

**Opinion No. 34-786**

July 13, 1934

**BY:** E. K. NEUMANN, Attorney General

**TO:** Hon. Byron O. Beall, Chief Tax Commissioner, Santa Fe, New Mexico.

{\*147} Referring to your letter of July 10, 1934, wherein you request our opinion as to how the request for \$ 1,200.00 to be budgeted as salary for the Mayor of the City of Santa Fe should be disposed.

Salaries of municipal officers cannot be fixed by resolution, but must be fixed by ordinances duly passed and adopted. See 34 N.M. 326.

In the present case we have an old Santa Fe ordinance which fixes the Mayor's salary at \$ 1,200.00 per annum, payable monthly. We doubt, however, such ordinance is valid.

Section 90-614, 1929 Code, provides that no mayor, trustee or alderman shall receive compensation for his services, except as provided by law. We must conclude that the law referred to is a state statute duly operative. We are unable to find where the legislature has ever provided for the payment of salaries or compensation to the officers mentioned, and therefore feel that no municipal ordinance can provide compensation for the services of such officers.

This conclusion is strengthened by the fact that in other places, municipalities are empowered to fix salaries, within certain limits, for the services of other certain specified officials.