

Opinion No. 57-317

December 6, 1957

BY: OPINION OF FRED M. STANDLEY, Attorney General Hilton A. Dickson, Jr.,
Assistant Attorney General

TO: Mr. E. M. Barber, District Attorney, Seventh Judicial District, Truth or
Consequences, New Mexico

QUESTION

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What governing body has control of the operation and use of county fair grounds and buildings?

CONCLUSION

Board of County Commissioners.

OPINION

ANALYSIS

From the facts related in the letter of inquiry, question has arisen as to whether the Board of County Commissioners or "County Fair Board" has control of the grounds and facilities owned by the county for fair purposes.

Section 45-21-1, N.M.S.A., 1953 Compilation, provides for county ownership of property to be used for county fairs as follows:

"It shall hereafter be lawful for counties of this state to own, maintain, operate and sell, real and personal property for the purpose of maintaining and conducting county fairs for the teaching and advancement of agricultural, horticultural and domestic arts, and the breeding and improvement of neat cattle, horses, sheep, goats and hogs."

No suggestion is made under this act for a county fair board.

Looking further, Section 15-37-1, N.M.S.A., 1953 Compilation, states that:

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

and following Section 15-37-12, N.M.S.A., 1953 Compilation, provides that:

"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."

Finally, Section 15-37-16, N.M.S.A., 1953 Compilation, requires the Commission;

"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."

Accordingly, it is our opinion that control and use of county fair grounds and buildings, lies with the Board of County Commissioners, We, further, however, find no prohibition against delegation of supervisory power to a County Fair Board, should such be properly decided by the Commissioners.