

Opinion No. 60-160

September 2, 1960

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

TO: Mr. Frank C. Boyce City Attorney City of Alamogordo Alamogordo, New Mexico

QUESTION

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May the City of Alamogordo properly contribute to the Juvenile Court Fund of the Third Judicial District within and for Otero County?

CONCLUSION

No.

OPINION

{*550} **ANALYSIS**

Municipal corporations are creatures of statute; they have only the powers with which they are invested by the statutes creating them. Powers of cities and towns are set out in New Mexico Statutes Annotated, 1953 Comp., §§ 14-21-1 through 14-21-57. No power to make a gift of any kind is mentioned.

Municipal funds are public funds, and power to give away such funds is strictly circumscribed. The Constitution of New Mexico itself, by Article IX, § 14, denies to municipalities the power to make donations or lend credit to persons, associations, or public or private corporations. While the juvenile court fund does not come within the list of prohibited recipients of municipal gifts, its eligibility does not invest a municipal corporation with the power necessary to make such a gift.

Despite the worthy purpose of the intended gift, we hold that a municipal corporation, having no inherent power to make a gift, and not having been invested with such a power by statute, cannot contribute to the juvenile court fund.

By: Norman S. Thayer

Assistant Attorney General