

Opinion No. 34-709

January 6, 1934

BY: E. K. NEUMANN, Attorney General

TO: Honorable Juan N. Vigil, State Comptroller, Santa Fe, New Mexico.

{*103} Your letter of January the 5th, calls for an opinion upon the question of whether a County Commissioner may also hold a position of County Road Supervisor and receive compensation and per diem for such position.

The employment of the County Road Supervisor is within the hands of the Board of County Commissioners and such appointee is responsible to that Board for the faithful performance of his duties and his salary and expense account is, of course, to be approved by the Board.

It is our opinion that the duties of the two positions are incompatible and the offices should not be held by the same person.

By: FRANK H. PATTON,

Asst. Attorney General