

Opinion No. [30-43]

May 23, 1930

BY: M. A. OTERO, JR., Attorney General

TO: Mr. J. O. Gallegos, Socorro, New Mexico.

MUNICIPAL CORPORATIONS -- Filling of vacancies in City Council.

OPINION

I am just in receipt of your favor of the 21st inst. in which you state that the City Council of the City of Socorro has asked you to write for an opinion from me with reference to the filling of vacancies in the city council of an incorporated city in this State. You desire to know the procedure relative thereto.

In reply I beg to call your attention to the provisions of section 90-402 (87), Code of 1929, which reads as follows:

"All vacancies in any city council or board of trustees of any incorporated city, town or village shall be filled by appointment of the mayor of any such city by and with the advice and consent of the city council, or by the chairman of the board of trustees of any town or village, by and with the advice and consent of such board of trustees; the person so appointed to hold his office until the election and qualification of his successor at the next succeeding election for municipal officers. Providing that this act shall not relate to or affect cities having the commission form of government.

Trusting that the foregoing gives you the information you desire, I am