

Opinion No. 33-659

October 7, 1933

BY: E. K. NEUMANN, Attorney General

TO: Honorable C. M. Graham, President Board of Directors, Las Vegas, New Mexico.

{*81} With reference to your letter of several days ago and your telegram of yesterday to Mr. Adams, wherein you ask for an opinion as to the powers and authority of the President of the Board of Directors of the New Mexico State Hospital, particularly with reference to the power of the President in nominating persons for employment and the fixing of salaries.

Section 130-305, 1929 Code sets forth the power and duties of the president of said board, and is as follows:

"130-305. President -- Powers and duties. The president of the board shall be the chief executive officer, shall preside at all meetings thereof except that when he is absent the board may appoint a president pro tem., sign all instruments required to be executed by said board. He shall also generally direct the affairs of said asylum, nominate and by and with the advice and consent of the board of directors, employ all physicians, nurses, guards and other employees deemed necessary by said board to the proper management of said asylum or as herein provided, and in like manner shall determine the amount of their respective salaries, subject to the provisions and restrictions of this article."

It is apparent from the wording, that the president is the only member of the Board that can nominate all employees and fix their salaries. However, unless the Board gives its consent to such nominations or salary suggestions, the president is powerless to act, except to nominate others for positions and suggest other salaries. Unless the Board and its president act together, such businesses as mentioned, will possibly be tied up in deadlock.