

Opinion No. 52-5524

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BY: JOE L. MARTINEZ, Attorney General

TO: Dorothy I. Cline, Chairman New Mexico State Housing Authority Board University of New Mexico Albuquerque, New Mexico

{*233} Recently you requested an opinion of this office clarifying the definition of the word "mayor" appearing in Section C, 14-2603, N.M.S.A. (Municipal Housing Law).

In that section of the statute mayor is defined as follows:

"'Mayor' shall mean the mayor of the city or the officer thereof charged with the duties customarily imposed upon the mayor or executive head of the city."

It appears that under the Act the mayor of a city, or whatever person or persons are designated by that term, as it is used in that Act, have certain appointive powers.

The legislative intent of the Act in question seems fairly clear. It appears that the Legislature in using the term 'mayor' meant the executive head of a city.

In those cities in which a mayor, or the chief executive of the city, is elected, the elected mayor, or the elected chief executive head of the political subdivision, is the executive head of the city designated by the Legislature to exercise the appointive powers under the Municipal Housing Law.

In those cities operating under the Commission-Manager form of government, the Commission is the executive head of the city. The statutes providing for the Commission-Manager form of government (14-1009, 14-1112, N.M.S.A.) do not indicate that the mayor therein contemplated serves as the chief executive head of the city to the exclusion of the Commission itself.

The Albuquerque charter declares that the legal powers of the Commission are vested in the Commission itself, even though Sec. 6, Art. 4 of the charter provides that the Commission shall choose its chairman.

Under the statutes providing for a Commission-Manager form of government (14-1022, 14-1125, N.M.S.A.) the city manager is defined as the chief administrative officer of the city; Article 5 of the Albuquerque City Charter likewise designates {*234} the city manager as the chief administrative officer, hence he could not be the executive head of the city within the meaning of the Municipal Housing Law.

I trust that this fully answers your inquiry.