

Opinion No. 34-706

January 2, 1934

BY: E. K. NEUMANN, Attorney General

TO: Mrs. Margaret Martinez, Secy.-Treas., Board of Directors of the New Mexico Insane Asylum, Santa Fe, New Mexico.

{*102} This is in reply to your letter of January 2, 1934, in which you state the following:

"I wish to secure your opinion as to the legality, in an emergency, of three members of the Board acting in the absence of the President of the Board and without a meeting being called by the President?"

Section 130-303, of the 1929 Code, provides that a majority of said Board shall constitute a Board for the transaction of business. It would, therefore, follow that three members of the Board would constitute a quorum and could act at any meeting which has been regularly called.

Section 130-305, of the 1929 Code, provides that the President of the Board shall preside at all meetings, except when he is absent, in which case the Board may appoint a president pro tem.

Section 130-307, of the 1929 Code, provides that the Board may direct the manner in which all meetings of the said Board shall be called and held. Special meetings, therefore, should be called in the manner provided by the Rules and Regulations adopted by the Board of Directors. If no such rule or regulation has been adopted, I do not believe that a special meeting can legally be called until such rule or regulation governing the manner of calling special meetings has been adopted.

By: QUINCY D. ADAMS,

Asst. Attorney General

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