

Opinion No. 41-3906

September 22, 1941

BY: EDWARD P. CHASE, Attorney General

TO: Mr. H. R. Grissom Educational Budget Auditor Santa Fe, New Mexico

{*101} In your letter dated September 19, 1941, you enclose a copy of a letter to the State Comptroller from Mr. A. H. Hudspeth of Carrizozo, and inquire whether the Lincoln County Board of Education may pay the clerk of the County School Superintendent additional moneys for services rendered in connection with a bond issue in view of the fact that said clerk is already receiving a salary.

I understand from Judge Hudspeth's letter that the services performed by the clerk were services which could have been rendered by anyone competent to do so and for which a budget had been set up to provide for payment therefor. I also understand from his letter that such services are not usually considered a part of the ordinary work performed by the clerk of the County Board of Education and the County Superintendent, but is in the nature of outside work and was performed outside of office hours.

In view of the circumstances in this particular case, it is my opinion that the payment for such services was legally made to said clerk from funds of the County Board of Education regardless of the fact that said clerk was also drawing regular salary for performing the ordinary and usual duties of a clerk of the County Superintendent.

By C. C. McCULLOH,

Asst. Atty. General