February 10, 1934

Mr. Rowland W. Hill,
County Attorney,
Gila County,
Globe, Arizona

Dear Sir:

This will acknowledge receipt of your letter of January 26th, in which you seek an opinion of this office upon the questions stated therein, which questions I shall quote and answer as follows:

(1) "What funds of a school district are available for the purchase of school land?"

The last sentence in Section 1026, R. C. A., 1928, reads as follows:

"Funds received from sources other than state, county or school district levies, may be used in building schools or in purchasing lands for schools.

I am of the opinion that any money belonging to the school district, except money derived from state, county or district levies may be used for purchasing school land.

(2) Must every purchase of land for school purposes be sanctioned by a vote of the school district, or can a board of trustees of a school district purchase a small piece of ground for the use of a school garage, using in payment therefor money not derived from sources of state, county or district levies, without first being authorized in the purchase by the vote of the district?"

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In view of Section 1014 and subdivision 3 of Section 1011, R. C. A., 1928, I am of the opinion that a board of trustees cannot purchase any school land unless such purchase is first authorized by the vote of the qualified electors of the district. These sections expressly apply to purchase of a school site and the lot upon which a school garage is to be built is a part of the school site. Furthermore, there seems to be no provision in the Statutes, either express or implied, authorizing school boards to purchase any land for any purpose unless authorized to do so by the vote of the district.

Yours very truly,

Attorney General

PHR/CD

Assistant Attorney General

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