

**Opinion No. 35-930**

March 11, 1935

**BY:** FRANK H. PATTON, Attorney General

**TO:** Mr. Juan N. Vigil, State Comptroller, Santa Fe, New Mexico.

{\*51} You inquired from this office a few days ago as to whether or not the City of Santa Fe might pay a Mayor's salary out of miscellaneous items in the general fund.

This office, in an opinion to Byron O. Beall of the State Tax Commission on July 13, 1934 held that a Mayor of the municipalities of this state was not entitled to salary by reason of the provision of Section 90-614 of the New Mexico Statutes Annotated, 1929 Compilation. This Section provides as follows:

"No mayor, trustee or alderman shall receive any compensation for his services as trustee or alderman, except as provided by law."

We understand that the City of Santa Fe has passed an ordinance dated August 13, 1930 authorizing the payment of \$ 1200.00 per year salary to the Mayor of Santa Fe. This ordinance was evidently passed on the provisions of Section 90-619 of the New Mexico Code, 1929, which provides:

"The officers of Cities which received such compensation and fees for their services as the Council shall by ordinance prescribe."

This office has heretofore construed the provisions of this Section as referring only to officers of the Cities which are selected by the City Council and not to refer to the Mayor or aldermen.

It is possible that there may be some argument as to the construction of these statutes but we see no reason to change the opinion already rendered to this office to the effect that the Mayor of the City of Santa Fe is not entitled to any salary whatever.

By J. R. MODRALL,

Asst. Atty. General