

2233.

APPROVAL, NOTES OF KEY RIDGE RURAL SCHOOL DISTRICT, BELMONT COUNTY, OHIO—\$1,500.00.

COLUMBUS, OHIO, January 29, 1934.

Retirement Board, State Teachers Retirement System, Columbus, Ohio.

2234.

COUNTY COMMISSIONERS—UNAUTHORIZED TO EXPEND PUBLIC FUNDS FOR LEASING LANDING FIELD.

SYLLABUS:

A board of county commissioners has no authority to expend public funds for the leasing of a landing field.

COLUMBUS, OHIO, January 29, 1934.

HON. JOHN H. HOUSTON, *Prosecuting Attorney, Georgetown, Ohio.*

DEAR SIR:—This will acknowledge receipt of your request for my opinion, which reads as follows:

“The commissioners of this county have asked me for advice on whether they have authority to expend public funds for the leasing of a landing field near the village of A., this county, the said leased land to be used as an aviation landing field and to be known as A. Municipal Aviation Port and to be improved through the use of CWA funds. I was not able to find any authority of law for such an expenditure. However, in recent months there has been so many changes that I thought perhaps best to write to you to find out whether you knew of such authority.”

It is well settled that a board of county commissioners, being purely a creature of statute, has only such powers as are expressly conferred upon it by statute, and such implied powers as are necessary to carry into effect the powers expressly granted. *Elder vs. Smith*, 103 O. S. 369 at 370; *Gorman vs. Heuck*, 41 O. App. 453.

After an examination of the statutes, I am unable to find any authority for county commissioners to expend public funds for the leasing of a landing field. Article X, section 5, of the Constitution of Ohio, reads as follows:

“No money shall be drawn from any county or township treasury, except by authority of law.”

In an opinion to be found in Opinions of the Attorney General for 1927, Vol. III, page 1946, it was held as disclosed by the syllabus: