

Opinion No. 15-1572

July 3, 1915

BY: FRANK W. CLANCY, Attorney General

TO: Mr. J. F. Findlay, Las Cruces, New Mexico.

Expenses of county commissioners in going to and returning from county seat.

OPINION

{*151} I have received your letter of June 30 asking whether the board of county commissioners can legally allow one of its members, Mr. Barncastle, his expenses in making the trip from Dona Ana to Las Cruces to attend meetings. You say that he lives and carries on his business in Dona Ana, visiting his family, who live in Las Cruces, each Saturday night.

Your doubt must arise only from the language in the last paragraph of Section 4 of the county salaries bill, which says that county commissioners shall be allowed actual and necessary traveling expenses in attending meetings of their respective boards when residence is away from the county seat, it being uncertain whether you could consider his residence as being at Dona Ana, where he lives and carries on his business, or at Las Cruces, where his family live. I am of opinion that within the meaning of this act, expenses incurred by Mr. Barncastle in coming from and returning to Dona Ana ought to be paid. You say that he lives and carries on his business there, and I think that the spirit of the act would require us to hold that that is the sort of residence intended by the statute as being away from the county seat.