

Opinion No. 51-5399

August 17, 1951

BY: JOE L. MARTINEZ, Attorney General

TO: Mr. Hoy C. Connelley Administrative Officer State Soil Conservation Committee
State College, New Mexico

{*102} This is in reply to your letter of July 19, 1951, in which you requested an opinion as to whether or not one individual could serve on two or more Soil Conservation District boards of supervisors. The case that you have in mind is one individual who is at present a member of a Conservation District board and has been recommended for appointment on the board of another District.

Under § 48-507, N.M.S.A., 1941 Compilation, under the heading of 'appointment qualifications and tenure of supervisors', I find nothing that would prevent a member of such Conservation District to serve on two or more District Boards of Supervisors. Opinion No. 4911, issued by this office in 1945-46, held that a supervisor of a District is not required to be a resident within the District in order to hold such office. However, the first paragraph of § 48-508, N.M.S.A., 1941, reads, in part, as follows:

"Soil Conservation Districts organized under the provisions of this Act shall constitute a governmental subdivision of this state, and a public body corporate and politic, exercising public powers."

It is my opinion, being that a Conservation District is a governmental {*103} subdivision of this state, and a public body corporate and politic, exercising public powers, that as a matter of policy a member of one district should not serve as a member of more than one Soil Conservation District Committee as some incompatibility might arise in the future by virtue of dual membership.

Trusting that this fully answers your inquiry, I remain