

sary documents, receipts and agreements for the acquisition of surplus property authorized to be transferred for educational use under the Federal Property and Administrative Services Act of 1949, as amended.

June 13, 1956

Miss Mary M. Condon
State Superintendent of
Public Instruction
State Capitol
Helena, Montana

Dear Miss Condon:

You requested my opinion concerning the power of school trustees to designate the superintendent, principal or other school officers to act as the authorized representatives of the school district in signing receipts, applications, agreements and bills of sale pertaining to the transfer of surplus property under the Federal Property and Administrative Services Act of 1949, as amended.

It is to be noted that the Montana Legislature in Chapter 136, Laws of 1953, established a state agency for surplus property and made it the duty of this agency to cooperate with the departments or agencies of the United States governing the allocation, transfer, use and accounting for, property donated to the State. This act established the public policy in Montana of accepting such property and cooperating in every way with the Federal Agencies. Also, Section 75-1825, R.C.M., 1947, specifically authorizes school districts to accept gifts. There can be no doubt that federal assistance in the nature of surplus property may be accepted by school districts.

Every school district is governed by a board of trustees Section 75-1801, R.C.M., 1947, and is a public corporation. The authority of the board of trustees is limited and the board has such powers as are specifically conferred by statute or necessarily implied. *Finnely vs. School District No. 1*, 51 Mont. 411, 153 Pac. 1010. The duties and powers of trustees are enumerated in Section 75-1632, R.C.M., 1947, and

Opinion No. 76
Schools and School Districts—
School Trustees, Powers Of —
Surplus Property

HELD: The board of trustees of a school district may designate a school officer to act as agent of a school district to execute the neces-

one of these is to prescribe and enforce rules not inconsistent with law. Also, the board is given the power to provide everything needed for the use of the schools. There is no specific statutory method prescribed for the execution of contracts on behalf of the district except for the employment of teachers as sub-section 2 of 75-1632, R.C.M., 1947, requires that such contracts be in writing and executed by the chairman and clerk of the board.

A board of trustees may appoint a district superintendent of schools and under Section 75-4142, R.C.M., 1947, he is made the executive officer of the board of trustees. Also, the board of trustees may appoint all necessary school officials to administer the affairs of the school district.

It is not contemplated that the board of trustees of the school district be in session at all times and if the board is not permitted to designate officials to perform necessary administrative acts for the continued operation of the school, then our school laws and our school system could not function.

In *School District No. 29 vs. Conney*, 102 Mont. 521, 59 Pac. (2d) 48, it was held that a board of trustees has wide discretionary powers in discharging its duties. It logically follows that a board of trustees may designate a school official to execute receipts, applications, agreements, and bills of sales on behalf of the school district for federal surplus property. The naming of the person so authorized should be done by resolution of the trustees and the proposed draft of the resolution which you submitted meets the requirements in designating the person who may act on behalf of the school district and contains a sufficient statement of his authority. *Johnson vs. Sabine Parish School Board*, 19 La. App. 243, 140 So. 87.

It is therefore my opinion that the board of trustees of a school district may designate a school officer to act as agent of a school district to execute the necessary documents, receipts and agreements for the ac-

quisition of surplus property authorized to be transferred for educational use under the Federal Property and Administrative Services Act of 1949, as amended.

Very truly yours,
ARNOLD H. OLSEN,
Attorney General.