



Attorney General
1275 WEST WASHINGTON
Phoenix, Arizona 85007

Robert R. Corbin

October 5, 1982

**LAW LIBRARY
ARIZONA ATTORNEY GENERAL**

Mr. Michael G. Prost
Deputy Coconino County Attorney
Coconino County Courthouse
Flagstaff, AZ 86001

Re: 182-109 (R82-155)

Dear Mr. Prost:

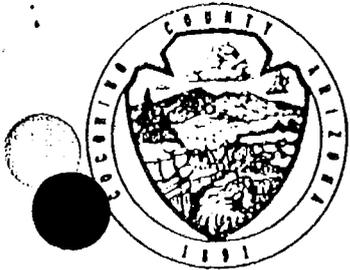
Pursuant to A.R.S. § 15-253.B, we decline to review your opinion dated September 24, 1982, to the Coconino County School Superintendent regarding elections for joint unified school districts.

Sincerely,

A handwritten signature in cursive script that reads "Bob Corbin".

BOB CORBIN
Attorney General

BC/VBW/kb

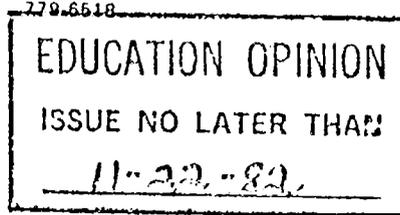


OFFICE OF

County Attorney

COCONINO COUNTY
COCONINO COUNTY COURTHOUSE
FLAGSTAFF, ARIZONA 86001

JOHN VERKAMP
COUNTY ATTORNEY



9-27-82 pc
WHITEHEAD
R82-155

MEMORANDUM

TO: Betty Jo Anderson,
Coconino County School Superintendent

FROM: Michael G. Prost, Deputy County Attorney *MGP*

SUBJECT: Ballot Designation for Joint Unified School
District Board Members

DATE: September 24, 1982

In your letter of September 20, 1982, you have requested our opinion regarding the proper ballot designation for Board Members to be elected in bi-county joint school districts, pursuant to A.R.S. § 15-429. Specifically, you have asked us whether all five board members in a joint school district should be elected at large, or should three board members be elected at large and the remaining two board members be elected from each county comprising the joint school district.

There are two joint unified school districts in Coconino County: the Fredonia-Moccasin Bi-County Unified School District No. 6 and the Ashfork Joint Unified School District No. 31. The Fredonia-Moccasin School District was formed in 1974 and includes portions of Mohave County and Coconino County. Since its formation, the district has been governed by a five-member board of education. Three members are elected at large from the entire joint school district. One member is elected solely from that part of the District contained in Mohave County, and the remaining board member is elected solely from that part of the District contained in Coconino County. Pursuant to A.R.S. § 15-456, Coconino County is the jurisdictional county for the Fredonia-Moccasin School District.

In 1981 a second joint school district was formed containing portions of Coconino County and Yavapai County: the Ashfork Joint Unified School District No. 31. Although Yavapai County is the jurisdictional county for this joint school district, it is your duty as the Coconino County School Superintendent to prepare the ballots and canvass the votes for the coming school board election for those precincts within the Ashfork District which are contained in Coconino County. The Ashfork District proposes to elect all five members of its Board

TO: Betty Jo Anderson
FROM: Michael G. Prost
DATE: September 24, 1982

R82- 155

of Education at large from the entire joint school district. This procedure is in conflict with the procedure you have followed in the Fredonia-Moccasin School District No. 6, and it is appropriate for your Office to raise this question in order that you may follow a uniform procedure in both joint school districts.

For the following reasons, it is the opinion of this Office that the ballot designation for board members which you have followed in the Fredonia-Moccasin Joint Unified School District No. 6 is the correct procedure under A.R.S. § 15-429. Specifically, it is our opinion that, in a bi-county joint school district, three members of the Board of Education must be elected at large from the entire joint school district, one member must be elected solely from one county, and the remaining member must be elected solely from the other county.

Joint unified school districts are specifically authorized by A.R.S. § 15-454, which provides as follows:

"§ 15-454. Authority to form joint unified or joint high school districts; applicability of other laws governing other school districts

Joint unified school districts or joint high school districts may be created lying in part in each of two or more counties in the same manner as joint common school districts may be created under this article. Except as expressly provided in §§ 15-429, 15-453 and 15-455 through 15-547, § 15-491, subsection B, and §§ 15-975 and 15-997, each joint high school district or joint unified school district shall have all powers and duties, shall be operated and maintained and shall follow and be subject to procedures as may be provided by law for the operation of other school districts. (emphasis added)

The method and manner of elections for joint school districts is prescribed in A.R.S. § 15-429, which provides as follows:

"15-429. Election of governing board members of a joint common school district

A. A joint common school district shall be governed by a board of five members, one of whom shall reside in and be elected from each of the counties comprising the district and the remaining number shall reside in the district and be elected at large. Within ten days after the creation of the joint common school district, the county school superintendent of the jurisdictional county, after

TO: Betty Jo Anderson
FROM: Michael G. Prost
DATE: September 24, 1982

R82- 155

notifying the county school superintendent of any other county whose territory, or a portion thereof, is in the new district, shall call a special election, which shall be held within twenty days after the issuance of such call, to elect a governing board for the joint common school district. The polling places for the election shall be located in each county of the district. The election shall be conducted as provided by law for other school districts, except that the members first elected shall serve until January 1 following the next general election. At the general election held next following the special election, and thereafter, the members shall be elected as prescribed for five member boards in §§ 15-424 and 15-427."

