

Opinion No. 14-1260

June 27, 1914

BY: H. S. CLANCY, Assistant Attorney General

TO: Mr. C. E. Nicholson, Tukumcari, New Mexico.

COMPENSATION OF MAYOR.

City council may, by ordinance, provide for the compensation of a mayor.

OPINION

{*120} I am in receipt of your letter of the 24th inst. in which you ask for the opinion of this office as to from what fund the salary or per diem of the mayor and members of the council of the City of Tukumcari should be paid, and you also inquire where you will find the law which authorizes the payment of any salary or per diem to a mayor or member of a city council.

This office is unable to find any statutes which authorize the enactment of a city ordinance providing for the payment of any money as a salary or per diem to the members of a city council. On the contrary Section 2449, of the Compiled Laws of 1897, provides that, "no mayor, trustee or alderman shall receive any compensation for his services as trustee or alderman, except as provided by law."

You will observe that this statute provides that no mayor shall receive any compensation for his services as trustee or alderman. Tukumcari is, as I understand, a city and the mayor thereof does not perform any services as an alderman, and hence I can see no reason why the city council may not, by ordinance, provide for his compensation, but so far as the aldermen are concerned, no compensation whatever can be paid to them for their services as such. The power of a city council to provide for the compensation of a mayor will be found in Sections 2462 and 2466 of the Compiled Laws of 1897.