

**Opinion No. 21-2936**

April 28, 1921

**BY:** A. M. EDWARDS, Assistant Attorney General

**TO:** Dr. C. E. Waller, Director, Bureau of Public Health, Santa Fe, New Mexico.

**Distribution Funds County Health Department.**

**OPINION**

{\*49} We have the letter of April 20th from the County Health Officer of Chaves County, addressed to you, in which he asks that the Board of County Commissioners be instructed by the Attorney General as to the disposition of the funds of the County Health Department made available by taxation. It is suggested in this letter that as a matter of convenience and to lessen the work of the county clerk, the funds of the County Health Department be distributed by warrant of the County Commissioners to the County Health Officer to be by him disbursed by warrants.

The laws of New Mexico require that all county funds shall be distributed only upon warrants drawn by order of the County Commissioners, and that the accounts upon which such warrants are drawn shall be itemized and verified. The procedure for the disposition of county funds is provided for in sections 1220, 1222 and 1223 of the 1915 Codification. Particularly section 1222 requires that the nature of each separate item must be set out in the account to be approved by the county commissioners. The county commissioners have no right under the law to delegate this duty to any other officer.

This office is of the opinion, therefore, that the proposed disbursement of the county health funds in a lump to the County Health Officer would be illegal and that this fund must be disbursed by the county commissioners as all other funds of the county.