The first sentence of the above statute provides that a joint unified school "shall be governed by a board of five members, one of whom shall reside in and be elected from each of the counties comprising the district and the remaining number shall reside in the district and be elected at large." This language is unqualified and unlimited as to time and as to whether or not the election of a board member takes place at a special or general election. In our opinion, this statute requires that at least one board member be elected from and represent each of the counties comprising a joint school district at all times.

We note that the last sentence in Paragraph A above provides that general elections for a joint school district should be conducted in accordance with A.R.S. §§ 15-424 and 15-427. Many of the provisions in those statutes plainly have no application whatsoever to a joint unified school district. However, in our opinion, all of the foregoing statutes must be read as a whole, and when §§ 15-424, 15-427, and 15-429 are read together, the legislature clearly intended that at least one member of the board of education of a joint school district reside in and be elected from each of the counties comprising that joint district. The most basic principles of statutory construction require that all of the statutes in Title 15 must be construed as a consistent whole, and specific provisions govern the general. The controlling principle is that, where a special provision of a statute deals with the same subject as a general statute, the special provision prevails. State v. Marcus, 104 Ariz. 231, 234, 450 P.2d 689 (1969). A general comprehensive statute and a special statute dealing with part of the same subject more specifically should be read together and harmonized, if possible, to effect legislative intent. Arden-Mayfair v. State Dept. of Liquor Licenses and Control, 123 Ariz. 340, 342, 599 P.2d 793 (1979).

Applying the above principles of statutory construction to

Page -4-

R82- 155

TO: Betty Jo Anderson
FROM: Michael G. Prost
DATE: September 24, 1982

the statutes in question, we believe that the specific provisions of A.R.S. § 15-429 clearly govern and will prevail over the general provisions of A.R.S. §§ 15-424 and 15-427. Additional authority for our interpretation is found in A.R.S. § 15-454 which states that joint unified school districts must be operated and maintained as other school districts, except as expressly provided in A.R.S. § 15-429.

I hope the above opinion clarifies this matter, and you should call me if you have any further questions.

Pursuant to A.R.S. § 15-253(B), I am forwarding a copy of this opinion to the Arizona Attorney General for his review.

MGP:wf

cc: Honorable Robert K. Corbin, Arizona Attorney General
Mr. Elwood D. Wilson, Superintendent
Fredonia-Moccasin School District



BETTY JO ANDERSON
SUPERINTENDENT

COCONINO COUNTY SUPERINTENDENT OF SCHOOLS

COURTHOUSE • FLAGSTAFF, ARIZONA 86001 • (602) 779-6591

September 20, 1982

FRED A. STONE
CHIEF DEPUTY

MEMO TO: Mike Prost, Deputy County Attorney
FROM: Betty Jo Anderson *Betty Jo*
RE: Ballot designation for Joint School District
Board of Education Members

I am attaching a copy of an opinion from the Yavapai County Attorney's Office regarding designation of candidates for election to the newly-formed Ashfork Joint Unified School District No. 31 Board of Education.

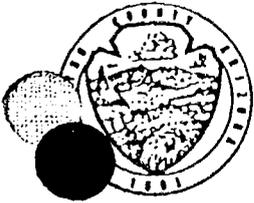
Prior to the establishment of this joint district contained in both Yavapai and Coconino Counties, there was only one joint district in the state, the Fredonia/Moccasin Unified School District No. 6 which is located in Coconino and Mohave Counties. As jurisdictional County School Superintendent for the Fredonia/Moccasin district, it has been the policy of this office to have candidates designate their intention to run for either the Coconino County or the Mohave County Representative or as a member at large elected from both counties within the district.

The attached opinion advises the Yavapai County School Superintendent, who is the jurisdictional superintendent, to place all candidates on the ballot and elect all five members "at large" within the district.

Since Coconino County is a part of both of the existing joint school districts, it is my desire to conduct the elections for board members from these two districts in a uniform manner. Please advise me if I should continue with the method used in the past and designate the specific county representatives on the ballot or if all candidates should be elected from the total district.

Thank you.

Attachments



COCONINO COUNTY SUPERINTENDENT OF SCHOOLS
 COURTHOUSE • FLAGSTAFF, ARIZONA 86001 • (602) 779-6591

BETTY JO ANDERSON
 SUPERINTENDENT

FRED A. STONE
 CHIEF DEPUTY

September 24, 1982

MEMO TO: MIKE PROST

RE: INFORMATION ON JOINT SCHOOL DISTRICTS

According to the records in this office the following information regarding joint school districts located in part in Coconino County is supplied:

Fredonia/Moccasin Bi-County Unified School District No. 6 is the first such district in the state. (Bi-County means Joint)

Date of Election: April 16, 1974
 Date of Canvass: April 22, 1974
 Date of Resolution
 of Establishment: May 20, 1974
 Jurisdictional
 County: Coconino

Ash Fork/Williams Joint Unified School District No. 31 is the second joint district in the state.

Date of Election: September 22, 1981
 Date of Canvass: September 28, 1981
 Date of Resolution
 of Establishment: November 7, 1981
 Jurisdictional
 County: Yavapai

According to the Election Calendar provided by the Secretary of State, absentee ballots are to be prepared and available by the 30th of September, 1982. Therefore, time is of the utmost essence in resolving the question of how names are to be placed on the ballot for joint school board of education candidates.

Thank you for your help in this matter

Betty Jo Anderson

Betty Jo Anderson
 Coconino County School Superintendent