

Opinion No. 12-945

September 30, 1912

BY: FRANK W. CLANCY, Attorney General

TO: Hon. Robert P. Ervien, Secretary, State Highway Commission, Santa Fe, New Mexico.

SIGN BOARDS ON PUBLIC HIGHWAYS.

Duty of County Commissioners to provide and cause to be placed sign boards upon public highways.

OPINION

{*102} I have received your letter of even date herewith, asking in substance who should perform the duty of putting up signboards required by Chapter 30 of the Laws of 1912, at the same time calling attention to the provisions of Section 7 of Chapter 54 of the same laws, which require that all funds for road and bridge purposes in the respective counties shall be expended under the supervision and direction of the county road board. I see no necessary inconsistency between the two acts. The first one makes it the duty of the county commissioners of each county to cause to be placed at the forks of all public and main traveled roads and at roads crossing or leading away from such public and main traveled roads, metal index boards. That act also provides that the expenses of erecting and replacing such index boards shall be paid out of the road fund. It is still the duty of the county commissioners to provide and cause to be placed, the signboards required by said Chapter 30, but the expenditure of any money from the road fund on account of such index boards must be under the supervision of the county road board. I am of opinion, {*103} although the statutes are not clear on this point, that all payments from the road fund, as from any other county fund, should be made only upon warrants ordered by the board of county commissioners, and drawn by the chairman and clerk of the board. In view, however, of the provisions of Section 7 of said Chapter 54, I believe the county commissioners ought not to draw any warrant against the roads fund except by direction of the county road board. In other words, while the ordinary routine should be pursued in drawing any money from the road fund to the end that the office of the county clerk should be enabled as required by law to keep full and exact accounts of all receipts and disbursements of county money, yet as to this class of payments the board would act automatically when required by the county road board.

I think it would be well for the State Highway Commission in its rules, clearly to set out the method of drawing money from the road fund in the several counties in order to establish uniformity in business methods, and clearly to advise the county road boards and the boards of county commissioners of their powers and duties in this matter.