

Opinion No. 21-3031

July 11, 1921

BY: HARRY S. BOWMAN, Attorney General

TO: Honorable Hugh B. Woodward, District Attorney, Clayton, New Mexico.

Use of County Funds for Purchase of Automobile for Use of Sheriff.

OPINION

{*74} Your letter of June 23rd requesting an opinion regarding the authority of Boards of County Commissioners to expend county funds for the purchase of maintenance of automobiles for use by Sheriffs was mislaid and, therefore, did not receive a more prompt reply.

You ask if there is any authority under the law whereby Boards of County Commissioners are authorized to expend county funds for the purchase of automobiles to be used by Sheriffs in the discharge of their official duties and in reply I would say:

The authority of Boards of County Commissioners over the county funds is prescribed by Sections 1199, 1200 and 1201. Code 1915.

The powers of the Boards of County Commissioners, as you will note in said sections, are quite broad and, in my opinion, they could expend the funds of the county for the purchase of automobiles for the use of Sheriffs in the discharge of their official duties.

Necessarily, therefore, they would also be authorized to expend county funds in defraying the operating expense and maintenance charges of such automobiles used by the Sheriff in the discharge of his official duties where no claim is made by the Sheriff for mileage or other expense incurred in the discharge of such duties.