

**Opinion No. 17-2027**

July 24, 1917

**BY:** HARRY L. PATTON, Attorney General

**TO:** Mr. A. D. Goldenberg, Superintendent, County Board of Education, Tucumcari, New Mexico.

County Board of Education May Not Employ a Secretary.

**OPINION**

I am in receipt of your letter of the 19th instant, in which you ask advice as to whether or not your board has the right to employ a clerk who shall keep the minutes of your meetings and do any other necessary clerical work, and whether or not you have the right to pay such clerk a specified salary per month or per annum. You say that you do not find any authority for such employment in the law, as you read it. Neither do I. Authority for creation of County Board of Education is given by Chapter 105, Laws 1917. Section 2 of the Act provides that the County School Superintendent shall be the presiding officer of the Board. Section 4 of the Act provides that one of the members shall be elected Vice-President and one, Secretary. This section provides that the Vice-President shall preside at all meetings where the President does not attend. It is further provided that the Secretary shall record and keep in the book furnished for that purpose all the official proceedings of the Board. Provision is also made for reimbursing the members from the school fund for money expended for actual cost of transportation to and from the place of meeting, and also for the payment of the per diem of \$ 2.50 to the members of the Board while attending the meeting. The section places a limitation of \$ 25.00 as per diem and \$ 10.00 for traveling expenses paid to each member. The Sections referred to are the only ones I can find which authorize the expenditure of any money in connection with the meetings of the Board. In my opinion, your Board would not be authorized to employ and pay a clerk a salary from any public funds.