

Opinion No. 13-1032

April 7, 1913

BY: FRANK W. CLANCY, Attorney General

TO: Hon. C. W. G. Ward, District Attorney, Las Vegas, N. M.

BRIDGES.

Construction of bridges to be contracted for by county commissioners.

OPINION

{*197} Referring to a portion of your letter of the 30th ultimo which has not yet been answered, it seems to me quite clear that as to certain kinds of bridge construction the county commissioners have not been divested of their power and jurisdiction notwithstanding the general language used as to the authority of the county road boards. Proceedings under the statute of 1899 which directs the county commissioners upon the presentation of a proper petition, to advertise for bids and plans for a bridge, might well be considered as undisturbed by the act of 1912 creating the county road boards, but if there were any doubt as to the legislative intent upon this subject it would be removed by a consideration of House Bill No. 171 which became a law by limitation on March 14, and which is a substantial re-enactment of the statute of 1899. Certainly the advertising for and acceptance of bids and the making of contracts for bridge construction are with the county commissioners, and even the supervision of construction is to be by the county surveyor or some other competent person employed by the county commissioners. I am unable to see that the county road board can have anything to do with the bridges provided for by this act, although as to all other road and bridge matters the county road board will have control, including the expenditure of money. As to those bridges which may be contracted for by the county commissioners, special provision is made in the act for the levy of a tax to pay for the bridges, and that payment obviously would be under the control of the county commissioners who make the contract, supervise the construction and levy the tax. It appears to me that your road board is wrong in attempting to interfere with that kind of bridge construction. You are their legal adviser under the law.