

**OPINION NO. 66-158**

**Syllabus:**

Since county commissioners have only those powers conferred by statute, or which are necessarily implied from those expressly given, and since there is no statutory authority so permitting, the board of county commissioners may not make a grant of money to the Ohio Agricultural Research and Development Center to assist in agricultural research within the county.

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**To: Harry A. Sargeant, Jr., Sandusky County Pros. Atty., Fremont, Ohio**  
**By: William B. Saxbe, Attorney General, September 16, 1966**

Your request for my opinion states the following:

\* \* \*            \* \* \*            \* \* \*

" May the Board of Commissioners of Sandusky County make a grant of money to the Ohio Agricultural Research and Development Center at Ohio State University to assist in research work to be done in Sandusky County regarding agricultural problems in Sandusky County? "

In answering this question, consideration must be given to the legal principle stated in State ex rel. Locher vs. Menning, 95 Ohio St. 97, 99, that:

" \* \* \* county commissioners, in their financial transactions, are invested only with limited powers, and that they represent the county only in such transactions as they may be expressly authorized so to do by statute. The authority to act in financial transactions must be clear and distinctly granted, and, if such authority is of doubtful import, the doubt is resolved against its exercise in all cases where a financial obligation is sought to be imposed upon the county."

The Ohio Agricultural Research and Development Center, formerly known as the Ohio agricultural experiment station, is a non-corporate legal entity created by the Legislature "for the prosecution of practical and scientific research in agriculture and forestry and the development of the agricultural resources of the state," pursuant to Section 903.01, Revised Code. The Center, although not a part of the Ohio State University, is managed by the state director of agriculture and the board of trustees of the university.

The director of the Center is also the director of the state agricultural extension service, but there is no further connection between the Center and extension facilities.

A county may appropriate money from the general fund or from a tax levy for the "agricultural extension fund" to be used by the Ohio State University College of Agriculture extension service pursuant to Sections 1711.36-1711.40, Revised Code. There is no similar statutory authority, however, to appropriate funds for use by the Ohio Agricultural Research and Development Center.

It should be noted that a board of county commissioners may establish an "experimental farm" within the county, and may levy a tax for this purpose pursuant to Sections 903.10 and 903.12, Revised Code. Such farm is to be managed, according to Section 903.17, Revised Code, by the director of the Ohio Agricultural Research and Development Center who shall:

"\* \* \* appoint all employees and plan and execute the work to be carried on, in such manner as in his judgment will most effectively serve the agricultural interests of the county in which such farm may be located, the director and all employees being governed by the general rules and regulations of the board of control of the Ohio agricultural experiment station (Research and Development Center)."

While the above procedure may enable the county commissioners to make use of county funds to assist in agricultural research within the county, it does not authorize the granting of such funds to the Research and Development Center itself.

It is therefore my opinion and you are hereby advised that since county commissioners have only those powers conferred by statute, or which are necessarily implied from those expressly given, and since there is no statutory authority so permitting, the board of county commissioners may not make a grant of money to the Ohio Agricultural Research and Development Center to assist in agricultural research within the county.