

**Opinion No. [30-70]**

April 29, 1930

**BY:** J. A. MILLER, Assistant Attorney General

**TO:** Mr. H. C. Hall, Superintendent, Union High School, Grants, New Mexico.

SCHOOLS -- Tenure of office of director in Union High School Board.

**OPINION**

Reference is made to yours of the 28th inst. in which you submit two questions. First, as to the tenure of office of a delegated member of the Union High School Board and second, as to the member at large.

In answer to your first question we find by an examination of section 120-1004, Compilation of 1929, that a member of a board of directors of a district who has been delegated by such board a member of the union high school board shall hold such delegated office at the pleasure of the board appointing him so long as he shall remain a member of the first named board. From this it would appear that the re-election of a member of the local board of directors thereby continuing him as a member of such board would also continue him as a member of the union high school board unless and until the local board from which he got his delegated office shall take some action withdrawing the delegated authority. The statute seems to authorize the local board of directors to continue a delegated member of the union high school board or to cancel such delegated office and substitute another at will. In the absence of any action on the part of the local board of directors, I am of the opinion that the member would continue to hold this office as a member of the union high school board after being re-elected in his district as a member of the district board.

As to the member at large who is to be appointed by the combined members of the boards of all the districts included in such union high school district and in the event of their failing to agree to be appointed by the county board of education, such member may, in our opinion, be any qualified elector resident within the union high school district and it is not necessary that he be a member of a board of directors in any one of the individual districts.