

The answer to the first question makes it unnecessary for me to answer the second question.

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Attorney General.

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SCHOOLS: Intermediate School Districts, property of.

COUNTIES: Boards of Supervisors, powers of.

Intermediate school district as the successor of the county school district is the owner of all furniture and equipment of the county school district. The board of supervisors of a county has authority to lease space in a county building to an intermediate board of education to house its staff.

No. 4328

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Mr. Donald L. Munro
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You have requested my opinion upon the following questions:

1. To whom does the furniture and equipment purchased by the board of county supervisors for the county board of education belong since the legislature has created an intermediate board of education as a successor to the county board of education?
2. Is the county board of supervisors empowered to charge a rental for space used by the intermediate board of education in the county building?

Act 269, P.A. 1955, as amended, being C.L.S. 1961 § 340.1 et seq.; M.S.A. 1959 Rev. Vol. § 15.3001, et seq., is known as the School Code of 1955.

As originally enacted Section 291 of the School Code of 1955, specified that each county of the state was to constitute a county school district to be supervised and controlled by a county board of education to be composed of five members as set forth in Section 292.

Pursuant to Section 297(i) of the School Code of 1955, in its original form, the county board of supervisors was authorized to appropriate money to the county board of education for the support of the county school district. The Attorney General has ruled that the authority of the county board of supervisors to appropriate money to the county board of education was discretionary. O.A.G. 1955-56, Vol. II, page 28. However, the power of the county board of supervisors over the county school district was limited to making the appropriation. O.A.G. 1957-58, Vol. I, page 135. See also *Sturgis v. County of Allegan*, 343 Mich. 209 (1955) and O.A.G. 1957-58, Vol. I, page 28.

The furniture and equipment of the county school district in question must have been provided by the county board of supervisors pursuant to grant of Section 297(i) of Act 269, P.A. 1955, as originally enacted and were the property of the particular county school district.

The legislature abolished the county school district by means of Act 190, P.A. 1962, and provided for an intermediate school district as its successor. See O.A.G. No. 4165, dated May 20, 1963.

Section 301a of the School Code of 1955, as amended by Act 190, P.A. 1962, makes the intermediate board of education the successor to the powers, duties and responsibilities of the county board of education.

Under Section 292a of the School Code of 1955, as added by Act 190, P.A. 1962, the local school districts comprising a county school district shall constitute the intermediate school district of the county and such intermediate school district

“shall possess all the rights and privileges of the county school district which it has succeeded except as provided in this chapter.”

The manifest intent of the legislature in the enactment of Section 292a of the School Code of 1955 was to make the intermediate school district the successor to the county school district of the particular county and to confer ownership upon it of all of the property of the county school district.

Therefore, it is the opinion of the Attorney General that the intermediate school district of a particular county, as the successor to the county school district, has ownership of all the furniture and equipment belonging to the county school district to which it is the statutory successor.

2. County boards of supervisors are expressly empowered by the legislature to erect and manage county buildings and to lease real estate of the county under Section 11, Fourth, Sixth and Sixteenth of Act 156, P.A. 1851, as last amended by Act 182, P.A. 1964, being M.S.A. Cur. Mat. § 5.331.

Section 297(i) of the School Code of 1955, supra, which authorized county boards of supervisors to appropriate funds for county school districts was repealed by Act 190, P.A. 1962.

Section 298a (1)(c) of the School Code of 1955, as added by Act 190, P.A. 1962, and as last amended by Act 290, P.A. 1964, authorizes intermediate boards of education to levy intermediate school district taxes, and under subsection (1)(l) thereof, the intermediate board of education is empowered to lease or rent such facilities as may be necessary for its staff.

It must follow that a county board of supervisors is lawfully authorized to charge a rental for lease of space in a county building to an intermediate school district, and an intermediate board of education has statutory power to lease such facilities.

Therefore, it is the opinion of the Attorney General that a county board of supervisors is lawfully empowered to charge a rental for space leased in a county building to an intermediate board of education to house its staff under Section 11 of Act 156, P.A. 1851, as last amended by Act 182, P.A. 1964.

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