

**Opinion No. 60-134**

July 13, 1960

**BY:** OPINION of HILTON A. DICKSON, JR., Attorney General

**TO:** Mr. Dick Valdez Administrative Assistant Office of the Governor Santa Fe, New Mexico

**QUESTION**

QUESTION

Must the County Commissioners approve the appointment by the Governor of a County Flood Commissioner?

CONCLUSION

No.

**OPINION**

{\*513} **ANALYSIS**

§ 15-50-1, N.M.S.A., 1953 Compilation, relating to the appointment of County Flood Commissioners, reads as follows:

**"County flood commissioner -- Appointment -- Salary -- Oath -- Bond. --** There is hereby created in each county, subject to the approval of the board of county commissioners, of the state of New Mexico through which runs any river or stream which is subject to flood conditions destructive to property or dangerous to human life, the office of county flood commissioner. Such commissioner shall be appointed by the Governor, to serve for a term of two (2) years . . ."

Your question is whether, under this statute, the appointment of a County Flood Commissioner is subject to the approval of the Board of County Commissioners.

Our opinion is that the appointment of a County Flood Commissioner is not subject to the approval of the County Commissioners. The sole authority of the County Commissioners in this regard is to approve the establishment of the office of County Flood Commissioner. Once such Commissioners have exercised their discretion in approving the establishment of such an office, the sole power of appointment of a person to such office is then vested with the Governor.

By: Philip R. Ashby

Assistant Attorney General