

Opinion No. 26-3886

May 11, 1926

BY: ROBERT C. DOW, Assistant Attorney General

TO: Miss Isabel L. Eckles, State School Superintendent, Santa Fe, New Mexico.

I am in receipt of your request for an opinion as to whether or not the Secretary of a Municipal School Board may be discharged and another Secretary appointed, before the terms of the officers of the Board expire.

Section 903, of Chapter 148, Session Laws of 1923, provides that Municipal School Boards shall be composed of five members, residents of the District, who shall be elected for a term of four years from May 1st succeeding their election.

Section 905 of the same Chapter, carries the following provision:

"From among its members the Board shall elect a president, vice president and clerk."

A member of the Board could not be discharged as such member for the reason that such member is elected for a specific term in conformity with the State law, but the Secretary of the Board is elected, or employed, by the Board itself, and the law does not specify any certain length of time for such secretary to hold office. I see no reason why the Board would not have full power and authority to select a secretary, and it is my opinion that they would also have power and authority to discharge such secretary if for any reason his work is not satisfactory to the Board.

"Secretary" and "Clerk" are synonymous terms, and I presume that in speaking of secretary, you mean the clerk of the Board as provided for in the statute.