



**THE ATTORNEY GENERAL
OF TEXAS**

AUSTIN 11, TEXAS

PRICE DANIEL
ATTORNEY GENERAL

May 15, 1948

Hon. L. A. Woods
State Superintendent
Department of Education
Austin, Texas

Attn.: Hon. T.M. Trimble
First Assistant

Opinion No. V-581

Re: Terms of office of
trustees of San
San Antonio Union
Junior College Dis-
trict.

Dear Sir:

We refer to your letter of April 23, 1948, to which was attached a letter from the attorney for the San Antonio Union Junior College District, requesting advice concerning the terms of office of the trustees of that district in the light of the provisions of Articles 2815h-4 and 2715m, Vernon's Civil Statutes.

We are referred therein to Opinion No. 0-6976, released by this office by a prior administration. Opinion No. 0-6976 advised: First, that Article 2815h-4 provides the method for the election of the trustees of the San Antonio Union Junior College District and other districts covered by that statute; second, that the trustees first elected for the San Antonio Union Junior College District should serve until April, 1947, at which time an entire board should be elected, after which said board should follow the procedure outlined in Section 2 of Article 2815h-4. Thereafter, on the first Saturday of April of each year, an election should be held for the group or class whose term expires at that time.

Your letters submit in substance the following facts for consideration:

Said San Antonio College was created and a board of seven trustees was elected in October 1945, under provisions of Chapter 290, Acts 1929, 41st Legislature, as amended. Soon after said election, and pursuant to Article 2815h-4, this original board of trustees divided itself into three classes in accordance with Section 2 thereof. On the first Saturday in April,

1947, (which was the first Saturday in April occurring after the original trustees first elected had served for at least one year, as provided in paragraph 2 of Section 2) an election was held to fill the offices of the trustees (2) in Class One whose terms expired that year. Two trustees were then elected for a term of three years.

A similar election was held on the first Saturday in April, 1948, for two trustees in Class Two whose terms expired in April, 1948, and two trustees were then elected for a three year term.

After the April, 1948, election, the board was then composed of the following, under Article 2815h-4; two trustees elected in 1947 for a three year term, originally classified as Class One (2 years yet to serve under Art. 2815h-4); two trustees elected in 1948 for a three year term, originally classified as Class Two (3 years yet to serve under said article); and three trustees originally classified as Class Three elected in October 1945 for a three-year term which expires in April 1949, (one year yet to serve under said article).

After having considered the provisions of Article 2815h-4, we believe that the San Antonio Union Junior College trustees elected and classed as set out in the facts above enumerated, have complied with the provisions of said statute. Accordingly, we reaffirm Opinion No. 0-6976, insofar as it held that Article 2815h-4 provided the method for the election of the trustees of the San Antonio Union Junior College District and other districts covered by that statute.

Article 2815m, enacted in 1947, Acts of the 50th Legislature, Chapter 276, insofar as the same is pertinent hereto, provides:

"Section 1. Trustees of . . . Union College Districts organized under the provisions of the Acts of the Forty-first Legislature, 1929, page 648, Chapter 290,

and under any amendment thereof, shall be elected and shall serve in the following manner:

"The Trustees first elected for such Junior College Districts, after taking the oath of office, shall divide themselves into three (3) classes: Class 1, consisting of two (2) members, shall serve for two (2) years; Class 2, consisting of two (2) members, shall serve for four (4) years; and Class 3, consisting of the three (3) remaining members, who shall serve for six (6) years.

"On the first Saturday in April of each second year after such first election, an election shall be held to fill the offices of the members of Trustees whose terms expire that year. Such Trustees shall serve for a term of six (6) years.

"Trustees of such districts heretofore organized shall, within thirty (30) days after the next election of Trustees, divide themselves into classes as herein provided with members who have one year to serve in Class 1, members who have two (2) years to serve in Class 2, and members who have three (3) years to serve in Class 3. Thereafter such members shall serve for terms in accordance with this Act.

"Sec. 2. All laws or parts of laws in so far as they conflict with the provisions of this Act are hereby repealed."

The last paragraph of Section 1 of Article 2815m clearly applies to the trustees of San Antonio Union Junior College, it being a union junior college district "heretofore organized." We construe the quoted provisions of Article 2815m to require the trustees of said college district to divide themselves into classes as provided in the first paragraph of the statute so that:

(a) Those three trustees originally classified as Class Three under Article

2815h-4, and having but one year to serve thereunder, will now be placed in Class 1 and shall continue to serve for two years as provided in Article 2815m.

(b) Those two trustees originally classified as Class One under Article 2815h-4, and having two years yet to serve thereunder, will now be placed in Class 2 and shall continue to serve for four years as provided in Article 2815m.

(c) Those two trustees originally classified as Class Two, under Article 2815h-4, and who were elected in April, 1948, to serve three years, will now be placed in Class 3 and shall continue to serve for six years as provided in Article 2815m.

Thus, the next election for trustees will be held in April, 1950, at which time an election shall be held to fill the three offices of those placed in Class 1 by Article 2815m. They shall be elected for a term of six years.

At the succeeding election to be held in April, 1952, at which time an election shall be held to fill the two offices of those placed in Class 2 by Article 2815m, those elected shall serve for a term of six years. In this manner the elective term of office of each of the seven trustees will eventually be transformed from a three-year term as provided in Article 2815h-4 to a six-year term as now provided in Article 2815m.

SUMMARY

The terms of office of the trustees of San Antonio Union Junior College District are now governed by Article 2815m, V. C. S., which modifies and changes the provisions of Article 2815h-4, V. C. S. previously applicable to the subject.

Yours very truly,

ATTORNEY GENERAL OF TEXAS

By *Chester E. Ollison*
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APPROVED:

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