

Opinion No. 60-14

February 2, 1960

BY: OPINION of HILTON A. DICKSON, JR., Attorney General

TO: Frank Dailey, Mayor City of Socorro Socorro, New Mexico and E. E. Bartee,
President Board of Education Socorro Consolidated Schools Socorro, New Mexico

QUESTION

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May the City of Socorro enter into an agreement with the Socorro Public Schools whereby an old school building will be remodeled and operated as a joint venture for school use during the day and for juvenile recreation after hours? The portion of the funds provided by the City are to come from recreational funds provided by § 72-14-14, N.M.S.A., 1953 Compilation (P.S.).

CONCLUSION

Yes.

OPINION

{*354} ANALYSIS

The above cited section requires that funds from this source are to be used only for recreational purposes for juveniles. Use of the fund is limited to operation and construction of such facilities. This office has, however, consistently held that these funds may be used for virtually any activity which is related to the operation and construction of juvenile facilities. This office has also consistently held {*355} that the governing body -- in this case the City -- must supervise the expenditure of such funds. See Opinions of the Attorney General No. 59-11, dated February 13, 1959; 59-81, dated July 28, 1959; 59-121, dated August 26, 1959; and 59-202, dated December 14, 1959.

The contemplated agreement between the school and the City has been submitted to this office. It provides that the school and the City will share the expenses of remodeling and maintaining the building equally. The building will be used by the school during school hours during which the school will have control over said building. At all other hours, the City will have exclusive use and control over the building for juvenile recreational purposes. This agreement, in our opinion, gives the City sufficient control over the expenditure of the funds and use of the facilities to meet the requirement of § 72-14-14, supra.

This joint venture will benefit both the City and the school and will greatly benefit the juveniles of that City since at the present time they have no recreational facilities.

By: Boston E. Witt

Assistant Attorney General