

Opinion No. 14-1407

December 30, 1914

BY: FRANK W. CLANCY, Attorney General

TO: Mr. Francis E. Lester, Secy-Treas., County Road Board, Mesilla Park, New Mexico.

ROADS.

Warrants drawn by county road board should be paid by county treasurer.

OPINION

{*268} I have just received your letter of yesterday stating that the treasurer of Dona Ana County refuses to pay warrants drawn by the Dona Ana County Road Board, properly signed and attested, made payable to the secretary-treasurer, for labor pay rolls, authority therefor having been properly given at a meeting of the Road Board, the treasurer basing his refusal to pay such warrants on the ground that there should be a separate warrant drawn for each laborer.

You point out that such a practice would impose endless difficulties upon the road board for a variety of reasons which appear to me to be entirely satisfactory. If the County Road Board has authority, and I have no doubt that it has, to draw warrants on the treasurer for any expense, I am unable to see how he can properly refuse to pay such warrants, because in his judgment, the Road Board is not conducting its business in what he believes to be the proper way.

Any warrant drawn by the County Road Board and paid by him, would be full protection to him against any possible claim by the county and against any criticism which may be directed against him. He is not charged with any duty of supervising the business methods of the County Road Board any more than he is of the business methods of the Board of County Commissioners. He may heartily disapprove of the methods adopted and yet be bound by the action of the boards. If he should improperly refuse to pay a warrant, he can be compelled to do so by mandamus from the district court, but in that case, he would be personally liable for any costs and expenses incurred by reason of his refusal.