

Opinion No. 25-3789

January 15, 1925

BY: JOHN W. ARMSTRONG, Attorney General

TO: Requested January 15, 1925, by Honorable R. G. Bryant, Senator, 21st District, Santa Fe, N.M.

One individual may act in the capacity of both jailor and deputy sheriff where such an arrangement results in a saving to the County of \$ 320.00 annually and there is no neglect of duty as to either office.

OPINION

I have your inquiry as to the legality of the County Commissioners' agreeing to a plan whereby an individual who serves the County both as jailor and deputy sheriff may be paid twelve hundred (\$ 1200.00) dollars annually for both services in a third class county. In such county the jailor is entitled to not exceeding seven hundred and twenty (\$ 720.00) dollars and the deputy sheriff, eight hundred (800.00) dollars per annum. The plan you suggest would be a saving to the County of three hundred and twenty (\$ 320.00) dollars annually.

The only question that might arise as a result of such an arrangement is whether or not the duties of the two Offices are incompatible. I see no way in which the duties of the two Offices might conflict in this respect, therefore, I am inclined to think that such an arrangement would be perfectly legal and, as you suggest, certainly economical. I, of course, am assuming that the same individual can perform the duties of both Offices without neglecting either the one or the other.

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