

SCHOOLS: After organization of enlarged school districts
COUNTY TREASURER: is completed, county treasurer may transfer
funds of common school districts to credit of
enlarged districts without issuance of warrant
by officers of common school districts.

9-21-50

September 18, 1950

Honorable H. Tiffin Teters
Ass't Prosecuting Attorney
Jasper County
Carthage, Missouri



Dear Sir:

Your letter at hand requesting an opinion of this department, which, in part, reads:

"By Section 11 of the above act, it is provided that 'All funds in the hands of the County or Township Treasurer to the credit of the various districts composing such enlarged district, shall be immediately transferred to the credit of the treasurer of such enlarged district.'

"The Jasper County Treasurer has taken the position that he cannot transfer the funds of common school districts to the enlarged districts unless the president and clerk of the common school district issue a warrant drawn on their funds payable to the order of the treasurer of the enlarged school district.

"The president and clerk of some of the common school districts have refused to issue such warrants.

"Will you please advise if under the above act the county treasurer has authority to transfer the funds of the common school districts to the treasurer of the enlarged district without the issuance of a warrant by the officers of the common school district or if the remedy is by mandamus against the common school district to compel such transfer of funds."

Honorable H. Tiffin Teters

In writing this opinion we assume that the enlarged school districts which have taken in the common school districts have been completely organized.

Section 11, Laws of Missouri, 1947, page 376 (Senate Bill No. 307), to which you refer in your letter, provides as follows:

"The terms of office of all school directors and officers of the various school districts comprising the territory incorporated in such enlarged school districts shall cease upon the adoption of the plan of reorganization and the organization of the board of directors, and such officers shall deliver to the board of directors of the enlarged school district all property, records, books and papers belonging to such component districts. All funds in the hands of the county or township treasurer to the credit of the various districts composing such enlarged district, shall be immediately transferred to the credit of the treasurer of such enlarged district. If any former six-director district shall be merged in any enlarged district, as provided herein, the treasurer of such former six-director district shall immediately turn over to the treasurer of such enlarged district, all funds belonging to such former six-director district, and shall make settlement therefor as provided by Section 10480, Revised Statutes of Missouri, 1939; Provided, that the directors of such enlarged district shall faithfully perform all existing contracts and legal obligations of the component districts."

(Underscoring ours.)

In an opinion to Honorable Hugh Phillips, Prosecuting Attorney of Camden County, under date of July 22, 1949, this office, in construing Section 11, supra, concluded that the board of directors of a common school district taken into an enlarged school district is empowered to continue the control of the fiscal affairs and property of such common school district until the election and qualification of the new board of directors of the enlarged school district. It was further concluded that a warrant issued by the board of directors of a common school district subsequent to the adoption of the plan of reorganization, but prior to the election and qualification of the board of directors of the enlarged district, was valid.

Honorable H. Tiffin Teters

However, after the adoption of the plan of reorganization and the election and qualification of the new board of directors of an enlarged district the terms of office of the directors of the component districts terminate and they lose control of all the fiscal affairs and property of their respective districts. Such being the case, the board of directors of the common school districts taken into the enlarged districts would, upon the happening of these conditions, lose all control of the funds in the custody of the county treasurer credited to such common school districts.

It is our thought that the remaining act required by the statute of transferring the funds credited to the common school districts to the credit of the treasurers of the enlarged districts would be accomplished by the county treasurer who has custody of said funds, and that no issuance of a warrant by the officers of the common school districts is required.

For your guidance, we enclose a copy of the afore-mentioned opinion.

CONCLUSION

It is therefore the opinion of this department that upon the adoption of the plan of reorganization by the voters and the election and qualification of the board of directors of the enlarged school districts the officers of the common school districts taken into such enlarged districts would lose control of the funds in custody of the county treasurer credited to the common school districts, and that the transfer of said funds to the credit of the treasurers of the enlarged districts would be accomplished by the county treasurer, and it would not be necessary that a warrant be issued by the officers of the common school districts to transfer said funds.

Respectfully submitted,

RICHARD F. THOMPSON
Assistant Attorney General

APPROVED:



J. E. TAYLOR
Attorney General

RFT:ml
Enc.