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Opinion No. 63-36-L
R-173
March 7, 1963

REQUESTED BY: CHARLES N. RONAN
Maricopa County Attorney

OPINION BY: ROBERT W. PICKRELL
The Attorney General

QUESTION: Does the county attorney act as attorney for a junior college district governing board established pursuant to the Junior College Districts Act, Chapter 6.1, Title 15, A.R.S. Sections 15-651, et seq?

ANSWER: Yes.

This opinion constitutes a revision of Maricopa County Attorney's opinion dated January 30, 1963, which held contra to the conclusion herein stated. The Maricopa County Attorney's opinion in stating that the County Attorney did not represent as attorney the Maricopa County Junior College Board relied upon Attorney General's letter opinion No. 62-59-L, wherein this office held that the county school superintendent did not serve newly created Junior College Districts other than in the instances expressly stated in the new Junior College Districts Act. The reasoning supporting that opinion was that there were certain designated duties conferred upon the county school superintendent in the new Junior College Districts Act and, therefore, the county schools superintendent did not have any authority except in the instances specifically enumerated.

In reference to the new Junior College Districts Act there are no duties specifically spelled out as to the county attorney. To determine whether or not the county attorney represents a junior college district governing board must be gathered from the statutory duties of the office of county attorney as stated in A.R.S. § 11-532. The pertinent portions of that statute are recited below:

- "7. When required, give his written opinion to county officers on matters relating to the duties of their offices.
- "9. Act as the legal advisor to the board of supervisors, attend their meetings and oppose claims against the county which he deems unjust or illegal.

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"10. Act as attorney for school districts and boards of trustees thereof."

Analyzing the above mentioned statutory duties it is clear that the county attorney is required to give written opinions to all county officials and that it acts as legal consultant to the board of supervisors. Sub-section 7 and 9 are all inclusive as to county officials. Sub-section 10 requires the county attorney to act as an attorney for school districts.

Maricopa County Junior College District is co-terminus with the territorial limits of Maricopa County. Although a county-wide junior college district may be designated as a separate political sub-division it is interwoven with the overall operation of the county insofar as the taxing of the junior college district.

The junior college district governing board has certain powers and duties in the operation of junior colleges established throughout the county-wide district. A.R.S. § 15-679. Whether or not a county junior college district is a school district within the meaning of sub-section 10, A.R.S. 11-532, or whether the members of the board are county officials within the meaning of sub-section 7 of A.R.S. § 11-532 is immaterial. One may impliedly rely upon either sub-section to qualify for legal counsel as provided by A.R.S. § 11-532.

Therefore, it is the opinion of this office that the county attorney is legal counsel for the county junior college district governing boards as established pursuant to the Junior College Districts Act, Ch. 6.1, Title 15, A.R.S., Sections 15-651 et seq.

Robert W. Pickrell
ROBERT W. PICKRELL
The Attorney General *by wee*

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