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HEALTH DISTRICT—COUNTY COMMISSIONERS WITHOUT AUTHORITY TO APPROPRIATE FUNDS FOR USE OF BOARD OF HEALTH OF A GENERAL HEALTH DISTRICT TO PAY OPERATING EXPENSES.

SYLLABUS:

County commissioners are without authority to appropriate county funds for the use of the board of health of a general health district in paying its operating expenses.

Columbus, Ohio, December 18, 1945

Hon. Harold K. Bostwick, Prosecuting Attorney
Chardon, Ohio

Dear Sir:

This will acknowledge receipt of your letter requesting my opinion on the question whether or not the county commissioners of Geauga county may place county funds at the disposal of the county board of health. Your letter reads as follows:

“Our county has the situation of a county board of health that asked the budget commission to allow them approximately \$19,000.00. This was allowed by the budget commission, but when the auditor came to apportion the said aggregate amount among the townships and municipalities she found that this would use up most all of the townships’ general fund.

I know of no way for a board of health to receive money except from the State under section 1261-39 and from the townships and municipalities as is provided by Section 1261-40, except under the emergency statute 1261-41.

The board of health needs this money, and the townships can’t afford to give it. Is there any way that the county commissioners can put county funds at the disposal of the county board of health?”

As indicated in your letter, the statutes which provide for the raising of funds with which to pay the operating expenses of the board of health of a general health district, commonly called the county board of health, are Sections 1261-39, 1261-40 and 1261-41, General Code. The first of these sections provides that the State under certain conditions will partially reimburse the district on account of salaries paid to its health commissioner, public health nurses and clerks, and the other two sections provide that the current expenses and certain emergency expenses of the district shall be provided by the municipalities and townships composing the district, and in the manner therein set forth.

General health districts are not county functions or agencies, but are separate and distinct departments or branches of the state sovereignty for which the county commissioners are in no way responsible (Opinions of the Attorney General for 1932, page 549), and the only statute I have been able to find that has any relation to your question is Section 1261-36, General Code. That is the section which authorizes the commissioners to furnish suitable quarters for any board of health whose jurisdiction extends over all or a major part of the county.

Such being the present state of the law, and in view of the well settled rule in this State that county commissioners have only such authority in financial affairs as is given them by statute (Jones, Aud. v. Commissioners of Lucas County, 57 O. S. 189), you are advised that the county commissioners of Geauga county are without authority to appro-

priate county funds for the use of the board of health of the general health district in paying its operating expenses.

Respectfully,

HUGH S. JENKINS

Attorney General