

Opinion No. 51-5421

September 10, 1951

BY: JOE L. MARTINEZ, Attorney General

TO: Mr. Jack E. Holmes, Director New Mexico Legislative Council Santa Fe, New Mexico

{*125} You recently requested an opinion upon the appointive powers of the Education Finance Board, with respect to three particular items of inquiry, the first being, can the Educational Finance Board appoint a director under a contract which is intended to provide a set tenure for said director? For example, could the board offer a director a contract for a set term of months or years?

{*126} Section 3, Chapter 190 of the New Mexico Session Laws of 1951 reads as follows:

"In order to execute its functions, the Board shall appoint and fix the salary of a full time **Executive Secretary** who shall be an experienced educator of demonstrated competence in the fields of institutional management and finance. The salary of the Executive Secretary shall be commensurate with those of the presidents of the State-supported colleges."

You will note from this section that it is mandatory upon the board to appoint and fix the salary of a full time executive secretary. The word "director" is not mentioned.

It is my opinion that the board can only do what is provided by Chapter 190 of the New Mexico Session Laws of 1951, in Section 3. Therefore, since the board can appoint only an executive secretary it does not have the power or authority to appoint a director.

The other two points of inquiry concerned themselves with the powers of the Board if it had authority to appoint a director. Since it is my opinion that the Board has no authority to appoint a director, these two inquiries are therefore moot.

I trust that this fully answers your inquiries.