

OFFICE OF THE
ATTORNEY GENERAL

DON SIEGELMAN
ATTORNEY GENERAL
MONTGOMERY, ALABAMA 36130
(205) 261-7400

(205) 242-7300



STATE OF ALABAMA

APR 20 1990

90-00227

Honorable Jimmy Trimm
City Clerk
P.O. Box 365
Sulligent, Alabama 35586-0365

Municipalities - Parks and
Recreation - Municipal Funds

City of Sulligent may not
contribute funds to privately
sponsored baseball league, but
may contract with the league to
provide baseball program and
tournament for the city.

Dear Mr. Trimm:

This opinion is issued in response to the request of the City
of Sulligent for an opinion from the Attorney General.

QUESTIONS

1. May the City of Sulligent
contribute to the Dixie Youth Baseball
program for the purchase of equipment and
other supplies?

2. May the City and the Park and
Recreation Board contract with the Dixie
Youth Baseball League to have a league and
tournament in Sulligent?

FACTS AND ANALYSIS

A municipality is authorized to provide recreational programs
and facilities for its citizens and may create a recreation board
to direct and supervise the programs and facilities. Code of
Alabama 1975, § 11-47-19 and § 11-86-1, et seq. Section 94 of

Honorable Jimmy Trimm
Page 2

the Constitution of Alabama 1901 prohibits a city from contributing funds to a privately sponsored baseball league. However, the city can contract with a privately sponsored league to provide a program for the city. Opinions of the Attorney General to Honorable W. A. Smith, Mayor, City of Hokes Bluff, under date of November 1, 1988; Honorable Robert S. Milner, City Attorney, City of Wetumpka, under date of October 10, 1984; and Honorable William D. Latham, Attorney, City of Jemison, under date of February 1, 1983. The basis of these opinions is that a city may contract with a private association to perform a governmental function that the city is authorized to perform.

CONCLUSION

Accordingly, the City of Sulligent may not contribute funds to the Dixie Youth Baseball League but may contract with the League to provide a baseball program and tournament for the city.

I hope this sufficiently answers your questions. If our office can be of further assistance, please do not hesitate to contact us.

Sincerely,

DON SIEGELMAN
Attorney General
By:

Brenda Flowers

BRENDA FLOWERS
Assistant Attorney General

DS/BF/dn
0492N