

2169.

APPROVAL, CONTRACTS AND FINAL RESOLUTIONS FOR ROAD IMPROVEMENTS IN CUYAHOGA, JEFFERSON, AND SUMMIT COUNTIES.

COLUMBUS, OHIO, July 28, 1930.

HON. ROBERT N. WAID, *Director of Highways, Columbus, Ohio.*

2170.

TRAVELLING EXPENSES—DEPUTY COUNTY SURVEYOR AND COUNTY COMMISSIONERS ON BUSINESS TRIP—WHETHER A PROPER CHARGE AGAINST COUNTY DISCUSSED.

SYLLABUS:

1. *The actual and necessary traveling and personal expenses of a deputy county surveyor incurred on a trip outside his county, necessarily made in furtherance of his duties as such deputy surveyor and at the instance of the county commissioners, may be allowed to him upon the approval of the county surveyor.*

2. *In the absence of statutory or charter provision prohibiting or limiting such action, a public officer or public employe may lawfully be reimbursed from public funds for traveling and other personal expenses actually and necessarily incurred by him in the performance of a public duty in furtherance of a definite project or undertaking then under way or in immediate prospective contemplation, provided in the exercise of a sound and proper discretion, it appears that the incurring of said expenses is necessary for the benefit of the political subdivision which the officer or employe serves, and in the performance of a duty enjoined or authorized by law. If by statute or charter provision such expenses are limited the officer or employe may be reimbursed within the limitations allowed by such law only.*

3. *Keeping in mind the rule of law stated in the second branch of this syllabus, the determination of the lawfulness of the allowance of traveling and other personal expenditures of a public officer or employe when in the performance of his public duties requires consideration of pertinent questions of fact, and is thereby reduced to a pure question of auditing.*

COLUMBUS, OHIO, July 29, 1930.

*Bureau of Inspection and Supervision of Public Offices, Columbus, Ohio.*

GENTLEMEN:—I am in receipt of your recent communication wherein is enclosed a letter to you from the county surveyor of Ross County, by which he seeks to be informed as to his duty in approving an expense account tendered by one of his