

**Opinion No. 55-6175**

June 2, 1955

**BY:** RICHARD H. ROBINSON, Attorney General

**TO:** Mrs. Georgia L. Lusk, Superintendent of Public Instruction, Santa Fe, New Mexico

In your letter of May 26, 1955 you ask whether a Municipal School Superintendent's renewal contract is legal where it is signed by two members of the Board of Education, and the remaining three members have refused to sign. Municipal schools are governed by Boards of Education composed of five members, Section 73-10-2, 1953 Compilation. Public Boards may officially act only at meetings called for such purpose and may officially act then only by action taken and approved by a majority of the members present.

The signatures of all five board members would mean nothing unless as a result of an action taken at a Board meeting. Obviously the signatures of the two members could in no event bind the school district to a contract with the superintendent.

By Walter R. Kegel

Assistant Attorney General