

Opinion No. 51-5422

September 7, 1951

BY: JOE L. MARTINEZ, Attorney General

TO: Hon. Max N. Edwards Assistant District Attorney Fifth Judicial District Hobbs, New Mexico

{*126} This is in reply to your inquiry of June 5 relative to the authority of the Board of Trustees of the Lea County hospital, in Hobbs, New Mexico, to make payment to its members of mileage for travel to and from meetings and for payment of per diem to those Board members who live out of the City of Hobbs. The Board of Trustees of a County Hospital constitute a Board of Finance under the terms of § 7-206, N.M.S.A., 1941, and are charged with the responsibility of complying with all the fiscal and fiduciary requirements of such boards which are imposed by our laws concerning the management and expenditure of public funds.

One of the statutes to which this Board is amenable is § 7-108, N.M.S.A., 1941, which concerns the payment of per diem allowances to public officers and their employees for reimbursement for work done away from their usual place of duty. It is my opinion that this section is applicable to members of the County Hospital Board of Trustees as they are officers of a county institution.

It is my opinion that § 10-408, N.M.S.A., 1941, is equally applicable to these Board members. This is the section which permits the payment of mileage for travel in privately-owned automobiles when authorized.

The Board of Trustees of the Lea County Hospital, in my opinion, are authorized to make payment of mileage and per diem to their members who reside outside of Hobbs when it is necessary for them to attend Board meetings and to be away from their place of residence. The payment of per diem as well as the payment of mileage for travel by privately-owned automobile, can only be authorized in accordance with the amounts allowed by statute.

I trust that this will answer your inquiry fully.