



Attorney General

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Phoenix, Arizona 85007

Robert R. Corbin

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ARIZONA ATTORNEY GENERAL

December 31, 1984

Donna J. Grimsley, Esq.
Deputy Apache County Attorney
P. O. Box 637
St. Johns, Arizona 85936

Re: I84-183 (R84-207)

Dear Ms. Grimsley:

Pursuant to A.R.S. § 15-253.B, we decline to review the opinions expressed in your letter of November 9, 1984, to Peter M. Belletto of the Ganado Unified School District No. 20 regarding the propriety of leasing trailers to school district employees at a less than fair market value rental fee.

Sincerely,

Bob Corbin

BOB CORBIN
Attorney General

BC:TLM:lsp

STEPHEN G. UDALL
COUNTY ATTORNEY

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EXTENSION 242

November 9, 1984

R84-207

Peter M. Belletto
Associate Superintendent
Canado Unified School Dist. No. 20
Canado, AZ 86505

Dear Pete:

I am writing concerning your questions regarding rental fees for teacherage trailers and trailer spaces. Your questions were as follows.

1. Is there a gift of public funds if the district does not charge a fair monthly rental to those employees with private trailers using space in the district trailer court?

The answer to this question is no. The Attorney General and the law indicate that the school board has broad discretion in determining the fringe benefits of its employees. Attorney General Opinion I80-126 states, that fringe benefits are part of the compensation package of the employees and the board has a great deal of leeway in deciding which fringe benefits to grant and in determining whether or not fringe benefits would benefit the district and promote education. A.R.S. § 15-502, Attorney General Opinion and I84-051. Basically, the use of a trailer space for teachers with a private trailer can be considered as a fringe benefit to those teachers, particularly, in an area like Canado. The board may easily be able to determine that education would be promoted by providing living space and or trailer space for its teachers at less than their market value.

2. Would a charge of \$20.00 per month be fair?

This is a matter that needs to be determined by your school board as it is a policy consideration. As discussed above the board has broad discretion in determining what types and extent of fringe benefits should be given. If the board feels that \$20.00 per month would be fair and act to promote education then this is certainly within the law.

3. In light of the policy in the handbook, under C-Rental Point 1, can we charge such a rent this year?

You indicated to me over the phone that most of the employees involved have signed lease agreements already and are paying a monthly rental charge for the trailer spaces. Your policy handbook indicates,

Belletto
11-9-84

"The lessor reserves the right to adjust or change the monthly rental rate at the beginning of the contract when it is deemed necessary and in such case the lessee will be notified in writing prior to letting of his/her district employment."

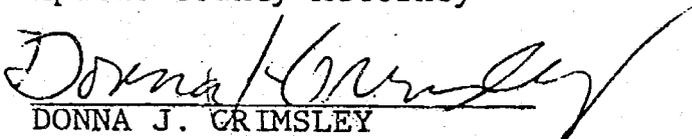
I see no problem in charging the monthly rental particularly for those employees who signed a lease at the beginning of the contract period. Also the board is free to change its mind at any time concerning a matter of policy as long as this matter is not contained in employee contracts. The board can certainly make adjustments to that policy if it feels that it would be in the best interests of the district and it does not violate any contractual provisions of the the employees. My understanding is that this provision is not a part of your contractual provisions and there should be no problem with charging rent at this time.

If you have any further questions please feel free to contact me. This opinion is being forwarded to the Attorney General for his review.

Sincerely,

STEPHEN G. UDALL
Apache County Attorney

BY:


DONNA J. GRIMSLEY
Deputy County Attorney

DJG/mc

cc: Robert Corbin
Attorney General