



Attorney General

1275 WEST WASHINGTON

Phoenix, Arizona 85007

Robert R. Corbin

LAW LIBRARY
ARIZONA ATTORNEY GENERAL

April 18, 1986

The Honorable Jose Luis Machado
Santa Cruz County Attorney
Chenowith & Loma Streets
Nogales, Arizona 85621

Re: I86-043 (R86-017)

Dear Mr. Machado:

Pursuant to A.R.S. § 15-253(B), this office has reviewed the opinion expressed in your letter of February 6, 1986 to the Superintendent of the Santa Cruz Valley Unified School District No. 35, and revises your opinion as follows.

Superintendent Mutterer has asked if the school district governing board may attempt to include past and present governing board members in the district's employee insurance group if all premium costs were paid by the newly-insured board members.

A.R.S. § 15-502(A) provides that governing boards "may provide for employee fringe benefits." There is no statutory authority permitting a local governing board to provide fringe benefits to present or past governing board members. School districts are a legislative creation and have only those powers granted by the Legislature. Oracle School District No. 2 v. Mammoth High School District, 130 Ariz. 41, 633 P.2d 450 (1981); School District No. 69 of Maricopa County v. Altherr, 10 Ariz.App. 333, 458 P.2d 537 (1969). In the absence of specific

The Honorable Jose Luis Machado
April 18, 1986
I86-043
Page 2

statutory authority, a district governing board has no authority to vote to permit the inclusion of past and present board members in an employee insurance plan.^{1/}

Sincerely,



BOB CORBIN
Attorney General

BC:TLM:lfc

I ΔW I IDDADV

^{1/}This office previously concurred with the Navajo County Attorney in Ariz. Atty. Gen. Op. I85-078 that a governing board had no authority to vote to use district funds to purchase health and accident insurance coverage for board members.

NOV 11 1985

886-017

2-19-86
Martin

EDUCATION OFFICE
NO LATER THAN
4-18-86

February 6, 1986

Mr. R. H. Mutterer,
Superintendent
Santa Cruz Valley Unified School Dist. #35
P. O. Box 187
Tumacacori, AZ 85640

Dear Mr. Mutterer:

In your letter of December 12, 1985, you ask whether present and past school board members could be part of the school district's employee insurance group if they paid their own premium costs.

Pursuant to Op. Attorney Gen. No. 185-078, (June 7, 1985), the school board has no authority to purchase health insurance coverage for its members. The opinion prohibits the expenditure of school monies, but does not disallow the extension of benefits to board members.

After reviewing the Health Protection Plan for the Santa Cruz Valley Unified School District, it appears that no school monies have been expended to initiate or fund the group insurance plan. Therefore, if present and past school board members were to pay the full premium costs, their membership in the group insurance plan, while conferring a benefit upon them, would not result in an expenditure of school monies.

In conclusion, if no school monies have been expended to initiate or fund the group insurance plan, past and present school board members could obtain coverage under the group plan if they pay their full premium costs.

Sincerely yours,

Jose Luis Machado
Santa Cruz County Attorney

JIM/epc