

**Opinion No. 31-314**

November 19, 1931

**BY:** E. K. Neumann, Attorney General

**TO:** Mr. Arsenio Velarde, Secy., State Board of Finance, Santa Fe, New Mexico.

{\*120} We have your letter of November 19th, referring to a request from the Treasurer of Otero County for an opinion as to who is the proper authority to designate a new paying agency for Otero County Bond Issue.

Under the law, the various Boards of County Commissioners of the respective counties are made "Finance Boards" of such counties and in Section 112-104 of the 1929 Compilation it is provided as follows:

"The Board of County Commissioners in each county in the state shall, ex-officio and without additional compensation, constitute a county board of finance, and as such shall have supervision of the deposits and safe keeping of the public monies of their respective counties, as hereinafter provided."

We believe this is authority for designation of a new agency by the Board of County Commissioners and that they are the proper officials to make such designation in view of this provision.

In answer to the second question as to whether an outside bank should be designated, wish to say that this is entirely within the discretion of the particular "Finance Board." Policy and the best interests of the public should be the reigning feature in making a new selection.

By Frank H. Patton,

Asst. Attorney General