

OPINION NO. 760**Syllabus:**

1. A board of county commissioners may make an allowance under Section 325.20, Revised Code, for the expenses of a juvenile judge in attending the Ohio State and American Bar Association meetings and conventions, provided, there is some portion of these meetings devoted to discussion of juvenile or welfare problems.

2. A registration prepayment, approved by a board of county commissioners, which is made by a county officer, deputy or employee for a meeting of an association of county officers is an expense which may be reimbursed by the board of county commissioners under Section 325.20, Revised Code, whether or not such authorized meeting is actually attended.

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To: Roger W. Tracy, Auditor of State, Columbus, Ohio
By: William B. Saxbe, Attorney General, January 2, 1964

In reviewing your request for my opinion, you present the following two questions for my consideration:

"1. May a board of county commissioners authorize a juvenile judge to be reimbursed for his expenses in attending the Ohio State

and American Bar Association meetings and conventions?

"2. Is a registration prepayment which has been approved by county commissioners and is made by a county officer, deputy or employee for a meeting of an association of county officers a legitimate expense within the meaning of Section 325.20, supra, for which the registrant must be reimbursed?"

Section 325.20, Revised Code, clearly indicates that the county commissioners may allow and pay the expenses mentioned in your first question. Said Section 325.20, provides:

"Except as otherwise provided by law, no elected county officer, and no deputy or employee of the county, shall attend, at county expense, any association meeting or convention, unless authorized by the board of county commissioners. Before such allowance may be made, the head of the county office desiring it shall make application to the board in writing showing the necessity of such attendance and the probable costs to the county. If a majority of the members of the board approves the application, such expenses shall be paid from the moneys appropriated to such office for traveling expenses." (Emphasis added)

In addition to the general authority granted the county commissioners by virtue of Section 325.20, Revised Code, Section 2151.10, Revised Code, specifically authorizes the county commissioners to appropriate funds for the operation of juvenile courts including the expenses of a juvenile judge incurred at conferences dealing with juvenile or welfare problems. Section 2151.10, Revised Code, provides in material part:

"The board of county commissioners shall appropriate such sum of money each year as will meet all the administrative expense of the juvenile court, including reasonable expenses of the juvenile judge and such officers and employees as he may designate in attending conferences at which juvenile or welfare problems are discussed, * * *." (Emphasis added)

An examination of Opinion No. 1966, Opinions of the Attorney General for 1938, mentioned in your request, reveals that this opinion is not applicable to the question at hand since it pertains to the expenses of a county prosecutor and primarily involves an entirely different provision of the law.

In answer to your first question, based on the above sections, it is my opinion that the board of county commissioners may authorize a juvenile judge to be reimbursed for his expenses in attending the Ohio State and American Bar Association meetings and conventions provided some portion of these meetings is devoted to discussion of juvenile or welfare problems.

The actual expenditure of funds by a county officer, deputy or employee for attendance at an association of county officers meeting or convention is determinative of your second question. The failure of a registrant to attend a meeting or convention of an association of county officers does not destroy the public purpose for the expenditure assuming the non-attendance is for good cause. In light of Section 325.20, Revised Code, which authorizes payment of convention expense for county officers, deputies and employees in connection with county association meetings and conventions, and in light of Opinion No. 690, Opinions of the Attorney General for 1951, which authorizes payment of registration fees under such circumstances, I am of the opinion that a registration prepayment which has been approved by county commissioners and is made by a county officer, deputy or employee for an association meeting is a legitimate expense within the meaning of Section 325.20, supra, for which the registrant may be reimbursed.

In your request, you also inquired whether the county commissioners would be justified in paying the annual dues of any elected county officer or deputy or employee of the county to a professional or occupational group or association of which such officer, deputy, or employee is a member. I must answer your question in the negative as there is no statutory authority for such payment. The implication that payment of such annual dues is authorized by reason of the authority granted the county commissioners to reimburse county officers, deputies, or employees for registration fees expended in connection with an association meeting does not follow logically, since attendance at an association meeting does not necessarily contemplate membership in the association. I feel that Section 325.20, Revised Code, must be construed in light of the words "attend" and "attendance" used therein irrespective of the nature of the association, or the relation of the registrant's work to the association.

In the absence of statutory authority, I am of the opinion that the county commissioners may not pay the annual dues of a county officer, deputy or employee of the county, to a professional or occupational group or association of which such officer, deputy, or employee is a member.

In conclusion, it is my opinion and you are accordingly advised that:

1. A board of county commissioners may make an allowance under Section 325.20, Revised Code, for the expenses of a juvenile judge in attending The Ohio State and American Bar Association meetings and conventions, provided, there is some portion of these meetings devoted to discussion of juvenile or welfare problems.

2. A registration prepayment, approved by a board of county commissioners, which is made by a county officer, deputy or employee for a meeting of an association of county officers is an expense which may be reimbursed by the board of county commissioners under Section 325.20, Revised Code.