

Opinion No. 54-5982

June 23, 1954

BY: RICHARD H. ROBINSON, Attorney General

TO: Mr. Victor C. Breen District Attorney Tenth Judicial District Tucumcari, New Mexico

{*440} On June 14th you inquired of us whether or not the County Commissioners of the County may rent automobiles for use by the county and specifically by the sheriff and deputies thereof, and pay to the company providing the rental a set sum and require the sheriff and the deputies or other county officials to use said automobiles and thus alleviate the payment of the mileage provided in Section 10-408, N.M.S.A., 1941 Compilation, pocket supplement.

The powers and duties of the County Commissioners are as follows:

"15-3512. Powers -- Property belonging to county. -- The board of county commissioners shall have power at any session to make such orders concerning the property belonging to the county as they may deem expedient."

"15-3513. Accounts -- County buildings -- Taxation. -- To examine and settle all accounts chargeable against the county, and when so settled they may issue county orders therefor as provided by law."

"To build and keep in repair all county buildings, and in case there are no county buildings, to provide suitable rooms for county purposes. To apportion and order the collection of taxes by law."

"15-3514. Management in general. -- To represent the county and have the care of the county property and the management of the interest of the county in all cases where no other provision is made by law."

You will see that the powers of the County Commissioners are extremely broad. In Section 10-408 the law provides that the use of privately owned conveyances shall be recompensed in the amount of 9 [cents] per mile to the sheriff. It does not say however, that the sheriff shall use privately owned automobiles. There is nothing in our law which would prevent the purchase by a county of automobiles for the use of its officers, as a matter of fact at least one county does provide automobiles owned by the county to its sheriff and deputies. The question of rental of automobiles is similar to the question of rental of buildings. This office has held heretofore that the county commissioners may rent office space where none is provided in the Court House for a county office. The powers as shown above, in our opinion, would permit the rental of automobiles for use by the sheriff and except for other expenses the sheriff could be required by the county commissioners to use such automobiles for all official business.

We sincerely hope that this answers your inquiry.

By: Fred M. Standley

Assist. Attorney General