

STATE OF MISSISSIPPI



JIM HOOD
ATTORNEY GENERAL

OPINIONS
DIVISION

August 10, 2018

John Keith Perry, Jr., Esquire
Tunica County Board of Supervisors
5699 Getwell Road, Building G5
Southaven, Mississippi 38672

Re: Authority of County to Donate Funds to a School District For Construction of School Building

Dear Mr. Perry:

Attorney General Jim Hood is in receipt of your opinion request and has assigned it to me for research and reply.

Facts

In your letter, you explain that the high school facility in the County is dilapidated and is a safety hazard to students, employees and others. You state that there is an immediate need for a new high school structure. The Board of Supervisors desires to provide financial and other assistance for the construction of a new facility. The Board of Supervisors would also like to guide the school district in obtaining assistance from other available sources.

Questions Presented

1. May the Board of Supervisors fund the construction of a new high school in the County while the school district is under conservatorship?
2. May the Board partially fund the construction of a new high school in the County while the school district is under conservatorship?
3. May the County accept grant funds intended to assist in the construction of a new high school facility in the County while the school district is under conservatorship?

Responses

1. Miss. Code Ann. Section 21-19-49 authorizes a county to donate money to a school district for the purposes of erecting, purchasing or otherwise providing a school building or the site of a school building.
2. See response to Question 1.
3. Whether the county may apply for a federal or state grant and act as administrator to disburse funds to the county school district would depend upon applicable federal or state laws and the terms and conditions of a specific grant.

Legal Research and Analysis

In response to your first and second questions, the authority to make a cash contribution to a school district is found at Miss. Code Ann. Section 21-19-49 which provides as follows:

The governing authorities of any municipality or the board of supervisors of any county are hereby authorized and empowered to appropriate money or dedicate and convey municipally-owned buildings and property or county-owned buildings and property, as the case may be, to the school district or districts situated within that municipality or county for the purpose of erecting, purchasing or otherwise providing the school building or a site for such school building of such school district, in cases where the governing authorities or board of supervisors are of the opinion that the location of such school building within the corporate limits of the municipality or the county, or in close proximity thereto, will be of special benefit to the inhabitants of the municipality or county.

A county may donate money to a school district for the purpose of erecting, purchasing or otherwise providing a school building or the site for a school building. MS AG Op., Nunnelee (November 20, 1998). The amount of the contribution from the board of supervisors for the construction of the school building is totally within the discretion of the county board of supervisors.

In response to your third question, whether Tunica County may apply for a federal or state grant and act as administrator to disburse funds to the county school district would depend upon applicable federal or state laws and the terms and conditions of a specific grant. See Miss. Code Ann. Section 19-3-41.

Although the County has the authority to make a donation for the construction of a school building, please note that the issue of whether or not the Tunica County School District, which is under conservatorship, is authorized to receive a donation from Tunica County or

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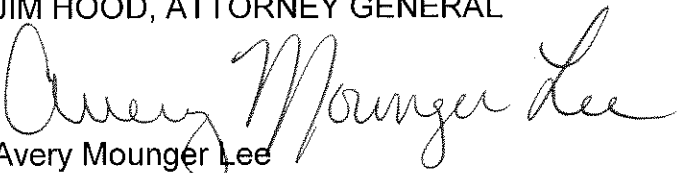
a state or federal grant is a question that must be asked by the School District.

If this office may be of any further assistance to you, please let us know.

Sincerely,

JIM HOOD, ATTORNEY GENERAL

By:


Avery Mounger Lee
Special Assistant Attorney General

OFFICIAL OPINION