

Opinion No. 56-6437

May 2, 1956

BY: RICHARD H. ROBINSON, Attorney General

TO: Mr. John C. Hays, Administrator, Social Security Division, Public Employees Retirement Association, P. O. Box 2237, Santa Fe, New Mexico. Attention: Mr. Charles C. Staab Administrative Assistant

We have your letter of February 9th, 1956, in which you requested an opinion from this office upon the following question:

Are the two county-municipal hospitals of Lincoln County political sub-divisions within the provisions of Section 5-7-2 (f) N.M.S.A., 1953 Compilation, so that these two organizations may have a right to come under the Social Security System as separate units?

We are of the opinion that neither of these hospitals are political sub-divisions within the definition set out in Section 5-7-2 (f) N.M.S.A., 1953 Compilation. These hospitals are a joint venture of the Board of County Commissioners and the governing body of the municipalities of Carrizozo and Ruidoso. The respective Boards of Trustees are required to render accounts to the respective governing boards of the county and the municipalities. See Section 14-33-17, N.M.S.A., 1953 Compilation. The Boards of Trustees are not empowered to accept the gifts or endowments or grants in aid, but such must be given to the Boards of County Commissioners or the governing body of the municipality. See Section 14-33-20, N.M.S.A., 1953 Compilation. Also it is to be noted that the power to carry out the purposes of the joint hospital act rests with the Board of County Commissioners and the governing boards of the municipalities and not with the Boards of Trustees. See Section 14-33-21, N.M.S.A., 1953. Therefore, it is apparent from the act allowing the creation of a joint hospital that the Boards of Trustees is merely an administrative unit and not independent body, and all powers of the Board of Trustees are actually derived from the Boards of County Commissioners and the governing boards of the municipalities which join in the joint venture of creating such a hospital.

We are further informed that each of these hospitals share in 3/4 mill tax levy upon the citizens of Lincoln County authorized by Chapter 224, Laws of 1955. It is to be noted that the expenditures of this 3/4 mill levy is under the direct control of the Board of County Commissioners.

From all the above, it is our opinion that these hospitals created jointly by counties and municipalities are not independent political sub-divisions, but are an intricate part of the county and the municipality creating the same, and therefore they can come under the Social Security System only as the county and the municipality of which they are part come within the provisions of the Social Security Act.

Trusting we have answered your question, we remain

By: Paul L. Billhymer

Assistant Attorney General