

## Opinion No. 56-6511

August 21, 1956

**BY:** RICHARD H. ROBINSON, Attorney General

**TO:** Mr. Thos. B. Rapkoch, Assistant District Attorney, Court House, Las Cruces, New Mexico

In reply to your letter of August 6, 1956, in which you raise the question of whether or not the Board of County Commissioners can enter into an agreement with the City of Las Cruces for "Planning Assistance Under Watershed Protection and Flood Prevention (P.L. 566 83 Congress Second Session)," the following is submitted for your consideration.

At § 15-36-1, N.M.S.A., 1953, paragraph four, it points out that one of the general powers of the county is "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."

Again at § 15-37-16, N.M.S.A., 1953, it is pointed out that the county commissioners have the power "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."

As early as 1900 in the case of *The Agua Pura Company of Las Vegas, Appellee, v. The Mayor and Board of Aldermen of the City of Las Vegas, Appellants*, 10 N.M. 6, the Courts pointed out the broad general powers of the counties and stated in reference to statutory grants of power, "These clauses seem to mean something more than the ordinary powers appertaining to counties. They confer express authority to do the acts in the interest of the county, and to make contracts in reference to the concerns necessary to the exercise of this authority, when not otherwise provided by law. We do not understand that the grant of power to counties or other municipal corporations must contain a specification of each particular act to be done, but it is sufficient if the words used be sufficiently comprehensive to include the proposed acts."

Thus, it is the opinion of this office that the Board of County Commissioners may enter into an agreement with the City of Las Cruces for Watershed Protection and Flood Prevention.

Attached is a recent opinion, No. 5852, December 1, 1953, dealing with an analogous situation, which is submitted for your information and in the nature of supplemental information for this opinion.

Trusting this fully answers your inquiry, we remain

By Harry E. Stowers, Jr.

Assistant Attorney General