

## Opinion No. 47-5048

July 1, 1947

**BY:** C. C. McCULLOH, Attorney General

**TO:** Mr. Donald D. Hallam, Assistant District Attorney Hobbs. New Mexico

{\*66} We wish to acknowledge receipt of your inquiry of June 25, 1947 pertaining to whether or not there is legal authority vested in the County Commissioners to accept federal aid and enter into agreement in regard thereto in developing the airport owned by Lea County.

In an opinion rendered by Mr. Ward of this office on April 8, 1947, the conclusion was reached by him that a county has legal authority to own, operate, maintain and improve a public airport and to expend funds in connection therewith.

In accordance with Section 15-3401 of the 1941 Compilation, counties are given, among others, the following powers:

"2. To purchase and hold real estate and personal property for the use of the county.

3. To sell and convey any real or personal estate owned by the county and make such order respecting the same as may be deemed conducive to the interests of the inhabitants.

4. To make **all contracts** and do all other acts in reference to the property and concerns necessary to the exercise of its corporate or administrative powers."

Section 15-3402 provides as follows:

"Any real or personal property heretofore or which may hereafter be transferred to any county, shall be deemed the property of such county."

Section 15-3501 is as follows:

"The powers of a county as a body politic and corporate shall be exercised by a board of county commissioners."

Section 15-3512 provides:

"The board of county commissioners shall have power at any session to make such orders concerning the property belonging to the county as they may deem expedient."

Section 15-3514 provides:

"To represent the county and have the care of the county property and the management of the interest of the county in all cases where no other provision is made by law."

The aforementioned clauses grant the county commissioners broad powers in the management and control of county property. (See Agua Pura Co. v. Mayor, 10 N.M. 6).

Section 47-112 authorizes and empowers the New Mexico Aeronautics Commission to enter into agreements with any agencies of the United States as will enable the **State of New Mexico** to secure all benefits which may be made available to it under any aeronautics program adopted by the proper administrative agencies.

The above section applies when the state desires to develop an airport and does not, in my opinion, apply when the airport is owned by a county.

It is quite true that some states have legislation designating some state agency to accept all funds allotted to that state by the Federal Government for airport development, and it is then necessary for a municipality or political subdivision to deal with the state agency in order to obtain assistance. However, New Mexico does not have any such legislation on the books and therefore any political subdivision of the state, through {\*67} its proper administrative body, may deal direct with the Federal Government.

In view of the broad powers conferred by the Sections of the New Mexico 1941 Compilation heretofore set out, I am of the opinion the county commissioners have legal authority to enter into agreements with an agency of the Federal Government and accept federal aid thereunder for the purpose of developing a county airport.

Trusting the aforementioned satisfies your inquiry, I am

By ROBT. V. WOLLARD,

Asst. Atty. General