats and other equipment when authorized by the county board. That statute appears to give the sheriff the authority to decide which boats and "other equipment" to purchase, including the color, but requires the sheriff to obtain approval from the county board.

We were unable to find a Minnesota statute that provides that anyone other than the county board has the authority to decide the color of the county squad cars. There is language in section 387.29, subd. 2, however, that suggests that the county board might be expected to grant some deference to the views of the sheriff when deciding the particulars of the squad cars. The statute gives the county board authority to furnish the sheriff with "necessary motor vehicles . . . as are needed to carry out the duties of office." We would assume that the sheriff would have valuable input on what type of motor vehicles are needed to carry out his duties.

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In summary, it is our opinion that the county board has the ultimate legal authority to decide the color of the sheriff's squad cars, but should take into account the views of the sheriff when making this decision.

Very truly yours,

MIKE HATCH
Attorney General

THERESA MEINHOLZ GRAY
Assistant Attorney General