

Opinion No. 36-1457

October 29, 1936

BY: FRANK H. PATTON, Attorney General

TO: State Comptroller Santa Fe, New Mexico

{*30} We have your letter of October 28, 1936, enclosing letter from Mr. R. M. Krannawitter, Village Attorney of Vaughn, New Mexico.

I discussed the matter mentioned in Krannawitter's letter with him some few days ago. It appears that the Village of Vaughn has certain moneys in its Fire Protection Fund, which it desires to use for the purpose of repairing water mains in that village.

Mr. Krannawitter states that the village does not have funds with which to make these repairs and that the mains in their present condition will not withstand pressure sufficient to use the same in case of fire. In other words, all of the fire equipment which the village now has is useless to it because the mains will not withstand the pressure necessary to be placed upon them if a fire should occur.

Chapter 102, Laws of 1935, provides the manner in which the moneys in the "Fire Protection Fund" may be used. Among other things, it provides that the moneys may be used for the "maintenance of such fire departments and the purchase and repair of fire apparatus and equipment."

Under the conditions above stated, it is my opinion that the repair of the water mains is absolutely necessary in order to maintain the fire department and I believe that the Village of Vaughn can properly expend moneys out of its fire protection fund for the purpose stated by Mr. Krannawitter.

By: QUINCY D. ADAMS,

Asst. Atty. Gen.