

Opinion No. 55-6294

September 30, 1955

BY: RICHARD H. ROBINSON, Attorney General

TO: Mr. Patrick F. Hanagan, District Attorney, Fifth Judicial District, Roswell, New Mexico

We have your letter of September 17 in which you request an opinion from this office as to whether a fact situation hereinafter outlined is prohibited by Opinion No. 6253 dated August 15, 1955, issued from this office.

The fact situation is as follows:

The Boy Scouts of the City of Tatum secured a building and gave the same to the City of Tatum, reserving the right to maintain a small office in the building and hold their weekly meetings in the building. The City of Tatum is to bear the expenses of moving the building and the expenses of maintaining the building. The City of Tatum was to have complete control over the use of the building except as hereinbefore set forth.

We are of the opinion that this arrangement is in no way conflicting with Opinion No. 6253. Here the City of Tatum is not making any donations to the Boy Scout organization. The City of Tatum also has complete control over the use of this building except for the weekly meeting of the Boy Scout organization, and it is our opinion that the building became city property and certainly there is no prohibition against allowing the Boy Scouts or any other organization the use of a public building for meetings.

Trusting we have answered your request, we remain

By Paul L. Billhymer

Assistant Attorney General