

March 24, 1949

LAW LIBRARY
ARIZONA ATTORNEY GENERAL

Wilson

James Boyce Scott
Greenlee County Attorney
Clifton, Arizona

Dear Mr. Scott:

This will acknowledge receipt of your letter requesting the opinion of this office on the following:

"In response to your second question in regard to the \$115,000, this fund was budgeted under the powers and duties of the trustees as and for capital outlay for the fiscal year 1948-1949. It was not raised and did not come from the ten-cent levy. The \$115,000 was broken down on the budget approximately as follows: \$55,000 for leveling and improvement of site; \$60,000 purchase of equipment.

As pointed out in the telephone conversation of March 17, the bill for leveling and improving, and also the bill for the equipment was inadvertently paid out of the building fund raised from the sale of bonds and not from the capital outlay fund as forementioned amounting to \$115,000. This \$115,000 is in the budget and available for authorized expenditure. The question is then, simply, can this building fund or bond fund be reimbursed for the expenditures inadvertently made, said reimbursement to take place out of the \$115,000 budget capital outlay fund?"

Answering your questions, we invite your attention to Section 54-416, Subdivision 3, Board of trustees, powers and duties, A.C.A. 1939, said subsection so far as material to your question reads as follows:

"The board shall manage and control the school property within their districts; purchase school furniture, apparatus, equipment, library books, and supplies for the use of the schools; rent, furnish, repair and insure the school property of the district; when directed to do so by a vote of the district, construct school buildings, or purchase or sell school sites; * * *" (Emphasis Supplied)

This is an express limitation upon the purpose for which the school district board may expend money budgeted or that has been voted by the vote of the district. From the facts stated in your letter, that \$60,000 was budgeted for the purpose of buying equipment for the school and inadvertently the sum of \$60,000 was paid from the bond issue money of said school district, we see no reason why the building bond fund should not be reimbursed under the circumstances.

As to the \$55,000 that was budgeted for leveling and improving site, we fail to find any authority under subsection 3, supra, wherein the board of trustees has any authority to budget said amount. Therefore, it is our opinion that the bond fund may not be reimbursed with the \$55,000 that was budgeted for leveling and improving the site.

On the other hand, if the district had voted to construct a building or purchase and level the school site and was budgeted under the authority of Section 10 Chapter 54-416, then we believe that under the circumstances as you set out in your letter the bond fund could have been reimbursed.

You also ask the following question:

"In the consolidated school district, is it proper for funds allocated and appropriated to the high school to be expended for common school purposes and vice-versa?"

Our answer is "no" for the reason that the common high school district and the high school district are independent of each other although they may have the same trustees.

You also ask in your letter whether or not a school district that has been requested by a municipality to contribute funds to a municipal fund which is being raised for the purpose of building a dike or retaining wall that is not contiguous to the school property could properly contribute to such fund from the school district fund.

Under the powers and duties of the board of trustees, Section 54-416, Subsection 3, supra, we are of the opinion that if a board of trustees of a school district has budgeted moneys to be expended for the protection of the school property, they may legally contribute to the fund to the municipality requesting same.

Trusting the above answers your questions satisfactorily, we remain

Yours very truly,

FRED O. WILSON
Attorney General

MARICE BARTH
Assistant Attorney General