

Opinion No. 43-4428

December 28, 1943

BY: EDWARD P. CHASE, Attorney General

TO: Mr. C. R. Sebastian, State Comptroller, Santa Fe, New Mexico

In your letter dated December 27, 1943, you enclose a letter to you from the Village Clerk of Grenville, New Mexico, stating that there are two vacancies on the Village Board of Trustees, and asking information relative to the procedure for filling such vacancies.

The Board of Trustees of a village consists of five members, being the Mayor and four other trustees. See Sections 14-1502 and 14-1508 of the New Mexico 1941 Compilation.

Any three of said Board constitutes a quorum for the transaction of business, and in the absence of the Mayor, a member shall be elected to preside at a meeting. See Section 14-1509 of the New Mexico 1941 Compilation.

In case of a vacancy in the office of Mayor, the same is filled by an election of the Board of Trustees from among its members, or from among the qualified electors of the village. The person so elected shall serve until the next general village election. See Section 14-1602 of the New Mexico 1941 Compilation.

In case of a vacancy existing in the Board of Trustees, aside from the Mayor, the same shall be filled by appointment by the Mayor, with the advice and consent of the remaining members of the Board. The person or persons so appointed to hold the office until the election and qualification of his successor in the next succeeding municipal election. See Section 14-1605 of the New Mexico 1941 Compilation.

From a careful reading of the law cited above, I believe that the Board can be legally filled in order that business may be transacted by the above mentioned village.

By C. C. McCULLOH,

First Asst. Atty. General