

Opinion No. 53-5856

December 3, 1953

BY: RICHARD H. ROBINSON, Attorney General

TO: Mr. Vincent M. Vesely Assistant District Attorney Silver City, New Mexico

{*278} In your letter dated November 25, 1953, you state that the Village of Bayard in the past has elected a clerk-treasurer by virtue of an ordinance joining both offices in a single person. You are wondering, since the Legislature passed Ch. 79, Laws of 1953, for the appointment of village clerks, whether it is necessary to continue electing the village treasurer under § 14-1505, 1941 Compilation.

Section 14-1501 (a), 1941 Comp., 1953 Suppl., being § 2, Ch. 79, Laws 1953, provides for the appointment of a village clerk and the requirement for the election of such officer in villages is abolished.

Section 14-1505, 1941 Compilation, authorizes incorporated towns to provide by ordinance for the election of a treasurer. Since this section does not apply to villages and since the clerk-treasurer may be combined in one office, it is our opinion that in villages the village clerk should now be appointed and the appointment may be of a clerk-treasurer to be held by one person.

By: C. C. McCulloh

Assist. Attorney General