

January 23, 2025

Attorney General Kris Mayes
Office of the Arizona Attorney General

Re: Isaac Elementary School District No. 5

Dear General Mayes:

Your letter dated January 21, 2025, to the Maricopa County Board of Supervisors has been referred to me for response.

As you are aware, the County and its officers possess only those powers expressly conferred by statutes or necessarily implied by them, and duties are not imposed on county officials that were not contemplated by the Legislature. *La Paz County v. Yuma County*, 153 Ariz 162, 165 (1987). School districts are independent political subdivisions of the State of Arizona, and counties and county officers have very limited duties and responsibilities for them. This makes sense because under the Arizona Constitution education is a State responsibility. Ariz. Const. Art. 11, section 1 (“The legislature shall enact such laws as shall provide for the establishment and maintenance of a general and uniform public school system, which system shall include: ... 2. Common schools.”).

Treasurer Allen has determined that he no longer has statutory authority to continue honoring proposed expenditures by the Isaac School District because its account balances are so far in the negative. Given the narrowly defined statutory authority of the Treasurer regarding school district expenditures, the statement in your letter that he cited no statute compelling him to stop fulfilling warrants turns the law on its head. He can only act if a statute authorizes him to do so. If you are aware of such statutory authority, please cite it. Your letter did not. We are aware of none. Nor are we aware of any statutory authority for the Board to authorize or require the Treasurer to honor additional warrants, or for the Board to essentially loan County funds to a single school district within the County by funding additional negative balances.

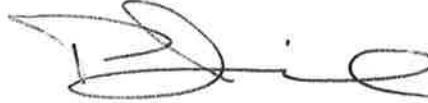
We have spoken to the receiver, who was also the receiver in prior receiverships, and he informed us that those districts overspent their budgets, but never had severe cash flow issues. Therefore, we expect the county treasurers in those cases were able to continue to honor warrants as authorized by statute. This situation is unfortunate and will require unique legal and financial actions from the receiver, the Board of Education, State Department of Education, your Office as their counsel, and, perhaps, the Legislature.

FENNEMORE.

Attorney General Kris Mayes
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Sincerely,

FENNEMORE CRAIG, P.C.

A handwritten signature in black ink, appearing to read 'Patrick Irvine', with a stylized, cursive script.

Patrick Irvine

cc. Maricopa County Treasurer Allen
Arizona Superintendent of Public Instruction Horne

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