

Opinion No. 31-307

November 14, 1931

BY: E. K. Neumann, Attorney General

TO: Mr. J. H. McLeod, County Commissioner, Lordsburg, New Mexico.

{*117} Regarding your letter of November 12th, you ask two questions and it is the opinion of this office that it is the duty of the County Commissioners to purchase all supplies for county officials. I might say that this pertains, in my opinion, only to such general supplies as fuel, lights, water, etc., and that it is the custom ordinarily for the County Commissioners to approve the necessary bills incurred by the various county officials in the purchase of supplies, that is office supplies, for reason that each official knows better that which he needs in his office. The control of such purchases, however, lies in the hands of the County Commissioners, because they only can approve and pay the bills incurred. If unnecessary bills are incurred, the County Commissioners, of course, can refuse to pay such bills, and in that way control purchases. However, coal, light, heat and such matters should be purchased {*118} in lump amounts for definite periods by the County Commissioners.

In answer to your second question, Section 33-4232 provides that County Commissioners shall receive mileage in the sum of 12 1/2 c a mile for each mile necessarily and actually traveled going to and from regular meetings of the Board. For attendance at all special meetings, being call meetings, such mileage is 6c a mile for each mile necessarily and actually traveled in going to and returning from such special meetings.

It is the opinion of some that this section was repealed by the County Salary Act, and that the County Commissioners are entitled only to the salary provided. However, I doubt that this is true and that the mileage section of the Code is still in effect.

Trusting that the above answers your questions to your satisfaction, I am