

April 27, 1937.

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ARIZONA ATTORNEY GENERAL**

Mr. Marvin L. Burton,
County School Superintendent,
Tucson, Arizona.

Dear Mr. Burton:

This will acknowledge receipt of your communication of April 24th, seeking an opinion from this office upon the following matter:

Relative to vouchers submitted to the County School Superintendent by the local Boards of School Trustees for payment, is it mandatory that the County School Superintendent draw warrants for these items and amounts listed regardless of legality of payments?

Calling your attention to section 992 of the Revised Code of Arizona 1928, we find the following provision:

" * * * On the order of the board of school trustees of any district, he (the county school superintendent) shall draw his warrant on the county treasurer for all necessary expenses against the school fund of any such district; * * * "

The Supreme Court in the case of Coggins vs. Ely, reported in 23 Ariz. at page 165, in discussing the powers and duties of county school superintendents insofar as they relate to the moneys of the district, stated as follows:

" * * * the county superintendent of schools is not empowered to authorize the expenditure of the moneys of the district without an order of the board of school trustees and his function in issuing warrants upon such orders of the trustees is merely administrative or ministerial."

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Ministerial functions have been defined as those that are absolute, fixed and certain in the performance of which the officer exercises no discretion whatsoever. State vs. Lindquist, 214 N.W. 260.

It is, therefore, the opinion of the attorney general that the county superintendent of schools, in issuing warrants after receiving proper vouchers from the boards of trustees of school districts, is purely a ministerial act of which the county superintendent of schools exercises no discretion, but merely follows the provisions of the statutes as contained in section 992, supra.

Yours very truly,

JOE CONWAY,
Attorney General.

J. M. JOHNSON,
Assistant Attorney General.

E. G. FRAZIER,
Special Assistant
Attorney General.