

Opinion No. 36-1381

June 10, 1936

BY: FRANK H. PATTON, Attorney General

TO: Hon. Juan N. Vigil, State Comptroller, Santa Fe, New Mexico. Attention: C. R. Sebastian, Chief Asst. State Comptroller.

{*121} We have your letter of June 10th regarding the payment of a Special Deputy Assessor employed by Mr. Jose I. Madrid, Assessor of Santa Fe County. It appears from your letter that an allowance was {*122} made in the budget for hiring special deputies pursuant to Sections 10 and 16, Chapter 107, Laws of 1933. It further appears that on January 6, 1936, at a meeting of the Board of County Commissioners, the Commissioners refused to consent to appointment of a special deputy for Mr. Madrid and later Mr. Madrid, without such consent, proceeded to hire such deputy thereby incurring an indebtedness of approximately \$ 250.00.

In view of the plain provision of Section 16, that such deputies shall be appointed by the Tax Assessor "by and with the consent of the Board of County Commissioners" and it appearing that the Commissioners did not consent in this case to such appointment, I am of the opinion that the Commissioners are well within their rights in refusing to pay this indebtedness.

By QUINCY D. ADAMS,

Asst. Atty. General