

## Opinion No. 15-1601

July 29, 1915

**BY:** FRANK W. CLANCY, Attorney General

**TO:** Mr. E. M. Fenton, Jemez Springs, New Mexico.

**Survey of school districts, and surveyors' compensation therefor.**

### OPINION

{\*173} I have had your letter of the 24th inst. on my desk for several days, but have been so closely occupied with pressing official matters that I have not been able sooner to find time to answer.

You ask first, whether it is sufficient in surveying school districts, to mark the corners and describe them by established lines such as section, township or grant lines, or must all the lines be actually run out. In cases where it is possible to describe a line by reference to any government survey, I can see no reason for the county surveyor running out all of the lines and making an entirely new description from his own notes. Reference to any government surveyed line, which is presumably marked on the ground with accuracy, ought to be sufficient for all practical purposes and the limit of cost of surveying districts is such that it is well for the surveyor to economize in every way possible.

You further ask whether the county surveyor is to be paid for this work at the rate of \$ 10 a day, and as to this it is my understanding of the county salaries bill, which is printed as Chapter 12 of the laws of 1915, that the compensation provided in that act for county officers is exclusive of all other compensation, and that of county surveyors' is fixed at \$ 10 per day.

{\*174} You also ask whether in the performance of his work, the county surveyor must furnish his own transportation or will the county pay him for the use of his own team: I have heretofore advised that the \$ 10 per day should be considered as compensation for the services of the surveyor and would not cover necessary expenses, and I can see no difference in his being paid for the use of his own team or for the use of a team which he might hire from someone else.

You also ask whether surveyors should be paid for time on the road and for time during attendance at session at the Board of County Commissioners when called upon by the board to attend. I am not entirely clear about this as it might be held that under the language of the statute, the \$ 10 per day is for services while employed under orders of the Board upon surveying work, but I have no doubt that the Board ought to pay all necessary expenses incurred by the surveyor in traveling to and from meetings of the

Board and while in attendance at such meetings, and I am inclined to believe that there would be nothing wrong if the Board would pay the \$ 10 per day also.