

Opinion No. 12-961

December 5, 1912

BY: FRANK W. CLANCY, Attorney General

TO: Mr. Ed Walls, Elida, N. M.

COUNTY ROAD BOARDS.

Actual and necessary expenses of county road board should be paid.

OPINION

{*118} Your letter of the 30th ultimo was received here on the 2nd of December, but I have had no time sooner to answer.

I cannot believe that it was the intention of the legislature, nor that any court would so hold, that members of the county road boards should not only give their services gratuitously, but that they should also pay out their own money for necessary and actual expenses. The statute after declaring that there is created in each county a county road board, says, "the members of which shall serve without compensation," and this merely means that the members shall receive no compensation for their services. If a member of a road board has to travel some distance to attend meetings and to expend money in so doing and in the payment of hotel bills, he should be reimbursed from the funds under the control of the board, and within the meaning of the statute this would not be compensation for his services. To illustrate this, let us suppose that the board should find it necessary personally to visit and inspect road work in a distant part of the county, I do not believe any reasonable person would contend that the board or such of its members as would go to make the inspection would have to pay their traveling and other expenses during the time they were attending to that part of their work. It certainly is quite enough for the members to give their time and labor to the public without also expending money from their own pockets in connection with the work of the board.

As to the method of paying such expenses about which you ask, that would be governed by the provisions of Section 7 of the act creating the road boards. Payment should be made upon itemized and verified accounts approved by the board in the same manner that any other bills are paid.