

Opinion No. 31-145

May 4, 1931

BY: Frank H. Patton, Asst. Attorney General

TO: Mr. F. R. Gould, First Asst. Comptroller, Santa Fe, New Mexico.

{*71} Your letter of even date requests information as to the cost or amount which a sheriff may charge a county for feeding each prisoner, and second, as to what official or body of officials are to approve the sheriff's bill for this purpose.

The answer to your first inquiry is contained in Section 33-3205, which section provides for the payment of these expenses quarterly out of the general fund of the county and in no event to exceed 75c per day for each prisoner. It is further provided there that all accounts for feeding prisoners shall be fully itemized, verified by the sheriff, and approved by the Board of County Commissioners.

Section 33-4234 requires all accounts for whatever purpose to be verified by affidavit and sets forth the form of oath.

Section 33-4214 sets forth some of the powers of the Board of County Commissioners, and it is provided in that section that this board shall have the power to examine and settle all accounts of the receipts and expenses of the county and to examine and settle and allow all accounts chargeable against the county and when so settled they may issue county orders therefore as required by law.

The section referred to above, namely: 33-3205, no doubt, supersedes section 32-4426.

In view of the foregoing it is the opinion of this office that the approval required upon the sheriff's voucher for support of county prisoners, is the approval of the Board of County Commissioners, and that when said voucher has been properly executed in accordance with the law heretofore referred to, no other approval is necessary for the issuance of the warrant for such purpose.

We herewith return three vouchers for the above mentioned purpose, of Jesus M. Baca, Sheriff of Santa Fe County.