

OPINION NO. 80-017**Syllabus:**

R.C. 131.11 authorizes a board of county commissioners to procure burglary and robbery insurance to protect the money and securities held in the county treasurer's office and charged to the treasurer's custody.

To: Scott E. Jarvis, Shelby County Pros. Atty., Sidney, Ohio
By: William J. Brown, Attorney General, May 6, 1980

I have before me your request for my opinion in which you inquire whether

the board of county commissioners may purchase burglary and robbery insurance to cover the money and securities held in the county treasurer's office.

You note in your letter that 1927 Op. Att'y Gen. No. 1221, p. 2160, 1927 Op. Att'y Gen. No. 555, p. 916, and 1927 Op. Att'y Gen. No. 527, p. 874, each opined that county commissioners have no authority to purchase burglary insurance for county treasurers. However, both Op. No. 527 and Op. No. 555 were found to be impliedly overruled by the 1929 enactment of G.C. 2638-1, authorizing county commissioners to procure such insurance. 1937 Op. Att'y Gen. No. 319, p. 543; 1929 Op. Att'y Gen. No. 897, p. 1395.

The authority of county commissioners to procure insurance protecting county funds is now codified in R.C. 131.11,¹ which states in pertinent part:

Any funds or securities in the possession or custody of any county official in his official capacity or any funds or securities the possession or custody of which is charged to any county official, including funds or securities in transit to or from any bank or trust company, may be insured by the board of county commissioners in such amount as is found necessary in the public interest. All costs of such insurance shall be paid by the county as provided in section 307.55 of the Revised Code.

R.C. 131.11 plainly authorizes a county to procure insurance on funds or securities in the custody of a county official, 1956 Op. Att'y Gen. No. 7137, p. 699, 706, and would, of course, include the money and securities held in the county treasurer's office.

Accordingly, it is my opinion, and you are advised, that R.C. 131.11 authorizes a board of county commissioners to procure burglary and robbery insurance to protect the money and securities held in the county treasurer's office and charged to the treasurer's custody.

¹A discussion of the statutory predecessors of R.C. 131.11—G.C. 2638-1 and G.C. 2288-1c—may be found in 1943 Op. Att'y Gen. No. 6353, p. 512.