

Opinion No. 39-3032

February 21, 1939

BY: FILO M. SEDILLO, Attorney General

TO: Mr. Antonio Encinias, Member, Board of Trustees, Wagon Mound, New Mexico.

{*18} Your letter of February 20th makes inquiry as to who is authorized by law to act as mayor in the absence of the mayor of the village.

You also inquire what a quorum for the transaction of business consists of, and as to whether or not the village trustees have the right to sell any equipment belonging to the fire department in your village.

Under Section 90-3404 of the New Mexico Statutes Annotated, 1929 Compilation, any three of the trustees shall be a quorum for the transaction of business. Section 90-3405 of the same chapter provides that in the absence of the mayor any trustee may preside at the meetings of the board of trustees.

Under Section 90-402 of Article IV, Chapter 90 of the New Mexico Statutes, Annotated, the board of trustees may provide for the use and management of fire companies, thus having the right to sell equipment belonging to said fire company.