

**Opinion No. 42-4086**

May 11, 1942

**BY:** EDWARD P. CHASE, Attorney General

**TO:** Mr. Fay Guthrie Executive Secretary Bureau of Industrial Conservation P. O. Box 1661 Santa Fe, New Mexico

{\*195} In your letter of May 8, you request our opinion as to the method that counties and cities throughout the State should pursue in order to dispose of scrap material which they may own, and also to the credit of what fund the proceeds from such a disposal should be deposited.

The Boards of County Commissioners of the several counties throughout the State are invested with the power to sell any personal property owned by the county in any manner and under conditions which they deem to be conducive to the interests of the inhabitants of the county. See Sections 33-3601, Sub-section 3, and 33-4213, New Mexico Statutes Annotated, 1929 Compilation. By the reason of this specific grant of power to the County Commissioners of the several counties throughout the State, there is no reason why they cannot, if they so desire, sell at a fair and equitable price whatever scrap material may be in the possession of their respective counties. The proceeds from such a sale should be deposited to the credit of the account or fund from which the equipment or scrap was originally purchased.

In cities, the proper governing authorities of the municipality may, if they see fit to do so, in the same manner dispose of such scrap material as may the Board of County Commissioners for the County. See Section 90-402, New Mexico Statutes Annotated, 1929 Compilation. Likewise the proceeds from such a sale by a municipality should be deposited to the credit of the municipal account or fund from which the scrap or equipment was originally purchased.

Trusting that the foregoing sufficiently answers your inquiry, I am

By HOWARD F. HOUK,

First Asst. Atty. General