



Attorney General

1275 WEST WASHINGTON

Phoenix, Arizona 85007

Robert K. Corbin

January 22, 1987

The Honorable Stephen G. Udall
Apache County Attorney
P.O. Box 637
St. Johns, Arizona 85936

I87-015 (R86-174)

Dear Mr. Udall:

Pursuant to A.R.S. § 15-253(B), we decline to review your November 18, 1986 letter to Dr. Jack D. Raymond, Superintendent of the St. Johns Unified School District, regarding whether an election must be held prior to the sale of certain real property. Insufficient information has been provided upon which to render an opinion whether the district's property is a school site within A.R.S. § 15-342(10).

Sincerely,

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

BOB CORBIN
Attorney General

BC:TLM:pnw



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STEPHEN G. UDALL
COUNTY ATTORNEY

November 18, 1986

Dr. Jack D. Raymond
Superintendent
St. John Unified School District
P.O. Box 3030
St. Johns, Arizona 85936

886-174



Dear Dr. Raymond:

You requested an opinion concerning the sale of school district property. Specifically you asked whether the sale of the property requires approval by a vote of the people.

A.R.S. § 15-342(10) states that "the governing board may sell school sites...if authorized by a vote of the school district electors in an election called by the governing board as provided in section 15-401." The issue is whether the property you described is a school site. You indicated that the only known use that the district has ever made of the property was as a temporary football practice area several years ago.

A.R.S. § 15-341(10) gives the governing board the authority to convey real property, other than school sites, without the necessity of holding an election.

The Attorney General's Office has issued several opinions dealing with the definition of school sites. See Attorney General's Opinions I79-150, I79-194, and I79-248.

In opinion I79-150, it was apparently the Attorney General's opinion, that a school owned house and lot which were not contiguous to any other district property, which in years past had housed employees of the district and had never been used for school or other educational related activities was not a school site and could be sold without a vote of the people.

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In Opinion I79-194 the Attorney General provided the following definition for school sites:

"It is our assumption that a school site includes any property which has been or is being used for school purposes or which was purchased with the intent to be used for that purpose. Such property remains a school site indefinitely for purposes of requiring a vote of the electorate in order to sell it."

In Attorney General's Opinion I79-248 the Attorney General stated:

"Given this broad definition of 'school site', we believe that the school district should act cautiously in determining whether it holds any real property that is not a 'school site'."

Based upon the broad definition of school site used by the Attorney General it would appear that very few parcels of real property held by school districts would not be considered school sites.

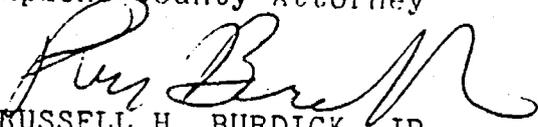
The determination of whether the parcel you wish to sell is a school site, is left to the school district, with the caveat that the school district act very cautiously in making that determination. In order to do that the district should locate any records showing how and why the school district obtained the property in question. Based upon the broad definition provided by the Attorney General it is likely that the parcel that you described would be considered a school site.

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This opinion is being forwarded to the Attorney General for his review.

Sincerely,

STEPHEN G. UDALL
Apache County Attorney


BY: RUSSELL H. BURDICK, JR.
Chief Deputy County Attorney

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Enclosure