

December 31, 1948

Mr. Charles W. Dryden
Box 999
Flagstaff, Arizona

LAW LIBRARY
ARIZONA ATTORNEY GENERAL

Dear Mr. Dryden:

We have considered your oral request for an opinion from this office on the following question: "Is a member of the legislature prohibited from making contracts in his individual capacity with the city and county?"

Section 12-401, A.C.A. 1939 says in part:

"Members of the legislature
* * * shall not be interest-
ed directly or indirectly in
any contract * * * made by
them in their official capa-
city, or by any body or board
of which they are members.
* * *"

It is our opinion that this section refers to contracts made between a member of the legislature acting in his individual capacity and the legislature itself. The contract to be prohibited must be between the board or body and one of the members of that board or body. Contracts made by you with the City of Flagstaff or Coconino County could not be considered as contracts between you and the legislature. Therefore, we are of the opinion that you may contract your engineering services with the city or county without violating Section 12-401 of the Arizona Code.

Yours very truly,

EVO De CONCINI
Attorney General

JPR:lh

JOSEPH PYLE RALSTON
Assistant Attorney General

48-200