

Opinion No. 12-950

October 23, 1912

BY: FRANK W. CLANCY, Attorney General

TO: Hon. Robert P. Ervien, Secretary, State Highway Commission, Santa Fe, N. M.

COUNTY ROAD FUNDS.

Payments from road fund should be made upon warrants drawn by road board and attested by county clerk.

OPINION

{*107} Since writing to you on the 30th of September to the effect 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, I have had urged upon my attention the fact that this method would be cumbersome and complicated and require an unnecessary duplication of orders in the proceedings of the county road boards and of the county commissioners. As a practical question, I am of opinion that this suggestion is well founded and I recommend, as quite consistent with the language of the act, that payments from the road fund may be made upon warrants drawn by the county road board in pursuance of orders to be entered on the record of their proceedings, but that they should be attested by the county clerk who should keep a record of all such warrants, which will fully accomplish the purpose set out in my former letter to you of enabling him, as required by law, to keep full and exact accounts of all receipts and disbursements of county money. In this way as to expenditures from the road fund, there would be a record in the office of the county road board, in the office of the county clerk, and also in the office of the treasurer.