

Opinion No. 38-1936

April 20, 1938

BY: FRANK H. PATTON, Attorney General

TO: Mr. J. O. Gallegos State Comptroller Santa Fe, New Mexico. Attention: Mr. C. R. Sebastian, Chief Asst. State Comptroller

{*230} This is to acknowledge receipt of your letter of April 19 enclosing a letter from the Taxpayers' Association of New Mexico. The Tax Payers' Association questions the authority of the City of Artesia to provide for salaries for its mayor and aldermen. You request an opinion on the same.

This is to advise you that this office has twice held that municipalities may not pay salaries to mayors or aldermen because of the provisions of Section 90-614, New Mexico Statutes Annotated, 1929 Compilation. This regardless of the wording of Section 90-619, New Mexico Statutes Annotated, 1929 Compilation. See Opinions Nos. 786 and 930. The only statutory provision providing for the payment of governing bodies of municipalities is found in Chapter 106, New Mexico Session Laws of 1937, which Act applies only to cities operating under the commission form of government.

By: RICHARD E. MANSON,

Asst. Atty. Gen.