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MOTOR VEHICLES—USED IN ADMINISTRATION OF COUNTY POOR RELIEF PROGRAM—BOARD OF COUNTY COMMISSIONERS OBTAINED APPROVAL COMMON PLEAS COURT JUDGE TO PURCHASE—COST MAY BE MET FROM COUNTY GENERAL FUND OR “POOR RELIEF FUND”—SECTIONS 2412-1, 3391-24 G. C.

SYLLABUS:

Where a board of county commissioners has obtained the approval of a judge of the common pleas court, under the provisions of Section 2412-1, General Code, of a proposed purchase of motor vehicles for use in the administration of the county poor relief program, the cost of such purchase may be met by expenditure, either from the county general fund or from the “poor relief fund” established under the provisions of Section 3391-24, General Code.

Columbus, Ohio, February 4, 1952

Bureau of Inspection and Supervision of Public Offices
Columbus, Ohio

Gentlemen:

Your request for my opinion reads as follows:

“We recently received a letter from the director of a county welfare department with regard to the purchase of automobiles for the use of investigators in his department.

“On the basis of the Opinion of the Attorney General, No. 1777, rendered in 1947, by one of your predecessors, the Bureau

of Inspection and Supervision of Public Offices has held that such vehicles could not be purchased from such funds as Aid to Dependent Children, Aid to Blind and County General Relief, but could properly be purchased from the General County Fund.

“The welfare director of this county contends that Opinion No. 1777 of 1947 was rendered under laws that no longer exist and that under the present law, the purchase of motor vehicles may legally be made from the relief and welfare funds, and that it is no longer necessary to require such purchases to be made from the General Fund of the county.

“To support his claim, he submitted a letter which he had written to the Prosecuting Attorney of his county, together with the Prosecuting Attorney’s reply. Copies of these letters are attached for your consideration.

“We respectfully request that you review Opinion No. 1777 of 1947 in the light of the present laws governing county welfare departments, and advise us whether this opinion still governs the purchase of automobiles for the use of such departments.”

In the 1947 opinion to which you refer, I find the following quotation from Section 3391-10, General Code :

“No poor relief funds shall be expended for supplies, materials or machinery, except in so far as such supplies, materials or machinery are directly required for poor relief purposes.”

The extent to which this provision was relied upon in reaching the conclusion that no authority existed to meet the cost of an automobile from the poor relief funds, is indicated by the following statement in the opinion, p. 202 :

“As to the payment of the cost of such automobile, I am not able to find in the statutes relating to poor relief either as to blind or otherwise, any expression of authority to purchase an automobile out of the relief funds. On the contrary they appear to limit the use of the funds rather closely to actual relief. Note the provision of Section 3391-10, supra, forbidding the expenditure of any relief funds for ‘supplies, materials or machinery’ except in so far as ‘directly required’ for poor relief. These funds, both in the case of blind relief and general relief, come from a variety of sources and not, as to both, from the same sources.”

Sections 3391-2 to 3391-12, both inclusive, were repealed by the enactment in 1949 of Amended Substitute House Bill 277. In this same

act Section 3391-1 was amended and Sections 3391-13 to 3391-24, both inclusive, were newly enacted.

I find no provision in the present statutes on the subject of poor relief comparable to the provision quoted above from Section 3391-10. The principal limitations on the expenditure of poor relief funds are found in Section 3391-24, General Code, which section reads as follows:

“Within the limits of funds appropriated to the state department of public welfare by the general assembly, each local relief authority shall be reimbursed monthly not to exceed 50% of its expenditures for poor relief and the administration thereof; provided, however, that no local relief authority shall receive directly or indirectly from the state for poor relief purposes in any calendar year an amount in excess of 100% of its expenditures for poor relief and poor relief administrative costs for such calendar year. Payments by the state shall be made by the treasurer of state upon warrants of the auditor of state in accordance with vouchers issued by the state department of public welfare. The state department of public welfare is hereby authorized to make advances at least quarterly to each relief authority on the basis of the estimated contribution of the state to each local relief authority. Moneys received by each local relief authority for poor relief shall be placed in a fund to be known as ‘the poor relief fund’ from which all expenditures for relief, administration, and other costs shall be made. *All expenses of administering poor relief by local relief areas shall be paid out of poor relief funds.* No local relief area shall receive state reimbursement for any part of its expenses for administration excluding the expense of maintaining the central clearing office and the expense of handling surplus commodities, that exceeds twelve percentum of the total relief expenditures of such local relief area, computed on an annual basis.” (Emphasis added.)

In the memorandum which you have submitted with your request you indicate that it is the desire of the county commissioners concerned to provide an automobile to facilitate the travel of persons employed to investigate the eligibility of applicants for poor relief. The cost of such travel is indubitably an expense of administering poor relief within the meaning of Section 3391-24, supra.

When it is considered that the General Assembly has deleted from the statute the provision forbidding expenditure of relief funds for “supplies, materials or machinery, except in so far as * * * directly required for poor relief,” and has enacted a general provision to the effect that “all expenses of administering poor relief * * * shall be paid out of poor

relief funds," it must be concluded that the General Assembly intended to widen the area within which the county commissioners are authorized to determine what expenditures from poor relief funds for administration purposes are necessary and proper. If, therefore, the county commissioners should decide that provision for travel by investigators employed in the administration of the poor relief program can more economically and efficiently be made through the purchase of an automobile than otherwise, I can perceive no reason why such expenditure should not be made as in the case of other expenditures for administrative purposes.

Your attention is invited, however, to the requirement in Section 3391-24, supra, that the cost of administration may not exceed 12% of the total relief expenditures in the area concerned without encountering the prospect that state reimbursement with respect to such expense will be denied.

Your attention is invited also to the further requirement under the provisions of Section 2412-1, General Code, that where the county commissioners deem it necessary to purchase a motor vehicle for the use of any department under their direct control, an application shall be made by them to a judge of the common pleas court for approval of their proposal. This provision would be applicable regardless of the fund utilized by the county commissioners in meeting the expense incurred in the purchase of a motor vehicle.

Accordingly, and in specific answer to your inquiry, it is my opinion that where a board of county commissioners has obtained the approval of a judge of the common pleas court, under the provisions of Section 2412-1, General Code, of a proposed purchase of motor vehicles for use in the administration of the county poor relief program, the cost of such purchase may be met by expenditure either from the county general fund or from the "poor relief fund" established under the provisions of Section 3391-24, General Code.

Respectfully,

C. WILLIAM O'NEILL

Attorney General